

Spink,

Abbeyleix,

Co. Laois

14th of April 2023

APPEAL Laois County Council Decision to Grant Conditional Permission for 22507

To.

The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 We.

Peter Sweetman, Kieran Brophy, John Brophy, Niall Headen and Chris Palin and Concerned Residents of Spink strongly wish to appeal the decision of Laois County Council to Grant Conditional Permission for application number 22507 (Pinewood Wind Limited)

"amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind-turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works. This planning application is accompanied by an Environmental Impact Assessment Report/Environmental Impact Statement which includes an assessment of the likely effects of the proposed development, as a whole and In combination with the relevant off-site or secondary developments which will occur as a direct result of the proposed development, including the infrastructure associated with the wind farm development permitted pursuant to Laois County Council Planning Register Reference 16/260 (An Bord Pleanála Reference PL11.248518) and Kilkenny County Council Planning Register Reference 17/62 (An Bord Pleanála Reference PL10.248392) and the electricity substation permitted pursuant to An Bord Pleanála Reference ABP-308448-20. This planning application is also accompanied by Natura Impact Statement."

At, "Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois"

We appeal under the following grounds;

The correct fee of €220 is paid by cheque (from Kieran Brophy)

AN BORD PLEANÁLA LDG- 062348-23 ABP-
18 APR 2023
Fee: € 220 Inc. CHQ
Time: By: Ray post



2

Peter Sweetman:

(Planners Report attached)

I am satisfied with the scope and comprehensiveness of this chapter.

That is not an assessment.

The applicant has set out that given the nature of the proposed development, it is assessed that all population and human health construction phase effects which are likely to occur have previously been assessed.

These are subject to an ongoing JR for which no order has been made.

The applicant contends that the proposed development is not assessed as likely to result in any significant adverse effects on population or human health during the operational phase. It is stated that appropriate mitigation measures have been incorporated which will mitigate any impacts of noise and/or shadow flicker. It has been concluded that the operational phase of the development will result in no likely significant adverse effects on population of human health.

That is a statement by the applicant not an assessment.

Mitigation Measures

This section of the report sets out that all mitigation measures outlined in chapter 3 of the original EIAR will be implemented during the abovementioned phases. I note that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanála to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, there is 1.55ha of forestry clearance that has not been assessed as part of the EIA and NIS and needs to be assessed.

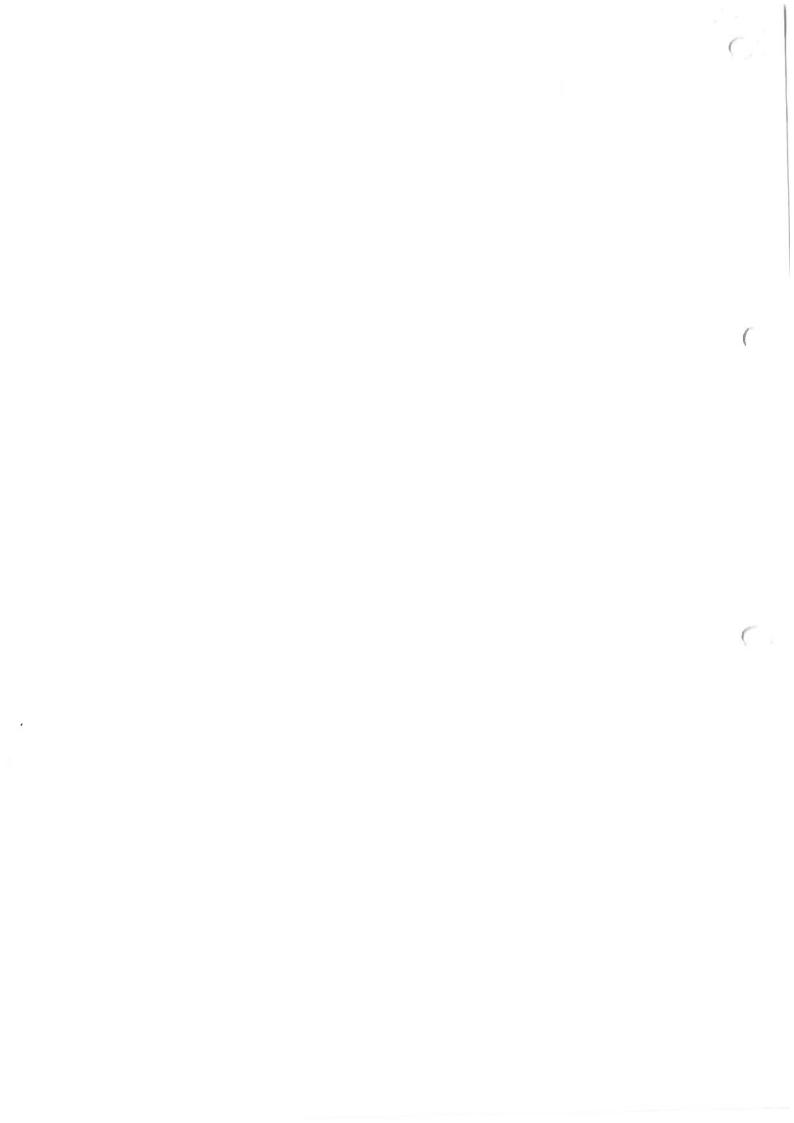
I am looking for the assessment of the clearance of the forestry.

An NIS has been prepared for the proposed development. The NIS concludes that the proposed development will not result in impacts on designated European Sites, having regard to their conservation objectives.

The Natura Impact Statement says, but is there an assessment according to the requirements od Courts of Justice of the European Union 258/11?

Construction Phase

The applicant has set out that given the nature of the proposed development, it is assessed that all land and soil construction phase effects which are likely to occur have previously been assessed. The applicant has assessed the additional felling, relocation of wind farm turbines and increased foundations and has stated that there would be no appreciable increase in the intensity or extent or excavations at the permitted development site an as a result, the likelihood of significant adverse effects is assessed to be negligible. The increased groundworks associated with the increased felling would result in a greater likelihood of effects on land and soil through erosion effects arising from vehicle movements and through surface water and wind action. The report states that the short-term duration of the construction phase and felling practices to be implemented during such works, the likely effects on land and soils have been assessed to be negative, direct, slight and of a high probability with a short-term duration. The increased level of construction activities to be undertaken there is a greater likelihood of soil contamination through accidental spillages or leakages. The significant effects of same are assessed as being negligible and not perceptibly greater than that previously assessed



And have been Judicially Reviewed no order yet.

I am satisfied with the detail included in this section.

That is not an assessment as required under the Directive and the Decisions of the CJEU

Environmental Impact Assessment

The Planning Authority concludes based on the Environmental Impact Assessment report (EIAR) prepared by the Applicant, that the EIAR does not adequately assess the likely significant environmental effects of the proposed development and is inadequate due to an absence of sufficient information to comply with the requirements of Article 5(1) of EIA Directive 2014/52/EU and the potential impacts.

This report comprises an Environmental Impact Assessment of the development proposed under planning applications Reg. Ref.22/507. The aim of the EIA Report is to identify and assess effects of the proposed development on various environmental factors, in order to assist in considering whether the proposed developments are consistent with the proper planning and sustainable development of the area.

It is considered that the EIAR received on the 18th August 2022 does not adequately assess the likely significant environmental effects of the proposed development and is inadequate due to an absence of sufficient information to comply with the requirements of Article 5(1) of EIA Directive 2014/52/EU and the potential impacts on:

- Population & Human Health
- Biodiversity

Land & Soil

- Water
- Air Quality & Climate
- Landscape
- Cultural Heritage
- Noise & Vibration
- Shadow Flicker
- Material Assets
- Interactions of the Foregoing

Such issues result in a lack of clarity in regard to assessment of the likely environmental impacts of the proposed development and prevent the Planning Authority from carrying out a full EIA in respect of the proposed development

Strange considering the remarks above . If this is the Planning Authority's findings the application should have been refused.

Appropriate Assessment

The site is not located within or adjacent to a Natura site. Sites within 15km of the proposed

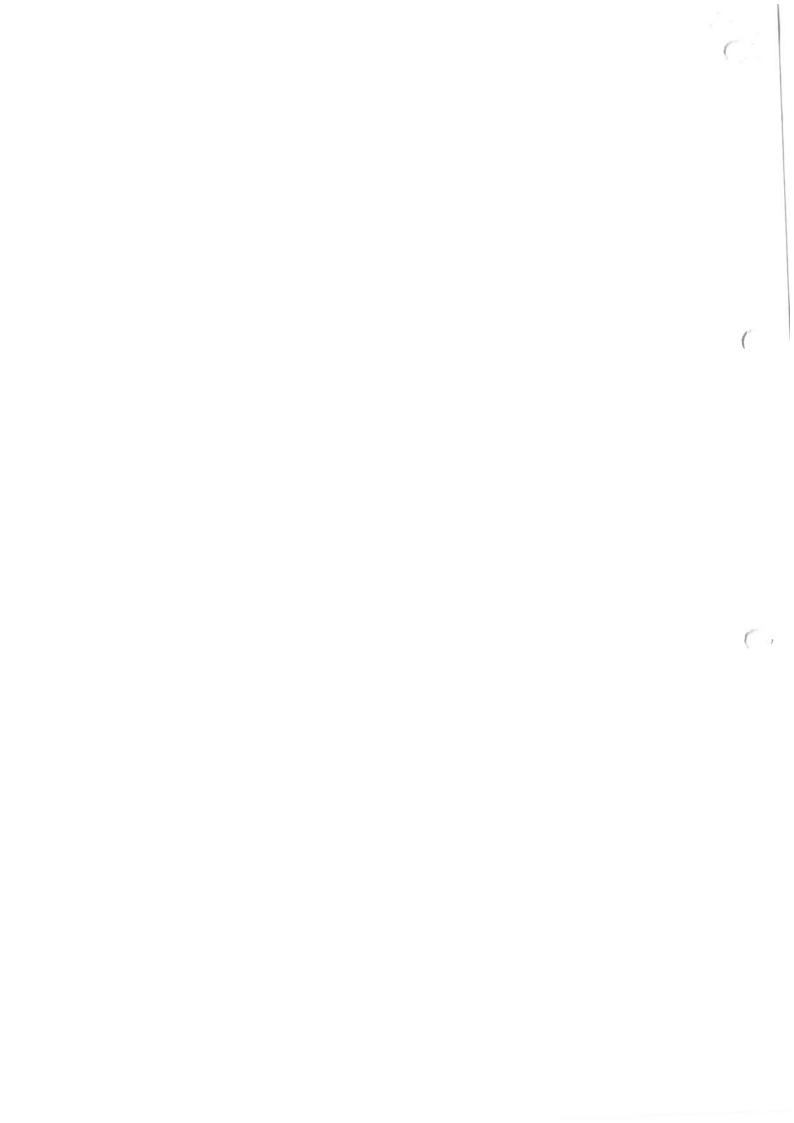
The River Barrow and River Nore SAC (Site Code 002162):

Ballyprior Grassland SAC (00256);

Lisbigney Bog SAC (Site Code 000869);

River Nore SPA (Site Code 004233).

The River Barrow and River Nore SAC (Site Code 002162), lies circa 0. 73km to the north of the



main project site or 2.2km downstream via the Griaguenhown Stream; The River Nore SPA (Site Code 004233) lies circa 4.6km south-west or 6.4km downstream via the Boleybawn Stream; the Lisbigney Bog SAC (Site Code 000869) lies circa 5.1 km to the west, and the Ballyprior Grassland SAC (00256) lies c. 11 .1 km to the northeast.

"The screening report and Appropriate Assessment submitted..."

This statement shows us that the person carrying out the Appropriate Assessment has no idea if the legal requirements placed on the Planning Authority.

The document submitted is titled.

Appropriate Assessment Screening Report and Natura Impact Statement

The only conclusion we can come to is that the Planning Authority expect the c Appropriate Assessment for the development.

This is not according to the directive and the decisions of the Courts of Justice of Union



Chris Palin:

I am objecting on the grounds of the development being far too large for its proximity to residential properties and Knock national school.

As studies have repeatedly shown, these sort of developments are completely unsuitable for consideration in a residential area.

Noise pollution, infra-sound and visual flicker are all very clear reasons for reconsideration, and on a personal level, having been diagnosed with epilepsy, I would be very concerned regarding the light flicker aspect, as studies have clearly sighted the correlation between light flicker (strobe effect) and the onset of seizures.

Kieran Brophy, John Brophy and Niall Headen;



Please see all attached submissions from application 22507 both before and after further information was submitted. Attached below.

Also we feel all submissions from all previous applications to Laois County Council, Kilkenny County Council and An Bord Pleanála regarding this Windfarm are relevant and must be taken into consideration



Laois County Council Applications;

File Numbers;

12339 Mast Retention (1 Submission)

13262 Windfarm application Withdrawn (113 submissions)

16260 Windfarm Application Refused (34 submissions) Appealed

22507 Current Application (21 submissions)

Kilkenny County Council Applications;

13397 Windfarm Application Withdrawn (37 submissions)

16440 Windfarm Application Refused (9 submissions)

1762 Windfarm Application Refused (1 submission)

An Bord PLeanála Applications;

248518 Appeal of LCC 16260 (still awaiting Judicial Review Result)

247304 Appeal of KCC 16440 (invalid fee)

248392 Appeal of KCC 1762

308448 Application made directly to ABP (10 year permission??)

application to An Bord Pleanála for a ten-year permission in relation to a proposed development in the townland of Knockardagur, Co. Laois as described below:- i. A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear (AIS) electrical substation with a 'split level' design, including 2 no. singlestorey control buildings (with a Gross Floor Area of 589 square metres), 1 no. transformer bay, 2 no. line bays and all associated electrical equipment, services and lighting within an up to 2.95 metre high fenced compound (with a total footprint of 13,100 square metres); ii. 2 no. lattice-type strain towers with a maximum height of up to 21m and approximately 70m of 110kV overhead electricity lines to facilitate connection of the proposed substation to the permitted 110kV Laois-Kilkenny Grid Reinforcement Project electricity transmission line (An Bord Pleanála Reference PL11.VA0015); iii. Approximately 0.65km of on-site access track with associated site entrance from local public road (L77951); and iv. All associated and ancillary site development, excavation, construction, landscaping and reinstatement works, including provision of site drainage infrastructure and surface water protection measures. The site of the proposed development has a total area of c. 5.5 hectares. The proposed development will facilitate the export of renewable electricity generated at the permitted 'Pinewoods Wind Farm' (An Bord Pleanála Reference PL11.248518/Laois County Council Planning Register Reference 16/260 & An Bord Pleanála Reference PL10.248392/Kilkenny County Council Planning Register Reference 17/62) to the national electricity grid. An Environmental Impact Assessment Report and Natura Impact Statement have been prepared in respect of the proposed development and accompany this planning application.



Please send correspondence to:

Kieran Brophy, Peter Sweetman & Others,

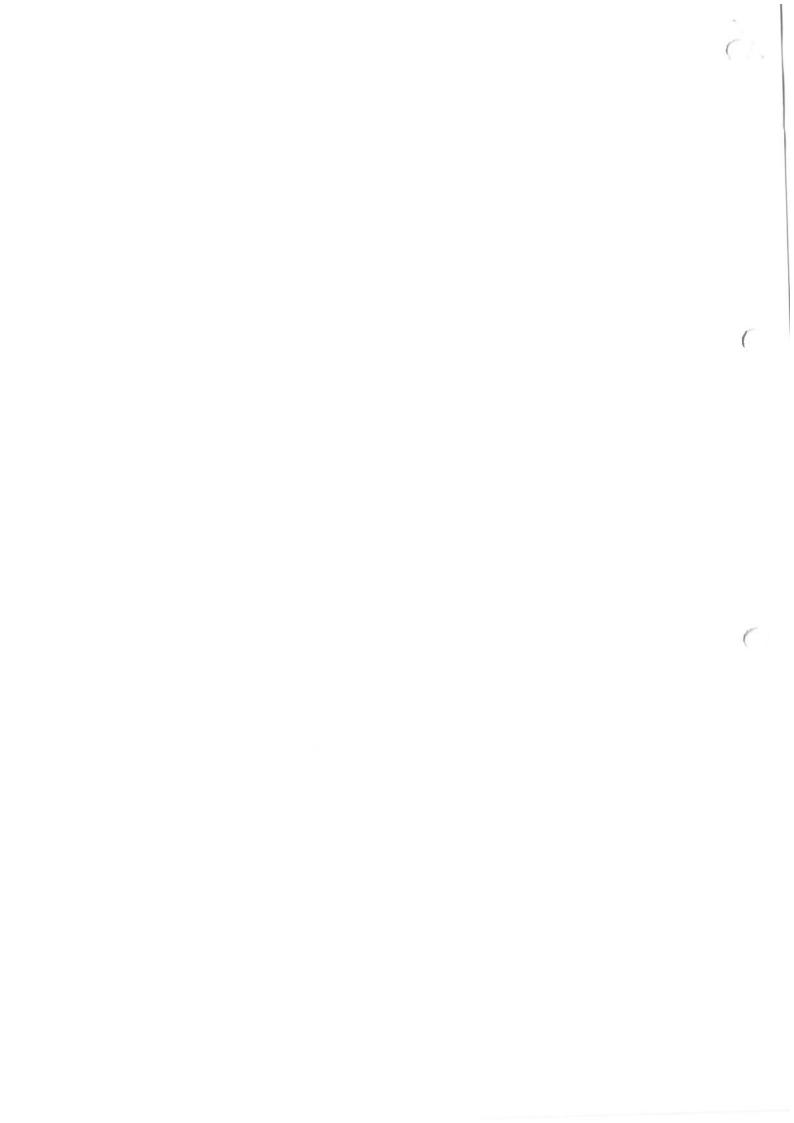
Spink,

Abbeyeix,

Co. Laois.

IN SUMMARY WE ARE APEALLING LAOIS COUNTY COUNCILS DECISIIN TO GRANT PERMISSION FIR 22507 ON TGE 22^{ND} OF MARCH 2923

- COVER LETTER AND FEE €220
- 2) PETER SWEETMAN 10 ARGUMENT POINTS RELATING TO OLANNERS REPORT (ATTACHED & HIGHLIGHTED)
- 3) CHRIS PALIN APPEAL STATEMENT
- 4) ATTACHED COPIES OF SUBMISSIONS MADE TO LAOIS COUNTY COUNCIL 22507 FOR; KIERAN BROPHY JOHN BROPHY & NUALL HEADEN
- 5) LISTS OF ALL 216 SUBMISSIONS MADE SINCE 2012 REGARDING THE GALETECH/ PINEWOOD WIND LIMITED PROJECT KNOWN AS PINEWOOD WINDFARM. ALL SUBMISSIONS ARE RELAVENT TO THIS APPEAL
- 6) ACHNOWLEDGMENTS OF RECEIPT OF SUBMISSIONS ON PLANNING 22507 FOR; KIERAN BROPHY & PETER SWEETMAN JOHN BROPHY NIALL HEADEN & CHRIS PALIN







LAOIS COUNTY COUNCIL



2 4 MAR 2023

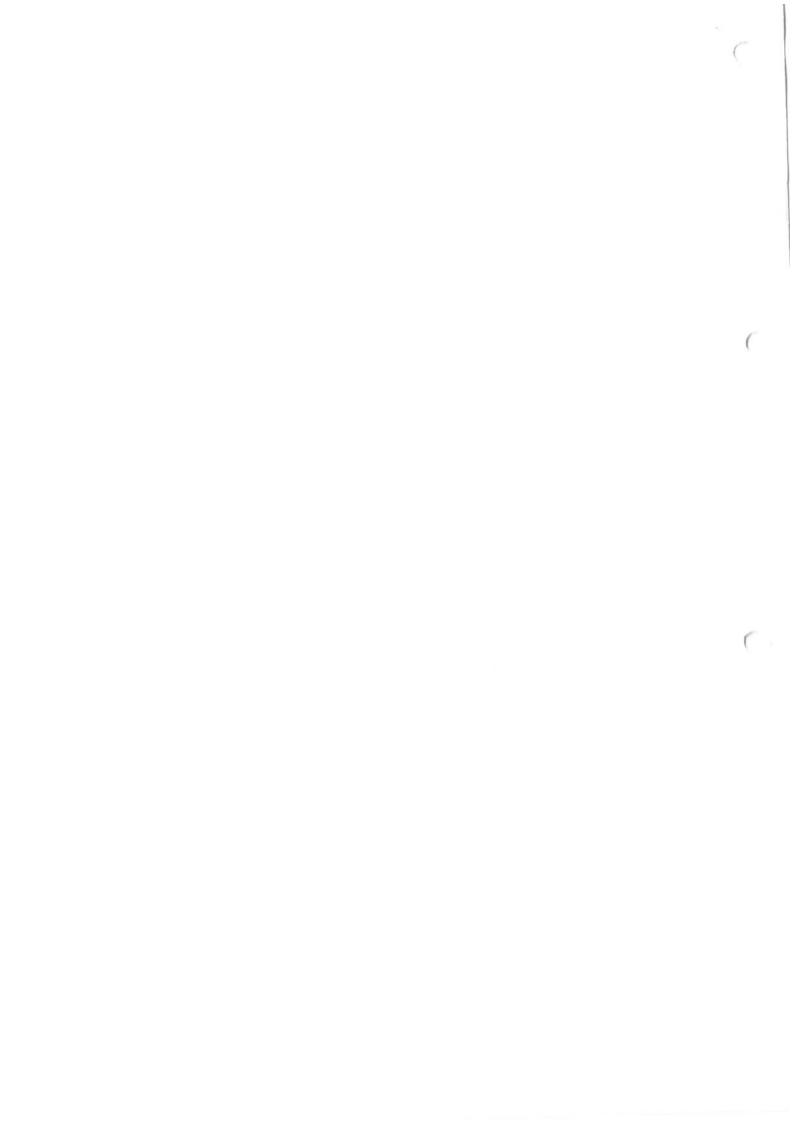
SCANNED

PLANNERS REPORT

	MANUAL MEDITION OF THE PROPERTY OF THE PROPERT
Application No	22/507
Applicant Name:	Pinewood Wind Limited
Development Description:	Amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works. This planning application is accompanied by an Environmental Impact Assessment Report/Environmental Impact Statement which includes an assessment of the likely effects of the proposed development, as a whole and in combination with the relevant off-site or secondary developments which will occur as a direct result of the proposed development, including the infrastructure associated with the wind farm development permitted pursuant to Laois County Council Planning Register Reference 16/260 (An Bord Pleanála Reference PL11.248518) and Kilkenny County Council Planning Register Reference 17/62 (An Bord Pleanála Reference PL10.248392) and the electricity substation permitted pursuant to An Bord Pleanála Reference ABP-308448-20. This planning application is also accompanied by Natura Impact Statement.
Development Address:	Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois
Date of Site Inspection:	04/10/2022
Decision Due Date:	27/03/2023
Recommendation:	Grant Permission with Conditions

SITE LOCATION AND DESCRIPTION

The subject site of 35.7 hectares is located in the rural townlands of Knockardugar, Boleybawn, Ironmills and Graiguenahown in the south of Co. Laois. The site is characterised by a rolling landscape and contains a mixture of mature, immature and harvested wooded areas with some agricultural land primarily to the north west of the site.



The site is accessed from a number of existing entrances which accesses local roads, L-7799-0, L-77951-0, L-1798-0 and a private laneway.

PROPOSED DEVELOPMENT

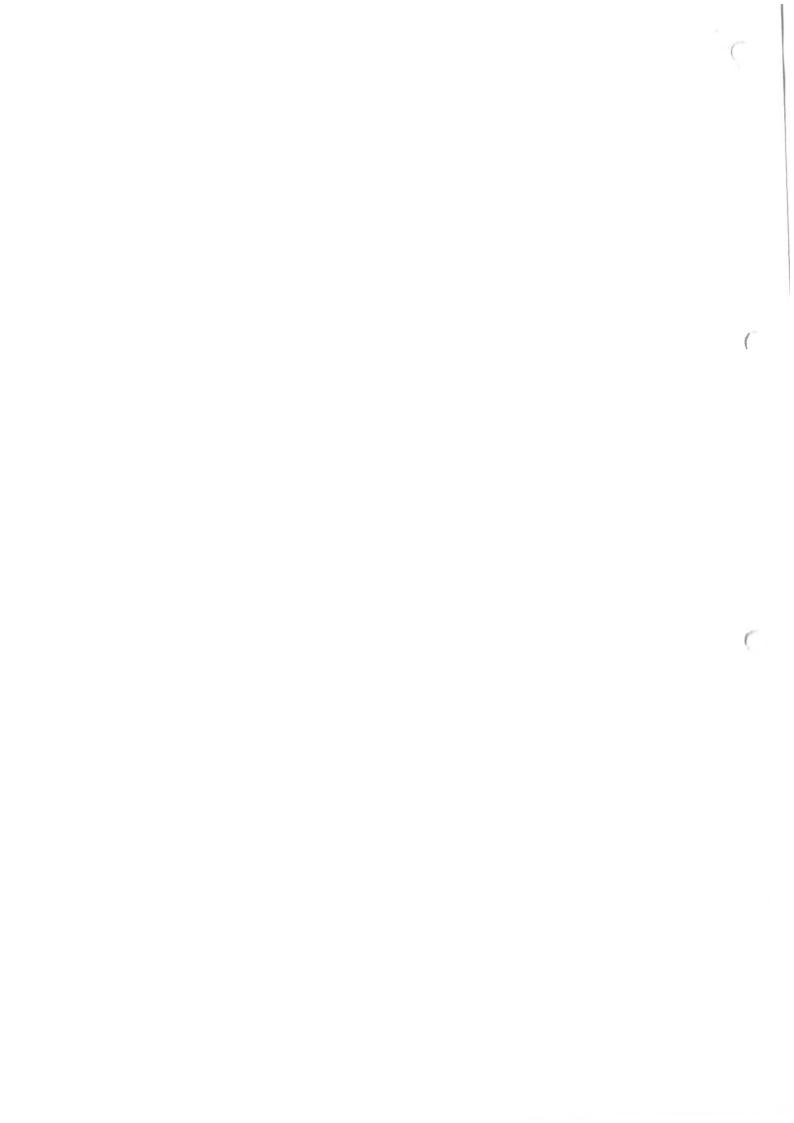
Amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works. This planning application is accompanied by an Environmental Impact Assessment Report/Environmental Impact Statement which includes an assessment of the likely effects of the proposed development, as a whole and in combination with the relevant offsite or secondary developments which will occur as a direct result of the proposed development, including the infrastructure associated with the wind farm development permitted pursuant to Laois County Council Planning Register Reference 16/260 (An Bord Pleanála Reference PL11.248518) and Kilkenny County Council Planning Register Reference 17/62 (An Bord Pleanála Reference PL10.248392) and the electricity substation permitted pursuant to An Bord Pleanála Reference ABP-308448-20. This planning application is also accompanied by Natura

The installation of the proposed revised wind turbine model will increase the total volume of electricity being generated. The permitted development has an output capacity of 35.2 megawatts (MVV) while the proposed development will have a capacity of 47.3MVV; an increase of 12.1MVV or 34%. The additional felling of 9.3 hectares of commercial forestry required to accommodate the proposed development is also proposed.

In granting planning permission under Reference PL11.248518; the Board, by way of condition, excluded the above-referenced 110kV electricity substation, switchroom, equipment compound, and strain towers from the proposed development. These elements were omitted from the permitted development due to a prior determination (Reference ABP-303194-18) that they constituted a Strategic Infrastructure Development within the meaning of Section 182A of the Planning and Development Act 2000 (as amended). The Applicant subsequently lodged a Strategic Infrastructure Development planning application with the Board for a 110kV electricity substation and associated ancillary infrastructure; and planning permission was granted Reference ABP-308448-20) subject to conditions.

PLANNING HISTORY

16/260: Construct 11 no. wind turbines, each with a maximum height of up to 136.5 metres, and all associated site development and ancillary works, including a 110kV electricity substation, switchroom and equipment compound; two single circuit strain towers with a maximum height of up to 26.5 metres; turbine foundations; crane hardstandings; 5.4 kilometres of site access tracks; underground electricity and communications cabling; site drainage works; 7 no. site entrances; a permanent meteorological mast with a maximum height of up to 85 metres; and temporary upgrade to the R430/L7800 road junction. The proposed development is part of a larger development which also extends onto lands in the townland of Crutt, Co. Kilkenny within the adjoining planning authority administrative jurisdiction of Kilkenny County Council. The proposed development as a whole will comprise 11 no. wind turbines, each with a maximum height of up to 136.5 metres, and all associated site development and ancillary works, including a 110kV electricity substation, switchroom and equipment compound; two single circuit strain



towers with a maximum height of up to 26.5 metres; turbine foundations; crane hardstandings; 7.4 kilometres of site access tracks, underground electricity and communications cabling; site drainage works; 7 no. site entrances; a permanent meteorological mast with a maximum height of up to 85 metres; and temporary upgrade to the R430/L7800 road junction. This planning application is accompanied by an Environmental Impact Statement which includes an assessment of the likely impacts of the proposed development as a whole and in combination with the relevant off-site or secondary developments which will occur as a direct result of the proposed development, including connection to the national electricity grid. A Natura Impact Statement will also be submitted to the planning authority with the planning application. An Bord Pleanala Reference PL11218518. Refused by the Planning Authority. Granted on Appeal.

13/256 – Application to erect 8 No. turbines with a hub height of up to 100m and rotor diameter of up to 103m maximum tip height of 152m, and all associated site development works including 1 No. temporary site compound, turbine foundations, crane hardstanding area, site access roads, underground cabling, site entrances, 100m anemometer mast, the construction of a switch room and control facility with associated equipment and compound area enclosed by a 2.4m high palisade fence in the townlands of Knockardagur, Boleybawn, Ironmills, Graiguenahown and Garrintaggart Co. Laois (The Subject Site) to be known as the "Pinewoods Wind Farm". The application is accompanied by an Environmental Impact Statement WITHDRAWN by applicant prior to a decision being made by Planning Authority.

12/339 - Permission granted to retain an existing meteorological mast for the purposes of monitoring and recording wind speed. The mast was erected as an exemption under the Planning & Development regulations 2008, Part 1 of Schedule 2, Class 20A;

Adjacent site to north west of site:

02/683 - Permission granted to erect 1 no. 40m high wind anemometer mast and 1 no. 10m high wind anemometer mast and all ancillary site works.

PRE-PLANNING

Pre-planning discussions have taken place with respect to this proposal.

REFERRALS

EXTERNAL

Department of Defence: Single turbines, structures, or turbines delineating the windfarm should be illuminated by Type C, Medium intensity, Fixed Red obstacle lighting with a minimum output of 2,000 candela to be visible in all directions of azimuth and to be operational H24/7 days a week. Obstacle lighting should be incandescent or of a type visible to Night Vision equipment. Obstacle lighting must emit light at the near Infra-Red (IR) range of the electromagnetic spectrum, specifically at or near 850 nanometres (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light.

