FEHILY TIMONEY

DESIGNING AND DELIVERING
A SUSTAINABLE FUTURE

Addendum 3

Consultation Correspondence

Our Case Number: ABP-320137-24

Your Reference: Dara Energy Limited

An Bord Pleanála

Fehily Timoney and Company
Core House
Pouladuff Road
Cork
Co. Cork
T12 D773

FEHILY TIMONEY & Co.
Distribution JH /RN
03 OCT 2024
Job No: P22145
Correspondence No: 1
Comment:

Date: 02 October 2024

Re: Proposed development of a 9 no. wind turbine renewable energy project and 110kV on site substation
In the townlands of Cushina, Clonsast Lower and Chevychase or Derrynadarragh near Bracknagh, in County Offaly and the townlands of Aughrim and Derrylea near Monastervin in County Kildare

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the meeting of the **11th September 2024.**

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

PP DC

Ellen Moss
Executive Officer
Direct Line: 01-8737285

PC07

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An Bord Pleanála

Record of 1st Meeting ABP-320137-24

Case Reference / Description	Proposed development of a 9 no. wind turbine renewable energy project and 110kV on site substation, in the townlands of Cushina, Clonsast Lower and Chevychase or Derrynadarragh near Bracknagh, in County Offaly and the townlands of Aughrim and Derrylea near Monastervin in County Kildare		
Case Type	Pre-application consultation		
1st / 2nd / 3rd / 4th Meeting	1st Meeting		
Date	11th September 2024	**Start Time**	11:00am
Location	MS Teams	**End Time**	11:45am

Representing An Bord Pleanála
Una Crosse (Assistant Planning Director) Chair
Laura Finn (Senior Planning Inspector)
Lauren Murphy (Executive Officer)

Representing the Prospective Applicant
Nicholas Lyons, Dara Energy Limited
Damien Courtney, Dara Energy Limited
John Crean, Dara Energy Limited
Austin Coughlan, Dara Energy Limited
Jim Hughes, Fehily Timoney

Robyn Nicholl, Fehily Timoney
Patrick Crushell, Ecologist

Introduction

The Board referred to the letter received from the prospective applicant on the 9th July 2024, requesting pre-application consultations under section 37E of the Planning and Development Act 2000, as amended, 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 that it wished to receive advice on from the Board. The Board's representatives 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 in any legal proceedings.

Presentation made by the prospective applicant:

The prospective applicant provided a presentation to the Board's representatives in respect of the proposed development. This presentation has been placed on the file.

The prospective applicant concluded the meeting presentation by discussing next steps they intend to take, and if no further pre application meeting is required they intend to seek closure of this pre application consultation.

Discussion:

- The Boards representatives began the discussion by raising a question in relation to the purpose of the proposed bridge development crossing the Cushina River. The prospective applicant clarified that the purpose of this bridge crossing will be used as a Turbine Delivery Route during the construction phase and thereafter as access to the proposed site during the operational stage.

- The Boards representatives sought clarity on any consultations that had been undertaken with prescribed bodies in relation to the proposed bridge crossing with the prospective applicant clarifying that they propose to consult with the Office of Public Works (OPW) and Inland Fisheries Ireland (IFI). The prospective applicant stated that they have carried out flood risk assessments which will make up part of their Natura Impact Statement as part of their planning application.

- The prospective applicant stated that their design team will assess the proposed bridge and propose a method of construction to comply with the guidelines set out by the OPW and IFI and will obtain the necessary licences. They will also include a comprehensive construction methodology report as part of their Environmental Impact Assessment.

- The Boards representatives note that there are two proposed substations associated with the proposed development and questioned the rationale for same. The prospective applicant clarified that the Brathlone 110kV substation is already permitted, however it has not yet been constructed and the proposed 110kV substation located on site would be constructed and handed over to EirGrid to become part of the network. Cumulative impacts of the Brathlone substation development will be identified with the EIAR.

- The prospective applicant clarified that at this stage it was proposed to submit one EIAR in respect of both the proposed wind energy and grid connection infrastructure.

