



An  
Bord  
Pleanála

## Record of Meeting 05.PC0228 3<sup>rd</sup> meeting

<b>Case Reference / Description</b>	05.PC0228  Proposed wind farm at Meenbog, Lismullyduff and surrounding townlands, Co. Donegal.		
<b>Case Type</b>	Pre-application consultation		
<b>1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Meeting</b>	3 <sup>rd</sup>		
<b>Date</b>	18/05/17	<b>Start Time</b>	11 a.m.
<b>Location</b>	Meeting Room 1	<b>End Time</b>	11.50 a.m.
<b>Chairperson</b>	Anne Marie O'Connor	<b>Executive Officer</b>	Kieran Somers

<b>Attendees</b>		
<b>Representing An Bord Pleanála</b>		
<b>Staff Member</b>	<b>Email Address</b>	<b>Phone</b>
Anne Marie O'Connor, Assistant Director of Planning		
Suzanne Kehely, Senior Planning Inspector		
Marcella Doyle, Senior Executive Officer		
Kieran Somers, Executive Officer	k.somers@pleanala.ie	01-8737107

<b>Representing the Prospective Applicant</b>		
Jimmy Green, McCarthy Keville O'Sullivan		
Neil O'Brien, Planree Ltd		

The meeting commenced at 11a.m.

The Board referred to its previous meeting with the prospective applicant held on the 28<sup>th</sup> April, 2017 and asked if the prospective applicant had any comments to make on the record of this meeting. The prospective applicant replied that it had some comments to make and it would avail of the opportunity to do so when it formally applies in writing for closure of the instant pre-application consultation case.

The Board's representatives advised the prospective applicant that they had met with the SID division of the Board. The prospective applicant was informed that the Board had raised a number of issues as follows:

- The Board generally felt that a pending planning application was quite soon in the context of the previous refusal on case reference number 05.PA0040. The Board emphasised that the main reason for refusal on this case related to ecology and that data presented in respect of any further planning application should be robust. The Board also expressed a general concern regarding the relatively short timeframe in which to address deficiencies as identified in the consultant ecologist's report prepared in respect of the previous application.
- The Board also referred to the presence of the Hen Harrier as observed on the site in 2014. The Board again stressed the requirement for robust data in this regard, and suggested that survey data from an additional summer breeding season during 2017 may be of benefit to robustly demonstrate that the Hen Harrier was not returning to the subject site. Noting this, the prospective applicant said it would fully brief its ecologist and ornithologist.
- The Board referred to the issue of migratory paths and referred, in particular, to the methodology which was carried out in respect of the Cloncreen wind farm development in County Offaly (case reference number PA0047) and the North-South Interconnector (case reference number VA0017). The Board's representatives noted that this planning matter is being raised increasingly in relation to proposed wind farm developments.

- The Board noted the concerns of the local authority as raised in its meeting with the Board's representatives. The Board suggested that further investigative work should be conducted into the particular merits of overhead and underground cabling to facilitate the grid connection.
- In relation to the prospective applicant's either/or proposal regarding a 36-turbine layout or a 19-turbine layout, the Board had no view to express on this and said it is solely a matter for the prospective applicant.

In relation to the previous refusal, the Board's representatives emphasised that the Board wished to ensure that there would be sufficient data and material compiled to a sufficient standard so as to facilitate the Board's consideration of the planning application.

The prospective applicant noted this and commented that it is satisfied that, by the time it lodges the planning application, it will have completed two years of surveying undertaken in accordance with the Scottish Natural Heritage Guidance.

With regard to the new EIA Directive, the prospective applicant said that its interpretation of this was that, as it has already conducted a scoping exercise, it would be able to progress any application under the previous Directive whilst also being cognisant of the requirements of the new one. The Board's representatives said that this would only be the case if a formal scoping opinion had been sought prior to the transposition date of 16 May 2017. The Board noted that the Department has issued a recent Circular on the matter (Circular Letter 1/2017), and expressed its intention to have regard to the provisions of the 2014 Directive. It also advised the prospective applicant to seek to accord with the provisions of the 2014 Directive.

With regard to construction works, the Board enquired as to whether this would create any conflict with Coillte activities in the general vicinity of the subject site. The prospective applicant said it would not and added that, from its experience, Coillte's general practice is to withdraw from its own activities whilst any nearby construction work is on-going.

### **Procedures:**

Procedures in relation to the making of a formal planning application to it were given 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 sample public notice is attached). A site notice in 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 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 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 prospective applicant was also informed that the Board is in the process of updating its ICT system. In this regard, the prospective applicant was requested to submit the site location map in shape file format.

**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:**

The prospective applicant said it intended to formally close the pre-application consultation process in due course. It indicated its present intention to lodge the formal planning application circa mid-July 2017. The Board advised the prospective applicant not to do this until at least it has received a copy of the record of this final meeting.

As regards the either/or option (i.e. 19-wind turbine layout or 36-wind turbine layout), the Board said such a decision was a matter for the prospective applicant noting that both options would exceed the threshold of 50 megawatts. The Board noted for the record that if a 19-wind turbine layout is applied for this time, then any further application in the future would also require a separate pre-application consultation process.

The meeting concluded at 11.50 a.m.

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