Development Applications Unit: Condition required with respect to Archaeological monitoring An Taisce: No report received

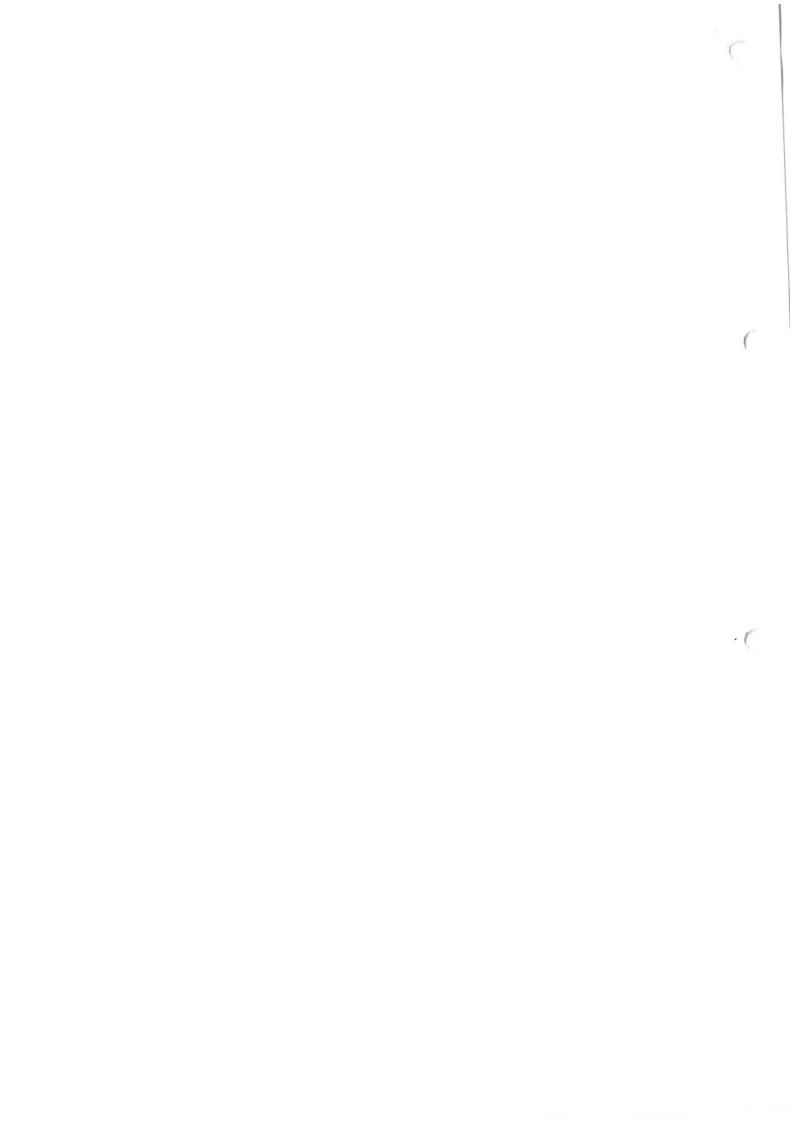
HSE: No objection subject to a number of recommendations

Commission for Energy Regulation: No report received

Irish Aviation Authority: No objection subject to a number of recommendations

Inland Fisheries: IFI's previous submissions on 16/260 remain valid. Recommendations in 'Guidelines on Protection of fisheries during Construction Works in and adjacent to waters 2016'

Kilkenny County Council: No report received



Transport Infrastructure Ireland: Position remains as set out in letter dated 1st September 2022

INTERNAL

Environment: No report received

Waste Enforcement: No report received

Road Design: No objection subject to conditions

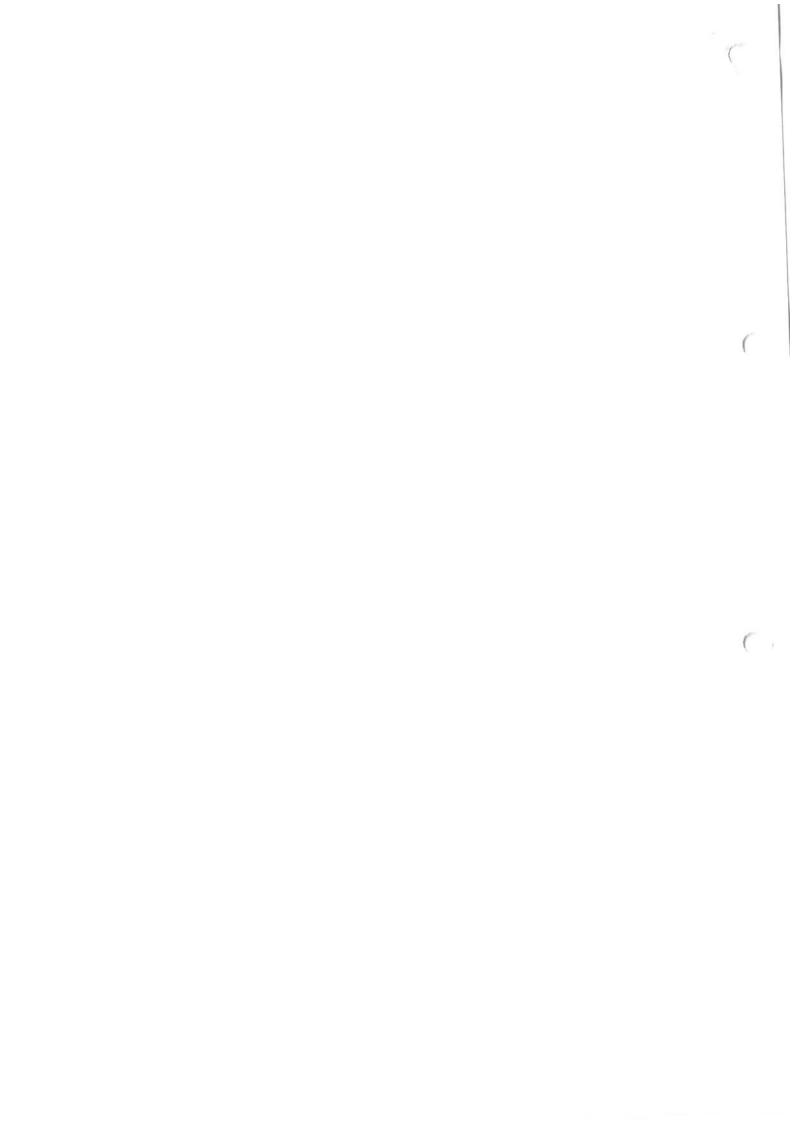
Chief Fire Officer: No report received

Water Services: No objection subject to conditions Area Engineer: No objection subject to conditions

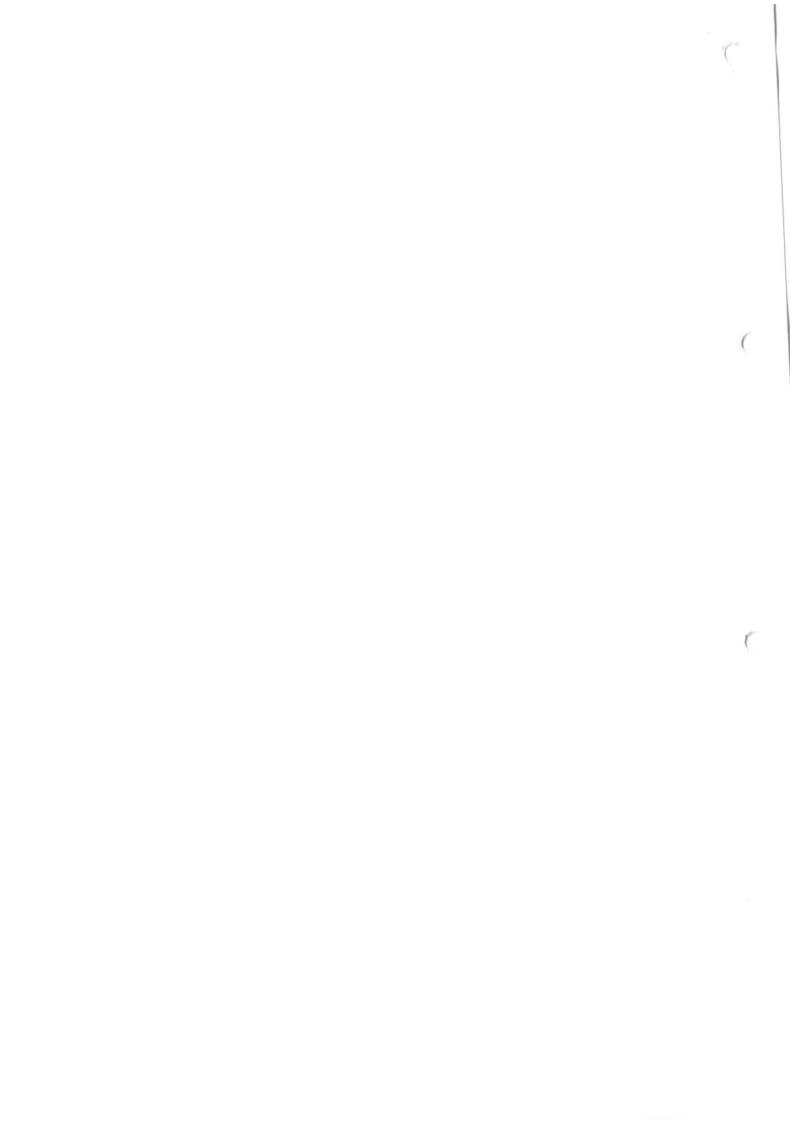
SUBMISSIONS/REPRESENTATIONS

Fourteen (14) no. submissions received during the initial consultation period as follows:

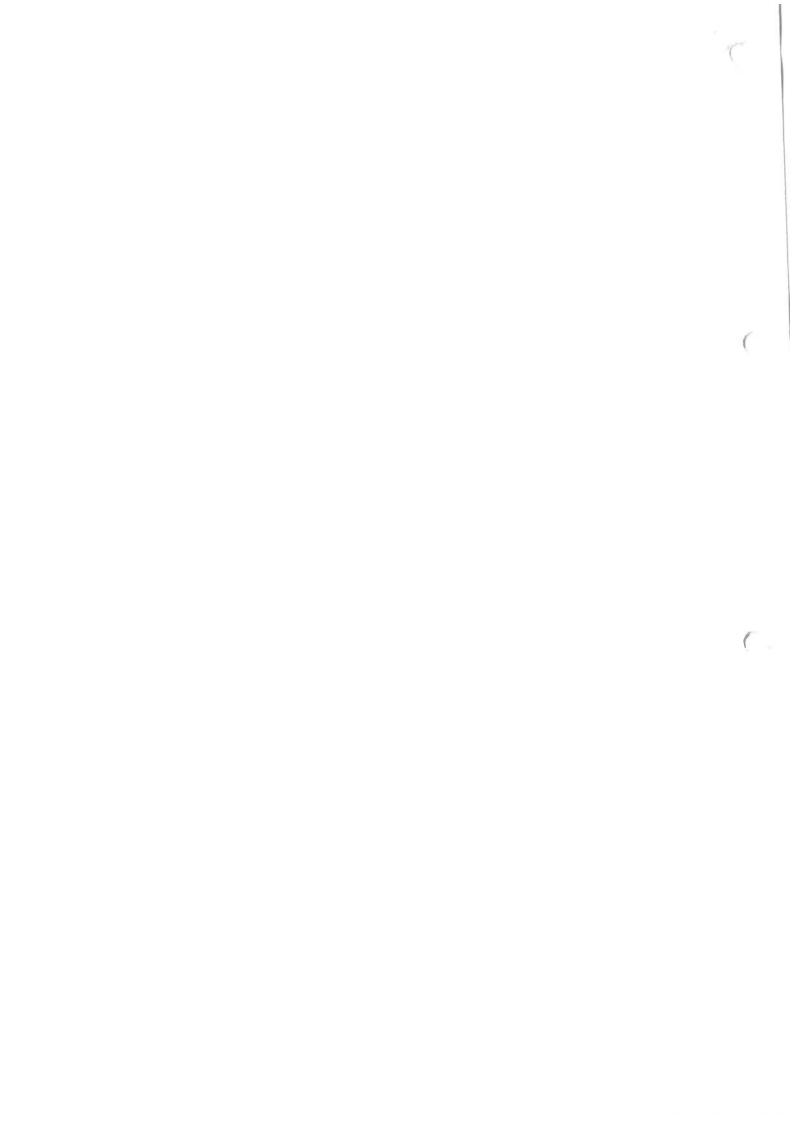
No.	Name	Issues Raised
1	Chris Palin Graiguenasmuthan, Spink, Abbeyleix, Co. Laois	Wished to submit an objection to the development
2	Niall & Siobhan Headen, Spink, Co. Laois	 The applicant refers to the wind farm development being permitted. However, a decision on a JR is awaited so the application is premature and factually incorrect; Denied rights to participate in the decision-making process throughout the EIAR/EIS; Not a proper planning or sustainable development; The proposed blades have a swept area 29% larger than those consented which will impact noise and shadow flicker The land necessary to transport the turbine blades from the R430 to the L7800 is not in Galetech ownership and the owner has written to advise that she does not want to be involved any longer; The applicant states that they wish to use Vestas turbine at a hub height of 78m. The lowest Vestas hub height appears to be 84m; The applicant has failed to assess the impact on threatened and endangered species of birds in the locality of the site; Visual impact; Destruction of rural amenity; Impact of light flicker and health related issues; Environmental destruction; Absence of engagement and meaningful dialogue; Impact on Bats; Proximity to school; Impact on tv/mobile and broadband signals.
Au:	an Brennan, ghnacross, Co. ois	 Objects to the proposed increase in height; Impact on aviation in the vicinity.



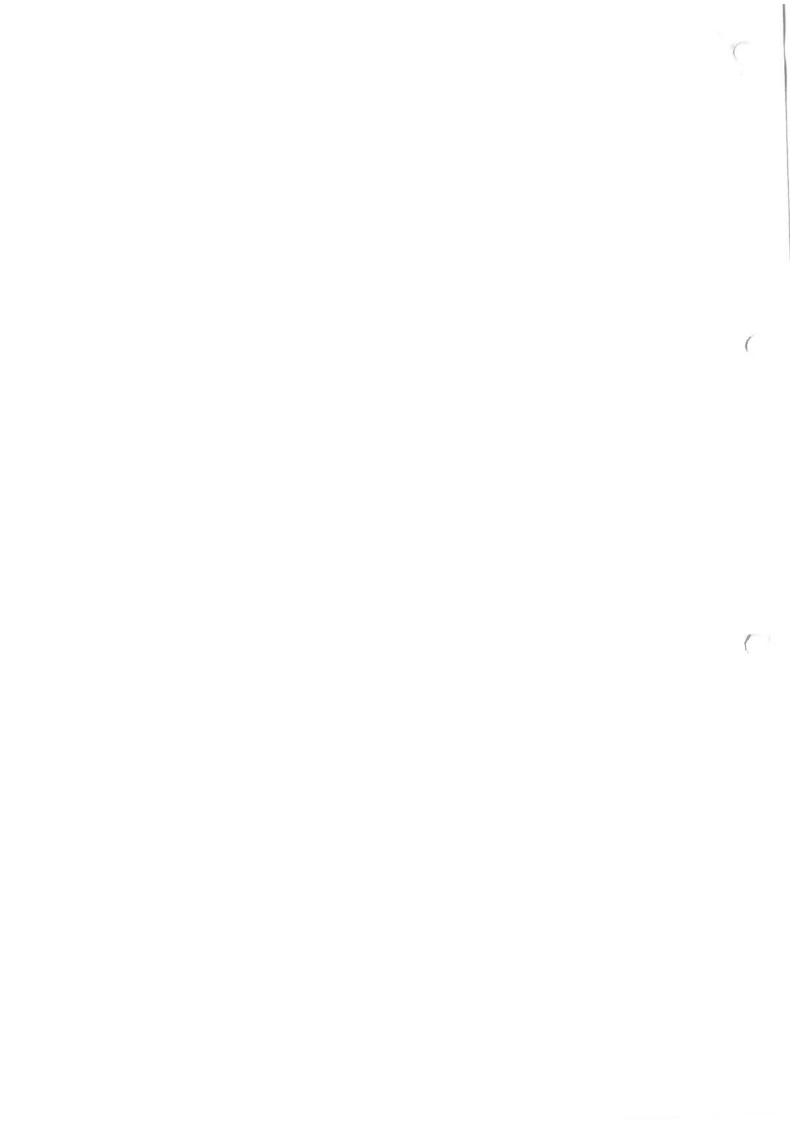
4.	Brian, Ben &	There has been as
1	Michael Brennan.	there has been no engagement with respect to proposed
	Aughnacross, Co.	
5.		There are nesting owls within 500m of the proposed development as well as several bat colonies. The applicant references.
J.	Paul Jones and Amanda Ryan,	The applicable teles to the wind farms of
	Graiguenahown,	permitted. However, a decision on a JR is awaited so the
	Spink, Co. Laois	application is premature and factually incorrect;
	1, 50. 2003	
		those consented which will impact noise and shadow flicker; Original shadow flicker predictions from the
		Original shadow flicker predictions from the applicant were based on a smaller rotor size of 103m and applicant were
		based on a smaller rotor size of 103m and also an assumed distance of 1.6km. A number of the
		distance of 1.6km. A number of the proposed turbines will be far less than this distance from duality
		be far less than this distance from dwellings and the local
- 1		The applicant states that the
- 1		The applicant states that they wish to use Vestas turbine at a hub height of 78m. The lowest Vestas hub height appears to be 84m;
		to be 84m;
		Several houses are substantially less than the required 1.5km setback as per the Lagis Count.
		1.5km setback as per the Laois County Development Plan; Additional felling of forestry. The switting of the Laois County Development Plan;
		Additional felling of forestry. The existing forest acts as a partial buffer and therefore the full impact.
		partial buffer and therefore the full impact of noise and
		 Impact on tv/broadband/mobile signal; Proximity to school;
-		Lack of engagement;
		Denied rights to participate in the second sec
		Denied rights to participate in the decision-making process throughout the EIAR/EIS;
		Environmental destruction:
		 Visual impact:
		The loss of forestation and the environmental impact have not been considered:
-		not been considered;
		Risk to water sources;
1		Noise impacts
		Light flicker and health related issues;
Jol	hn & Noreen	mpact on winding
Bro	ophy, Spink, Co.	The applicant refers to the wind farm development being permitted. However, a decision on a ID.
Lac	DIS	permitted. However, a decision on a JR is awaited so the
		application is premature and factually incorrect; • Denied rights to participate in the
		Denied rights to participate in the decision-making process throughout the EIAR/EIS;
		Not a proper planning or sustainable.
		The proposed blades have a swept area 29% larger than those consented which will impact reject.
		those consented which will impact noise and shadow flicker; The land necessary to transport the turbing a bladow flicker;
		The land necessary to transport the turbine blades from the R430 to the L7800 is not in Galetoob assertation.
		R430 to the L7800 is not in Galetech ownership and the
		owner has written to advise that she does not want to be involved any longer.
		involved any longer;



8. Ronan & Katie O'Reilly, Impact of shadow file. Impact of shadow file.
Knockbaun, Spink, Co. Laois Impact of shadow flicker; Proximity to schools; No dialogue with locals;



9.	Mary Whelan, Ballypickas GAA	 Negative implications that the proposed development wou have no people living in the area both on health and wellbeing and on sustainable community living; Depopulation, which is a very likely impact of windfarms being constructed in close proximity to residential areas, whave a detrimental impact on the future of Ballypickas GAACLUB
10.	Board of Management of Knock National School	 Significant concerns for the health and safety of school community; Proposal is unsuitable for the area and would compromise the needs of both current and future generations of the school community; There are more suitable and long-term options available; The human and social aspects of sustainability must be considered.
	O'Ceallachain for and on behalf of An Lucht Inbhuanaithe	 The Planning Authority must assess the application in accordance with the Planning and Development Act 2000 as amended and with regard to the Planning and Development Regulations 2001 as amended; The Planning Authority must assess the information by the applicant and screen the project for Environmental Impact; The Planning Authority is the competent authority to assess the project under the Habitats Directive; The Planning Authority must have regard to the Wind Energy Development Guidelines 2006; Windtake; Distance from property boundaries; Non-technical summary does not provide basic information relating to the location of the individual turbines to the vegetation cover in place, in relation to the County Boundary, in relation to the separation distances from the local SAC, in relation to the minimum separation distances set out in the WEDG 2006. Increase in swept area increase of 29%; Based on the output proposed and given that the developer is free to increase power output above that assessed for The EIA, it is reasonable for the Planning Authority to require the applicant to demonstrate that Section 34 is the appropriate jurisdiction by holding an SID consultation with An Bord Pleanala; The application documents lacks sufficient information to determine the application in accordance with the requirements set out in this submission.
Se NS As	eran Brophy, ecretary, Knock 5 Parents sociation, Spink, 5. Laois	 The applicant refers to the wind farm development being permitted. However, a decision on a JR is awaited so the application is premature and factually incorrect; Denied rights to participate in the decision-making process throughout the EIAR/EIS; Not a proper planning or sustainable development;

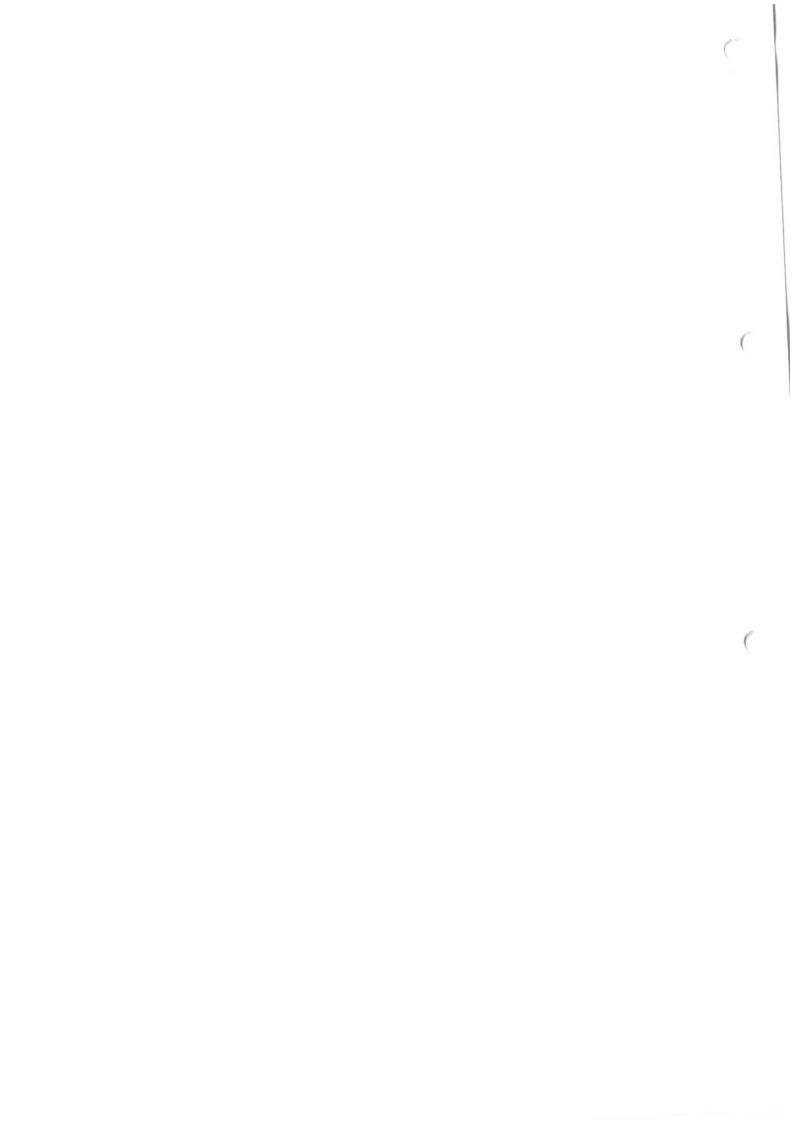


	 The proposed blades have a swept area 29% larger than those consented which will impact noise and shadow flicker. The land necessary to transport the turbine blades from the R430 to the L7800 is not in Galetech ownership and the owner has written to advise that she does not want to be involved any longer; The applicant states that they wish to use Vestas turbine at a hub height of 78m. The lowest Vestas hub height appears to be 84m; The applicant has failed to assess the impact on threatened and endangered species of birds in the locality of the site; Visual impact; Destruction of rural amenity; Impact of noise; Impact of light flicker and health related issues; Environmental destruction; Absence of engagement and meaningful dialogue; Impact on Bats; Proximity to school;
	Impact on tv/mobile and broadband signals.
13. Kieran Brophy, Susan Brophy & Peter Sweetman, Spink, Co. Laois	 Impact on health (Doctors letter attached); The applicant refers to the wind farm development being permitted. However, a decision on a JR is awaited so the application is premature and factually incorrect; Applicant has been objecting to local people seeking to build within 500m of a proposed future turbine which prevents any future development on these lands; Denied rights to participate in the decision-making process throughout the EIAR/EIS; Not a proper planning or sustainable development; The proposed blades have a swept area 29% larger than those consented which will impact noise and shadow flicker; The land necessary to transport the turbine blades from the R430 to the L7800 is not in Galetech ownership and the owner has written to advise that she does not want to be involved any longer; The applicant states that they wish to use Vestas turbine at a hub height of 78m. The lowest Vestas hub height appears to be 84m; The applicant has failed to assess the impact on threatened and endangered species of birds in the locality of the site; Visual impact; Destruction of rural amenity; Impact of noise; Impact of light flicker and health related issues; Environmental destruction; Absence of engagement and meaningful dialogue; Impact on Bats; Proximity to school;

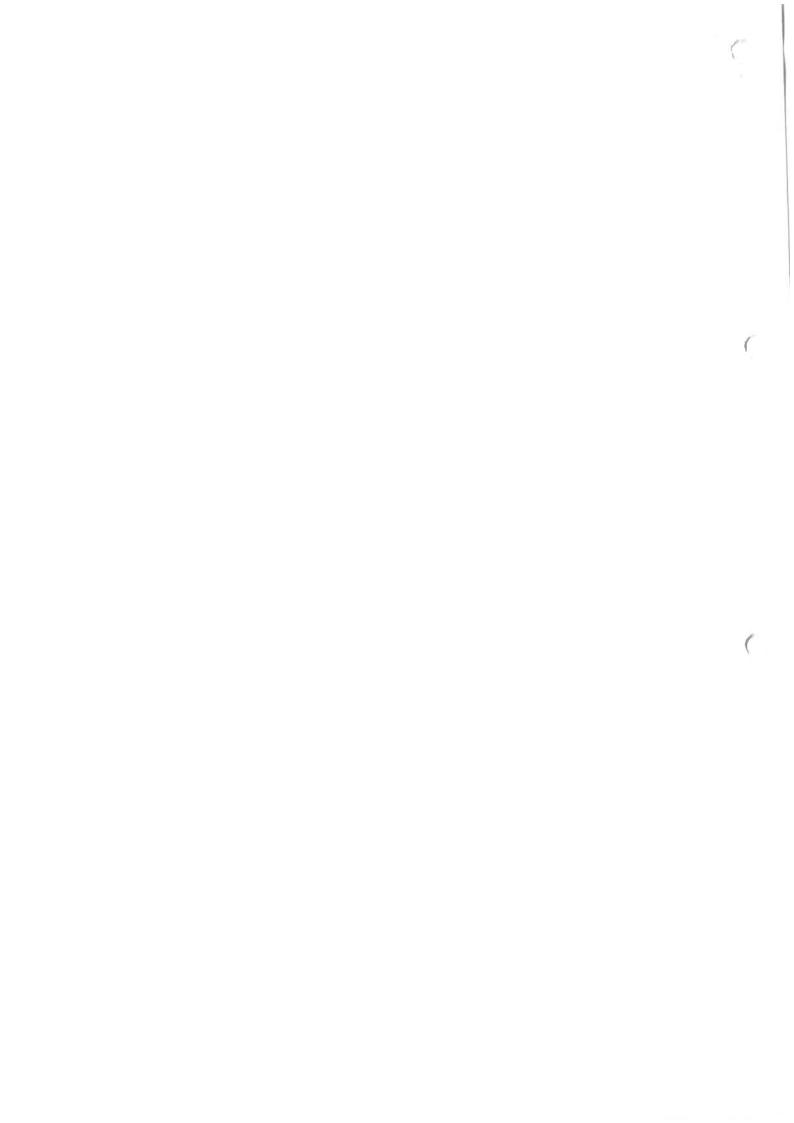
14. Cllr John Joe Fennelly, Abbeyleix, Co. Laois	 Impact on tv/mobile and broadband signals. Objection to the development of an industrial scale windfarm at this location.
Following name to a se	

Following receipt of the Further Information response from the applicant, the response was considered significant and revised notices were submitted. Seven (7) no. submissions received during this second consultation period as follows:

No.	Name	Issues Raised
1	John Brophy, Spink Abbeyleix, Co. Laoi	a fudicial m
Gr Sp Co	chelle & Liam ostigan, aiguenahown, ink . Laois	 Judicial review decision has not been confirmed; The turbines are within an area that is not 'open for consideration'; Impact on property values. Impact on local area.
Hea Kno Spir Abb	all & Siobhan aden ockbawn/Clenagh nk Deyleix Laois	 Judicial review decision has not been confirmed; The turbines are within an area that is not 'open for consideration'; Impact on property values. Impact on local area.
Kier Abb Laoi	an Brophy, Spink eyeix	Judicial Review 2019JR768 has still no decision confirmed, therefore the wind farm is currently NOT permitted;



5	Robert Twiss Glenvudder Hill Ironmills Ballinakill	 We have plotted the 11 turbines from Pinewood's Site Layout Plan onto Laois County Council's Wind Map. All 11 turbines are in Laois County Council's 'not open for consideration' area on Wind Map; Larger turbines, gone from 3.2MW each in original application to 4.2MW each now, 11 of them now 46.2MW, approaching SID figure of 50MW. Galetech have failed to address this and the cumulative effect of larger diameter turbines (29% greater swep area) in close proximity. Flooding on Graiguenahown Road; There are houses now within 1,170m (10 times new proposed diameter) that were not within original 1,030m diameter. We believe they were not properly consulted with on the original application; Agree with LCC view that result of vegetation and trees cut down over the last 2 years has not been properly assessed in terms of shadow flicker (or noise). the increased diameter and output has not been properly assessed. effect on avian species has not been properly assessed. Galetech state the overall height will be the same at 136.5m. They seem to ignore that each turbine is going from 103m wide to 117m wide and each blade swept area is increasing by over 29%. Changing the Turbines Diameter to 117 meters from 103 meters – new transport assessement will be required
		 Reduction in height of the Hub by 7 meters to 78 meters from 85 meters – turbines will be inefficient and a danger to birds Calculations are incorrect Impact on bats and birds due to repositioning of turbines Impact of red light pollution has not been assessed Impact on property values Letters of consent from adjoining landowners have not been supplied
6	Sean Fleming TD, Castletown, Co. Laois	There are a number of submissions from concerned residents in the area and I would ask you to take the contents of their submissions and all the points they make fully into account when deciding on this application. Wind Farms are a very important component of renewable energy and have and have a significant role to play in mitigating the effects of climate change, but they should only be located in suitable locations where they will not impact on people's quality of life and their property rights.
	Paul Jones & Amanda Ryan, Graiguenahown Spink, Co. Laois	 Health Issues; Flooding Risk; Improper conduct by the developer/applicant; Validity of EIAR; Photo montages are misleading; The area is 'not open for consideration for windfarms'; Cumulative impact should be assessed;



	 Response to third party submissions from applicant is not adequate;
	JR decision pending on original application.
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PLANNING POLICY DOCUMENTS, AND SECTION 28 GUIDELINES

The content of the following has been considered in the assessment of this planning application: National Planning Framework (NPF)

- Regional Spatial and Economic Strategy for the Eastern and Midland Region
- Laois County Development Plan 2021-2027
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning
- Wind Energy Development Guidelines 2006

ASSESSMENT

Environmental Impact Assessment (EIA)

Projects requiring EIA are listed in Part 1 and 2 of Schedule 5 of the Planning and Development Regulations (PDR) 2001 (S.I. No. 600 of 2001), as amended. Part 1 lists projects for which an EIA is obligatory under European law (specified in Annex 1 of the EIA Directive 2011/92/EU). Part 2 lists projects for which an EIA is required, based on criteria and/or thresholds determined by the Member State, Ireland in this case (reflecting Annex II of the EIA Directive 2011/92/EU).

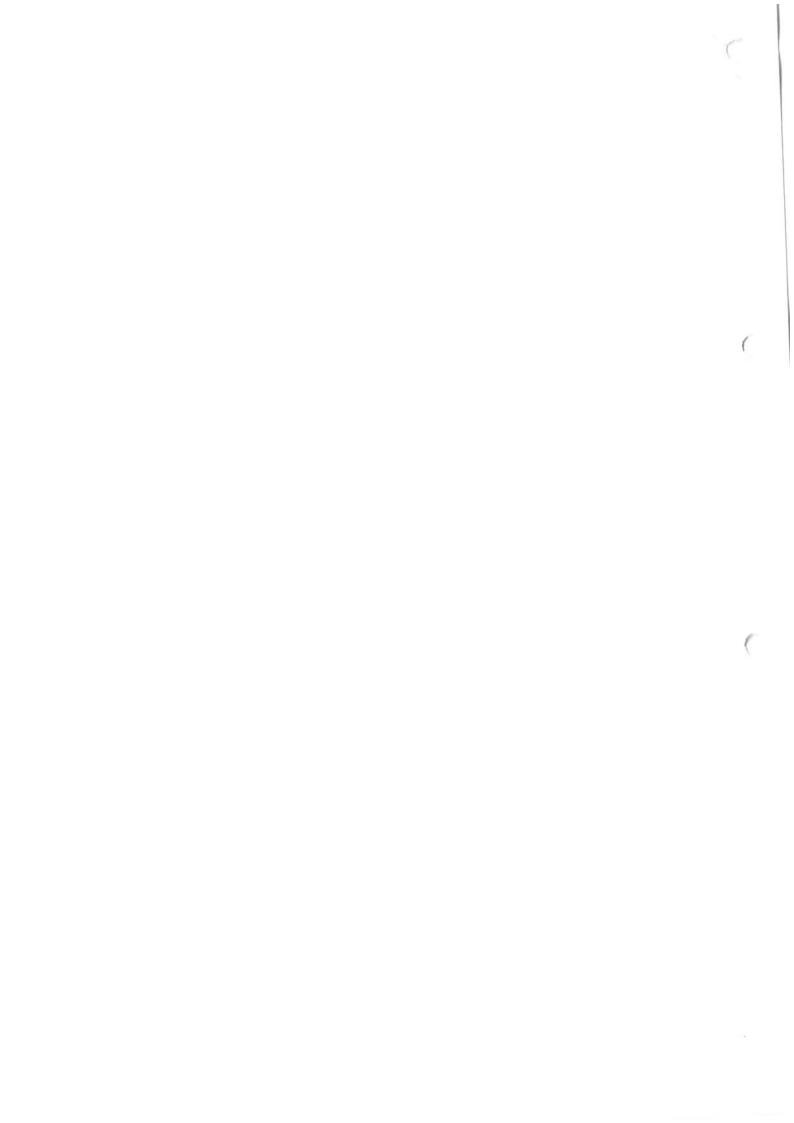
Wind Farms are covered under Part 2, of Schedule 5 of the Planning and Development Regulations 2001 as amended as follows 'installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts'.