- The prospective applicant queries if the proposed 110kV substation could be submitted as part of the Wind Farm development application under Section 37B of the Planning and Development Act 2000, as amended. The Board representatives noted that the Board had previously accepted applications that incorporated both wind energy and grid connection infrastructure under s.37, however the final decision on the most appropriate way in which to present such applications lies with the prospective applicant informed by their own advice.

- The prospective applicant outlined that they have consulted with EirGrid and presented them will assessments and studies carried out to date. EirGrid will not provide a formal grid connection offer until planning permission for the proposed development has been approved. However, the prospective applicant stated that as a preliminary view based on consultations undertaken with EirGrid, there is currently capacity to connect the proposed development to the Brathlone110kV substation.

- The prospective applicant clarified that there are multiple landowners but are unsure of the exact figure but c, 6-10 landowners.

- The Boards representatives gave their preliminary opinion that the proposed development falls within the scope of Strategic Infrastructure Development but stated that the final determination is a matter for the Board.

Conclusion:

The Board's representatives advised that the onus is on the prospective applicant to either request a further meeting or formal closure of the pre-application consultation process. The Board's representatives advised that the record of the meeting will be issued in the meantime and that the prospective applicant can submit any comments they may have in writing or alternatively bring any comments for discussion at the time of any further meeting.

The Meeting concluded at 11:45am.

Una Crosse

Assistant Director of Planning

Our Case Number: ABP-320137-24

Your Reference: Dara Energy Limited

An Bord Pleanála

FEHILY TIMONEY & Co.
Distribution JH / RN
15 JAN 2025
Job No: P22-145
Correspondence No: 2
Comment:

Fehily Timoney and Company
Core House
Pouladuff Road
Cork
Co. Cork
T12 D773

Date: 13 January 2025

Re: Proposed development of a 9 no. wind turbine renewable energy project and 110kV on site substation
In the townlands of Cushina, Clonsast Lower and Chevychase or Derrynadarragh near Bracknagh, in County Offaly and the townlands of Aughrim and Derrylea near Monastervin in County Kildare

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the meeting of the 12th December 2024.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

PP DC

Lauren Murphy
Executive Officer
Direct Line: 01-8737275

PC07

FEHILY TIMONEY & Co.
Distribution
15 JAN 2025
Job No:
Correspondence No:
Comment:

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64 Marlborough Street
Dublin 1
D01 V902

An Bord Pleanála

Record of Meeting

ABP-320137-24

Case Reference / Description	Proposed development of a 9 number wind turbine renewable energy project and 110kV on site substation in the townlands of Cushina, Clonsast Lower and Chevychase or Derrynadarragh near Bracknagh, in County Offaly and the townlands of Aughrim and Derrylea near Monastervin in County Kildare.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd / 4th Meeting	3rd Meeting		
Date	12/12/2024	**Start Time**	11:00am
Location	MS Teams	**End Time**	11:10am

Representing An Bord Pleanála
Una Crosse, Assistant Director of Planning (Chair)
Laura Finn, Senior Planning Inspector
Lauren Murphy, Executive Officer

Representing the Prospective Applicant
Robyn Nicholl, Fehily Timoney
Nicholas Lyons, Dara Energy Limited
Maria Fitzgerald, Dara Energy Limited

Introduction

The Board welcomed the prospective applicant to the meeting and introduced those attending from the Board. The Board gave the prospective applicant an opportunity to introduce its team.

The Board referred to the letter received from the prospective applicant on the 22nd November 2024 requesting a third pre-application consultation meeting under section 37B of the Planning and Development Act 2000, as amended.

Presentation made by the prospective applicant:

The prospective applicant began the presentation by advising the Boards representatives that following from legal advice they received, they do not intend on seeking a design flexibility opinion on the proposed wind turbine or the grid connection aspect of the proposed development.

The prospective applicant advised that the proposed development is intended to consist of 9 number wind turbines, the wind turbine specification proposed was set out in the presentation.

The prospective applicant concluded the presentation by providing a brief overview of the proposed grid connection aspect of the development which will involve the construction of a new onsite 110kV substation with a 110kV underground cable connecting to the Bracklone Substation, which is currently under construction.

