



An
Bord
Pleanála

Memorandum ABP-308210-20

To: Board

From: Rory Kelledy, Executive Officer

Re: The construction of six wind turbines, with a maximum tip height of up to 131m and associated turbine foundations and hardstanding areas, 1 no. permanent meteorological mast up to 90m in height, upgrade of existing and provision of new site tracks and associated drainage, new access junction and improvements to public road to facilitate turbine delivery, 1 no. borrow pit, underground electrical and communications cables, permanent signage and other associated ancillary infrastructure. This application is intended to replace the development already granted permission under PL04.219620 (05/5907) and subsequently extended under 11/6605. This application is seeking a 10-year planning permission. An Environmental Impact Statement and AA Screening Report have been prepared in respect of the planning application.

Lackareagh and Garranereagh, Lissarda and Barnadivane (Kneeves)
Teerelton, Co Cork,

Date: 13th March 2023

I refer to the memo dated 21st September 2020, which states the Boards decision on file reference No. PL04.248153 has been quashed by the High Court on consent and remitted back to the Board for a new decision. A new file no, ABP-308210-20 was created.

The Board Direction of 24th September 2020 decided to defer the case for further consideration, with parties to be notified. A notice issued to parties under section 131 of the Planning and Development Act 2000 (as amended), inviting comment. Also enclosed was a copy of the High Court decision. The last date for responses was 2nd October 2020. These notices were reissued on 13th October 2020. The last date for responses was 2nd November 2020. Responses were received from Anthony Cohu (Observer) on 29th October, 2020 and Barna Wind Energy Ltd. (Applicant), Geraldine Hanley and Jerome Cohalan (Observers) and Barna Wind Action Group (Appellant) on 2nd November, 2020. It was not considered necessary to circulate these..

In reference to a Board Direction of 11th December 2020, it was decided by the Board to seek an addendum report from the inspector, taking account of the outcome of the judgement, the additional material contained in the submissions and any other relevant matters. The inspector could also consider whether further information was necessary. Comments were received from the Inspector on 21st January 2021.

Following the Board's Direction dated 12th February 2021, which outlined the Board's intention to defer consideration of the case, a notice was issued under Section 132 of the Planning and Development Act, 2000 (as amended) to the applicant on 24th February 2021 allowing the Applicant the opportunity to submit a revised or updated section of their EIAR, with a copy of Section 132 notice issued to parties and observers for information. Response was due on or before 21st April 2021.

However, the applicant, on 20th April 2021, requested an extension of the response time for submission of requested information. There is no provision in the legislation for an extension of time. Following consultation with the Board, it was decided to accede to the applicant's request to reissue the Section 132 notice. The notice was reissued to the Applicant on 13th May 2021 allowing until December 31st 2022 for response. A copy of Section 132 notice was issued to parties and observers for information only.

On 20th December 2022, the applicant submitted further correspondence asking for an extension of the response time for submission of requested information. There is no provision in the legislation for an extension of time. Following consultation with Mary Holohan (SAO), the Board acceded to the applicant's request. A notice was reissued to the Applicant on 4th January 2023. A copy of the Section 132 notice was issued to parties and observers for information. Response was due on or before 28th February 2023.

On 16th February 2023, the applicant submitted further correspondence asking for an extension of the response time for submission of requested information. There is no provision in the legislation for an extension of time. Following consultation with Brendan Wyse (ADP), the Board acceded to the applicants request to reissue the Section 132. A notice was reissued to the Applicant on 1st March 2023. A copy of Section 132 notice was issued to parties for information. The last day for response is on or before 28th March 2023.

A detailed response was received from Fehily Timoney and Company on behalf of Arran Windfarm Limited on 10th March 2023 enclosing a revised EIAR with LVIA Photomontages.

Please note this case is travelling in conjunction with ABP-308208, another windfarm application which was also requested to submit further information.

Recommendation:

1. I recommend this file be forwarded to the Board for further consideration and to have regard for further information/documentation received and consider the adequacy of the same.
2. Should the Board decide that the information is adequate, following assessment, I recommend the following:-
 - (i) Copies of the submitted information be circulated to parties for comment under Section 131 of the Planning and Development Act 2000 (as amended)
 - (ii) Revised public notices to be published by the Applicant
 - (iii) Following the above procedures, the Board may warrant further addendum to the Inspectors Report.

File herewith for Direction