In accordance with the Planning & Development Act 2000 (as amended), the subject development is of a nature and scale that requires an Environmental Impact Assessment (EIA). As the proposal exceeds 5 turbines, an EIA is required on the basis of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

The proposed development does not seek to provide an increase in the number of turbines. The proposed wind turbines will have a total output of 47.3MW compared to the permitted development which had an output of 35.2MW resulting in an increased output of 12.1MW. Therefore, the proposed development falls for assessment under the EIA directive and the preparation of an EIAR was mandatory in this instance.

As this case is an amendment of an earlier application under planning file reference 16/260 (An Bord Pleanála Reference PL11.248518) and Kilkenny County Council Planning Register Reference 17/62 (An Bord Pleanála Reference PL10.248392) and the electricity substation permitted pursuant to An Bord Pleanála Reference ABP-308448-20, the applicant has resubmitted the full EIAR for the planning file reference 16/260 (An Bord Pleanála Reference PL11.248518) together with the EIAR for the electricity substation permitted pursuant to An Bord Pleanála Reference ABP-308448-20. The applicant has also submitted an updated EIAR to take account of the revisions proposed in this case.

The submitted EIAR includes environmental information under the following topics:



Volume 1 - EIAR for the Revised Turbine Dimensions

- 1. Introduction
- 2. Description of Proposed Development
- 3. Description of Existing Environment
- 4. Description of Likely Significant Effects
 - Population & Human Health
 - Biodiversity
 - Land & Soil
 - Water
 - Air Quality & Climate
 - Landscape
 - Cultural Heritage
 - Noise & Vibration
 - Shadow Flicker
 - Material Assets
 - Interactions of the Foregoing
- 5. Summary

Volume 2 - The Original Pinewoods Wind Farm EIAR

Volume 3 - Pinewoods Eind Farm Substation & Grid Connection EIAR

The below assessment considers each of matters in detail and subsequently concludes on the adequacy of the EIAR.

Chapter 1: Introduction

This introductory chapter includes sections on;

- EIAR Contributors;
- ElA Screening:
- Cumulative Assessment;
- Appropriate Assessment;
- Natura Impact Statement;
- Content of the EIAR;
- Alternatives Considered.

The cumulative assessment makes reference to a number of consented developments within 10km of the proposal including the recently approved but not granted application for a quarry in Spink by Lagan Materials Ltd under planning file reference 21/700. The applicant has not considered alternative sites in this instance given extant permission exists for a Wind Farm Development on this site which is a reasonable approach. The applicant has clearly set out a reasoned justification for the alterations proposed to the turbines. It has been concluded that they no longer represent the most suitable model for installation on the site in the context of advancements in wind turbine technology and generating capacity.

I am satisfied with the scope and comprehensiveness of this chapter.

Chapter 2: Description of proposed development

This section of the EIA report sets out that permission is sought to amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines



of 136.5 metres; (iii) the re-siting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works. This planning application is accompanied by an Environmental Impact Assessment Report/Environmental Impact Statement which includes an assessment of the likely effects of the proposed development, as a whole and In combination with the relevant off-site or secondary developments which will occur as a direct result of the proposed development, including the infrastructure associated with the wind farm development permitted pursuant to Laois County Council Planning Register Reference 16/260 (An Bord Pleanála Reference PL11.248518) and Kilkenny County Council Planning Register Reference 17/62 (An Bord Pleanála Reference PL10.248392) and the electricity substation permitted pursuant to An Bord Pleanála Reference ABP-308448-20. This planning application is also accompanied by Natura Impact Statement.

The proposed development does not seek to provide an increase in the number of turbines. The proposed wind turbines will have a total output of 47.3MW compared to the permitted development which had an output of 35.2MW resulting in an increased output of 12.1MW.

Condition 7 of the consented development required the provision of a 62.5m bat buffer zone setback which is based on the recommendations of Technical Information Note TIN051 published by Natural England in 2014. The implementation of this buffer zone at the time required the overall removal of c. 850m of hedgerow and the felling of 7.55 ha of existing forestry. It is now proposed to remove existing forestry within 95.2m of the proposal and all hedgerows within 77.5m. Replacement hedgerow planting is proposed.

The additional felling of 9.3 hectares of commercial conifer forestry is now proposed to accommodate the proposed development. The applicant has stated that the forestry to be felled will be the subject of a separate consenting process and a felling licence application will be made to the Forest Service in accordance with the Forestry Act 2014 and the Forestry Regulations 2017. This additional felling is required having regard to the proposed revised turbine dimensions and has been further informed by a detailed evaluation of existing tree heights at the development site. In accordance with NatureScot Guidance, the longevity of a wind farm development and the growth rate of forestry over that time must be considered.

Given the increased spatial extent of the proposed felling, a revised surface water management system is proposed and a revised Surface Water Management Plan has been submitted. All other construction activities will remain in accordance with the earlier application.

The applicant has stated that the permitted turbines are no longer assessed to be the optimal turbine for installation on the site. Following extensive wind monitoring at the site, the developer has concluded that the installation of an alternative turbine model would result in a significant increase in the operational efficiency of the permitted development. The colour of the proposed turbines and blades will be finished in a light grey colour in accordance with the Wind Energy Development Guidelines for Planning Authorities 2006 (and as per condition no. 15 of the extant permission).

Turbines T8 is to be re-sited 3m west of its approved position, turbine T9 5.5m west of its approved position and turbine T10 10m west of its approved position. As a consequence, the location of ancillary infrastructure including turbine foundations, crane hardstandings and underground wind farm electrical cabling will be revised but alterations to the size and design of same is required. There will, however, be an increase in turbine foundations from 18.5m to 21.5m.

13



I note that the red line boundary of the parent consent under planning file reference 16/260 has been amended under the current proposal to remove the area of the proposed electricity substation which was the subject of a SID application to An Bord Pleanala. I also note that the electricity substation itself is now outside the scope of this proposal. No reference was made to this change within the description of development on the public notices. This was raised with the applicant within the Further Information Request issued to the applicant.

In their response to the request for Further Information, the applicant set out that a revised site boundary does not, of itself, fall within the definition of 'development' as defined at Section 3(1) of the Planning and Development Act 2000, as amended. Accordingly, the applicant submitted that there is no requirement to expressly refer to a revised site boundary within the description of the subject proposed development. Furthermore, the applicant set out that the electrical substation proposed as part of the parent planning application was explicitly omitted from the permitted (parent) development by the Board and was subsequently granted planning permission by the Board as a Strategic Infrastructure Development in accordance with Section 182A of the Act. Accordingly, there was no legislative requirement or planning rationale for the inclusion of the permitted substation within the extent of the subject planning application boundary as it was the subject of an entirely separate planning permission. Notwithstanding the above, subject to the instructions of the Planning Authority, the applicant confirmed that it is happy to submit revised public notices if requested to do so.

The response from the applicant in relation to this matter has been considered and it was concluded that the alteration to the red line boundary of the parent consent should have been included within the original development description on the public notices. On that basis, the applicant was requested to submit revised public notices addressing same. Revised notices were submitted and 7 no. additional submissions were received by the Planning Authority. The submissions received have been summarised above.

Chapter 3: Description of Existing Environment

I am satisfied with the scope and comprehensiveness of this chapter. The applicant has detailed the context and character of the area setting out the context, character, significance and sensitivity of the area. The applicant has set out the 'do-nothing scenario' which states that in the event that proposed development does not proceed, the development as currently permitted will be constructed. The subject site would be developed as a fully operational wind farm subject to all other relevant consents and licences being in place.

Chapter 4: Description of Likely Significant Effects

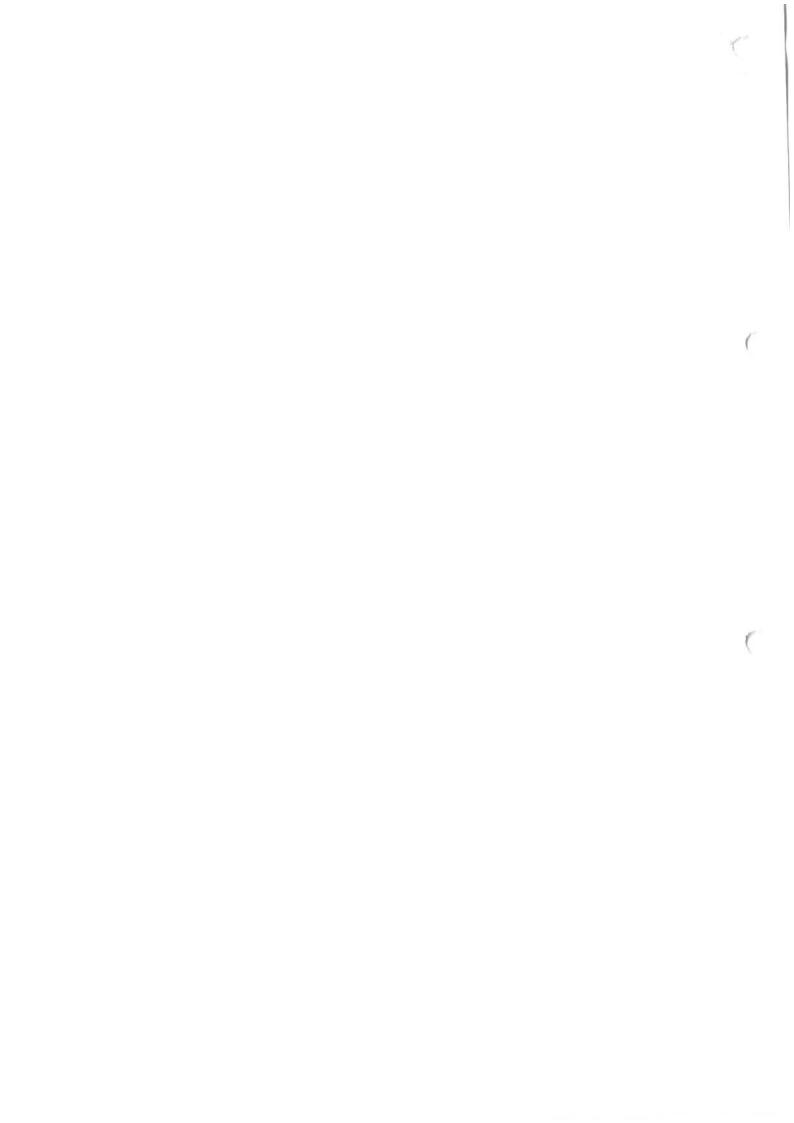
4.1 Population and Human Health

This section of the report states that the proposed development site and its environs have previously been subject to detailed assessment as part of the EIAR preparation for the earlier application. The applicant contends that the overall baseline environment for population and human health has not altered materially.

Construction Phase

The applicant has set out that given the nature of the proposed development, it is assessed that all population and human health construction phase effects which are likely to occur have previously been assessed.

Operational Phase



The applicant contends that the proposed development is not assessed as likely to result in any significant adverse effects on population or human health during the operational phase. It is stated that appropriate mitigation measures have been incorporated which will mitigate any impacts of noise and/or shadow flicker. It has been concluded that the operational phase of the development will result in no likely significant adverse effects on population of human health.

Decommissioning Phase

The applicant has stated that the proposed development will not alter the predicted decommissioning phase effects previously assessed in the parent permission EIAR.

Cumulative Effects

This section of the EIAR states that the proposed development is unlikely to result in any significant cumulative effects with other existing, permitted or proposed developments. I note that the applicant has considered the recently decided but not granted Lagan Material Ltd Quarry in Spink under planning file reference 21/700.

Mitigation Measures

This section of the report sets out that all mitigation measures outlined in chapter 3 of the original EIAR will be implemented during the abovementioned phases.

During my original assessment, I noted that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, it appeared that there was 1.55ha of forestry clearance that had not been assessed as part of the EIA and NIS and needed to be assessed.

In response to the further information request issued to the applicant, the applicant advised that 'the 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones'.

I accept this response from the applicant in relation to this matter. I am now satisfied with the scope and comprehensiveness of this chapter. 4.2 Biodiversity

An updated Ecological Impact Assessment has been submitted to be read in conjunction with Chapter 4 of the original EIAR. The EcIA provides for a detailed assessment of the likelihood of significant effects on the biodiversity receptors including birds, bats, mammals, habitats and aquatic species. The assessment outlines the nature of the receiving environment, provides an evaluation of likely effects, appropriate mitigation measures where necessary and provides an assessment of likely cumulative effects. The assessment concludes that the proposed development, in combination with other permitted, existing or proposed development, is unlikely to result in any significant additional effects on biodiversity when compared to the permitted



An NIS has been prepared for the proposed development. The NIS concludes that the proposed development will not result in impacts on designated European Sites, having regard to their conservation objectives.

During my original assessment, I queried whether or not the Ecological Impact Assessment and the NIS took account of the revisions proposed to the development including the additional felling of forestry. I noted that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant then considered the clearance of an additional 9.3ha of forestry. Therefore, there it appeared that 1.55ha of forestry clearance had not been assessed as part of the EIA and NIS and needed to be assessed.

In response to the further information request issued to the applicant, the applicant advised that 'the 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones'.

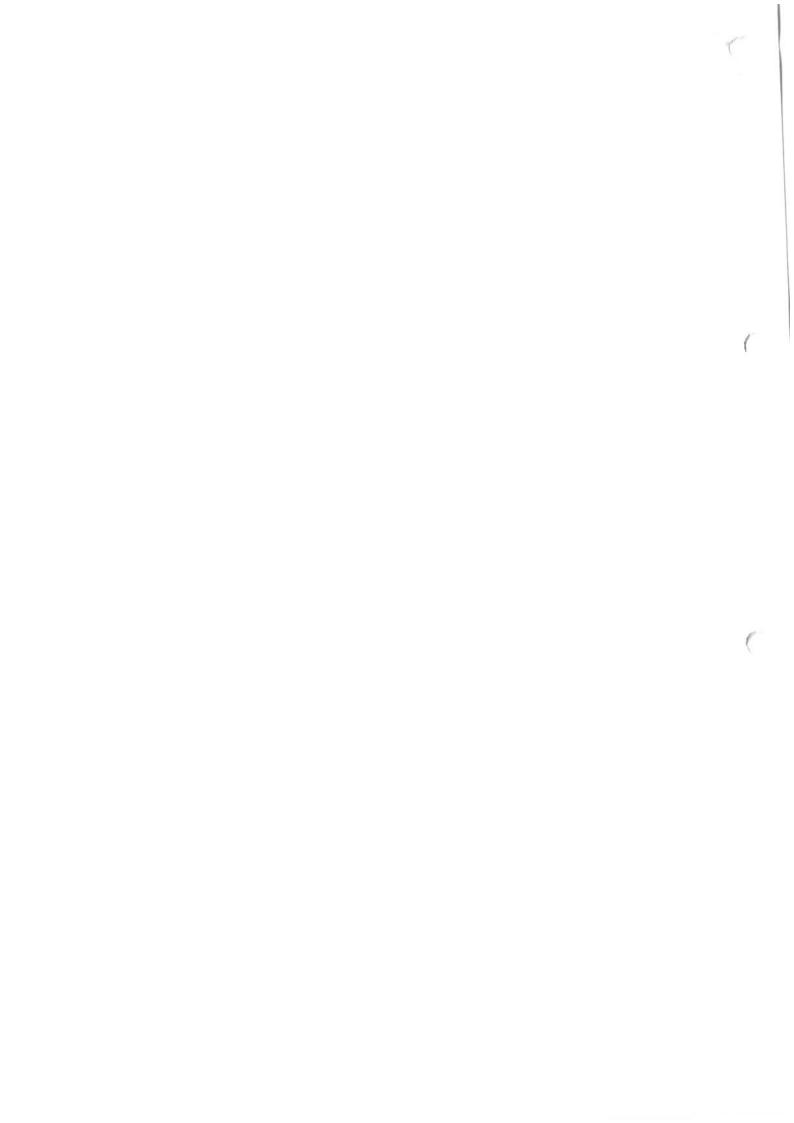
I accept this response from the applicant in relation to this matter. I am now satisfied with the scope and comprehensiveness of this chapter.

4.3 Land & Soil

This section of the report states that the proposed development site and its environs have previously been subject to detailed assessment as part of the EIAR preparation for the earlier application. The applicant contends that due to the extremely limited interaction of the proposed development with land and soil (arising solely from the minor re-siting of wind farm infrastructure, increased extent of forestry felling and minor increases in excavations arising from the proposed turbine foundations) and the fact that the existing environment remains as previously assessed, it is assessed that the proposed development is unlikely to give rise to significant additional effects when compared to the permitted development.

Construction Phase

The applicant has set out that given the nature of the proposed development, it is assessed that all land and soil construction phase effects which are likely to occur have previously been assessed. The applicant has assessed the additional felling, relocation of wind farm turbines and increased foundations and has stated that there would be no appreciable increase in the intensity or extent or excavations at the permitted development site an as a result, the likelihood of significant adverse effects is assessed to be negligible. The increased groundworks associated with the increased felling would result in a greater likelihood of effects on land and soil through erosion effects arising from vehicle movements and through surface water and wind action. The report states that the short-term duration of the construction phase and felling practices to be implemented during such works, the likely effects on land and soils have been assessed to be negative, direct, slight and of a high probability with a short-term duration. The increased level of construction activities to be undertaken there is a greater likelihood of soil contamination through accidental spillages or leakages. The significant effects of same are assessed as being negligible and not perceptibly greater than that previously assessed.



Operational Phase

The applicant contends that the proposed development is not likely to result in any significant adverse effects on land and soil during the operational phase.

Decommissioning Phase

The applicant has stated that the proposed development will not alter the predicted decommissioning phase effects previously assessed in the parent permission EIAR.

Cumulative Effects

This section of the EIAR states that the proposed development is unlikely to result in any significant cumulative effects with other existing, permitted or proposed developments.

Mitigation Measures

This section of the report sets out that all mitigation measures outlined in the original EIAR will be implemented during the abovementioned phases.

During my original assessment, I noted that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, it appeared that there was 1.55ha of forestry clearance that had not been assessed as part of the EIA and NIS and needed to be assessed.

In response to the further information request issued to the applicant, the applicant advised that the 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones'.

I accept this response from the applicant in relation to this matter. I am now satisfied with the scope and comprehensiveness of this chapter.

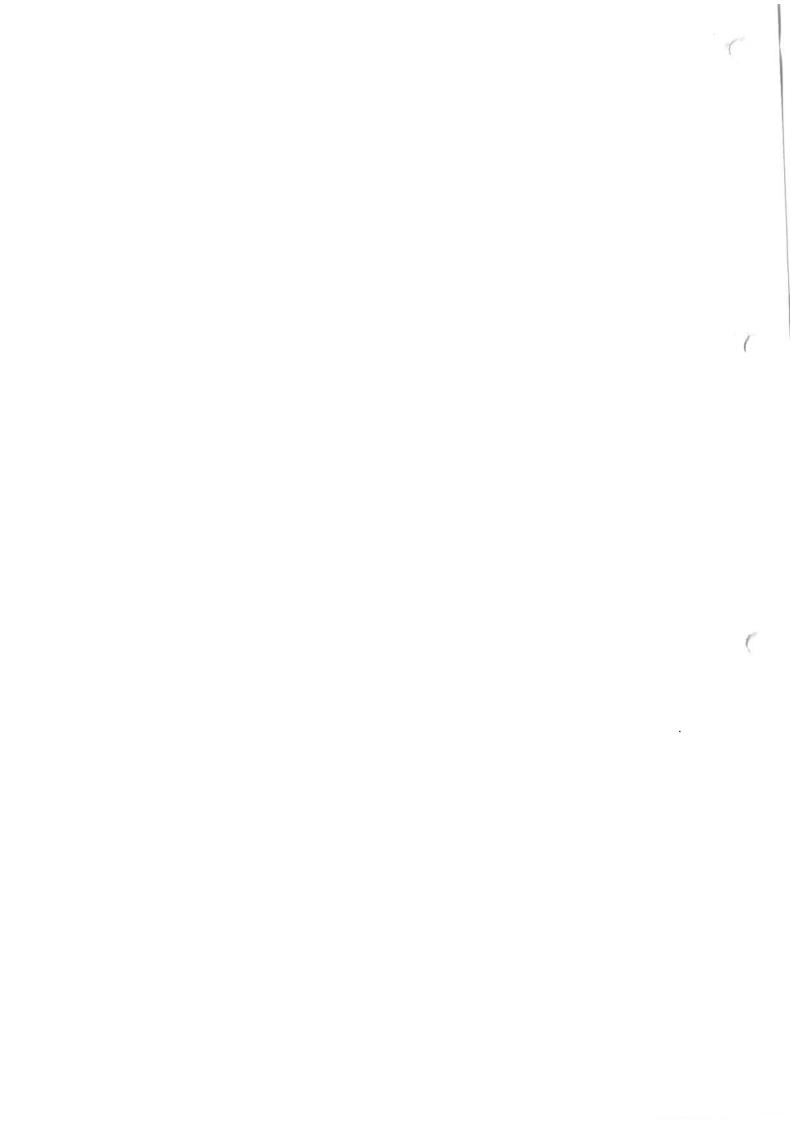
4.4 Water

This section of the report states that the proposed development site and its environs have previously been subject to detailed assessment as part of the EIAR preparation for the earlier application. The applicant contends that the overall baseline environment for water has not

Construction Phase

The applicant has set out that given the nature of the proposed development, it is assessed that all water construction phase effects which are likely to occur have previously been assessed. The applicant has assessed the proposed relocation of the turbines and the increased foundations and concludes that these elements are not likely to result in an increased likelihood of effects on watercourses or on water quality. The increased felling has also been considered.

Operational Phase



The applicant contends that the proposed development is not assessed as likely to result in any significant adverse effects on water during the operational phase. Surface water management measures, including settlement ponds and sediment traps will be as described in the SWMP.

Decommissioning Phase

The applicant has stated that the proposed development will not alter the predicted decommissioning phase effects previously assessed in the parent permission EIAR.

Cumulative Effects

This section of the EIAR states that the proposed development is unlikely to result in any significant cumulative effects with other existing, permitted or proposed developments. I note that the applicant has considered the recently decided but not granted Lagan Material Ltd Quarry in Spink under planning file reference 21/700.

Mitigation Measures

This section of the report sets out that all mitigation measures outlined in the original EIAR will be implemented during the abovementioned phases. The applicant has considered the additional 9.3ha of forestry that needs to be cleared as part of this proposal. The siting and layout of the surface water management system has been revised accordingly. A revised surface water management plan has been submitted.

During my original assessment, I noted that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, it appeared that there was 1.55ha of forestry clearance that had not been assessed as part of the EIA and NIS and needed to be assessed.

In response to the further information request issued to the applicant, the applicant advised that 'the 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones'.

I accept this response from the applicant in relation to this matter. I am now satisfied with the scope and comprehensiveness of this chapter.

4.5 Air Quality & Climate

This section of the report states that the proposed development site and its environs have previously been subject to detailed assessment as part of the EIAR preparation for the earlier application. The applicant contends that the overall baseline environment for Air Quality & Climate has not altered materially.

Construction Phase

The applicant has set out that given the nature of the proposed development, it is assessed that all water construction phase effects which are likely to occur have previously been assessed. The applicant has assessed the proposed increased felling operations which is likely to be the



only additional works required during the construction phase likely to result in increase exhaust emissions. The additional removal of vegetation is likely to be complete in 1-2 days at each turbine location and, therefore, not likely to result in any likely significant effects.

Operational Phase

The applicant contends that the proposed increase in output from the turbines would likely result in a significant positive effect on air quality and climate due to the reduced requirement for electricity to be generated from non-renewable sources.

Decommissioning Phase

The applicant has stated that the proposed development will not alter the predicted decommissioning phase effects previously assessed in the parent permission EIAR.

Cumulative Effects

This section of the EIAR states that the proposed development is unlikely to result in any significant cumulative effects with other existing, permitted or proposed developments. I note that the applicant has considered the recently decided but not granted Lagan Material Ltd Quarry in Spink under planning file reference 21/700.

Mitigation Measures

This section of the report sets out that all mitigation measures outlined in the original EIAR will be implemented during the abovementioned phases.

During my original assessment, I noted that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, it appeared that there was 1.55ha of forestry clearance that had not been assessed as part of the EIA and NIS and needed to be assessed.

In response to the further information request issued to the applicant, the applicant advised that 'the 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones'.

accept this response from the applicant in relation to this matter. I am now satisfied with the scope and comprehensiveness of this chapter.

4.6 Landscape

A detailed Landscape and Visual Impact Assessment (LVIA) has been prepared to determine the likelihood of significant effects on the landscape and sensitive receptors resulting from the proposed development. The LVIA provides a comparative assessment of the permitted development and the proposed development. A set of comparative photomontages of the permitted and proposed wind turbines have been prepared to inform the LVIA. The LVIA finds that there will be no material change to the landscape impact from the proposed development when compared to the permitted development as there will be no significant physical alterations to the landscape or vegetative patten within the proposed development site. The LVIA concludes that the proposed development will not alter the cumulative assessment previously undertaken which determined that there would be no likelihood of significant cumulative effects.

During my original assessment, I noted that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, it appeared that there was 1.55ha of forestry clearance that had not been assessed as part of the EIA and NIS and needed to be assessed.

In response to the further information request issued to the applicant, the applicant advised that 'the 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones'.

I accept this response from the applicant in relation to this matter. I am now satisfied with the scope and comprehensiveness of this chapter.

4.7 Cultural Heritage

The proposed development site and environs have previously been subject to assessment as part of the earlier EIAR. An archaeological study area of 1km was previously assessed and an area of 5km around the proposed development had been assessed for statutorily protected archaeological, architectural and cultural heritage features. Therefore, the assessment previously undertaken in respect of direct construction, operational, decommissioning and cumulative effects is unchanged. Indirect effects on heritage features during the operational phase, are considered to be solely related to any visual effects exerted by the proposed development. However, given that the proposed development does not result in an increase to the overall tip height, it has been assessed that there is no likelihood that the proposed wind turbines will have an increased visibility in the landscape.

During my original assessment, I noted that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, it appeared that there was 1.55ha of forestry clearance that had not been assessed as part of the EIA and NIS and needed to be assessed.

In response to the further information request issued to the applicant, the applicant advised that 'the 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that

a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones'.

I accept this response from the applicant in relation to this matter. I am now satisfied with the scope and comprehensiveness of this chapter.

4.8 Noise & Vibration

The likely effects of noise and vibration were previously assessed in the EIAR for the earlier application where it was concluded that significant effects were unlikely during the construction, operational and decommissioning phases. Due to the increased construction activities and an alternative turbine type, a further assessment has now been undertaken. In terms of construction phase, the proposed development is not assessed as likely to result in any noise effects which have not been previously assessed.

Operational Phase

A revised operational phase noise impact assessment has been undertaken to assess the ability of the proposed development to comply with the noise limits imposed by An Bord Pleanala in respect of the Planning Permission for the development. 37 no. dwellings (as opposed to 33) now fall within the '10 times rotor diameter' criterion. Following the implementation of mitigation measures, it has been assessed that no noise sensitive receptor will experience noise levels in excess of those required maximum limits.

During my original assessment, I raised concerns as to whether the loss of vegetation as a result of the additional tree felling proposed would not impact on noise levels. It was unclear if this had been taken into consideration in the noise assessment undertaken. In addition to this, I wanted to be satisfied that impacts on dwellings that have been granted permission since planning file reference 16/260 was considered including extant permissions for dwellings that have not yet been constructed within the recommended limits, had been taken into consideration in the revised assessment.

In response to the Further Information Request issued to the applicant, the applicant confirmed that the DGMR iNoise software used by AWN Consulting to prepare the assessment of likely operational phase noise effects utilises Ordnance Survey Ireland 10-metre Digital Terrain Model data. The DTM data is provided by OSI in 'bare earth' format which excludes all vegetation and above-ground structures in the landscape. Accordingly, the noise abatement and absorption effects of hedgerows, treelines or other structures are not accounted for in the noise prediction model and, therefore the presence of forestry at the proposed development site does not affect the findings of the noise assessment. Consequently, as the presence of forestry is not considered by the prediction model, it can be confirmed that the felling of forestry has no effect whatsoever on the results of the noise assessment presented at Section 4.8 (and Annex 5) of the EIAR Volume 1.

The applicant confirmed that all dwellings located within 1,170m (i.e. 10 times rotor diameter of the proposed wind turbines of a proposed wind turbine, including those permitted (constructed and not constructed) since the lodgement of the parent planning application with the Planning Authority in 2016 have been assessed for likely significant effects. As set out in Section 4.8 (Volume 1) of the EIAR submitted, a total of 37 no. dwellings have been assessed compared to the 33 no. assessed in the parent EIAR. A table has been submitted of the additional dwellings assessed. The noise assessment undertaken confirms that noise levels at H34, H36 and H37 will be below the upper noise limits prescribed by the Board in respect of the parent permission and, therefore, will not experience any likely significant noise effects. The noise assessment

predicts that H35 will experience minor exceedances of the limits prescribed by the Board at wind speeds of 6 metres per second and greater. However, following the implementation of mitigation measures which will curtail the operation of certain wind turbines at these wind speeds, it can be confirmed that noise levels at H35 will also be at, or below, the limits set out by the Board.

On the basis of the above, I am now satisfied with the scope and comprehensiveness of this chapter.

4.9 Shadow Flicker

The original EIAR predicted that no dwellings of the 33 no. located within 1,030m of a wind turbine would experience shadow flicker in excess of 30 hours per annum. While 20 no dwellings were predicted to experience shadow flicker in excess of 30 minutes per day, a series of technical mitigation measures were proposed to mitigate instances of shadow flicker to below the limits prescribed in the Wind Energy Development Guidelines 2006.

A revised shadow flicker assessment has been prepared due to the revised location of the wind turbines and the proposed increase in rotor diameter.

Construction Phase

As the proposed wind turbines will not be operational during the construction phase, shadow flicker will not occur.

_Operational Phase

Due to the increase in rotor diameter of the proposed turbines, 37. No dwellings are now located within the '10 times rotor diameter' criterion and thus fall for assessment. No dwelling will experience shadow flicker in excess of 30 hours per year. 28 no. of the 37 dwellings are predicted to exceed the 30 minutes per day criterion. The applicant contends that the calculation is a significant over-estimation of likely shadow flicker and is not likely to be representative of actual conditions.