Discussion:

- The Boards representatives began the discussion by noting that the prospective applicant has clarified that they do not wish to seek a design flexibility opinion on the proposed development.
- The Boards representatives asked the prospective applicant to clarify if the proposed locations of the wind turbines have been altered since the first meeting. The prospective applicant advised that the proposed turbine locations have not been altered.

- The representatives of the Board asked the prospective applicant to provide an update on their consultations with relevant bodies. The prospective applicant informed the Board's representatives that they had distributed an Environmental Impact Assessment Report scoping document to all parties consulted on the 12th December 2024, with a deadline of February 2025 for responses and feedback to be submitted.
- The Boards representatives advised the prospective applicant that consultations with the Inland Fisheries Ireland (IFI) and the Office of Public Works (OPW) would be advisable prior to submitting the application to address any issues or concerns they may have in relation to the proposed development, and particularly the bridge crossing, which was discussed in the first meeting.
- The prospective applicant explained that the purpose of the third pre-application meeting was to clarify their intention to submit a single turbine option and a single grid route option as part of their application for the proposed development. However, they informed the Boards representatives that they do not plan to conclude the pre-application process until they have finalized the proposal description.

Conclusion:

The Board's representatives advised that the onus is on the prospective applicant to either request a further meeting or formal closure of the instant pre-application consultation process. The Board's representatives advised that the record of the instant meeting will be issued in the meantime and that the prospective applicant can submit any comments it may have in writing or alternatively bring any comments for discussion at the time of any further meeting.

The Meeting concluded at 11:10.

Una Crosse

Assistant Director of Planning

Our Case Number: ABP-320137-24

An Coimisiún Pleanála

FEHILY TIMONEY & Co.

Distribution RN/JH

09 SEP 2025

Job No: P22-145

Correspondence No:

Comment:

Fehily Timoney and Company
Core House
Pouladuff Road
Co. Cork
T12 D773

Date: 08 September 2025

Re: Proposed development of a 9 no. wind turbine renewable energy project and 110kV on site substation In the townlands of Cushina, Clonsast Lower and Chevychase or Derrynadarragh near Bracknagh, in County Offaly and the townlands of Aughrim and Derrylea near Monastervin in County Kildare

Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Commission hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, the Commission has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Coimisiún Pleanála under section 37E of the Act.

Please also be informed that the Commission considers that the pre-application consultation process in respect of this proposed development is now closed. You are advised that the provisions of the REDIII Directive (2023/2413) were transposed by SI 274/2025 – European Union (Planning and Development) (Renewable Energy) Regulations 2025 and that any new strategic infrastructure development renewable energy related applications must conform with the requirements which are now in place as set out in the Regulations. Furthermore, mandatory EIA scoping provisions will come into effect on the 1st October 2025.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

1. Minister for Housing, Local Government and Heritage
2. Minister for Agriculture, Food, Fisheries and the Marine
3. Minister for the Climate, Environment and Energy
4. Minister for Enterprise, Tourism and Employment
5. Minister for Arts, Media, Communication, Culture and Sport
6. Laois County Council.
7. Kildare County Council
8. Offaly County Council
9. Eastern and Midland Regional Assembly

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Ríomhphost	Email	communications@pleanala.ie	D01 V902	D01 V902

10. Transport Infrastructure Ireland.
11. An Taisce
12. An Chomhairle Ealaíon
13. Fáilte Ireland
14. The Heritage Council
15. National Parks & Wildlife Service
16. Inland Fisheries Ireland
17. Irish Water
18. Irish Aviation Authority
19. Health Service Executive
20. Commission for Regulation of Utilities
21. Office of Public Works

Further notifications should also be made where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Commission will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The following information relates to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act 2000, as amended.

Judicial review of An Coimisiún Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Commission decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Commission.

The validity of a decision taken by the Commission may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Commission. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions, and it would be advisable for persons contemplating legal action to seek legal advice.

If you have any queries in the meantime, please contact the undersigned officer of the Commission or email sids@pleanala.ie quoting the above mentioned An Coimisiún Pleanála reference number in any correspondence with the Commission.

Yours faithfully,

Lauren Murphy

Lauren Murphy
Executive Officer
Direct Line: 01-8737275

ADHOC

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