

*Application to An Bord Pleanála for substitute consent*

**APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT**

**BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

**ADDITIONAL INFORMATION**

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

**OTHER STATUTORY CODES**

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Culture, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

## DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

## APPLICATION FORM

### 1. NAME OF RELEVANT PLANNING AUTHORITY:

**Cork County Council**

### 2. LOCATION OF DEVELOPMENT:

*Postal Address or Townland or Location (as may best identify the land or structure in question)*

#### ***Townlands (Co. Cork)***

- Reananerree
- Cloontycarthy
- Cleanrath North
- Derrineanig
- Cleanrath South
- Milmorane
- Coomlibane
- Rathgaskig
- Augeris
- Gorteennakilla
- Carrignadoura
- Gurteenowen
- Gurteenflugh
- Lyrenageeha
- Lackabaun

*Ordnance Survey Map Ref No (and the Grid Reference where available) <sup>1</sup>*

***Grid Ref. No. (ITM):*** E520487, N569645

***Ordnance Survey (OS) Discovery Series Map No:*** 79 and 85

***OS Discovery Series Tiles (1:50000) Ref. Nos.:*** OS1006 and OS1206

***OS Map Grid Ref. (1:5000) No.:*** 6367, 6368, 6369, 6370, 6371, 6412, 6413, 6414, 6415, 6416

<b>3. APPLICANT<sup>2</sup>:</b>	
<i>Name(s)</i>	<b>Cleanrath Windfarm Ltd</b>
	Address to be supplied at the end of this form (Question 19)

<b>4. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):</b>	
<i>Name(s) of company director(s)</i>	<b>David Murnane and Stephen O'Connor</b>
<i>Registered Address (of company)</i>	<b>Lissarda Industrial Estate, Lissarda, Co. Cork P14YN56</b>
<i>Company Registration number</i>	<b>499530</b>

<b>5. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):</b>	
<i>Name</i>	<b>Jimmy Green</b> (Planning Consultant at MKO)
	Address to be supplied at the end of this form (Question 20)

<b>6. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS<sup>3</sup>:</b>	
<i>Name</i>	<b>Owen Cahill</b>
<i>Firm/Company</i>	<b>MKO (Tuam Road, Galway Ireland, H91 VW84)</b>

<b>7. DESCRIPTION OF DEVELOPMENT:</b>	
<i>Brief description of nature and extent of development<sup>4</sup></i>	<p><b>The development will consist of a wind farm with an operational life of 25 years from the date of commissioning and constitutes the following:</b></p> <ul style="list-style-type: none"> <li>• 9 No. wind turbines with a ground to blade tip height of 150 metres and all associated foundations and hard-standing areas;</li> <li>• All associated underground electrical (33kV &amp; 38kV) and communications cabling connecting the turbines to the national electricity grid;</li> <li>• Upgrade of existing access junctions and roads;</li> <li>• Upgrade of existing and provision of new site access roads;</li> <li>• Borrow pit;</li> <li>• Temporary construction compound;</li> <li>• Accommodation works along the turbine delivery route;</li> </ul>

	<ul style="list-style-type: none"> <li>• Temporary roadway to facilitate turbine delivery;</li> <li>• Forestry Felling;</li> <li>• Site Drainage;</li> <li>• The operation of the wind farm for a period of 25 years;</li> <li>• The decommissioning of the wind farm, removal of turbines and restoration of the site; and</li> <li>• All associated site development and ancillary works.</li> </ul> <p>The application for substitute consent is accompanied by a Remedial Environmental Impact Assessment (rEIAR) and a Remedial Natura Impact Statement (rNIS) in relation to the works that have been carried out pursuant to ABP PL. 04.246742. The application for substitute consent is also accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) in relation to that part of the development that has not been carried out pursuant to ABP PL. 04.246742 at the time of this application.</p>
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<b>8. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:</b>		
<b>Please tick appropriate box</b>	A. Owner ✓	B. Occupier
	C. Other ✓	
Where legal interest is 'Other', please expand further on your interest in the land or structure	<b>Owner and Leasehold</b>	

<b>9. SITE AREA:</b>	
Area of site to which the application relates in hectares	<b>93 ha</b>

<b>10. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS:</b>	
Gross floor space <sup>5</sup> of existing building(s) in square metres	<b>N/A</b>
Gross floor space of any demolition in square metres (if appropriate)	<b>N/A</b>

<b>11. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT:</b>							
Class of Development					Gross floor area in square metres		
N/A					N/A		
<b>12. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX:</b>							
<i>Number of</i>	Studio	1 Bed	2Bed	3 Bed	4 Bed	4+ Bed	Total
<i>Houses</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<i>Apartments</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<i>Number of car-parking spaces to be provided</i>	N/A						N/A

<b>13. DEVELOPMENT DETAILS:</b>		
<i>Please tick appropriate box</i>	<b>Yes</b>	<b>No</b>
Does the development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?		✓
Does the development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?		✓
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Ac, 1994 <sup>6</sup> ?		✓
Does the application relate to work within or close to a European Site or a Natural Heritage Area?	✓	
Does the development require the preparation of a remedial Environmental Impact Assessment Report?	✓	
Does the development require the preparation of a remedial Natura impact statement?	✓	
Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?		✓
Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?		✓
Do the Major Accident Regulations apply to the development?		✓
Does the application relate to a development in a Strategic Development Zone?		✓
Does the development involve the demolition of any structure?		✓

#### 14. SITE HISTORY:

##### *Details regarding site history (if known)*

Has the site in question ever, to your knowledge, been flooded?