Cumulative Effects

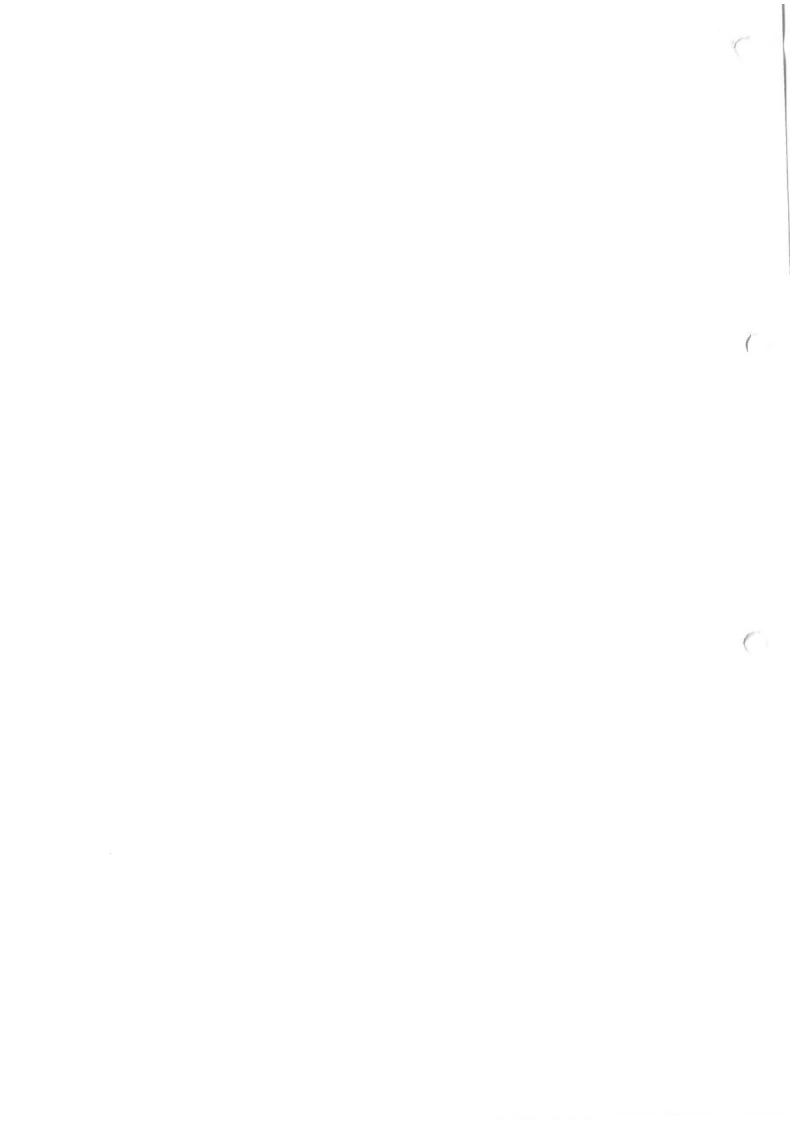
There are no proposed, permitted, or operational wind turbines sufficiently proximate to the proposed development such that cumulative effects could arise.

Mitigation Measures

Additional mitigation measures are proposed as a consequence of the predicted exceedance of the permitted 'worst case' daily shadow flicker limit. These mitigation measures will ensure that no dwelling will exceed either the 30 hours per year or 30 minutes per day criteria as set out in the Wind Energy Development Guidelines.

During my original assessment, I raised concerns as to whether the loss of vegetation as a result of the additional tree felling proposed would not impact on shadow flicker. It was unclear if this had been taken into consideration in the shadow flicker assessment undertaken. In addition to this, I wanted to be satisfied that impacts on dwellings that have been granted permission since planning file reference 16/260 was considered including extant permissions for dwellings that have not yet been constructed within the recommended limits, have been taken into consideration in the revised assessment.

The response to the Further Information Request from the applicant confirmed that WindPro Software used by Galetech Energy Services to prepare the assessment of likely shadow flicker



effects utilises OSI 10m DTM data similar to the noise assessment referenced. Given the 'bare earth' nature of the data provided, the screening effects of hedgerows, treelines or other above-ground structures are not accounted for in the shadow flicker prediction model and, therefore, the presence of forestry at the proposed development site does not affect the findings of the shadow flicker assessment. Consequently, as the presence of forestry is not considered by the prediction model, it was confirmed that the felling of existing forestry will have no effect whatsoever on the results of the shadow flicker assessment presented at Section 4.9 and Annex 6 of the EIAR.

The applicant confirmed that all dwellings located within 1,170m (i.e. 10 times rotor diameter of the proposed wind turbines) of a proposed wind turbine including those permitted (constructed and not constructed) since the lodgement of the parent planning application with the Planning Authority in 2016; have been assessed for likely significant shadow flicker effects. The assessment undertaken confirms that, under 'expected' conditions, no dwelling will experience shadow flicker in excess of the prescribed limit of 30 hours per year. Under the 'worst case' conditions which are highly conservative and substantially over-estimated, the likelihood of shadow flicker H34, H35 and H36 re each predicted to experience levels of shadow flicker in excess of the appropriate limit (30 minutes per day). However, the implementation of mitigation measures to be installed in accordance with Condition 20 (b) of the parent consent, the applicant can confirm that no dwelling will experience shadow flicker in excess of 30 minutes per day.

In light of the above, I am now satisfied with the scope and comprehensiveness of this chapter.

4.10 Material Assets

4.10.1 Transport & Access

This section of the report states that the proposed development site and its environs have previously been subject to detailed assessment as part of the EIAR preparation for the earlier application.

Construction Phase

The applicant has set out that given the nature of the proposed development, it is assessed that all construction phase effects which are likely to occur have previously been assessed. The applicant has assessed the proposed relocation of the turbines, the increased foundations and the additional forestry to be cleared and concludes that this would amount to 222 no. additional trips in addition to the 8,111 originally permitted. The report concludes that there will be no likely appreciable additional significant effect on transport and access during the construction phase.

Operational Phase

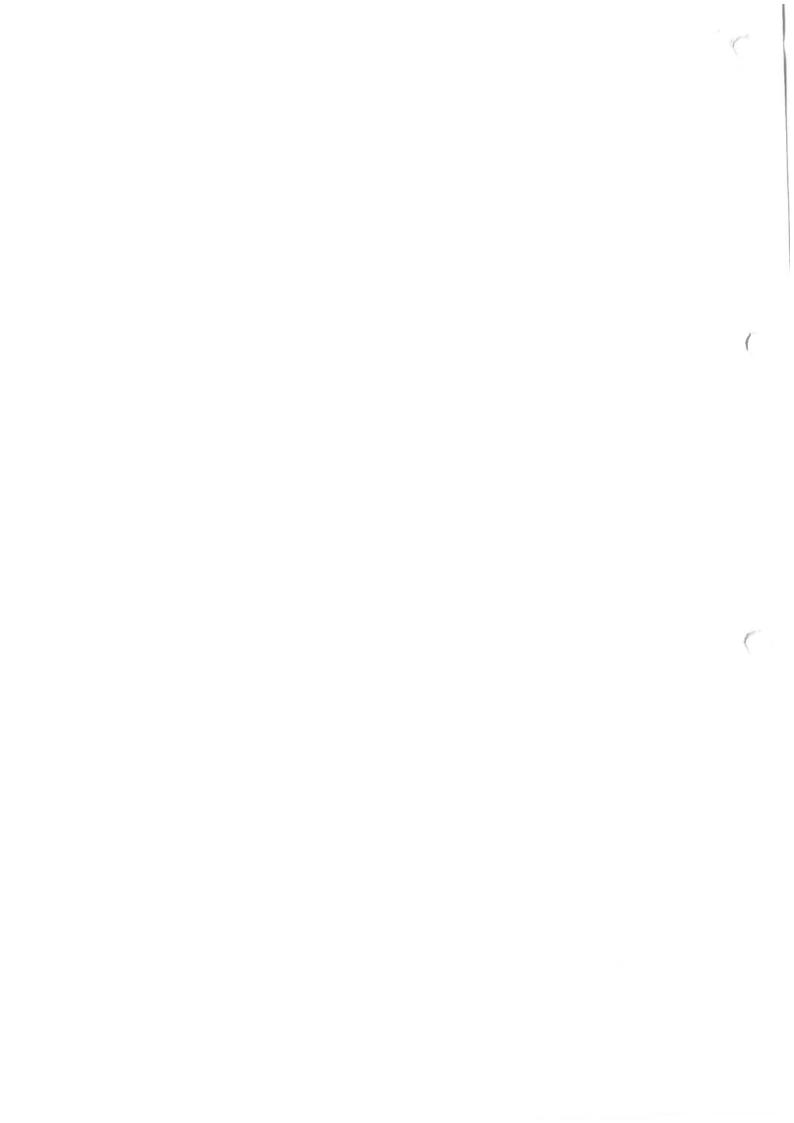
The applicant contends that the proposed development will not result in any additional vehicular movements or effects on transport and access during the operational phase.

Decommissioning Phase

The applicant has stated that the proposed development will not alter the predicted decommissioning phase effects previously assessed in the parent permission EIAR.

Cumulative Effects

This section of the EIAR states that the proposed development is unlikely to result in any significant cumulative effects with other existing, permitted or proposed developments.



Mitigation Measures

This section of the report sets out that all mitigation measures outlined in the original EIAR will be implemented during the abovementioned phases. No additional mitigation measures are

During my original assessment, I noted that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, it appeared that there was 1.55ha of forestry clearance that had not been assessed as part of the EIA and NIS and needed to be assessed.

In response to the further information request issued to the applicant, the applicant advised that 'the 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones'.

I accept this response from the applicant in relation to this matter. I am now satisfied with the

4.10.2 Telecommunications

This section of the report states that the proposed development site and its environs have previously been subject to detailed assessment as part of the EIAR preparation for the earlier application. Mitigation measures as previously proposed will remain.

I am satisfied with the detail included in this section.

4.10.3 Aviation

The proposed development does not involve any increase in height of the structures and consequently it has been assessed that there is no likelihood of additional effects in this regard.

I am satisfied with the detail included in this section.

4.11: Interactions of the Foregoing

This section has included a matrix highlighting the interaction of the foregoing and has individual sections on each specific interaction. The interactions listed are as follows;

- 4.11.1 Interaction 1: Population & Human Health / Landscape
- 4.11.2 Interaction 2: Population & Human Health / Noise & Vibration
- 4.11.3 Interaction 3: Population & Human Health / Shadow Flicker
- 4.11.4 Interaction 4: Population & Human Health / Transport & Access
- 4.11.5 Interaction 5: Biodiversity / Land & Soil
- 4.11.6 Interaction 6: Biodiversity / Water
- 4.11.7 Interaction 3: Land and Soil / Cultural Heritage
- 4.11.8 Interaction 8: Landscape / Cultural Heritage



4.11.9 Summary of Interactions

I am satisfied with the detail included in this section.

FURTHER INFORMATION:

I refer to the Planner's Report dated 7th October 2022 requesting the following further information:

All Sections of the Updated EIAR & NIS

Both the EIA and the NIS take account of the revisions proposed to the development including the additional felling of forestry. However, the Planning Authority notes that the original EIAR and NIS considered the clearance of 6ha. 7.55ha of forestry clearance was conditioned by An Bord Pleanala to comply with the bat buffer zone requirements. The applicant has now considered the clearance of an additional 9.3ha of forestry. Therefore, there is 1.55ha of forestry clearance that has not been assessed as part of the EIA and NIS and needs to be assessed.

Response

The 7.55 ha of forestry to be felled under the parent permission has been fully assessed by An Bord Pleanala in its EIA and AA of the permitted Pinewoods Wind Farm. In carrying out these assessments, the Board concluded that the likely effects arising from the development, on its own and cumulatively, would not be significant and also would not have a significant effect on any European Designated site. Therefore, the 1.55ha of forestry felling referenced by the Planning Authority has been fully assessed as part of the EIA and AA carried out by the Board in granting permission to the parent permission. It is evident from Table 5 of the EIA report that a total of 16.89ha of forestry felling is being assessed which includes the additional felling conditioned by the Board to provide bat buffer zones. **Assessment**

The response from the applicant is acceptable.

2. 4.8 Noise & Vibration

- a) The Planning Authority is not satisfied that the permitted and proposed loss of vegetation as a result of the additional tree felling proposed would not impact on noise levels. It is unclear if this has been taken into consideration in the noise assessment undertaken.
- b) The Planning Authority would like to be satisfied that impacts on dwellings that have been granted permission since planning file reference 16/260 was considered including extant permissions for dwellings that have not yet been constructed within the recommended limits, have been taken into consideration in the revised assessment.

Response

The DGMR iNoise software used by AWN Consulting to prepare the assessment of likely operational phase noise effects utilises Ordnance Survey Ireland 10-metre Digital Terrain Model data. The DTM data is provided by OSI in 'bare earth' format which excludes all vegetation and above-ground structures in the landscape. Accordingly, the noise abatement and absorption effects of hedgerows, treelines or other structures are not accounted for in the noise prediction model and, therefore the presence of forestry at the proposed development site does not affect the findings of the noise assessment. Consequently, as the presence of forestry is not considered by the prediction model, it can be confirmed that the felling of forestry has no effect



whatsoever on the results of the noise assessment presented at Section 4.8 (and Annex 5) of

The applicant can confirm that all dwellings located within 1,170m (i.e. 10 times rotor diameter of the proposed wind turbines of a proposed wind turbine, including those permitted (constructed and not constructed) since the lodgement of the parent planning application with the Planning Authority in 2016 have been assessed for likely significant effects. As set out in Section 4.8 (Volume 1) of the EIAR submitted, a total of 37 no. dwellings have been assessed compared to the 33 no. assessed in the parent EIAR. A table has been submitted of the additional dwellings assessed. The noise assessment undertaken confirms that noise levels at H34, H36 and H37 will be below the upper noise limits prescribed by the Board in respect of the parent permission and, therefore, will not experience any likely significant noise effects. The noise assessment predicts that H35 will experience minor exceedances of the limits prescribed by the Board at wind speeds of 6 metres per second and greater. However, following the implementation of mitigation measures which will curtail the operation of certain wind turbines at these wind speeds, it can be confirmed that noise levels at H35 will also be at, or below, the Assessment

The response from the applicant is acceptable.

3. 4.9 Shadow Flicker

- a) The Planning Authority is not satisfied that the permitted and proposed loss of vegetation as a result of the additional tree felling proposed would not impact on shadow flicker. It is unclear if this has been taken into consideration in the Shadow Flicker assessment
- b) The Planning Authority would like to be satisfied that impacts on dwellings that have been granted permission since planning file reference 16/260 was considered including extant permissions for dwellings that have not yet been constructed within the recommended limits, have been taken into consideration in the revised assessment.

Response

The WindPro Software used by Galetech Energy Services to prepare the assessment of likely shadow flicker effects utilises OSI 10m DTM data similar to the noise assessment referenced. Given the 'bare earth' nature of the data provided, the screening effects of hedgerows, treelines or other above-ground structures are not accounted for in the shadow flicker prediction model and, therefore, the presence of forestry at the proposed development site does not affect the findings of the shadow flicker assessment. Consequently, as the presence of forestry is not considered by the prediction model, it can be confirmed that the felling of existing forestry will have no effect whatsoever on the results of the shadow flicker assessment presented at Section

The applicant can confirm that all dwellings located within 1,170m (i.e. 10 times rotor diameter of the proposed wind turbines) of a proposed wind turbine including those permitted (constructed and not constructed) since the lodgement of the parent planning application with the Planning Authority in 2016; have been assessed for likely significant shadow flicker effects. The assessment undertaken confirms that, under 'expected' conditions, no dwelling will experience shadow flicker in excess of the prescribed limit of 30 hours per year. Under the 'worst case' conditions which are highly conservative and substantially over-estimated, the 26

likelihood of shadow flicker H34, H35 and H36 re each predicted to experience levels of shadow flicker in excess of the appropriate limit (30 minutes per day). However, the implementation of mitigation measures to be installed in accordance with Condition 20 (b) of the parent consent, the applicant can confirm that no dwelling will experience shadow flicker in excess of 30 minutes Assessment

The response from the applicant is acceptable.

4. **Alterations to Parent Consent**

The Planning Authority notes that the red line boundary of the parent consent under planning file reference 16/260 has been amended under the current proposal. The electricity substation itself is now outside the scope of this proposal. No reference has been made to these changes within the description of development on the public notices. The applicant is advised that revised public notices will need to be submitted making reference to these changes once instructed to do so by Response

A revised site boundary does not, of itself, fall within the definition of 'development' as defined at Section 3(1) of the Planning and Development Act 2000, as amended. Accordingly, the applicant submits that there is no requirement to expressly refer to a revised site boundary within the description of the subject proposed development. Furthermore, the electrical substation proposed as part of the parent planning application was explicitly omitted from the permitted (parent) development by the Board and was subsequently granted planning permission by the Board as a Strategic Infrastructure Development in accordance with Section 182A of the Act. Accordingly, there was no legislative requirement or planning rationale for the inclusion of the permitted substation within the extent of the subject planning application boundary as it was the subject of an entirely separate planning permission. Notwithstanding the above, subject to the instructions of the Planning Authority, the applicant can confirm that it is happy to submit revised public notices if requested to do so. Assessment

The response from the applicant is acknowledged. However, it is considered that an alteration to a red line boundary is a significant change from the parent permission and should have been included as a change to the permitted and described in the public notices. On that basis, it was considered that the response from the applicant was Significant and revised public notices were indeed required and submitted. 7 no. additional submissions were received in relation to the proposal which are summarized above.

5. Appropriate Assessment

The screening report and Appropriate Assessment submitted has addressed changes proposed to the parent consent to include i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively. The screening report and NIS also make reference to the clearance of an additional 9.3 ha of forestry. However, the report fails to reference the proposed increase in output to 47.3MW compared to the permitted development

27 22/507



which had an output of 35.2MW resulting in an increased output of 12.1MW and whether there would be any resultant impact as a result of this change. Response

The increased electrical capacity of the wind farm is a direct consequence of the proposed alterations to the dimensions of the wind turbines and is not a standalone or independent component of the proposed development. It should also be noted that the increase electrical capacity of the wind turbines will not, by itself, have any physical expression and, therefore, cannot have any effect on European Designated Conservation sites. Accordingly, the applicant can confirm that the conclusions of the NIS remain valid and correct and entirely in keeping with Assessment

The response from the applicant is acceptable.

6. Third-Party Submissions

The applicant is advised that 14. No third-party submissions have been received by the Planning Authority in relation to the proposed development. The applicant is invited to comment on matters

Response

The applicant has provided a full and comprehensive response to the third-party submissions received.

Assessment

I am satisfied that the applicant has provided a response to all issues raised by the third-parties.

ENVIRONMENTAL IMPACT ASSESSMENT - REASONED CONCLUSION ON THE

The Planning Authority concludes based on the Environmental Impact Assessment report (EIAR) prepared by the Applicant, that the EIAR does not adequately assess the likely significant environmental effects of the proposed development and is inadequate due to an absence of sufficient information to comply with the requirements of Article 5(1) of EIA Directive

This report comprises an Environmental Impact Assessment of the development proposed under planning applications Reg. Ref.22/507. The aim of the EIA Report is to identify and assess effects of the proposed development on various environmental factors, in order to assist in considering whether the proposed developments are consistent with the proper planning and

Following clarification on a number of matters raised within the submitted EIAR through the request for further information, It is now considered that the EIAR received on the 18th August 2022 does adequately assess the likely significant environmental effects of the proposed development and is adequate due to sufficient information to comply with the requirements of Article 5(1) of EIA Directive 2014/52/EU and the potential impacts on:

Population & Human Health

- Biodiversity
- Land & Soil
- Water
- Air Quality & Climate
- Landscape
- Cultural Heritage
- Noise & Vibration
- Shadow Flicker
- Material Assets
- Interactions of the Foregoing

It is considered that the EIAR in addition to the response to the further information request has adequately identified and assessed the effects of the proposed development on various environmental factors. The EIAR submitted together with the information and the various reports received following the further information request with this application, is deemed to adequately describe the direct, indirect and cumulated effects on the environment of the proposed

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. They do not require or justify refusing permission for the proposed development or requiring substantial amendments. It is considered that the EIAR is compliant with Article 94 of the Planning and

The likely significant effects of the proposed development have been examined with the EIAR. Where quality of the effects have been identified as negative/adverse, , the duration of the same is either short-term or appropriate mitigation has been put forward within the EIAR and associated documents to ensure the residual impact for any of the factors considered, after the proper implementation of the prescribed mitigation, will not be significant.

APPROPRIATE ASSESSMENT - IMPACT OF FURTHER INFORMATION

The site is not located within or adjacent to a Natura site. Sites within 15km of the proposed development include:

- The River Barrow and River Nore SAC (Site Code 002162);
- Ballyprior Grassland SAC (00256);
- Lisbigney Bog SAC (Site Code 000869);
- River Nore SPA (Site Code 004233).

The River Barrow and River Nore SAC (Site Code 002162), lies circa 0.73km to the north of the main project site or 2.2km downstream via the Griaguenhown Stream; The River Nore SPA (Site Code 004233) lies circa 4.6km south-west or 6.4km downstream via the Boleybawn Stream; the Lisbigney Bog SAC (Site Code 000869) lies circa 5.1 km to the west, and the Ballyprior Grassland

The screening report and Appropriate Assessment submitted has addressed changes proposed to the parent consent to include i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively. The screening report and NIS



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also male reference to the clearance of an additional 9.3 ha of forestry. During my original assessment, I raised concerns that the report failed to reference the proposed increase in output to 47.3MW compared to the permitted development which had an output of 35.2MW resulting in this change.

The applicant has confirmed in response to the further information requested that the increased electrical capacity of the wind farm is a direct consequence of the proposed alterations to the dimensions of the wind turbines and is not a standalone or independent component of the proposed development. It should also be noted that the increase electrical capacity of the wind turbines will not, by itself, have any physical expression and, therefore, cannot have any effect on European Designated Conservation sites. Accordingly, the applicant confirmed that the conclusions of the NIS remain valid and correct and entirely in keeping with the legal requirements and best-practice methods.

Having considered that Natura Impact Statement submitted and response to the Further Information Request, it can be concluded that, having regard to the location of the development and the proximity of the nearest SAC site, it is considered that it would not have potential significant effects on the Natura 2000 Network subject to the implementation of mitigation measures set out in the submitted reports. This conclusion remains applicable following consideration of the response to Further Information.

It is concluded that the Proposed Development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

The Planning Authority considers that there is no potential for direct effects on any European Sites or for any species associated with such sites. It is considered that the applicant has provided the information necessary to allow the Planning Authority to determine that the proposed development will not result in significant effects and therefore any adverse effects on the relevant European Sites provided that the mitigation and best practice as set out in the EIAR/NIS and all related appendices are followed.

Development Contributions

The Laois County Council Development Contribution Scheme 2017-2023 sets out that development contributions for Wind Energy are calculated as follows:

€10,000* per 1 MW output with the following add-ons:

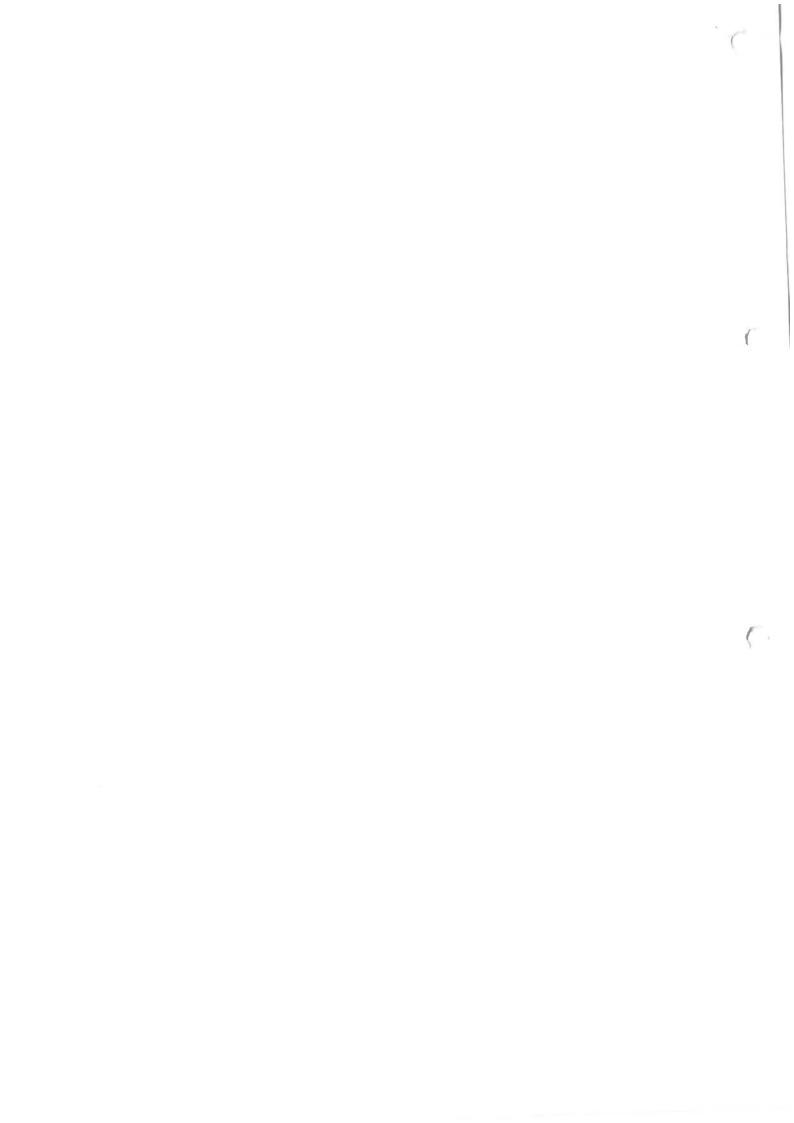
- □ €25,000 for each turbine in the height range of 75-100 metres
- □ €50,000 for each turbine in the height range of>100 metres

The proposed development involves the construction of 11 no. wind turbines with a total output of 47.3MW at a height of 136.5m. Therefore, the following contributions apply:

€10,000 x 47.3MW = €473,000 + €50,000 x 11 = €550,000

Total: €1,023,000.00

Recommendation



PrePlan INTERACTION Correspondence For LOCAL AUTHORITY NAME

Pre planning reference: PP/5460

iPlan Ref:

Received Date: 06/09/2022

Townland:

Application Status: Interaction Completed

Media Type: Letter

Owner Details

Applicant:

Wind Limited Pinewood

Address

Building 4200

Cork Airport Business Park

Cork

Co. Cork

Agent

Agent Name: Galetech Energy

Details

Services

Agent Address: Clondargan, Stradone

Co.Cavan

Meeting Details(only the latest Meeting)

Meeting Media Type: Letter

Meeting Received Date: 06/09/2022 Meeting Offered Date: 29/09/2022

Meeting Date: 29/09/2022 Meeting Cancelled Date

Meeting Venue: 10:00 Simon Carleton

Meeting Planner: 19

Site Details(only the latest Site)

Site Address: Graguenahown, Knockardagur, Boleybawn, Ironmills (Kilrush) Co. Laois

Site Building Type:

Site Townland: GRAIGUENAHOWN ABBEYLEIX

Interaction Details:

Attendees: Nathan Smith

Discussions:

MS Teams meeting and discussed the matters with the agent and project manager.

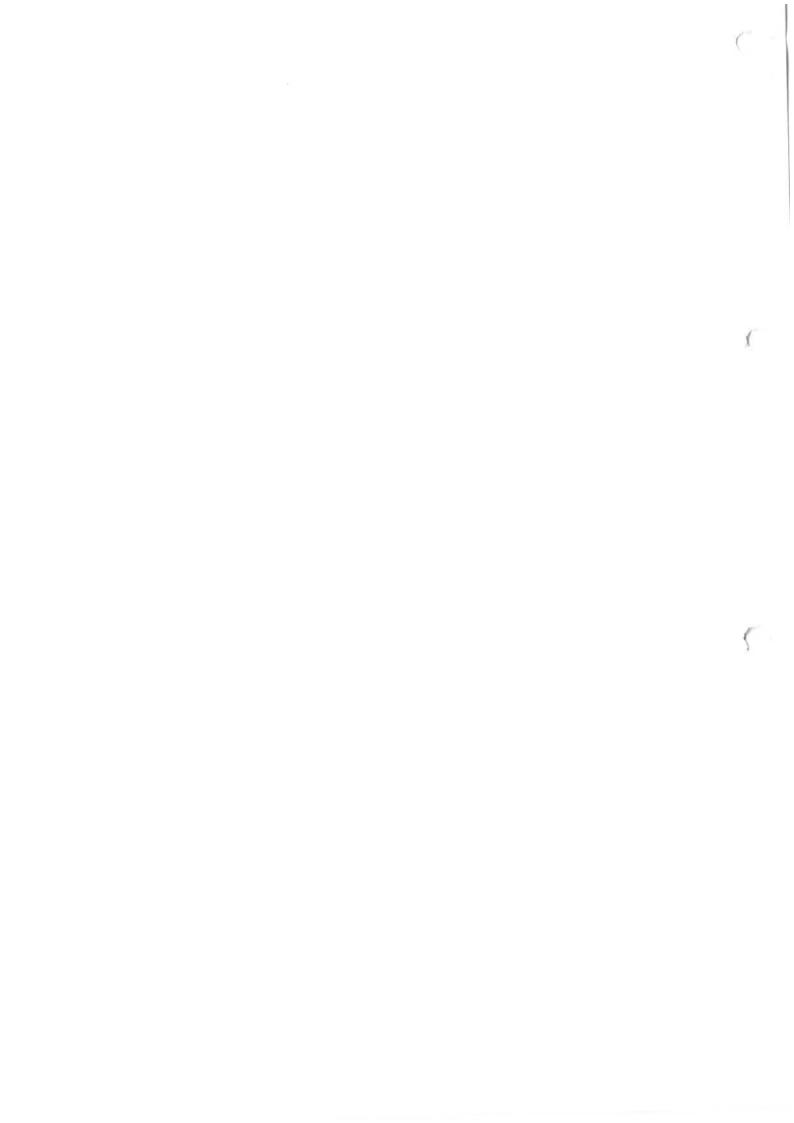
Agent provided an overview of programme.

Advised that the discharge of conditions should be submitted in one go, rather than piecemeal as it allows the LPA to have a comprehensive overview of the project.

Notes:

Disclaimer:

While every care has been taken to display accurate information, the County Council will not be held responsible for any loss, damage or inconvenience caused as a result of any inaccuracy or error within. All information on the site including the planning enquiries system is updated on a regular basis. While every effort is made to ensure all information is accurate on the site, the Planning Authority cannot guarantee this at any particular point in time. Should you need to rely on information provided in these pages please obtain separate confirmation from the staff at



PrePlan INTERACTION Correspondence For LOCAL AUTHORITY NAME

Pre planning reference: PP/5349

iPlan Ref:

Received Date: 25/05/2022

Townland:

Application Status: Interaction Completed

Media Type: Letter

Owner Details

Applicant: Wind Limited Pinewood

Address: Building 4200

Cork Airport Business Park

Cork Co. Cork

Agent

Agent Name: Galetech Energy

Details

Services

Agent Address:

Clondargan Stradone Co. Cavan

Meeting Details(only the latest Meeting)

Meeting Status: Pending Meeting Media Type: Letter

Meeting Received Date: 25/05/2022 Meeting Offered Date: 09/06/2022

Aeeting Date: 09/06/2022 Meeting Cancelled Date?:

Meeting Venue: 10:00 Simon Carleton

Meeting Planner: 19

Site Details(only the latest Site)

Site Address:

Graiguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush)

Site Building Type:

Site Townland: GRAIGUENAHOWN ABBEYLEIX

Interaction Details:

Attendees: Nathan Smith

Discussions: Meeting with:



Simon Carleton, Cathal Gallagher and Charles Sawyer.

Agent provided a presentation including:

- 1) Providing a brief planning history to the application
- 2) The overall height would remain to be 136.5m. Amendments include:
- a) Turbine hub reduced from 85m to 78m
- b) Increase turbine length from 103m to 117m
- c) Turbine locations to be amended to ensure whole turbine (including tips) are within co. Laois. Amendments include: T8 (moving 3m), T9 (moving 5m) and T10 (moving 10m).

Requires the need to fell an additional 9.3ha of commercial forestry. This will be considered in the EIAR, and applied for under a separate felling licence.

LVIA - 25 photomontages - same locations as before, showing comparison between approved and proposed.

It will be an amending application.

No public consultation

Substation - S146B being applied for to ABP.

NS advised the following:

LCDP (21-27) - site within area no open for consideration.

Referred to Map 3.2 of LCDP

1.5km point - subject to Ministerial Direction. Advised applicant that the CE agreed to remove it. Awaiting ministers response.

CM RE 1 - to prepare and RES and commence variation of the CDP within 1 year of adoption of LCDP 21-27.

NS advised to submit a planning statement setting out the justification of the scheme.

Applicant queried no. of copies required. NS to confirm back. NS confirmed statutory number required a week later

Disclaimer:

While every care has been taken to display accurate information, the County Council will not be held responsible for any loss, damage or inconvenience caused as a result of any inaccuracy or error within. All information on the site including the planning enquiries system is updated on a regular basis. While every effort is made to ensure all information is accurate on the site, the Planning Authority cannot guarantee this at any particular point in time. Should you need to rely on information provided in these pages please obtain separate confirmation from the staff at the Planning Public Counter.





Planning Department, Laois County Council, Áras an Chontae, JFL Ave, Portlaoise, Co. Laois,

19th September 2022

Ref Planning File No: 22507

Development Address: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois

Description Extract: amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works.

Dear Sir / Madam,

We write in connection with the above listed planning application. As local residents, we have examined the plans and we know the proposed development location well. We wish to object strongly to the development of an industrial scale wind farm at this location.