Yes ☐ No ☒

If yes, please give details e.g. year, extent.

Are you aware of previous uses of the site e.g. dumping or quarrying?

Yes ☐ No ☒

If yes, please give details.

##### *Are you aware of any valid planning applications previously made in respect of this land/structure?*

Yes ☒ No ☐

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

*Cork County Council Reference No.:*

**11/5245**

Date: **09/06/2011**

**15/6966**

Date: **22/12/2015**

*An Bord Pleanála Ref. No.:*

**PL.04.240801 (Pl Ref. 11/5245)** Date: **05/07/2012**


**PL.04.246742 (Pl Ref. 15/6966)** Date: **16/06/2016**

<b>15. SERVICES:</b>
<b>Source of Water Supply</b>
Public Mains [ ] Group Water Scheme [ ] Private Well [ ]
Other (please specify): <b>N/A</b>
Name of Group Water Scheme (where applicable): .....
<b>Wastewater Management/Treatment</b>
Public Sewer [ ] Conventional septic tank system [ ]
Other on-site treatment system [ ] Please specify <b>N/A</b>
<b>Surface Water Disposal</b>
Public Sewer/Drain [ ] Soakpit [ ]
Watercourse [ ] Other [ <input checked="" type="checkbox"/> ] Please specify:  The site drainage system employed as part of the subject development includes various combinations/adaptations of run-off control and drainage management measures as described within the application documentation.

16. DETAILS OF PUBLIC NOTICE:	
<i>Approved newspaper<sup>7</sup> in which notice was published</i>	<b>The Echo</b> (formerly known as the Evening Echo)
<i>Date of publication</i>	12 <sup>th</sup> August 2020
<i>Date on which site notice was erected</i>	12 <sup>th</sup> August 2020



<b>17. APPLICATION FEE:</b>	
Fee Payable	<b>€27,900</b>
Basis of Calculation	<p><i>Section 177M of the Planning and Development Act 2000 (as amended),</i></p> <p>Please note that the Fee set out in Part 12, Section 2 Column 3 of the Planning and Development Regulations 2001 (as amended) has been used as the basis of the calculation. Should the Board determine that there has been overpayment on the basis of the below calculation, we acknowledge that a refund will be made to the Applicant.</p> <p><b><u>Class 13 Development</u></b>  Development not coming within any of the foregoing classes.  (Column 3 fee's - €240, or €30 for each 0.1 hectare of site area, whichever is the greater)</p> <ul style="list-style-type: none"> <li>• 93 ha / 0.1ha = 930</li> <li>• 930 x €30 = €27,900</li> </ul> <p>Fee Payable: <b>€27,900</b></p>

<b>18. DECLARATION:</b>	
<p><i>I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning &amp; Development Act 2000, as amended, and the Regulations made thereunder.</i></p>	
Signed  <i>(Applicant or Agent as appropriate)</i>	 <b>Jimmy Green, Agent</b>
Date	<b>13<sup>th</sup> August 2020</b>

**CONTACT DETAILS — NOT TO BE PUBLISHED**

<b>19. APPLICANT ADDRESS/CONTACT DETAILS:</b>	
<i>Address</i>	<b>Cleanrath Wind Farm Ltd (c/o William O'Connor) Lissarda Industrial Estate, Lissarda, Co. Cork P14YN56</b>
<i>Email address</i>	<b>William.oconnor@turnkeydev.com</b>
<i>Telephone number (optional)</i>	<b>021 2066914</b>

<b>20. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:</b>	
<i>Address</i>	<b>Jimmy Green MKO, Tuam Road, Galway, Ireland, H91 VW84</b>
<i>Email address</i>	<b>JGreen@mkoireland.ie</b>
<i>Telephone number (optional)</i>	<b>091 735611 &amp; 086-3820825</b>
<p>Should all correspondence be sent to the agent's address? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)</p> <p>Yes [<input checked="" type="checkbox"/>] No [<input type="checkbox"/>]</p>	

**A contact address must be given, whether that of the applicant or that of the agent.**

***This form should be accompanied by the following documentation:***

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

**ALL Applications:**

- ☐ The relevant page of newspaper that contains notice of your application
- ☐ A copy of the site notice
- ☐ 6 copies of site location map<sup>8</sup>
- ☐ 6 copies of site or layout plan as appropriate<sup>8</sup>
- ☐ 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate<sup>8</sup>
- ☐ The appropriate Fee

**Where the disposal of wastewater for the development is other than to a public sewer:**

- ☐ Information on the on-site treatment system and evidence as to the suitability of the site for the system.

**Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):**

- ☐ Photographs, plans and other particulars necessary to show how the development affects the character of the structure.

**Where an application requires an Environmental Impact Statement or a Natura Impact Statement:**

- ☐ An Environmental Impact Assessment Report, and
- ☐ A copy of the confirmation notice received from the EIA portal in accordance with article 97B(2) of the permission regulations
- ☐ A Natura Impact Statement

**Directions for completing this form**

1. Grid reference in terms of the Irish Transverse Mercator.
2. “The applicant” means the person seeking the consent, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Culture, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Culture, Heritage and the Gaeltacht.
7. A list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority.
8. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2018.