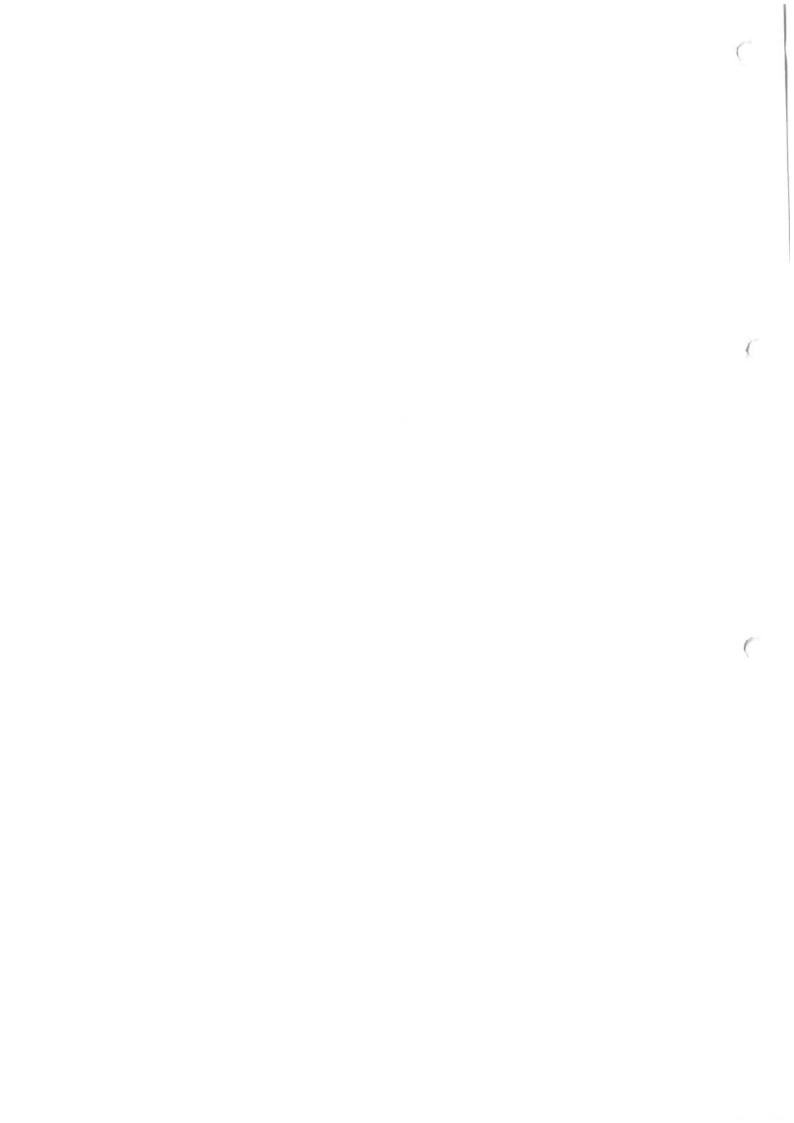
Our principal concerns and the reasons for our objection can be summarised as follows:

- The Applicant refers to 'the wind farm development permitted pursuant to Laois County Council Planning Register Reference 16/260 (An Bord Pleanála Reference PL11.248518)'. As far as we are aware, this development is still not permitted and we await a decision on Judicial Review taken on same: 2019 768 JR. Therefore this application is premature and factually incorrect.
- Without going into too much details we object for our own personal health and that of our children
 and families as 3 turbines are within 1km of the south side of our houses. A letter from our GP Dr.
 John Madden is attached. Houses referenced as H6 and H7 on planning documents as far as I can
 make out. This application seem to be a copy/paste of all the old applications and very unclear.
- Pinewood Wind / Galetech have already started objecting to local people to build homes on their own farms that are within 500m of a proposed turbine in Graiguenahown. See 17380 submission attached. Will this mean that all agricultural lands (all Brophy 90 acres) within currently 500m and in future 1/10th or 1.4km of overall height will be frozen out for future planning permissions. It's absolutely disgusting that one neighbour can freeze another neighbours farm. Also that state body



Coillte are surrounding complete windfarm and currently have 6 turbines in this application, expansion of the windfarm is obviously their main motive to get involved, in the future.

- We believe we were denied our rights to participate in the decision making process throughout the EIAR/EIS. We also believe this is not proper planning or sustainable development.
- The proposed turbine blades have a swept area of 10,751m2, 29% larger than the original
 application blades area of 8,332m2 (see Appendix 1). The Applicant is stating that these will have
 NO likely effect on the noise or shadow flicker figures and has shown the exact same figures, this
 is not possible, basic Physics would suggest.
- As far as we are aware, the land necessary to transport the turbine blades from the R430 to the L7800 is not in Pinewood Windfarm ownership and the owner (now deceased) has previously written to Laois County Council and her solicitor stating she does not want to be involved in this project any longer. See all submissions for previous refused applications for same Windfarm at Laois County Council 16206 and Kilkenny County Council 16440 and 1762. Also on this application a new landowner Colin McEvoy has appeared for the first time. All previous applications were not signed by him.
- The Applicant states the hub height is be reduced from 85m to 78m. They also propose to use Vestas V117-4.2MW turbine. The lowest hub height this appears to be available in is 84m according to Vestas Technical Specifications – see Appendix 2. Therefore the overall height would be 142.5m, far in excess of previous application.
- The Applicant refers to Kingfishers local to turbine locations. They fail to refer to Curlews, Buzzards, Sparrowhawks and Perigrine Falcons, all regularly seen in the location and all seriously threatened and endangered by industrial turbine blades. See concern from Birdwatch Ireland:
- Ranger Bruce Wilkie RIP 2020 was breeding Falcons in Spink Quarry since it closed in 2009/10.
 These birds are frequently seen in the Graiguenahown area and are acknowledged in recent planning for Lagan to reopen quarry LCC 21700.





Unit 20 Block D Builford Business Campus Kilcoole

t: +353 1 281 9878 Patron
e: info@bin@watchirelend.ie Michael D.
w: bindwatchirelend.ie Higgins
President of

Éarlamh Micheál D Ó hUlgínn Uachtarán Na hÉireann

Catherine Keogan, IWCM Ltd., Clondargan, Stradone,

Your Ref: Our Ref: 28.01.15LS

Co. Cavan

13-03-15

Re: Proposed Wind Farm Development in North Kilkenny and South Co. Leois

Dear Ms. Keogan,

Thank you for your consultation regarding this proposed wind farm development. BirdWatch ireland is supportive of the development of low carbon energy sources in ireland, in particular wind energy and is working in a proactive way in order to ensure energy targets can be met, in addition to obligations to protect and enhance important areas for wildlife under the EU Nature Directives¹. Given the potential for wind farms to have direct, indirect and cumulative impacts on bird populations, BirdWatch ireland would have concerns over any developments which were not ecologically sustainable, specifically developments with potential for significent impacts on bird populations within designated sites and in the wider countryside. We would have particular concern for priority species².

We have significant concerns regarding the construction of a wind farm at the location indicated in your scoping letter, as recent records show the possible presence of breeding Curlew within this area. Curlew are a red listed species in the Birds of Conservation Concern in Ireland 2014-2019 report and the breeding Curlew population in Ireland has suffered serious declines (82%) since 1987². Curlew are known to be particularly sensitive to disturbance and displacement from wind infrastructure³, in addition Curlew densities have been shown to decrease significantly during wind farm construction with populations showing no recovery post-construction⁴.

^{*} Pearts-Higgins, L.W., Stephen, L., Deuts, A. & Exeguton, H.H.W. (2012) Grenter impacts of wind ferves on bird papalations during construction thus subsequent operation, results of a multi-site and multi-species nonlysis, Journal of Applied Ecology, 69,386 – 294



Directors: K O'Byrne (Chairman), 8 Lavery, JB Peart, Seamus Bridgeman, Gerry Lyons, Margaret Stephens, David Fay. Registered charity no. 5703. BirdWatch Ireland is the trading name of the

- The visual impact of an industrial scale wind farm of this enormous scale on this wonderful landscape at this sensitive rural location. We have a very scenic Coopers Mountain Walk which will be destroyed by the enormity of these massive wind turbines.
- The inevitable destruction of a rural amenity that will result from the proposed development. Local roads and forestry roads will be destroyed by the size and quantity of deliveries.
- The impact of ongoing noise. There are several reports on the noise effects of turbines even smaller than the ones proposed and it is accepted that noise increases with the size of the turbines. Reports for turbines smaller than these state distance to nearest dwellings should be 2km. The Irish Guidelines are old and based on much smaller turbines. The minimum distance of 500m was based

LEU Nature Directives (Binds Directive (75/409/EEC) & Habitato Directive (BZ/43/EBC), Environmental Impact Assessment (EIA) Directive (BS/337/EEC assended by 97/11/EC), and Stanleys Environmental Assessment (SEA) Directive (Directive 2001/42/EC).

Colhoun K. & Cummins, S. 2013 Birds of Conservation Concern in Instant 2014-29. Fish Birds 9:523-344

Pearts-Higgins, I.W., Staphen, L., Langston, R.H.W., Beinbridge, L.P. & Bullman, R. (2009) The distribution of breeding birds around upland wind ferms. Journal of Applied Ecology, 46, 1323-1331.



on 54m turbines (10 times height of turbine approximately). This would mean for 137m high turbines the distance should be 1.37km from nearest house at least.

- Light flicker and health related issues that will result from this proposed development on residents.
- The environmental destruction caused by huge excavations, road widening and hardstand areas.
- The appalling absence of engagement and meaningful dialogue by the promoter with the local community. Under European and Irish Law it is a requirement that a full consultation process should take place with locals prior to planning application. There was no public consultation whatsoever in relation to this application 22507. New houses appear to be affected by noise and shadow flicker but we cannot seem to find these as the Dwelling Maps are still the old ones Houses 34, 35, 36, 37? Are these homeowners aware of the industrial windfarm proposed beside them?
- Bats. Too may 'unknowns' in the Bat survey. Around our house and turbine locations is a known
 area of importance for bats. A separate EIS by Laois County Council is required under European
 Law to assess the impact on bats and the other items in the EIS. It is not good enough to 'wait until
 we see what happens' and survey for a year or two after the installation of the turbines. Irreversible
 damage will be done at that stage.
- School proximity less than 1.2km from nearest turbine. Too close altogether for the health and well-being of our children. Add to this the massive disruption that would occur in the field next door to the school during the construction phase.
- Signal to TV/Mobile/Broadband: It is widely accepted that wind farms interfere with TV signal and aerials are unlikely to receive signal if the proposed wind farm goes ahead. The planning application has not properly addressed this. There is only a blank form from RTE which should have been completed and sent back to them for their comments and the comments then included in the application.
 - Similarly, there is no feedback from Vodafone, O2 or Meteor in the application. Mobile networks are poor in this area already so the big fear would be that they would be rendered useless by these industrial turbines and leave people with no way to contact anyone by mobile, which is extremely important in a rural setting in a case of emergency for example.
 - The main broadband provider in the Spink area is Aptus as the Eircom lines are not suitable for broadband. Aptus relies on signal transferred from mast to dishes at houses similar to mobile and TV signal. Aptus have confirmed they were not contacted by Galetech to assess the impact the industrial sized turbines would have on the signal.
- The EIA directive 2011/92/EU states: The description should cover the direct effects and any
 indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive
 and negative effects of the project.

Furthermore, we wish to point out that the vast majority of local residents with whom we have spoken directly on this matter have signalled their firm and vehement opposition to this project.

We respectfully urge that planning permission for this development be refused on the multiple points we have listed above.

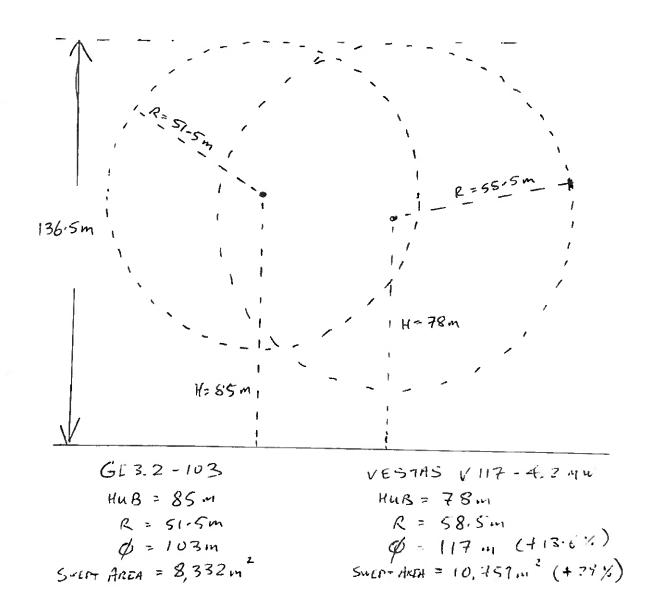
objection. All correspondence in thi	matter can be sent to us at:
Address:	
Spink	
Abbeyleix	
Co. Laois	
Contact: 0878305877	
Yours Sincerely,	
KIERAN BROPHY	SUSAN BROPHY

We enclose a payment in the amount of €20 (payable to Laois County Council) in respect of this

PETER SWEETMAN

Appendix 1:





V117-4.2 MW™ IEC IB -T/IEC IIA -T/IEC S -T

Facts & figures

POWER REGULATION	Pitch regulated wit variable spee
OPERATING DATA	
Rated power	4,000 kW/4,200 kV
Cut-in wind speed	3m/:
Cut-out wind speed	25m/
Re cut-in wind speed	23m/:
Wind class	IEC IB -T/IEC IIA -T/IEC S -
with de-rating above 30°C (4,	ture range from -20°C' to +45°C ,000 kW)
"Subject to different temperature opti-	005
SOUND POWER	
Maximum	106dB(A)**
"Sound Optimised Modes dependent of	
ROTOR	
Rotor diameter	117m
Swept area	10.751m ²
Air brake	full blade feathering with
	3 pltch cylinders
ELECTRICAL	
Frequency	50/60Hz
Converter	full scale
GEARBOX	
Гуре	two planetary stages and
	one helical stage
OWER	
łub heights	91.5m (IEC IB)
	(84m)(EC IIA)
ACELLE DIMENSIONS	
leight for transport	3.4m
leight Installed	
nci. CoolerTop*)	6.9m
ength	12.8m
/idth	4.2m
UB DIMENSIONS	
ax transport height	3.8m
ax. transport width	3.8m
ax. transport length	5.5m

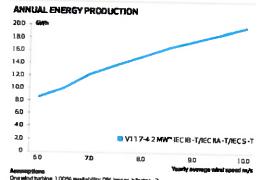
BLADE DIMENSIONS	
Length Max. chord	57.2m 4.0m
Max, weight per unit for transportation	70 metric tonnes

TURBINE OPTIONS

- High Wind Operation
- 4.2 MW Power Optimised Mode (site specific)
- Load Optimised Modes down to 3.6 MW
- Condition Monitoring System
- · Service Personnel Lift
- Vestas Ice Detection
- Vestas De-Icing
- Low Temperature Operation to 30°C
- Fire Suppression
- Shadow detection
- Vestas Bat Protection System
- Aviation Lights
- Aviation Markings on the Blades
- Vestas InteliLight*

SUSTAINABILITY Carbon Footprint 4.4g CO₃e/kWh Return on energy break-even 4.8 months Lifetime return on energy 50 times

Recyclability rate 84.7% Configuration 91.5m hub height and wind class IECIB. Depending on site-specific conditions. Metrics are based on a preliminary stream-lined analysis. An externallyrefilled Lifecycle Assessment will be made publicly available on vestas comonce finalised.



Standard air density = 1.225, wind speed at hub height



Dr. John S. Madden

M.B. D.C.H. D.Obs. F.P.C. M.R.C.G.P

Tel: 057-8731772 Fax: 057-8731794 Lower Main Street Abbeyleix Co. Laois R32 R58P

To whom it may concern

04/09/2022

Re: Mr KIERAN BROPHY, SPINK, ABBEYLEIX, CO LAOIS DOB: 24/03/1977.

Dear Sir/Madam

Kieran is a 45yo married man who is a patient of this practice.

I understand that there is an application for the installation of wind turbines behind Kieran's house. Kieran has significant issues with his respiratory health and he is very concerned and stressed at the potential implications for his continued well-being.

As his family physician I would be concerned that this be taken under consideration when reviewing the planning application.

Yours sincerely

DR JOHN S. MADDEN MCN: 006960





Galetech Energy Services Clondargan Stradone Co. Cavan Ireland

Planning Department, Laois County Council, Aras an Chontae, JFL Avenue, Portlaoise, Co. Laois.

Your Ref: 17/380

Our Ref: PIN001_LS DWE

10th August 2017

Location: Graiguenahown, Spink, Co. Laois.

Re: Laois County Council Planning Register Reference 17/380.

Dear Sir/Madam,

On behalf of our client, Pinewood Wind Limited, we wish to advise the Planning Authority that the dwelling proposed under the abovementioned planning reference number is located within 500m of a wind turbine proposed as part of the Pinewoods Wind Farm (Reg. Ref. 16/260 & An Bord Pleanála Reference PL11.248518).

Accordingly, if permitted and constructed, there could potentially be amenity noise and shadow flicker impacts in excess of the guideline thresholds included in the Wind Energy Development Guidelines for Planning Authorities, 2006.

Please find enclosed the requisite fee of €20.

Yours sincerely,

Simon Carleton

Simon Carleton

Project Planner

for and on behalf of

Galetech Energy Services Ltd.

Galetech Energy Servicus Obnidergan Stractone Co. Carvon Breland Tol: +363 (II) 49 555 5050 FAC +363 (II) 49 555 3065

Geletrich Energy Services. Registered in Ireland, 152304







(



DATED THIS [XXX] DAY OF [XXX] 2020

AGREEMENT RELATING TO PINEWOOD WINDFARM DEVELOPMENT ON LANDS AT KNOCKARDUGAR, BOLEYBAWN, GARRINTAGGART, IRONMILLS (KILRUSH) IN COUNTY LAOIS, AND CRUTT IN COUNTY KILKENNY

Between:-

KIERAN BROPHY

JOHN BROPHY

PETER SWEETMAN

-and-

PINEWOOD WIND LIMITED



THIS AGREEMENT made this [XXX] day of [XXX] 2020.

BETWEEN:

- (1) **KIERAN BROPHY** of Graiguenahown, Spink, Abbeyleix, County Laois (hereinafter called "the First Landowner" which expression shall, where the context so admits or requires, include his successor-in-title, personal representatives, executors and assigns) of the;
- (2) **JOHN BROPHY** of Graiguenahown, Spink, Abbeyleix, County Laois (hereinafter called "the Second Landowner" which expression shall, where the context so admits or requires, include his successor-in-title, personal representatives, executors and assigns);
- (3) PETER SWEETMAN of Rossport, County Mayo.

of the One Part:

AND

(4) **PINEWOOD WIND LIMITED** having its registered office at Pinewood Wind Limited, Clondargan. Stradone, County Cavan (hereinafter called "the Developer" which expression shall, where the context so admits or requires, include its successors, nominees and assigns) of the Other Part.

(each a "Party" and together the "Parties")

WHEREAS:-

- (1) The Developer has obtained Final Grants of Planning Permission to construct a Windfarm comprising 11 (Eleven) wind turbines and associated works at Knockardugar, Boleybawn, Garrintaggart, Ironmills (Kilrush) in County Laois, and Crutt In County Kilkenny (herineafter "the Wind Farm") and which Windfarm is more particularly delineated and edged in blue on Figure 10 Overall Site Location Plan annexed to this Agreement at Schedule1..
- (2) The Developer intends to develop, construct and operate the Wind Farm in accordance with the conditions of the Planning Permissions.
- (3) Kieran Brophy is the registered owner of all of the property comprised in Folio XXX of the Register of Freeholders County Laois (hereinafter called "the Property") and being the property more particularly delineated and edged red on Plan [XXX] annexed to this Agreement at Schedule 1.
- (4) The Second Landowner has supported the First Landowner and Peter Sweetman's proceedings and objections to the said Wind Farm.

NOW IT IS HEREBY AGREED AS FOLLOWS:

1.1 Definitions and Interpretations:

"Agreement"

means this Agreement dated the [XXX] day of [XXX] 2020

"Commencement Date"

means the date of the execution of this Agreement by the Parties;



"Commercial Operations Date"

means the date upon which the Wind Farm starts to generate power and export same to the national electricity grid;

"Planning Permission"

means An Bord Pleanála Final Grants of Planning Permission Reference PL11.248518 and PL10.248392 and any other Planning Permission pertaining to the development and construction of the Windfarm. For the avoidance of doubt, all future Applications for Planning Permission in respect of the Windfarm shall fall within this definition:

"Proceedings"

means the High Court proceedings Kieran Brophy and Peter Sweetman v An Bord Pleanála and ors bearing Record Number 2019/768JR:

"Term"

means for the duration of the 30 years from the Commencement Date :

"Windfarm"

means the Windfarm referred to as the Pinewood Windfarm located at Knockardugar, Boleybawn, Garrintaggart, Ironmills (Kilrush) in County Laois, and Crutt In County Kilkenny and being the Windfarm shown outlined in blue on Figure 10 – Overall Site Location Plan annexed to this Agreement at Schedule1. It includes any future modifications to the Windfarm.

1.2 In this Agreement:

- 1.2.1 any obligation not to do something includes an obligation not to agree or allow that thing to be done, including by requesting or supporting others to do that thing;
- 1.2.2 unless stated to the contrary, a reference to the Property is to the whole only; and
- 1.2.3 any reference to the First or Second Landowners includes their successors in title and assignees.

2. GRANT

2.1 In consideration of the once off total payment of €100,000 Euro (the receipt of which the First and Second Landowner and Mr Sweetman hereby acknowledge) the First and Second Landowner and Peter Sweetman hereby undertake and agree to grant to the Developer, on receipt of the relevant permissions, the right to develop, construct and operate the Wind Farm free from any interference by or objections made by the them in respect of any aspect of the construction, maintenance and operation of the Wind Farm subject to the Developer discharging their Obligations in accordance with the terms of this Agreement.

This restriction does not extend to the sole circumstances of any future application made by the Developer for an increased number of turbines on the Wind Farm. In the event of any such application, the First and Second Landowner shall be at liberty to take whatever steps they deem appropriate by way of response.

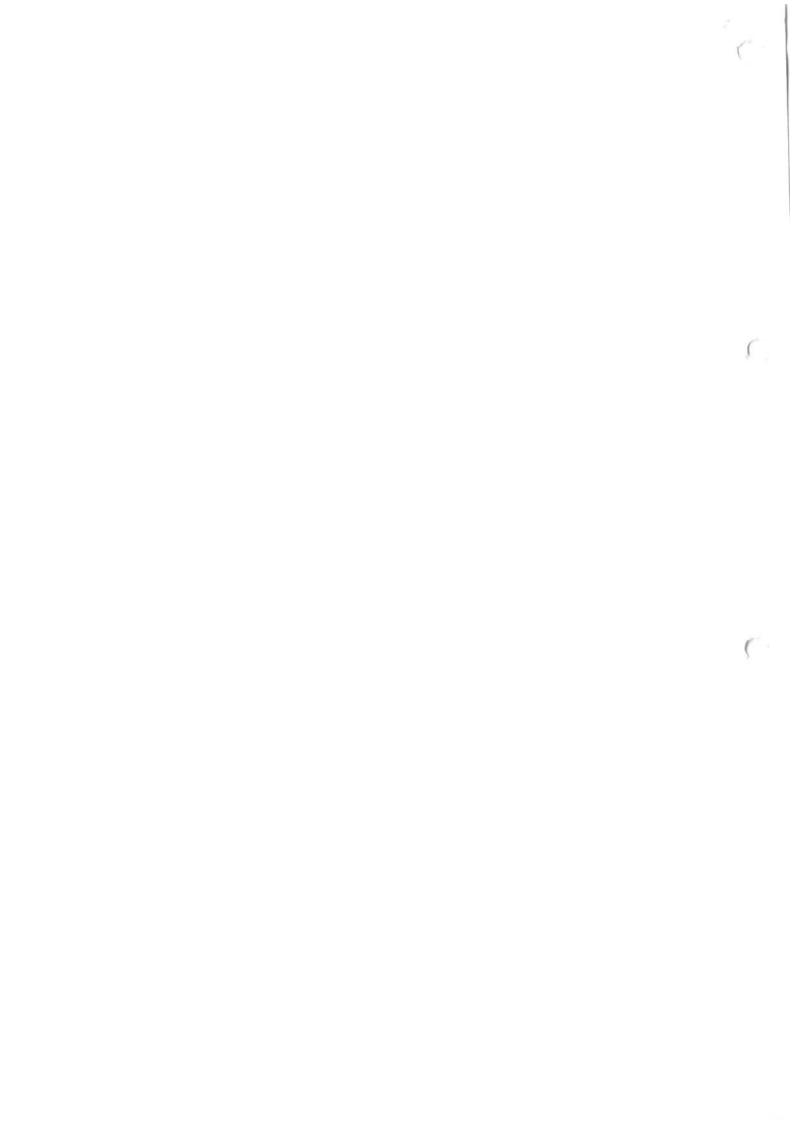
In consideration for this Agreement, the Developer will pay €500 Euro to Laois SPCA, registered charity no. CHY 17330, of behalf of the First and Second Landowner and Mr Sweetman.

3. DEVELOPER'S OBLIGATIONS

- 3.1 Within 10 days of the signing of this Agreement, the Developer shall make a payment of €25,000 Euro to the First Landowner.
- 3.2 Within 10 days of the turbine supplier mobilising on site, the Developer shall make a payment of €50,000 Euro to the First Landowner.
- 3.3 Within 10 days of the Commercial Operations Date, the Developer shall make a payment of €5,000 Euro to the First Landowner. The Developer will pay €5,000 to the First Landowner on an annual basis for four years thereafter. The date of the annual payment will be commensurate with the date of the first payment made following the Commercial Operations Date.
- 3.4 In complying with its obligations under this Clause 3, the Developer shall be obliged to adhere to all conditions of the Planning Permissions granted in respect of the Windfarm. The Developer further agrees to modifications at the First Landowners residence, on terms to be agreed in advance, at its cost, as per 4.2 below;
- 3.5 All sums identified above shall be held in the client account of O'Connell Clarke Solicitors to be released 30 days after the proceedings are struck out. In the event that this settlement agreement breaks down for any reason all monies so held are to be returned to the Developer.
- 3.6 The Developer shall make, without any admission of liability, a contribution of €75,000 (plus VAT) towards the legal costs of the proceedings. This sum shall be paid within 30 days of the proceedings being struck out as referred to above.
- 3.7 All sums identified are subject to An Bord Pleanala agreeing to the proceedings being struck out with no order as to costs. In the event that such consent is not forthcoming the parties acknowledge that that monetary terms identified above shall be subject to variation and further agreement between the parties.
- 3.8 The Developer agrees not to object to any application for residential development made by the First or Second Landowner at the lands identified above, provided that any such application does not interfere with the development or operation of the Wind Farm.

4. LANDOWNER'S & Mr SWEETMAN'S OBLIGATIONS

- 4.1 The First and Second Landowners and Mr Sweetman ('they') shall not at any time after the date of this Agreement, raise any objections or representations in relation to the Planning Permission or relating in any manner to the construction, future use and operation or development of the Windfarm, save in respect only of any application made by the Developer to increase the number of turbines on the Wind Farm.
- 4.2 In the event that the Developer exceeds the noise limitations identified in the operation of the Wind Farm the First Landower shall engage with the Developer in the first instance. In the



- event that this avenue is not successful the Developer will arrange the installation of triple glazing at the First Landowner's residence, at a reasonable cost to be agreed in advance.
- 4.3 The First Landowner shall within a period of seven days from the execution of this Agreement give instructions to his solicitor to write to the solicitor for An Bord Pleanála in respect of the Proceedings indicating that he wishes to discontinue the Proceedings and requesting that they request the consent of An Bord Pleanála to strike out the proceedings with no order as to costs. The First Landowner shall arrange to strike out the proceedings as soon as reasonably possible thereafter.
- 4.4 Mr Sweetman shall consent to the striking out of the Proceedings;
- 4.5 The First Landowner shall procure an open letter from O'Connell Clarke Solicitors addressed to Mason Hayes & Curran behalf of the Wind Farm and dated within 10 days of the signing of this Agreement providing an irrevocable undertaking that they will not act for or otherwise represent any Applicant or objector in proceedings, actions or litigation against the Wind Farm.

5. TERM

5.1 This Agreement shall commence on the date hereof and shall continue in force for the Term.

6. REGISTRATION OF THE AGREEMENT

6.1 The Developer shall be entitled to register a notice of this Agreement in the form of a Burden on title in the Property Registration Authority and the First Landowner hereby consents to such registration thereof. In the event of there being a mortgage or charge of any nature or kind affecting the First Landowner's Property, the First Landowner shall procure the mortgagee's consent to this Agreement AND to the registration of a notice of this Agreement as a burden on title.

7. ASSIGNMENT

7.1 The Developer may transfer, novate or otherwise dispose of its rights and obligations under this Agreement to any person(s) (hereinafter called 'the transferee(s)')

PROVIDED THAT

- (a) the transferee(s) shall be bound by the rights and obligations contained in this Agreement as if the transferee(s) were party thereto; AND
- (b) the Developer shall provide reasonable notice to the First Landowner in accordance with Clause 7 of this Agreement of the name and address of the transferee together with the date on which the rights and obligations under this Agreement shall pass to the transferee.

For the avoidance of doubt, the transferee(s) shall include a subsidiary company or a company formed as a joint venture company comprising the Developer or subsidiary company of the Developer and one or more parties.

The First or Second Landowners & Mr Sweetman may not transfer or assign any rights pursuant to this Agreement without the written consent of the Developer, such consent not to be unreasonably withheld.



8. NOTICES

- 8.1 Any notice given hereunder shall be in writing and may be given:-
- 8.1.1 by handing it to the party to be served or his solicitor and when so handed shall be deemed to have been delivered; or
- by sending it by pre-paid post (a) to the party to be served at the address herein set out or such other address as such party shall have previously communicated in writing to the other of them or (b) to his solicitor at his office address. Any such notice sent by post shall be deemed to have been delivered at the expiration of three days from the date of posting; or
- 8.1.3 by delivering it by hand (a) to the address of the party to be served at the address herein set out or such other address as such party shall have previously communicated in writing to the other of them or (b) to the office address of the solicitor to be served and any such notice shall be deemed to have been delivered at the expiration of one day from the date of delivery; or
- Where the last day for taking any step contemplated by this Agreement would, but for this provision, be Christmas Day or Good Friday, a Saturday or Sunday or a public holiday, such last day shall instead be the next following working day.

9. CONFIDENTIALITY

The Parties shall treat as confidential all information received or obtained in connection with or contained in this Agreement.

10. JURISDICTION

The terms of this Agreement shall be governed by and shall be construed according to the laws of Ireland and the parties hereby submit to the exclusive jurisdiction of the Courts of Ireland for all purposes of this Agreement.

SIGNED AND DELIVERED BY

KIERAN BROPHY

In the presence of:-



JOHN BROPHY	IBROPHY	אנ	O	к	ь	٧	ні	U	J
-------------	---------	----	---	---	---	---	----	---	---

In the presence of:-

PETER SWEETMAN

In the presence of:-

PRESENT WHEN THE COMMON SEAL

Of PINEWOOD WIND LIMITED

was affixed hereto:-

SCHEDULE 1

1. Figure 10 - Overall Site Location Plan



2. Filed Plan attached to Folio XXXX



Submission Details

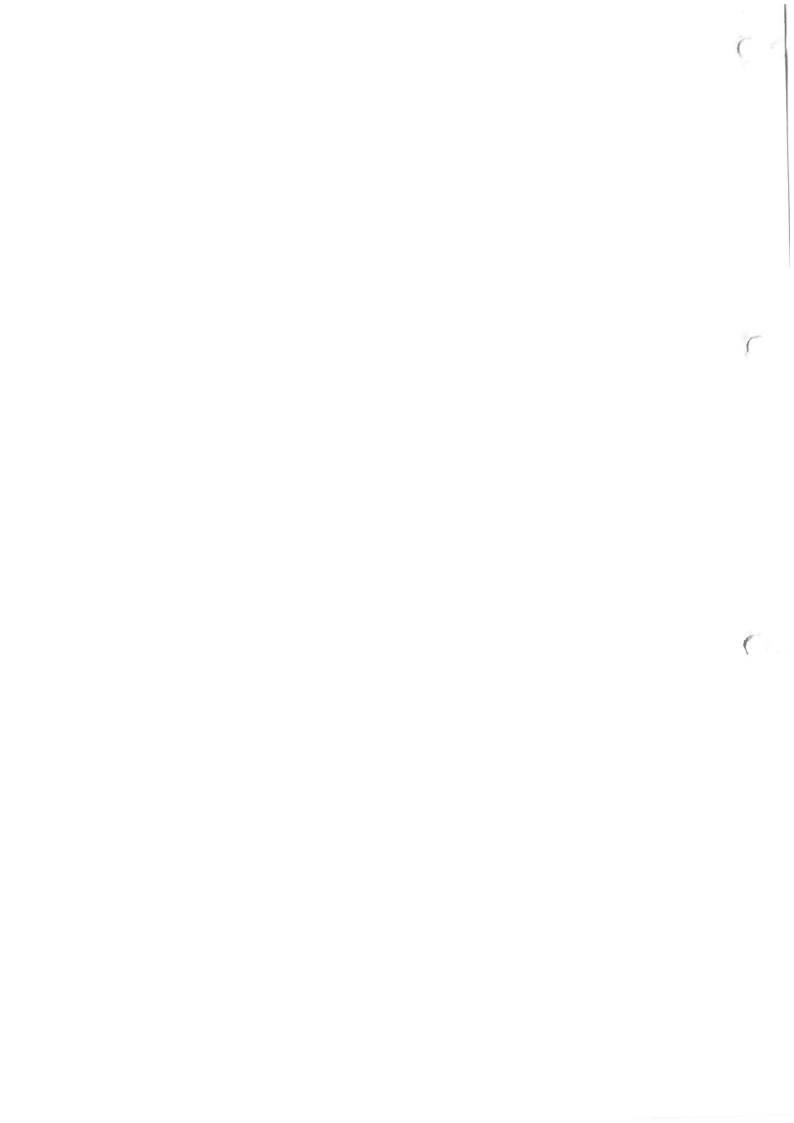


Submitter

Name	Kieran Brophy
Address	Spink Abbeyeix Laois R32 D5N8
Note	03

In relation to application

File Number	22507
Name	Wind Limited Pinewood
Address	Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush) Co. Laois



Planning Department, Laois County Council, Áras an Chontae, JFL Ave, Portlaoise, Co. Laois,

5th March 2023

Ref Planning File No: 22507 (Further Information)

Development Address: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois

Description Extract: amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works.

Dear Sir / Madam,

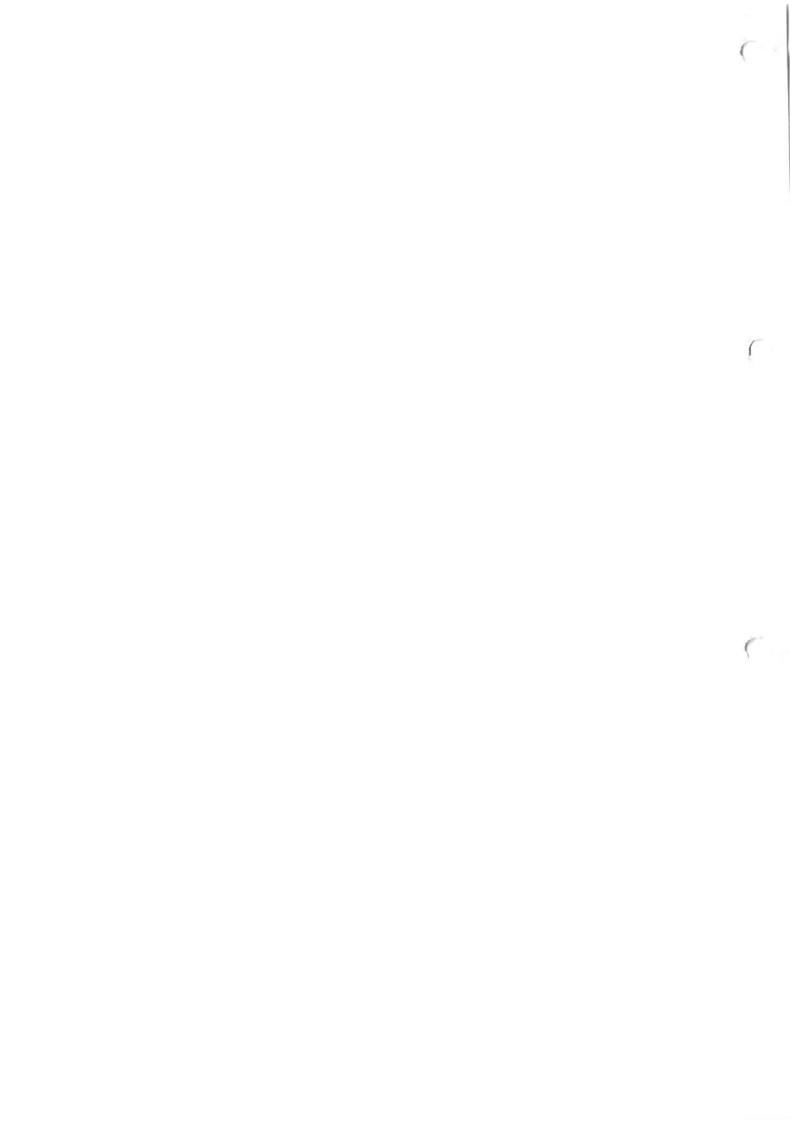
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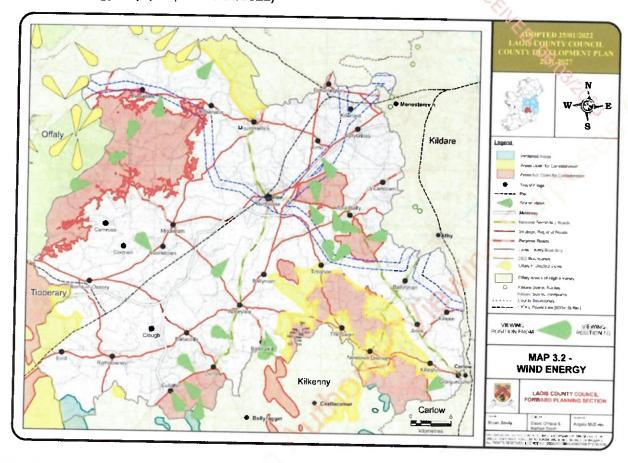
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All 11 turbines are in Laois County Council's 'not open for consideration' area on Wind Map in County Development Plan therefore should not be allowed!

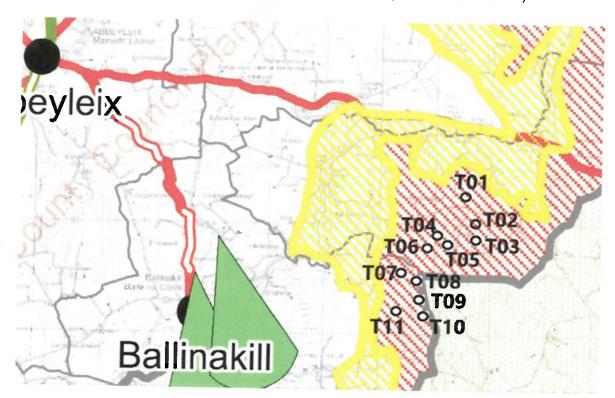
Please see plans below:



Laois Wind Energy Map (adopted 25/01/2022)



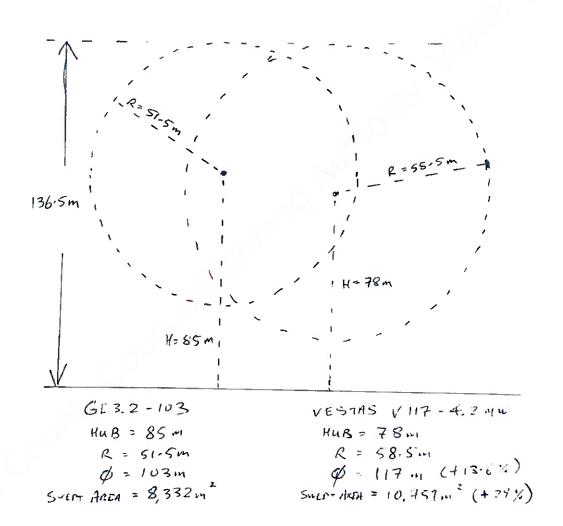
11 Turbines plotted on Laois Wind Energy Map (red area 'Not Open for Consideration')

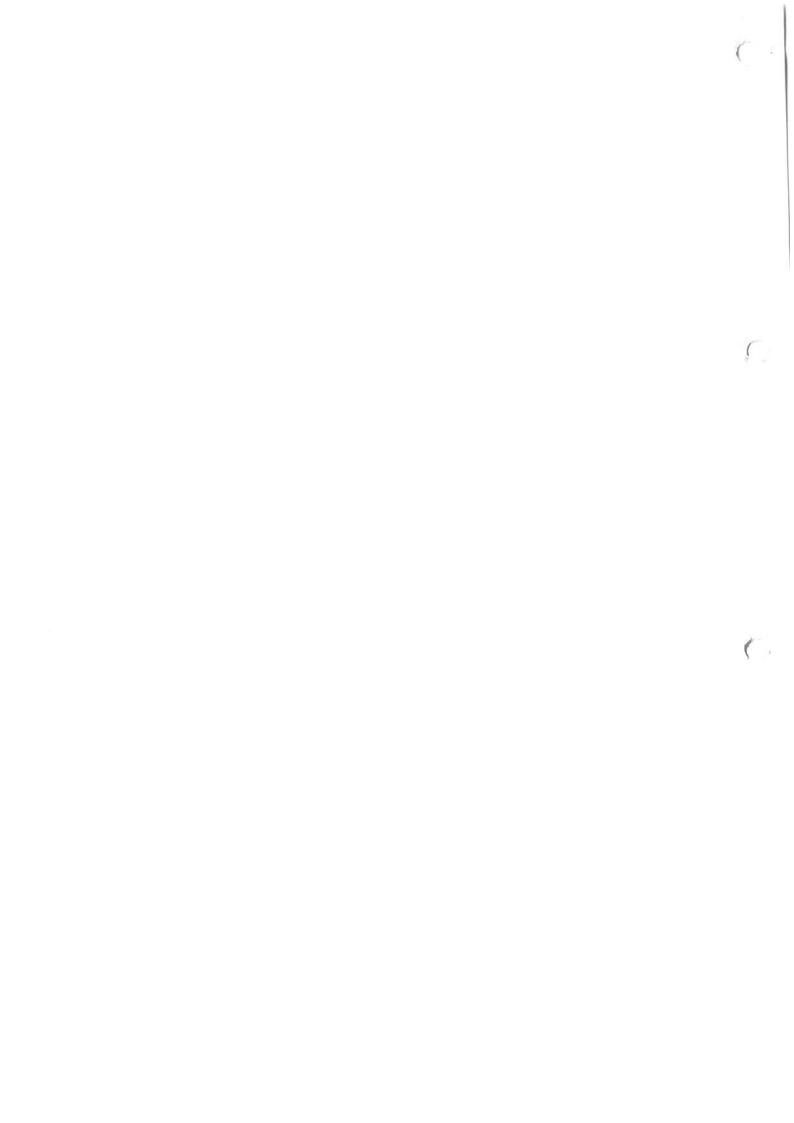




- Larger turbines, gone from 3.2MW each in original application to 4.2MW each now, 11 of them now 46.2MW, approaching SID figure of 50MW. Galetech have failed to address this and the *cumulative* effect of larger diameter turbines (29% greater swept area) in close proximity. Turbine CUMULATIVE effect is a major concern as the first 3 turbines are within 1 km of my house and noise will be greater as it goes from turbines to turbine cumulatively.

Original GE 3.2 MW - 103m diameter v Proposed Vestas 4.2 MW - 117m diameter

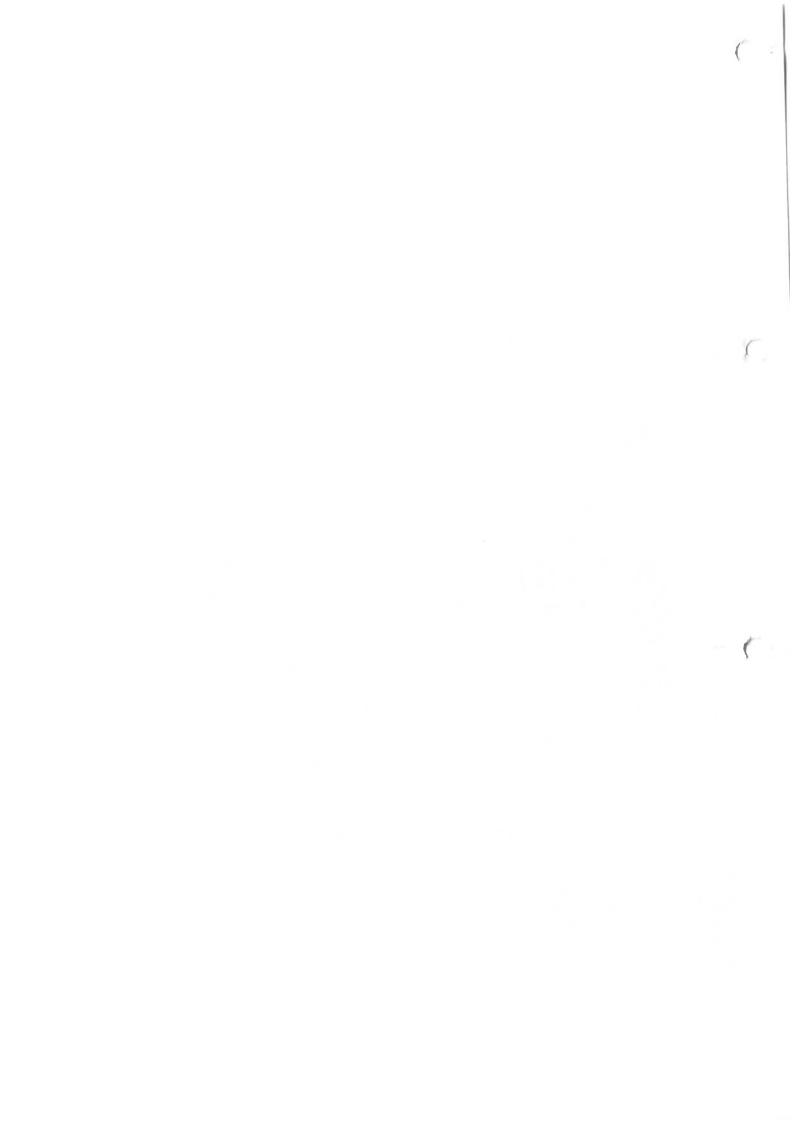




In relation to FI document to Laois County Council dated 16 November 2022, we wish to observe the following:

Item No 1: Despite all the talk of Hectares felled/to be felled, the fact is that all forestry in relation to the footprint of this industrial scale wind farm has been felled over the last year or so now anyway and has already resulted in flooding on the Graiguenahown road and into at least one house





- Item No. 2: Larger turbines, gone from 3.2MW each in original application to 4.2MW each now, 11 of them now 46.2MW, approaching SID figure of 50MW.

We contend that the cumulative effect of larger diameter (29% larger swept area each turbine) turbines has not been considered properly.

There are houses now within 1,170m (10 times new proposed diameter) that were not within original 1,030m diameter. We believe they were not properly consulted with on the original application or with the FI. By Galetech's own admission they are exceeding the allowed noise in H35. We contend they should not, whether the residents are financially involved or not.

- Item No. 3: we agree with LCC view that result of vegetation and trees cut down over the last 2 years has not been properly assessed in terms of shadow flicker (or noise). Galetech admit houses H34, H35 and H36 may have shadow flicker in excess of 30 minutes per day and some 'technological mitigation measure' will switch the turbines off if 30 minutes is exceeded. Who will these residents contact if they do not turn off? Galetech will be long gone, as will Statkraft.
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Galetech state the overall height will be the same at 136.5m. They seem to ignore that each turbine is going from 103m wide to 117m wide and each blade swept area is increasing by over 29%.

They fail to acknowledge or mention the €175,000 Cooperation Agreement with Kieran Brophy, John Brophy and Peter Sweetman attached to the original submission.

They fail to acknowledge that there is a new land owner involved with this application only, Why? ALSO:



At my own BER A2 rated house I currently have 7 solar panels since Feb 2022 on my south facing garage roof generating 2.56kW of power each year.

I also have a further 3.2kW, 8 panel system on order for fitting in May 2023.

Light flicker on my solar panels will have a negative effect to their performance. This has being proven before in the UK.

I have recently attended a number of Windfarm Information meetings in Old Loughlin, The Swan and Timahoe regarding proposed windfarms by Galetech/Statkraft.

At one of those meetings someone the lives close to the Gortahile Windfarm spoke out about the windfarm being sold 7 times and the lack of birds in the area as it has being running 15 years now. So obviously the noise and vibration from these turbines has caused various birds not to return each year any more.

We respectfully urge that planning permission for this development be refused on the multiple points we have listed above.

KIERAN BROPHY & PETER SWEETMAN SPINK, ABBEYLEIX, CO. LAOIS





(4)c

Planning Department, Laois County Council, Áras an Chontae, JFL Ave, Portlaoise, Co. Laois,

16th September 2022

Ref Planning File No: 22507



Development Address: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois

Description Extract: amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind turbines TB, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works.

Dear Sir / Madam.

We write in connection with the above listed planning application. As local residents, we have examined the plans and we know the proposed development location well. We wish to object strongly to the development of an industrial scale wind farm at this location.

Our principal concerns and the reasons for our objection can be summarised as follows:

- The Applicant refers to 'the wind farm development permitted pursuant to Laois County Council Planning Register Reference 16/260 (An Bord Pleanála Reference PL11.248518)'. As far as we are aware, this development is still not permitted and we await a decision on Judicial Review taken on same: 2019 768 JR. Therefore this application is premature and factually incorrect.
 - We believe we were denied our rights to participate in the decision making process throughout the EIAR/EIS. We also believe this is not proper planning or sustainable development.
- The proposed turbine blades have a swept area of 10,751m2, 29% larger than the original application blades area of 8,332m2 (see Appendix 1). The Applicant is stating that these will have NO likely effect on the noise or shadow flicker figures and has shown the exact same figures, this is not possible!
- As far as we are aware, the land necessary to transport the turbine blades from the R430 to the L7800 is not in Galetech ownership and the owner (now deceased) has previously written



to Laois County Council and her solicitor stating she does not want to be involved in this project any longer.

The Applicant states the hub height is be reduced from 85m to 78m. They also propose to use Vestas V117-4.2MW turbine. The lowest hub height this appears to be available in is 84m according to Vestas Technical Specifications - see Appendix 2. Therefore the overall height would be 142.5m, far in excess of previous application.

The Applicant refers to Kingfishers local to turbine locations. They fail to refer to Curlews, Buzzards, Sparrowhawks and Perigrine Falcons, all regularly seen in the location and all seriously threatened and endangered by industrial turbine blades. See concern from Birdwatch Ireland:



Unit 20 Slock D **Builford Business** Campus Kilcoole

t: +353 1 281 9878 Eilidetindentriebndie Michael D. w: birdentchirelandle Higgins

Patron President of

fadanh Miches! D Ó hUirinn Uachtarán Na

Catherino Keogan, TVCM 1td. Clondargan, Stradone. Co. Cavan

Your Ref: Our Ref: 28.01,1515

Rat Proposed Wind Farm Development in North Kiltenny and South Co. Limit

Dear Ms. Keogan,

ols with O 13-03-15

Venent BindWater

Ind energy er

To proter

1 f Thank you for your consultation regarding this proposed wind form development. BirdWatch Ireland is supportive of the development of low carbon energy sources in treland, in particular wind energy and is working in a proactive way in order to ensure energy targets can be met, in addition to obligations to protect and enhance important areas for wildlife under the EU Nature Directives! Given the potential for wind farms to have direct, indirect and cumulative impacts on bird populations, BirdWatch freland would have concerns over any developments which were not ecologically sustainable, specifically developments with potential for significant impacts on bird populations within designated sites and in the wider countryside. We would have particular concern for priority

We have significant concerns regarding the construction of a wind farm at the location indicated in your scoping letter, as recent records show the possible presence of breeding Curlew within this area. Curlew are a red listed species in the Birds of Conservation Concern in Ireland 2014-2019 report and the breeding Curiew population in freland has suffered serious declines (82%) since 1987. Curiew are known to be particularly sensitive to disturbance and displacement from wind infrastructure, in addition Curiew densities have been shown to decrease significantly during wind farm construction with populations showing no recovery post-construction.

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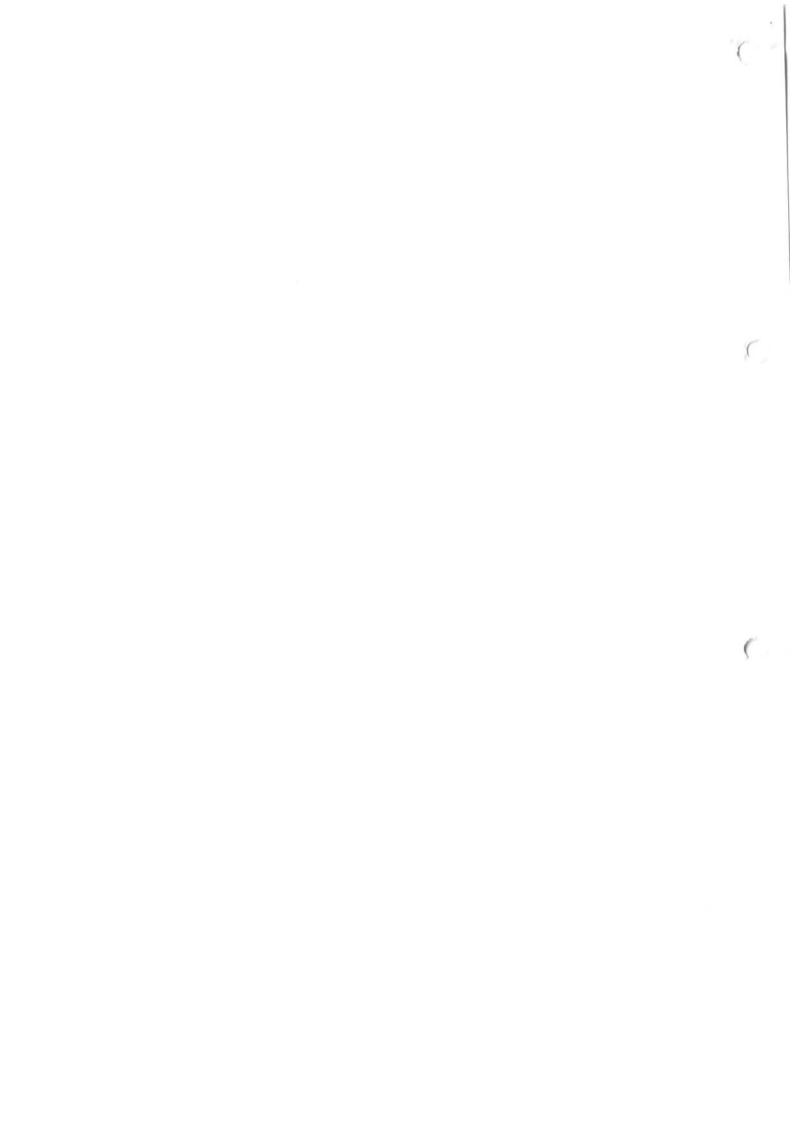
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Directors: K O'Byrne (Chairman), B Lavery, JB Peart, Seamus Bridgeman, Gerry Lyons, Margaret Stephens, David Fay. Registered charity no. 5703. BirdWatch Ireland is the trading name of the

re (79/409/EEC) & Habbara Directive (41/41/EEC), & al by 90/14/ECL, and Shorage Em era (MA) Cirective (Dire COM 2001/42/EQ.

Penter-Viggins, I.W., Shephen, I., Lings, count of Applied Ecology, 44, 1929-1131. ra, i., imagratura, M.H.W., Reindrickye, I.P., & The Name, N. (2005). The distribution



The visual impact of an industrial scale wind farm of this enormous scale on this wonderful landscape at this sensitive rural location. We have a very scenic Coopers Mountain Walk which will be destroyed by the enormity of these massive wind turbines.

The inevitable destruction of a rural amenity that will result from the proposed development. Local roads and forestry roads will be destroyed by the size and quantity of deliveries.

The impact of ongoing noise. There are several reports on the noise effects of turbines even smaller than the ones proposed and it is accepted that noise increases with the size of the turbines. Reports for turbines smaller than these state distance to nearest dwellings should be 2km. The Irish Guidelines are old and based on much smaller turbines. The minimum distance of 500m was based on 54m turbines (10 times height of turbine approximately). This would mean for 137m high turbines the distance should be 1.37km from nearest house at least.

Light flicker and health related issues that will result from this proposed development on residents.

The environmental destruction caused by huge excavations, road widening and hardstand areas.

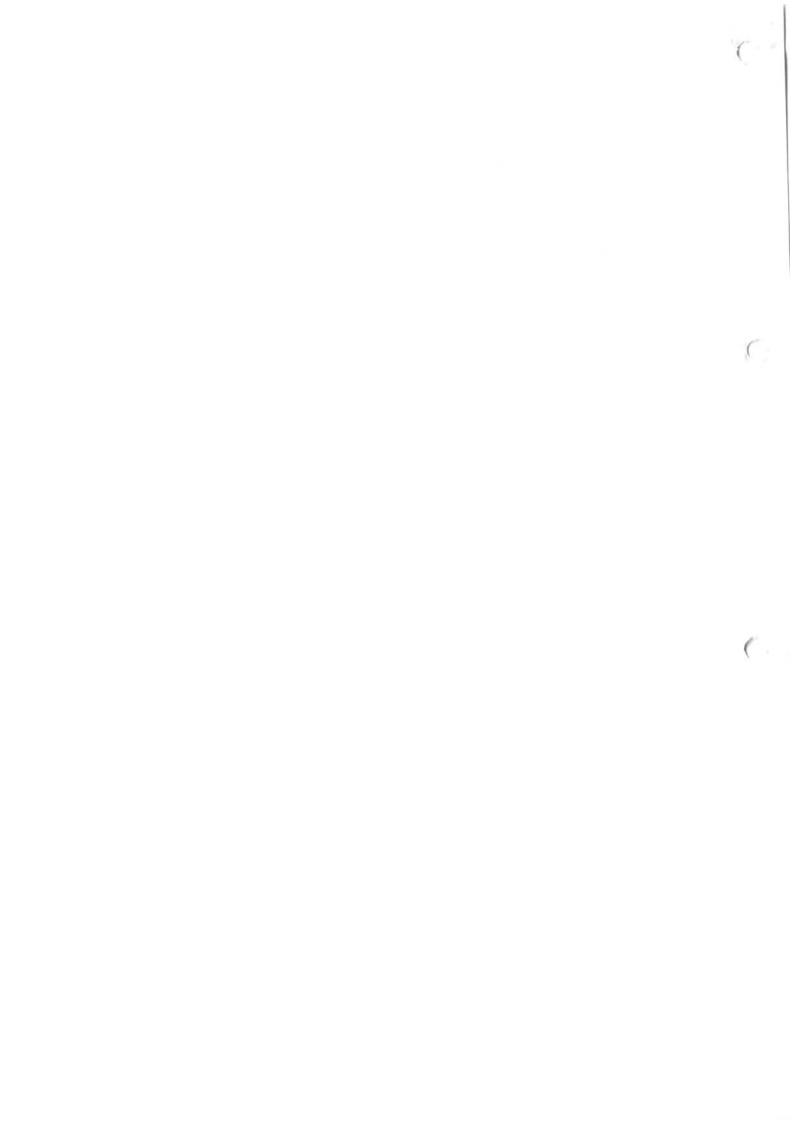
The appalling absence of engagement and meaningful dialogue by the promoter with the local community. Under European and Irish Law it is a requirement that a full consultation process should take place with locals prior to planning application. There was <u>no public consultation whatsoever in relation to this application 22507.</u> New houses appear to be affected by noise and shadow flicker but we cannot seem to find these as the Dwelling Maps are still the old ones – Houses 34, 35, 36, 37? Are these homeowners aware of the industrial windfarm proposed beside them?

Bats. Too may 'unknowns' in the Bat survey. Around our house and turbine locations is a known area of importance for bats. A separate EIS by Laois County Council is required under European Law to assess the impact on bats and the other items in the EIS. It is not good enough to 'wait until we see what happens' and survey for a year or two after the installation of the turbines. Irreversible damage will be done at that stage.

School proximity – less than 1.2km from nearest turbine. Too close altogether for the health and well-being of our children. Add to this the massive disruption that would occur in the field next door to the school during the construction phase.

Signal to TV/Mobile/Broadband: It is widely accepted that wind farms interfere with TV signal and aerials are unlikely to receive signal if the proposed wind farm goes ahead. The planning application has not properly addressed this. There is only a blank form from RTE which should have been completed and sent back to them for their comments and the comments then included in the application.

Similarly, there is no feedback from Vodafone, O2 or Meteor in the application. Mobile networks are poor in this area already so the big fear would be that they would be rendered useless by these industrial turbines and leave people with no way to contact anyone by mobile, which is extremely important in a rural setting in a case of emergency for example.



The main broadband provider in the Spink area is Aptus as the Eircom lines are not suitable for broadband. Aptus relies on signal transferred from mast to dishes at houses similar to mobile and TV signal. Aptus have confirmed they were not contacted by Galetech to assess the impact the industrial sized turbines would have on the signal.

The EIA directive 2011/92/EU states: The description should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project.

Furthermore, we wish to point out that the vast majority of local residents with whom we have spoken directly on this matter have signalled their firm and vehement opposition to this project.

We respectfully urge that planning permission for this development be refused on the multiple points we have listed above.

We enclose a payment in the amount of €20 (payable to Laois County Council) in respect of this objection. All correspondence in this matter can be sent to us at:

Address:

Spink

Abbeyleix

Co. Laois

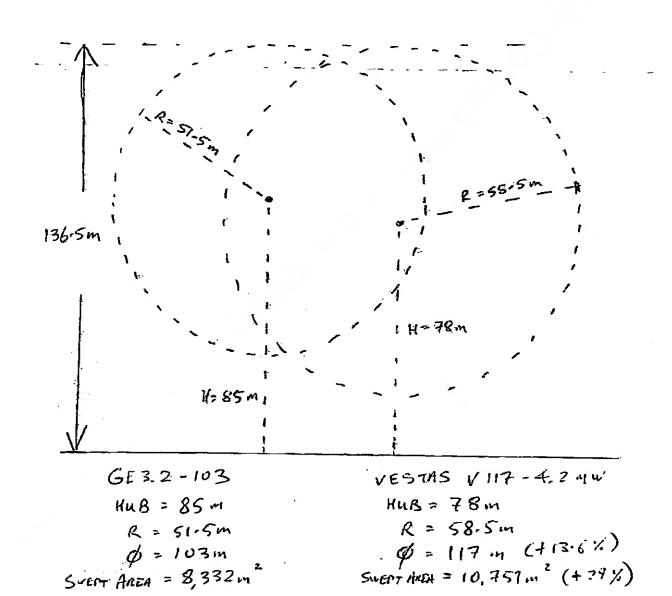
Contact:

Yours Sincerely,

JOHN BROPHY

NOREEN BROPHY







V117-4.2 MW™ IEC IB -T/IEC IIA -T/IEC S -T

Facts & figures

POWER REGULATION	Pitch regulated with	
	variable speed	
OPERATING DATA		
Rated power	4,000kW/4,200kW	
Cut-inwind speed	3m/s	
Cut-out wind speed	25m/s	
Recut-inwind speed	23m/s	
Wind class	IECIB-T/IECIIA-T/IECS-T	
Standard operating temperatu	rerange from -20°C° to +45°C	
with de-rating above 30°C (4,0	000kW]	
Subject to different temperature option	3	
SOUND POWER		
Maximum	106dB(A)**	
*Sound Optimised Modes dependent o	n site and country	
ROTOR		
Rotor diameter	117m	
Swept area	10,751m²	
Air brake	full blade feathering with	
	3 pitch cylinders	
ELECTRICAL		
Frequency	50/60Hz	
Converter	full scale	
GEARBOX		
Туре	two planetary stages and	
	one helical stage	
TOWER		
Hub heights	91.5m (IEC IB)	
	(84m) IEC IIA)	
NACELLE DIMENSIONS		
Height for transport	3.4m	
Height installed		
(Inci. CoalerTap*)	6.9 m	
Length	1 2.8 m	
Width	4.2m	
HUB DIMENSIONS		
Max transport height	3.8m	
Max. transport width	3,8m	
Max. transport length	5.5m	

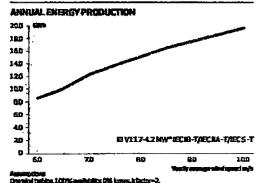
BLADE DIMENSIONS	- 1/1/3	
Length Max, chord	57.2m 4.0m	
Max weight per unit for	70 metric tornes	
trancondation		

TURBINE OPTIONS

- High Wind Operation
- 4.2 MW Power Optimised Mode (site specific)
- Load Optimised Modes down to 3.6 MW
- Condition Monitoring System
- Service Personnel Lift
- Vestas Ice Detection
- Vestas De-Iding
- Low Temperature Operation to -30°C
- Fire Suppression
- Shadow detection
- Vestas Bat Protection System
- Aylation Lights
- · Aviation Markings on the Blades
- Vestas InteliLight*

SUSTAINABILITY Carbon Footprint. 4.4g CO₂e/M/h Return on energy break-even 4.8 months Lifetime return on energy 50 times Recyclability rate 84.7%

Configuration 91.5m bub helpfit and wind class IECIR. Depending on site-specific conditions, Mightes are based on a preliminary stream-lined analysis. An externally verifical Lifecycle Assessment will be made publicly evallable on vestes.com once finalized.



Oranini terina, 10016 mellebits, 9% keses, kitator-2, Standard alcoholy-1,225, alad posed at lab below.



Submission Details



Submitter

Name	John Brophy
Address	Spink Abbeyleix Co. Laois R32 D9X9
Note	

In relation to application

File Number	22507
Name	Wind Limited Pinewood
Address	Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush) Co. Laois



Planning Department, Laois County Council, Áras an Chontae, JFL Ave, Portlaoise, Co. Laois,

3rd March 2023

Ref Planning File No: 22507 (Further Information)

Development Address: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois

Description Extract: amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the re-siting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works.

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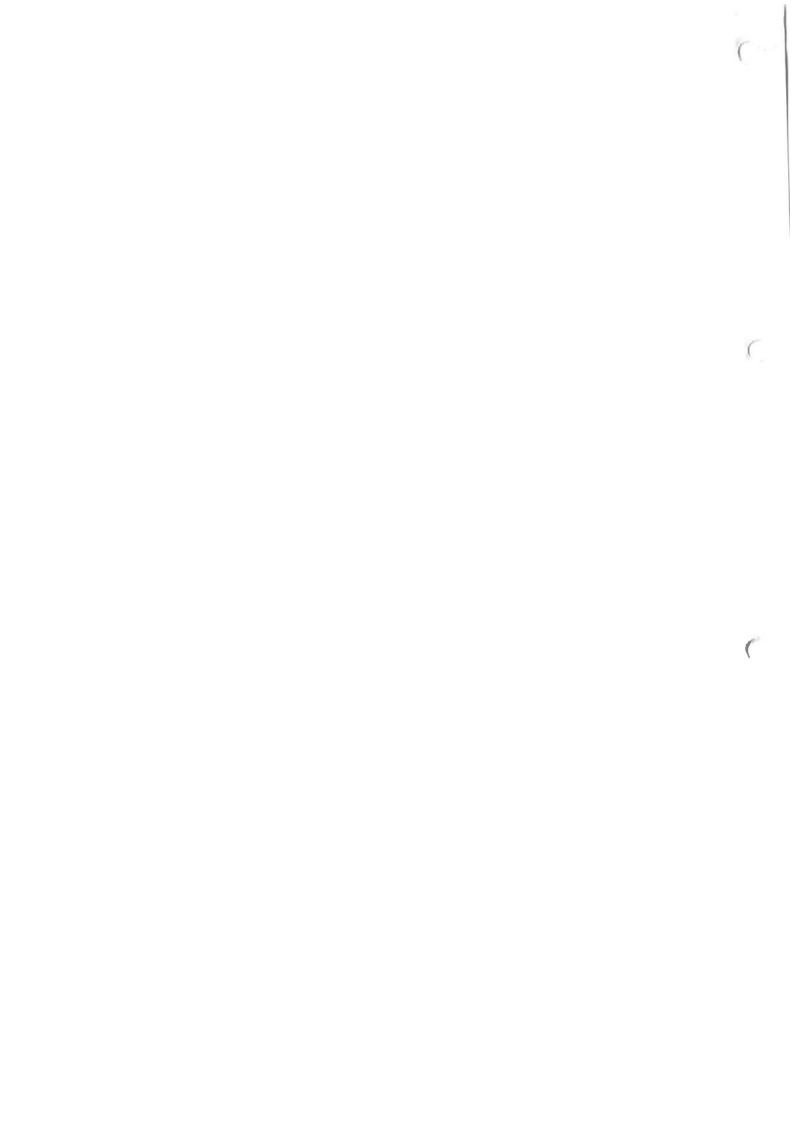
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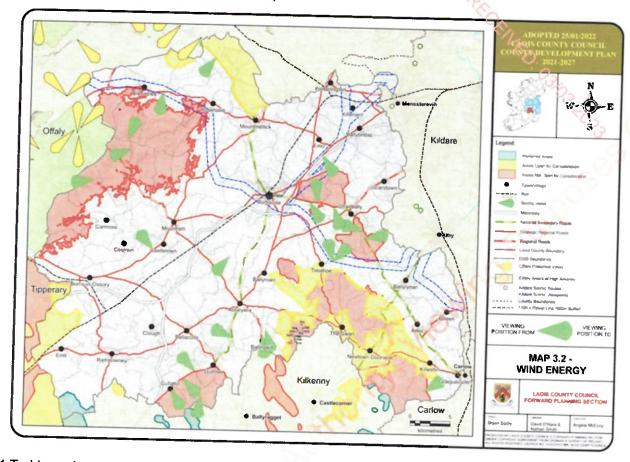
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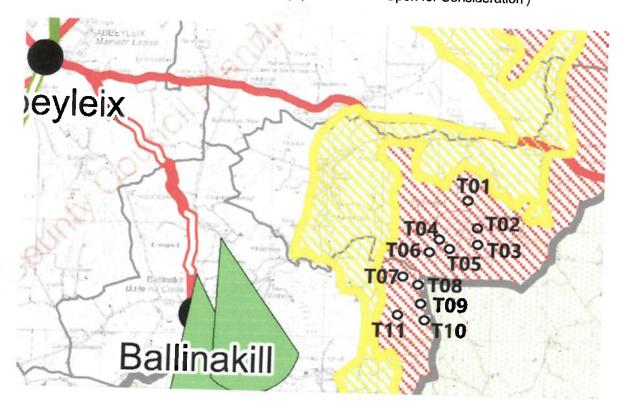
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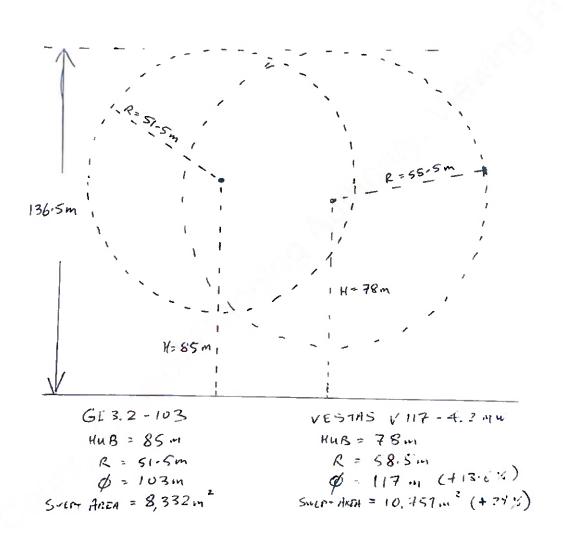
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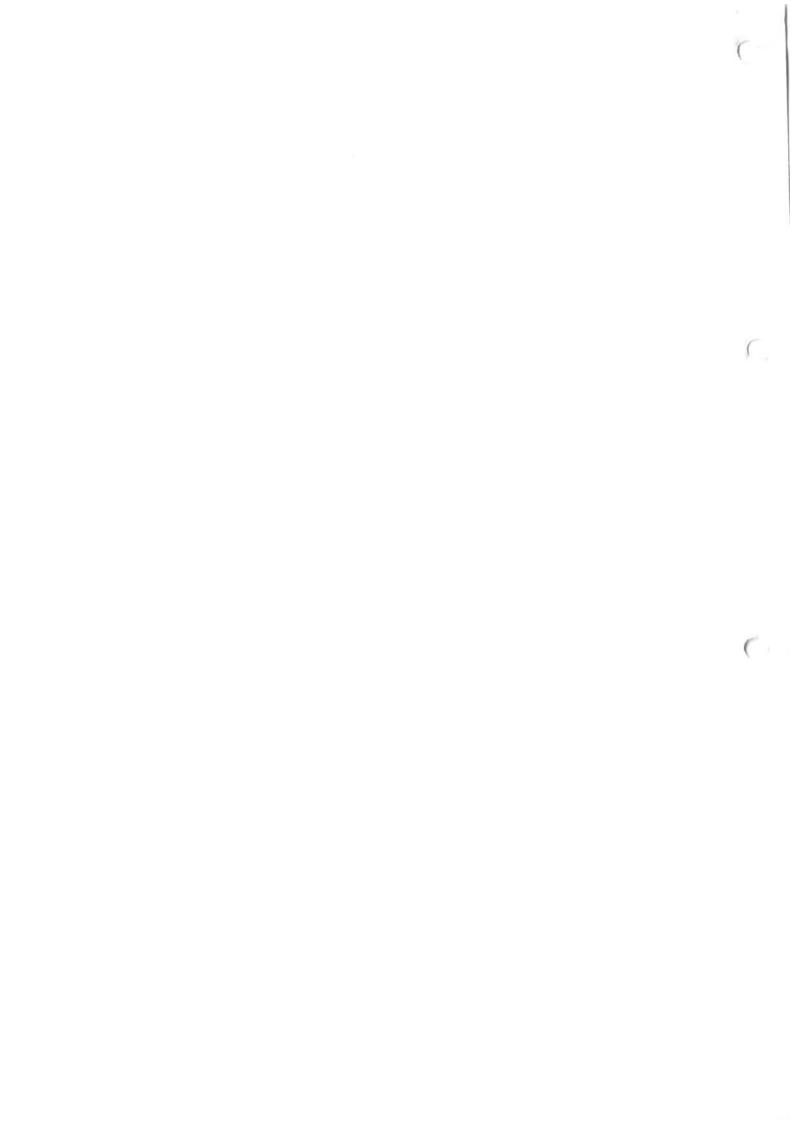




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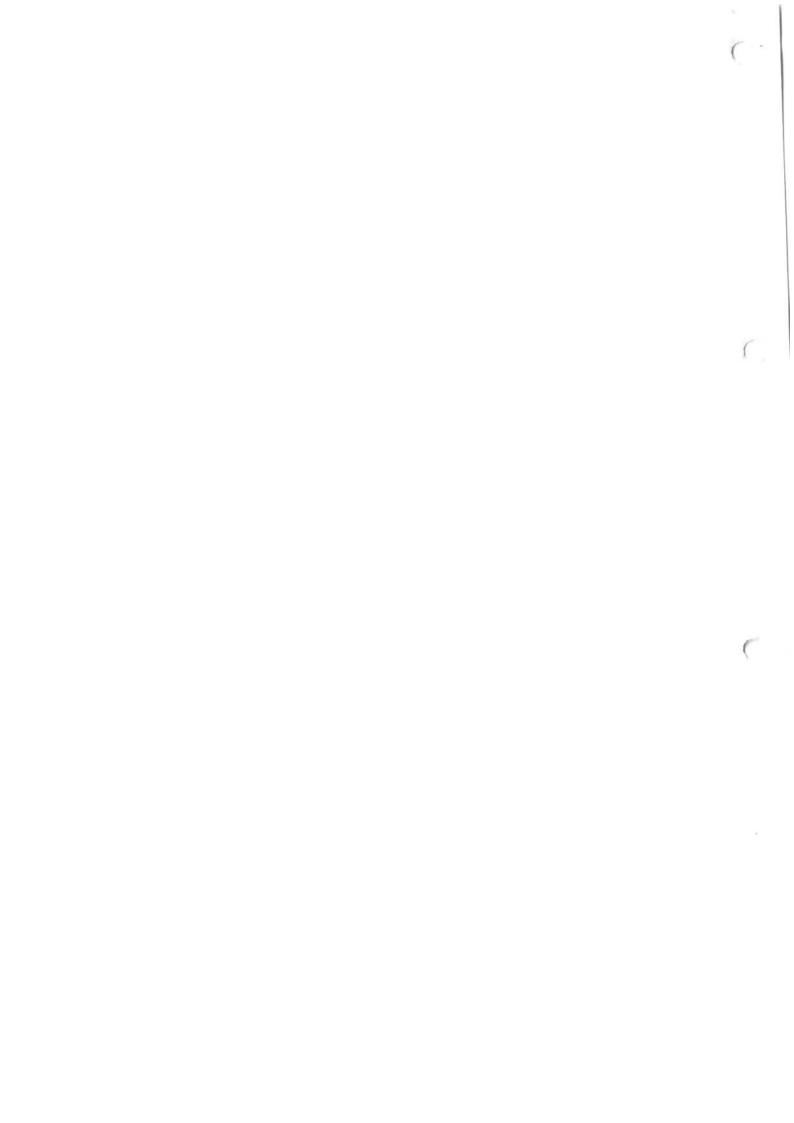
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JOHN AND NOREEN BROPHY SPINK, ABBEYLEIX, CO. LAOIS





COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Áras an Chontae Portlaoise, Co Laois **R32 EHP9**

Planning Ref. No:

22/507

John Brophy and Noreen Brophy Spink Abbeyleix Co. Laois

09/02/2023

Re: Pinewood Wind Limited - PERMISSION to amend the wind farm development permitted under An Bord Pleanála Reference PL11.248518 (Laois County Council Planning Register Reference 16/260) to provide: (i) an increase in the rotor diameter of the wind turbines from 103 metres to 117 metres; (ii) a reduction in the hub height of the wind turbines from 85 metres to 78 metres, thus retaining the permitted overall tip height of the wind turbines of 136.5 metres; (iii) the resiting of wind turbines T8, T9, and T10 and their associated foundations and crane hardstandings by 3 metres, 5.5 metres and 10 metres respectively; and (iv) all associated site development, drainage, access and reinstatement works.

This planning application is accompanied by an Environmental Impact Assessment Report/Environmental Impact Statement which includes an assessment of the likely effects of the proposed development, as a whole and in combination with the relevant off-site or secondary developments which will occur as a direct result of the proposed development, including the infrastructure associated with the wind farm development permitted pursuant to Laois County Council Planning Register Reference 16/260 (An Bord Pleanála Reference PL11.248518) and Kilkenny County Council Planning Register Reference 17/62 (An Bord Pleanála Reference PL10.248392) and the electricity substation permitted pursuant to An Bord Pleanála Reference ABP-308448-20. This planning application is also accompanied by Natura Impact Statement. at Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush),Co. Laois,.

A Chara,

I refer to your submission / observation in relation to the above planning application. I wish to advise you that further information in relation to the application has been furnished to the Planning Authority on 31/01/2023.

The further information is available for inspection or purchase at the office of the Planning Authority during normal office hours or may be viewed online by accessing the Laois County Council website at https://www.eplanning.ie/LaoisCC/searchtypes and entering the planning reference No: 22/507.

Any further submission/observation you wish to make in relation to the further information should be submitted to this office on or before 06/03/2023. No further fee is payable if it is accompanied by a copy of an acknowledgement of a previous submission in respect of this planning application.

Is mise, le meas,

ADMINISTRATIVE OFFICER, PLANNING DEPARTMENT





Planning Department, Laois County Council, Áras an Chontae, JFL Ave, Portlaoise, Co. Laois,

4th March 2023

Ref Planning File No: 22507 (Further Information)



Development Address: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmilis (Kilrush), Co. Laois

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- We have plotted the 11 turbines from Pinewood's Site Layout Plan onto Laois County Council's Wind Map.

All 11 turbines are in Laois County Council's 'not open for consideration' area on Wind Map in County Development Plan therefore should not be allowed!

Please see plans below:

Please see attached Wind Energy Strategy from the Laois County Development plan 2021 2027. The current county development plan is very detailed and covers all the risk and Firmly sets out its preferred area for wind energy generation. The Development plan states in .

(AREAS NOT OPEN FOR CONSIDERATION)

These areas are not considered suitable for wind farm development due to the over sensitivity arising from landscape, ecological ,recreational, and/or cultural and built heritage resources as well as their limited wind regime.

So we now have a county development plan with preferred areas (yellow map) and areas not open for consideration (the red map) compiled by the local authority under the guidelines of the government. Pinewoods windfarm ltd now falls outside the yellow maps zone with all turbines located in the red zone. What do they do now? move to a suitable area to protect everything within the red zone??, No they take a judicial review against the ministerial direction to remove the yellow map and have all areas open for consideration!!! see attached the judgement of Ms. Justice O Regan (2018)IEHC697. Pinewood Ltd argue here

- (A)The stated reasons within the Minister's direction relate to the deletion of the red map and the setback requirements but there is no mention whatsoever of the yellow map .
- (B)The Stated reasons amount to the necessary proof to intervene by issuing the draft direction but do not amount to reasons for adopting the yellow map .
- (D) The fact the Minister may not have had a problem with the yellow map is not a reason according to applicants to include the yellow map in the direction of the local authority.

They are not happy enough with the setback distance of 1500mt being removed, they wanted the Minister not to include the yellow map in the county development plan, and have an open season for industrial wind farms within county Laois.

Thankfully they were not granted the reliefs sought under this judicial review and the yellow map remains in place. This proposed wind farm is not in an area open for wind turbine consideration. It's still within an area not open for consideration as it was in our 2017 /2023 county development plan.

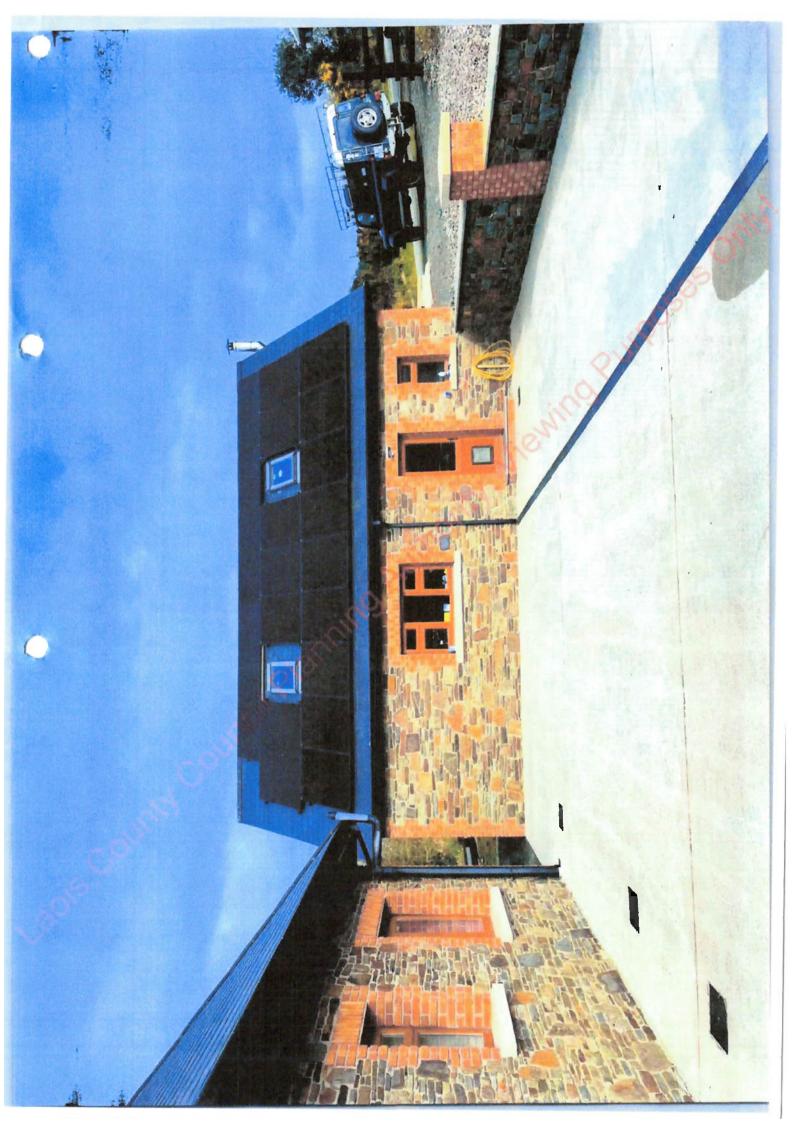
We would also like to point out our personal circumstances. We currently have our second property rented out which is in a valley area 1450mts from the proposed pinewood itd wind farm. The setting of this property will be totally overcome by the scale of this proposed wind farm and the cumulative effect of quarry application 211700 which is just 250mts in the other direction will be rendered unsuitable for renting or at a much lower rent. This property forms part of our pension plan and going forward a reduction in value or rent will affect our ability to sustain ourselves in retirement. Also our children attend the local school in Knock. Surely a development of this scale would be detrimental to the sustainability of this small rural school ,not to mention the dangers attached to construction traffic etc. We are not against renewables in the form of wind generated or solar or any other form. We in 2021 installed an 8.6kw solar system at our home which we are very proud of , it provides most of energy needs , we intend to expand our system in the years to come . We are against the

sighting and scale of this development and the arrogance of pinewood ltd who would like to increase the size of the turbines with no consideration for our homes or lives . . We have a right under European law to enjoy our homes free from noise nuisance and any visual impacts that may occur . We urge Laois County Council to refuse this application and to fight for implementation of the Laois County Development 2017/2023 and 2023/2027 as guideline for wind farm proposals going forward .

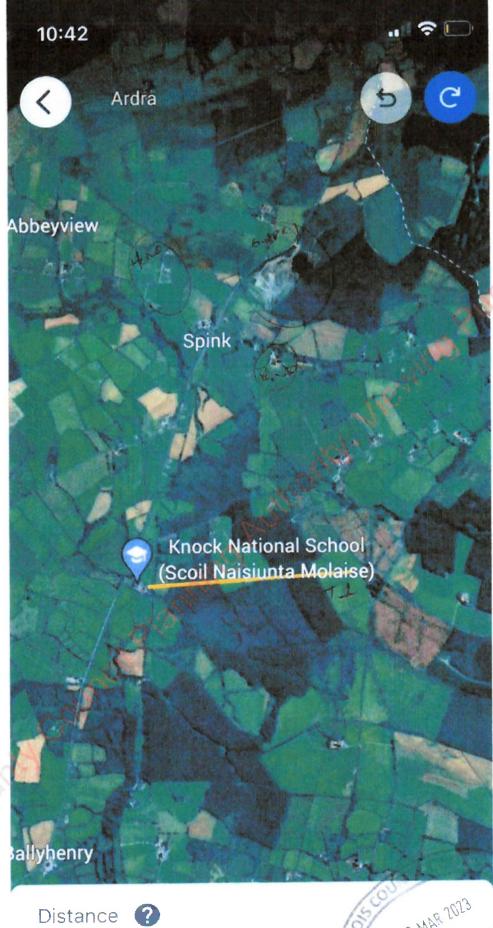
Niall and Siobhan Headen Knockbawn / Clenagh Spink Abbeyleix

Co Laois

Co Laois



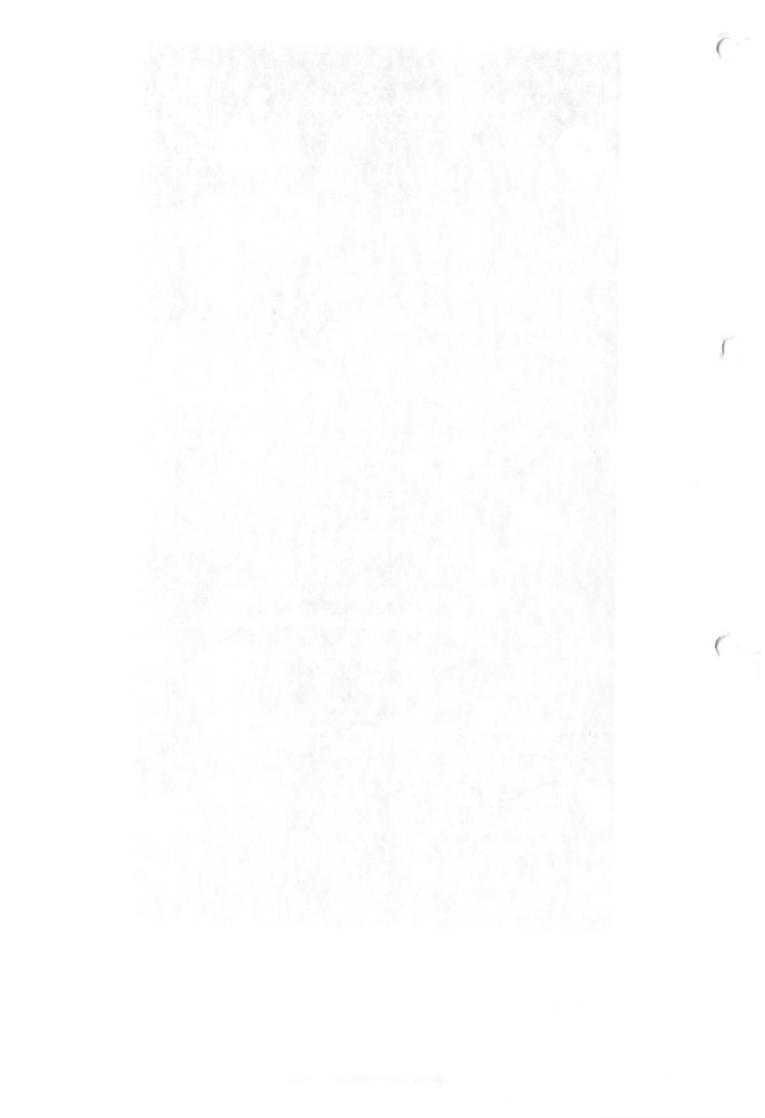


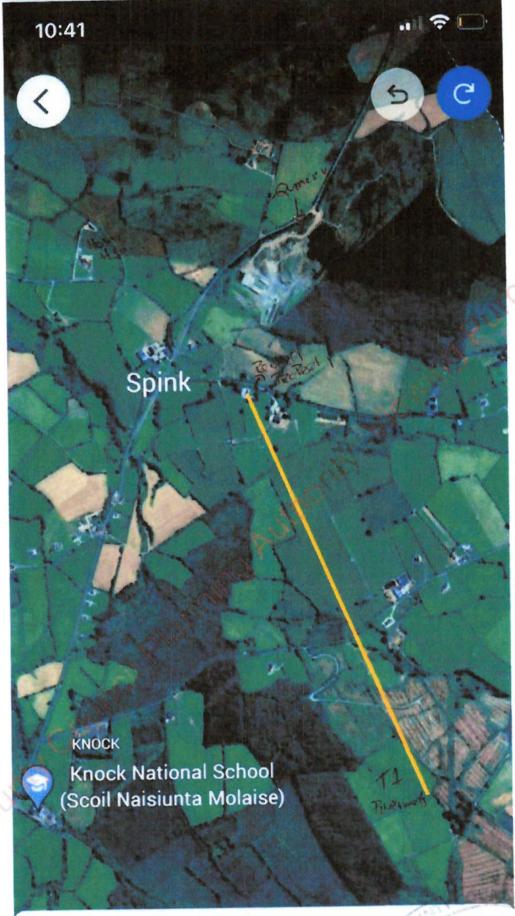




1.23 km





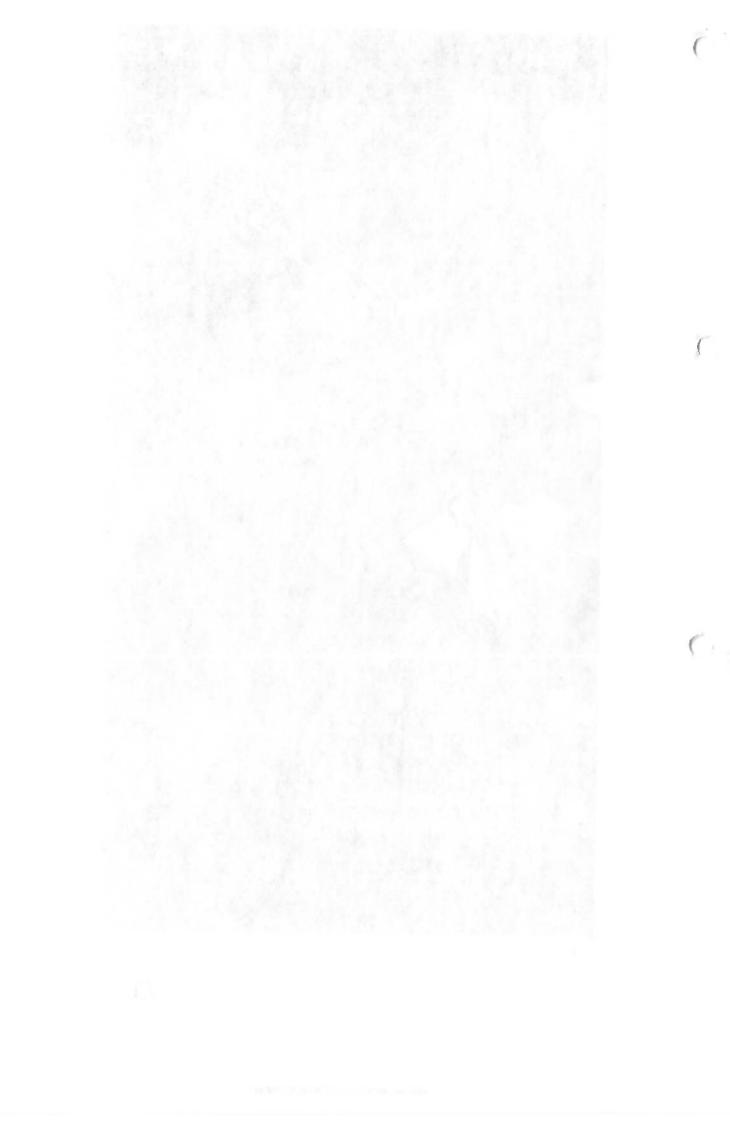


Distance 🕜



1.45 km

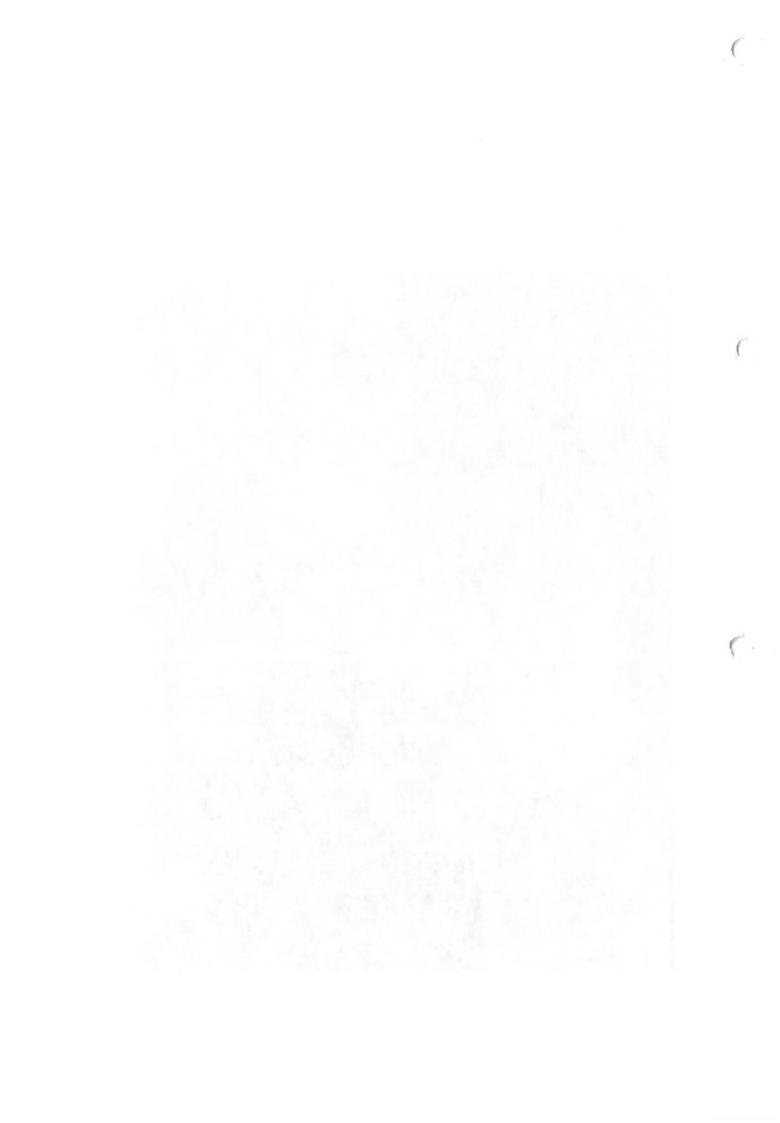




In relation to FI document to Laois County Council dated 16 November 2022, we wish to observe the following:

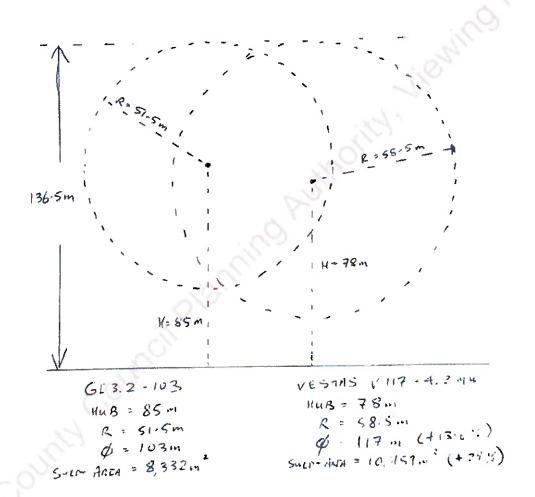
Item No 1: Despite all the talk of Hectares felled/to be felled, the fact is that all forestry in relation to the footprint of this industrial scale wind farm has been felled over the last year or so now anyway and has already resulted in flooding on the Graiguenahown road and into at least one house





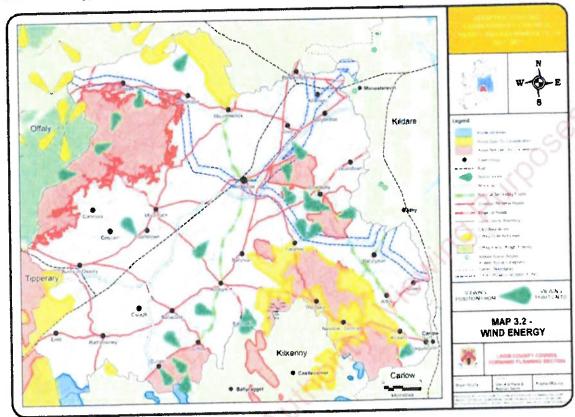
- Larger turbines, gone from 3.2MW each in original application to 4.2MW each now, 11 of them now 46.2MW, approaching SID figure of 50MW. Galetech have failed to address this and the cumulative effect of larger diameter turbines (29% greater swept area) in close proximity.

Original GE 3.2 MW - 103m diameter v Proposed Vestas 4.2 MW - 117m diameter

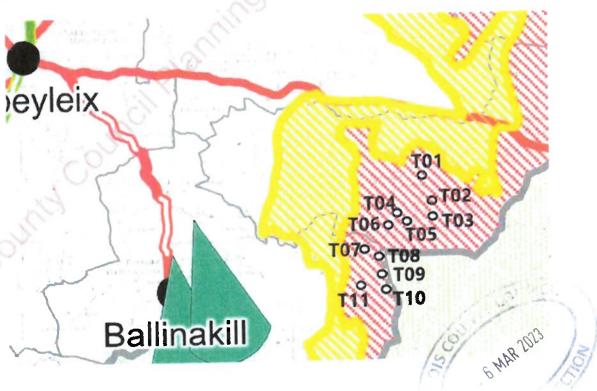




Laois Wind Energy Map (adopted 25/01/2022)



11 Turbines plotted on Laois Wind Energy Map (red area 'Not Open for Consideration')



- Item No. 2: Larger turbines, gone from 3.2MW each in original application to 4.2MW each now, 11 of them now 46.2MW, approaching SID figure of 50MW.

We contend that the cumulative effect of larger diameter (29% larger swept area each turbine) turbines has not been considered properly.

There are houses now, within 1,170m (10 times new proposed diameter) that were not within original 1,030m diameter. We believe they were not properly consulted with on the original application or with the FI. By Galetech's own admission they are exceeding the allowed noise in H35. We contend they should not, whether the residents are financially involved or not.

- Item No. 3: we agree with LCC view that result of vegetation and trees cut down over the last 2 years has not been properly assessed in terms of shadow flicker (or noise). Galetech admit houses H34, H35 and H36 may have shadow flicker in excess of 30 minutes per day and some 'technological mitigation measure' will switch the turbines off if 30 minutes is exceeded. Who will these residents contact if they do not turn off? Galetech will be long gone, as will Statkraft.
- Item No. 4: the red line boundary has changed. However the 11 turbines are still all within the Laois County Council current and previous 'Not Open for Consideration' area for wind energy and as such this industrial scale wind farm should not be allowed to proceed.
- Item No. 5: we contend the Increased diameter and output has not been properly assessed. Galetech say that Vestas are going to make them 'special' turbines with reduced hub height. Have these reduced hub height turbines been assessed by the manufacturer in terms of the blades being closer to the ground, effect of this on noise, cumulative effect of these 'specials'? How can they even know the output is correct when they propose to chop and alter the specification of the model available?
- Item No. 6: we have covered the outstanding JR above on the first page. Have the homeowners now within 10 times the rotor diameter been 'properly' consulted. I doubt it, as we were not. We were just told what is going to be installed, no consultation in the format it should happen. Again, we contend this proposed 'modified' Vestas has not been properly assessed. Therefore its effect on avian species has not been properly assessed.

Galetech state the overall height will be the same at 136.5m. They seem to ignore that each turbine is going from 103m wide to 117m wide and each blade swept area is increasing by over 29%.

We respectfully urge that planning permission for this development be refused on the multiple points we have listed above.

Niall and Siobhan Headen Cleanagh., Spink, Abbeyleix Co Laois

FAPPendix

From: niall headen
Sent: 14 February 2023 21:17

-'eter Sweetman

Subject: Fwd:

Niall Headen

Begin forwarded message:

From: niall headen

Date: 14 February 2023 at 21:14:31 GMT

To: niall headen

Niall Headen Skip navigation

Home

Advanced search

Folders

Help

L Home

Pinewood Wind Ltd v The Minister for Housing, Planning and Local Government; Element Power Ltd v The Minister for Housing, Planning and Local Government

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Jurisdiction: Ireland Court: High Court

Judge: Ms. Justice O'Regan

Judgment Date: 07 December 2018 Neutral Citation: [2018] IEHC 697 Reported In: [2018] 12 JIC 0705

Date: 07 December 2018

Docket Number: [RECORD NO. 2017 999 JR]

Categories

administrative and constitutional law

- planning
- ministers

Show all

[2018] IEHC 697

THE HIGH COURT

O'Regan J.

[RECORD NO. 2017 999 JR]

[RECORD NO 2017 1000 JR]

BETWEEN PINEWOOD WIND LTD. APPLICANT

AND

THE MINISTER FOR HOUSING, PLANNING AND LOCAL GOVERNMENT RESPONDENT

AND

LAOIS COUNTY COUNCIL

NOTICE PARTY

AND

BETWEEN

ELEMENT POWER LTD

APPLICANT

AND

THE MINISTER FOR HOUSING, PLANNING AND LOCAL GOVERNMENT

RESPONDENT

AND

LAOIS COUNTY COUNCIL

NOTICE PARTY

Judicial review – Planning permission – Certiorari – Applicants seeking judicial review – Whether the applicants had discharged the burden required to secure an order for certiorari and other relief

Facts: The applicants, Pinewood Wind Ltd and Element Power Ltd, had identical claims as against the respondent, the Minister for Housing, Planning and Local Government, arising from a direction issued by the Minister on the 28th September 2017 save for the fact that Pinewood had an application pending for planning permission for a wind farm, whereas Element did not. Leave to maintain a judicial review challenge to the Minister's decision/direction of the 28th of September 2017 was afforded by order of the 18th December 2017. The statement of grounds divided the reliefs claimed therein into the following categories: (i) failure to consider the applicants' submissions; (ii) failure to afford reasons for the decision; (iii) failure to have any reasons for the decision/irrationality; (iv) failure to carry out a strategic environmental assessment or screening for same; (v) failure to carry out an appropriate assessment or screening for same; (vi) failure to have regard to s. 15 of the Climate Action and Low Carbon Development Act 2015.

Held by the High Court (O'Regan J) that, in the circumstances, she was not satisfied that the applicants had discharged the burden required to secure an order for certiorari and other relief.

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O'Regan J held that the relief claimed in the statement of grounds would be refused.

Relief refused.

JUDGMENT of Ms. Justice O'Regan delivered on the 7th day of December 2018 Issues

- Both of the above mentioned applicants have identical claims as against the Minister arising from a direction issued by the Minister on the 28th September 2017 save for the fact that Pinewood has a current application pending for planning permission for a wind farm, whereas Element does not.
- Leave to maintain the within judicial review challenge to the Minister's decision / direction of the 28th of September 2017 was afforded by order of the 18th December 2017.
- 3
 The statement of ground is a 21 page document with the reliefs claimed therein divided into the following categories: -
 - (i) Failure to consider the applicants" submissions;
 - (ii) Failure to afford reasons for the decision;
 - (iii) Failure to have any reasons for the decision / irrationality;
 - (iv) Failure to carry out a strategic environmental assessment or screening for same;
 - (v) Failure to carry out an appropriate assessment or screening for same;
 - (vi) Failure to have regard to s. 15 of the Climate Action and Low Carbon Development Act, 2015.
- The respondent Minister issued a direction to Laois County Council (which was enclosed with a letter addressed to the Chief Executive of the County Council bearing date the 28th September 2017) pursuant to s. 31 of the Planning and Development Act 2000 as amended (hereinafter 'P and D Act') requiring the Planning Authority pursuant to s. 31 (2) to comply with the direction and thereby alter, in accordance with the direction, the Laois County Development Plan 2017 2023. The text of the direction was to delete the setback distance of 1.5 km from schools, dwellings, community centres and all public roads in all areas open for consideration for wind farm development. In addition, the development plan was to include the yellow map and to remove the red map.

Submissions

Failure to have regard to the applicants" submissions

- 5 The applicants" arguments are as follows: -
 - (a) There is an express statutory obligation on the Minister to provide reasons under s. 31 (7) (c) and s. 31 (7) (11) of the P and D Act.

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- (b) The wording of the section obliges the Minister to 'take into consideration' the applicants' submissions and that equates to a higher standard of obligation than 'having regard to'.
- (c) The applicants rely on the decision of Finlay Geoghegan J. in North Wall Property Holding Company Ltd. v. Dublin Docklands Development Authority [2008] IEHC 305, where, at Para. 60 she considered that a person who has property rights that could be affected by a decision taken should be given the opportunity of making submissions and having those submissions considered.
- (d) The applicants argue that there is nothing in the documents relied upon by the respondent to show the submissions were given reasonable consideration.
- 6
 The respondent's response is as follows: -
 - (a) Reference in s. 31 (7) (c) of the P and D Act provides that not later than two weeks after receipt of a notice by the Minister of intention to issue a direction, the manager of the relevant planning authority is obliged to publish notice of the draft direction which shall state the reasons for the draft direction, that a copy of the direction may be inspected and that written submissions may be made to the planning authority during the two week period which shall be taken into consideration by the Minister before a direction is made. The respondents suggest that this provision should be read in the light of s. 31 (8) which provides that the manager shall prepare a report on any submission under subs. 7 (c) which report is then to be furnished to the Minister. Further, subs. 9 is relevant in that the report is to summarise the views contained in the submissions. The respondents argue that a very full summary of the submissions was furnished to the minister and no prejudice arose to the applicants by reason of the fact that the full text of the submission had not been furnished and indeed the applicants have not pointed out any specific prejudice. Further, it is for the applicants to establish that the Minister failed to consider the applicants' submissions.

The respondents rely on the following case law: -

- (i) In O'Brien v. An Bord Pleanala[2017] IEHC 773, Costello J held that the board was not required to expressly engage with each individual submission and suggests that this applies equally to a s. 31 direction.
- (ii) In Langford v. An Board Pleanala 12th March 1998 (McGuinness J.) the court accepted that there was a rebuttable presumption of validity of a decision and act of a public authority exercising statutory powers and duties, and stated that the onus of proof lies squarely on the applicant.
- (b) Under s. 31 (11) the Minister is to consider the report furnished and any submissions made to him by the elected members and as the managers" report did include full submissions on the part of the

applicants it was not necessary for the Minister to respond to the views expressed in the submissions.

- (c) The Minister was fully engaged in the entirety of the process and accordingly would have been aware of the prior submissions made by the within applicants which were similar in substance to the submissions made by them to the Minister in this portion of the process.
- (d) In McEvoy v. Meath County Council [2003] 1 IR 208, Quirke J. was discussing the obligation 'to have regard to' and expressed himself satisfied that this duty 'is to inform itself of and give reasonable consideration to ...' The respondents therefore argue that the wording of 'have regard to' is similar to 'take into consideration'.

Discussion relating to failure to have regard to the applicants" submissions

It is noted from the letter of the 28th September 2017 to the chief executive that the Minister indicated that he had carefully considered the report of the chief executive and by definition therefore he indicated that he had considered the summary as contained in that report of the submissions of the applicants.

Given that the onus of proof is squarely on the applicants to demonstrate that notwithstanding that there was no reference to the applicants" submissions in the direction or cover letter of the Minister and the given jurisprudence referred to in legal submissions, in particular having regard to the fact that a rebuttable presumption of validity exists, I am satisfied that the applicants" burden of proof has not been discharged.

Failure to give reasons

9 The applicants" arguments are: -

- (a) The stated reasons within the Minister's direction relate to the deletion of the red map and the setback requirements but there is no mention whatsoever of the yellow map.
- (b) The stated reasons amount to the necessary proof to intervene by issuing the draft direction but do not amount to reasons for adopting the yellow map.
- (c) The applicants refer to Connolly v. An Bord Pleanala [2016] IEHC 624 where the court considered the purpose of reasons which was to understand the decision made, to know whether or not grounds existed to challenge same and to enable the court to engage with the judicial review process. The Supreme Court summarised the fact that it was for the decision maker to take into account relevant matters and to disregard irrelevant matters. In considering reasons, it is the view of the reasonable observer on a reasonable inquiry in determining whether or not the reasons requirement of a decision maker was properly observed.
- (d) The fact that the Minister may not have had a problem with the yellow map is not a reason according to the applicants to include the yellow map in the direction to the local authority.

- (e) The applicants refer to the judgment of Clarke J. in Christian & Ors. v. Dublin City Council (No.1)[2012] 2 IR 506 when the court observed that though there was no general duty to give reasons in respect of general policy the means of implementation of that policy (also referred to as the nuts and bolts of the policy) did give rise to a duty to give reasons as this had the potential to impact on the rights of individuals.
- (f) The applicants argue that there is nothing to suggest that reasons were given for adopting the yellow map within the decision of the Minister or indeed within the development plan of the local authority.
- (g) By rejecting the red plan, it could not be said that the yellow plan was thereby reinstated.
- (h) In Tristor v. Minister for the Environment, Heritage and Local Government [2010] IEHC 397, Clarke J, indicated that the respondent must provide reasons not only for its intervention but for the type of intervention selected. During the course of his judgment, Clarke J. indicated: -

'What the Minister is entitled to do is to specify the measures that need to be taken to ensure that any failure to comply with the Act is remedied.... The Minister was obliged to afford some appropriate level of ability to make representations to all interested parties as to the precise measures which he ought to have imposed in order to remedy the situation.'

- (i) The Minister is not constrained by s. 31 to revert to the yellow plan.
- (j) The chief executive said that there is an evidence base for the 2011 map. This informed the revisions to be made to the 2017 map, and amendments were made to reflect this policy. There is no similar statement in respect of the yellow map.
- (k) The applicants argue that as there was no change in the landscape character then the identity of the areas which could accommodate wind farms should have been similar to the 2011 map. However, the 2017 map was vastly different in that it reduced substantially the areas considered to be preferred areas for wind farm development there were four areas identified in 2011 whereas there is only one area identified in the yellow map directed to be implemented by the Minister.
- The respondent resists the applicants" arguments as follows: -
 - (a) It is necessary to read the Minister's direction together with his two prior submissions to the local authority in connection with the process of formulating the development plan and it is clear from a reading of the direction and cover letter both dated the 28th September 2017, together with the prior submissions made by the Minister bearing date 17th

November 2016 and the 5th May 2017, that the Minister did not have a difficulty with the yellow map save insofar as it incorporated the 1.5 km setback.

- (b) The Minister has a limit on his powers under s. 31 and he is not a planning authority and cannot engage in policy but rather has a supervisory role. Therefore, the adoption of the yellow map was appropriate given that in the Minister's submissions of the 17th November 2016 when the yellow map was proposed together with the setback of 1.5 km the Minister only objected to the 1.5 km setback.
- (c) The respondent referred to the judgment of Clarke J. in *Tristor* and suggests that it is a matter for the Planning Authority to determine which of the range of possible strategies that could be pursued are included in a development plan and relies on this judgment to the effect that the Minister is not entitled to impose an alternate strategy, in particular in the light of the fact that it is clear from the submissions of the 17th November 2016 that his only difficulty at that time was the yellow map incorporating the setback distance. In this regard, in *Tristor*, Clarke J. stated that it is only if the strategy as set out is non qualifying, that the Minister can intervene.
- (d) The respondents say that the test as mentioned in *Connolly*aforesaid and previously in Christian is that of the reasonable observer.
- (e) The respondent relies on the Laois County Development Plan methodology identified in Appendix 5 of the draft plan as supporting the yellow map.
- (f) The applicants" argument relies on a compare and contrast exercise with the 2011 plan which is not justified in the circumstances as the 2017 to 2023 development plan is a standalone document.
- (g) In Sandyford Environmental Planning and Road Safety Group Ltd. v. Dun Laoighaire Rathdown County Council, [2004] IEHC 133 a judgment of McKechnie J. of the 30th June 2004, the court indicated that the mere fact that stated reasons were a repetition of objective A does not make the reason invalid per se if otherwise that is not the case. (The respondents have fairly identified that the comment was made in an entirely different context to the within context (see Para. 45 of that judgment) nevertheless the rationale that reasons can be valid with respect of two different portions of a given process is relied on).
- (h) It is clear from Part 4 of Appendix 5 of the draft development plan and the methodology therein identified, that reasons do exist within the context of the development plan for the yellow map, namely extent of capacity for more wind farms because of the developments to date; the option for solar renewable energy and tourism promotion among other matters (matters which are not included in the 2011 WES). In this regard the respondent argues that this different methodology provides an evidence base which underpins the yellow map.

(i) The respondent points to s. 10 (8) of the P and D Act to the effect that:

'There shall be no presumption in law that any land zoned in a particular development plan (including a development plan that has been varied) shall remain so zoned in any subsequent development plan.'

to support the fact that the applicants have no expectation as to what zoning for wind development would occur in the 2017 - 2023 development plan and the proposed compare and contrast exercise suggested by the applicants is flawed and is made in the face of s. 10 (8) above.

- (j) Appropriate reasons are to be found in reason 3 in respect of the yellow map, namely that the planning authority had been advised in the Minister's submissions of the 5th May 2017, of the Minister's opinion in which it is suggested it is clear that the Minister was looking for the Planning Authority to revert from the red map to the yellow map without a setback.
- (k) The respondent refers to *Christian* at Para. 76 where it is indicated that if the formal document refers to other documents then reasons can be contained within those other documents. In addition, Para. 82 of that judgment is relied on where it is stated that a draft development plan is itself a reasoned document.

Discussion of failure to give reasons

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In O'Donoghue v. An Bord Pleanala [1991] ILRM 750, at p. 757, Murphy J. stated that: - 'It has never been suggested that an administrative body is bound to provide a discursive judgment as a result of its deliberations.'

- In my view, it is clear from the Minister's submissions of the 17th November 2016 and the 5th May 2017, when read together that the Minister was in favour of the yellow map and removal of the setback distances for the purposes of compliance with statute and guidelines.
- Furthermore, I am satisfied that in order to ascertain reasons and the nature of same, it is necessary to read the entirety of Appendix 5 as dealing with the wind energy strategy of Laois County Council rather than highlighting small portions and taking same in isolation. In that appendix, it is mentioned that certain methodology has been used in or about developing the wind energy strategy and this coupled with the balance of Appendix 5, does in my view, set out a rational basis for the incorporation of the yellow map.
- Although there may be no change to the landscape character of Co. Laois, nevertheless clearly there is a change to the landscape character assessment policy of Laois County Council and this of itself identifies a change from that which prevailed when formalising the 2011 map.

I agree that having regard to s. 10 (8) of the P and D Act, that a compare and contrast approach is not the relevant mechanism to assess the giving of reasons or the rationale behind the wind energy strategy. Notwithstanding that the draft plan refers to the 2011 map, I am not satisfied that reference in the draft development plan to the 2011 map thereby constrains Laois County Council to explain in detail any changes in the 2017 map over the 2011 map, although as aforesaid, I am satisfied that the methodology changes and the matters identified in that section of Appendix 5 do support the view that the policy of Laois County Council has changed over that which prevailed in 2011.

- In p. 4 of appendix 5 of the draft development plan for 2017 2023, it is stated that the document is to clarify the Council's policy towards renewable energy development in the county. The applicants lay considerable stress on p. 22, where it states: 'Having regard to the landscape character assessment policies, amendments have been made to the areas to reflect these policies.'
- The applicants have suggested that there has been no change to the landscape and nevertheless a substantial change to the policies in 2017 over that which prevailed in 2011. It is not in my view possible to rely solely on the quoted sentence above to understand the policies which are included in the development plan for 2017 2023, but rather it is necessary to have regard to the entirety of the Appendix to inform oneself as to the policies of Laois County Council with regard to wind energy strategy and this of course includes the fact that it is stated that the methodology has been primarily informed by a number of considerations including existing and approved wind farms, capacity potential for solar energy, available wind data and transmission networks, settlement patterns, population densities, relevant environmental, tourism promotion and landscape policies in the development plan.
- I am not satisfied that the applicants can succeed in a challenge to the Minister's direction by reason of an assertion that no reason was provided for the adoption of the yellow map (in circumstances where I am satisfied that having regard to the entirety of the Minister's direction and cover letter as well as his prior submissions of November 2016 and May 2017, sufficient reasons have been furnished to understand the decision and to know whether or not grounds of challenge exist and to enable the court to engage with judicial review).

There are no reasons / irrationality

This aspect of the applicants" grounds overlaps substantially with the suggested ground that no reasons were afforded and accordingly the foregoing paragraphs 9-18 remain relevant to the applicants" irrationality argument.

The applicants" arguments

Central to the applicants" submissions in respect of a failure to have any reasons for the decision and in particular the incorporation of the yellow map in the Minister's direction is the fact that the yellow map differs from the map which was part of the 2011 – 2017 development plan without an explanation for the changes. The applicants argues that neither the respondent nor Laois County Council provided a rational explanation for the yellow map. Based on the comparisons between the 2011 situation and that of the yellow map in 2017, the applicants identifies the following examples of irrationality:

- (i) Four preferred areas were identified in the 2011 map whereas there is only one identified in the 2007 map, notwithstanding the assertion that the maps were drawn up on the basis of the same criteria without explanation.
- (ii) There were changes to the areas open for consideration without explanation or without any change to the landscape character assessment.
- (iii) The WES (wind energy strategy) policies are identical but the maps have changed.
- (iv) There is now available a transmission network which makes wind farming more suitable particular to lands owned by Pinewood, however this availability has not resulted in any increased area identified either as a preferred area or an open to consideration area.
- (v) It is argued that there is no explanation in the landscape character assessment identifying changes in the treatment to the maps whether physical policy or designation.
- (vi) There is a ban on contour heights of over 225 m OD without explanation.

The respondent counters: -

- (a) The identification of areas suitable for wind farms is a matter for planning policy with limited scope for intervention by the Minister under Article 31 (1) subs. A D.
- (b) The principles in O'Keefe v. An Bord Pleanala & Ors [1993] 1 IR 39apply to the policy decision of the county council. In that case, the decision impugned was to the effect that the board having considered the evidence submitted was satisfied that the erection and operation of the station and ancillary facilities as proposed would not be contrary to the proper planning and development of the area provided that the development is undertaken in accordance with the conditions specified. The court was satisfied that the decision coupled with the detailed conditions attached and the reasons for each of same was an adequate discharge of the board's statutory duty to state the reasons for its decision. In the course of his judgment, Finlay C.J. stated: -

What must be looked at is what an intelligent person who had taken part in the appeal or had been appraised of the broad issues which had arisen in it would understand from this document, these conditions and these reasons.'

(c) In the 2006 Wind Energy Guidelines (exhibited in the replying affidavit of Neil Cussen on behalf of the respondent of the 30th April 2018 at Para. 12) the objective of the Wind Energy Development Plan should set out objectives to secure the maximum potential from the wind

energy resources commiserate with supporting development that is consistent with proper planning and sustainable development. The identification on the maps of the key areas where there is significant wind energy potential and where subject to the criteria such as design and landscape planning, natural heritage, environmental and amenity considerations, wind energy development will be acceptable in principle. The respondent argues that based on this objective it is clear that a development plan is not just for the purposes of maximising wind energy but must have regard to other matters such as permissions already granted and the sustainable development of the county which is in effect a balancing exercise for the Planning Authority. In accordance with O'Keefe aforesaid such planning policy can only be set aside if there is no basis for the decision made. At p. 71 of Finlay C.J.'s judgment in O'Keefe it was indicated that the court could not interfere with the decision of an administrative decision making authority merely on the grounds that it is satisfied on the facts as found it would have raised different inferences and conclusions or that the case against the decision made by the authority was much stronger than the case for it. At p. 72, Finlay C.J. indicated that: -

- ".. it is necessary that the applicant should establish to the satisfaction of the court that the decision-making authority had before it no relevant material which would support its decision."
- (d) The respondent argues that there is no substance to the applicants" argument in respect of irrationality as the rationale and methodology is within the development plan namely Appendix 5.
- (e) It is clear from the submissions of the Minister to the local authority during the earlier portion of the process, that the Minister thought that the setback and the red map constituted a breach of the statutory provisions and the guidelines whereas it is also clear that subject to a deletion of the setback, the yellow map did not constitute such a breach.
- (f) The Minister's role is confined to remedying the non compliance with the P and D Act therefore it is not the Minister's function to substitute a map which he would prefer over that which was previously supplied by the planning authority namely the yellow map, subject to the removal of that which offended the statutory requirements and guidelines namely the setback provision.

Discussion of no reasons/irrationality

In my view, it is clear from the introduction to Appendix 5 that same was for the purposes of clarifying the policy in respect of renewable energy and therefore it appears to me that it is necessary to review the entirety of Appendix 5 when considering such policy which would therefore include the methodology section of Appendix 5.

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Furthermore, it appears to me that the applicants are incorrect in their submissions to the effect that there has been no change advised in respect of the landscape character

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assessment policy of the county council in particular, if one compares the methodology identified in the earlier plan with the 2017 Appendix 5.

- The applicants" arguments are premised on a review of the identification of the preferred areas by looking solely at the sentence contained in p. 22 of Appendix 5 which states: 'Having regard to the landscape character assessment policies, amendments have been made to the areas to reflect these policies.'
- The applicants argue that the landscape character assessment has remained the same and that may be the case, however it is clear that the sentence above relates to the landscape character assessment policies as opposed to merely the landscape character or an assessment thereof independently of the policies. It is also clear from the above quoted sentence that in fact there is a change required in the map in the 2011 plan to reflect these policies. Therefore, the sentence identifies a need for a change in the 2017 plan over that in the 2011 plan based on the 2017 policies.
- As mentioned aforesaid, I am of the view that it is not an appropriate exercise to compare the 2017 plan with the 2011 plan on the basis that it is incumbent upon the development authority to explain any changes. I accept that the development plan of 2017 2023 is a standalone document, notwithstanding that, within the development plan there is various reference to the 2011 plan and its map created for the purposes of its wind energy strategy.
- In the circumstances I am not satisfied that the applicants have discharged the burden of proof identified by Finlay C.J. aforesaid in *O'Keefe* for the purposes of securing an order of *certiorari* on the basis that the Minister acted irrationally in directing the incorporation of the yellow map subject to the removal of the setback area.

Failure to have regard to s. 15 of the Climate Change and Low Carbon Act 2015 $\,$

The applicants" complain that the respondent erred in law in failing to have regard to s. 15 of the 2015 Act which requires relevant bodies to have regard to the furtherance of the national transition objective and the objective of mitigating greenhouse gas emissions. It is argued that there is no evidence in the map or the Minister's direction or the associated materials that the Minister had any regard to s. 15 aforesaid and as a consequence it is argued that the yellow map greatly reduces the potential for wind energy production in Co. Laois and therefore flatly contradicts the objectives identified in s. 15.

- The respondent argues that this is not correct. It is accepted that in s. 15 (1) of the 2015 Act, a relevant body shall in the performance of its functions have regard to the furtherance of the national transition objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State. The respondent refers to reason 2 (a) for making the direction which states:
 - '2 (a) The Laois County Development Plan 2017 -2023 does not meet with the requirements of s. 10 (2) (n) of the P&D Act as the effect of the policy EM7, s. 6.1 (Appendix 5) and revised wind energy map 1.6.5, is to severely undermine and negate practical measures to adopt to climate change and reduce reliance on fossil fuels.'

- S. 10 (2) (n) of the P and D Act 2000 aforesaid refers to the promotion of sustainable settlement and transportation strategies including the promotion of measures to reduce energy demand in response to the likelihood of increases in energy and other costs due to long term decline in non-renewable resources, reduce anthropogenic greenhouse gases emissions and address the necessity of adaptation to climate change.
- The respondent argues that the Minister clearly had regard to greenhouse gas emissions and climate change and therefore it is clear that consideration in accordance with s. 15 of the 2015 Act was incorporated within the Minister's direction.
- In addition, the respondent argues that in the Minister's submission to the county council on the 5th May 2017, in seeking to move the red map from the proposed development plan it is stated inter alia that the plan identified in the red map: - '... would be significantly in conflict with national and regional policy objectives to support the development of wind energy as a crucial component of meeting Ireland's commitments to reducing greenhouse gas emissions and increasing renewable energy resources.'
- In the circumstances, in my view, having regard to the foregoing there is no substance to the applicants" argument that the Minister failed to have regard to s. 15 of the 2015 Act.
- 34 In accordance with the judgment of Kearns J. in Evans v. An Bord Pleanala [2004] WJSC-HC 4037 (7th November 2003) the fact that s. 15 of the 2015 Act was not recited in the direction does not mean that proper consideration was not given. In the Evans matter, it was argued that the board had failed to take into account government policy, however, at p.23 of the judgment it was held non - recitation of the guidelines was not sufficient evidence on the part of the applicants to demonstrate that the respondent failed to have regard to the guidelines.

Failure to have conducted a strategic environmental assessment (SEA)

35
The applicants" argue that the respondent erred in failing to carry out a SEA or screening for SEA of the yellow map. In the statement of grounds, it is argued that this requirement arises as a consequence of Directive 2001/42/EC. However, as argued by the respondent, this portion of the applicants" claim herein does not involve an assertion that the Minister failed to transpose the EU directive into Irish law. The respondent further attempts to avoid this ground on the basis of the provisions of Regulation 3 of SI 691 of 2011 dealing with the content of the grounds in a Statement of Grounds for judicial review, namely that the applicants should state precisely each ground giving particulars where appropriate and identifying in respect of each ground the facts or matters relied upon as supporting the ground.

In submissions, the applicants rely on Regulation 9 of SI 435/2004. It is argued by the applicants that in the definition section 'competent authority' includes the Minister's direction as competent authority is defined as an authority or authorities which are jointly responsible for the preparation of a plan or programme or modification to a plan or programme. Thereafter there is a mandatory requirement under s. 9 (1) to carry out an SEA of all plans and programmes prepared for agricultural, forestry, fishery, energy, industry, transport, etc. and which sets out the framework for future development. The applicants argue that reference to energy incorporates reference to the Wind Energy Strategy within the

Laois County Development Plan and therefore is captured by the requirement in Regulation 9 to conduct an SEA.

- 37 The respondent's argument is to rely on Regulation 3 (2) of SI 435/2004 which provides inter alia that the provisions of Articles 9 17 thereof shall not apply to the making or variation of a development plan under s. 9 12 of the P and D Act 2000.
- 38 S. 10 of the P and D Act 2000 refers to a development plan which should set out the overall strategy for proper planning.
- S. 31 (17) provides that the Minister's direction is deemed to have immediate effect and its terms are considered to be incorporated into the plan, or, if appropriate, to constitute the plan. The respondent therefore argues having regard to the foregoing that it is clear that Regulation 9 of SI 435/2004 does not relate to the Minister's direction.
- 40
 The applicants counter that if there is any ambiguity in the respondent's argument relative to the non application of Regulation 9 of SI 435/2004, then the provisions should be read as applying to the Minister.
- No such ambiguity has been pointed out and in my view the argument presented by the Minister aforesaid is correct.

Appropriate assessment

The applicants argue that an appropriate assessment pursuant to Regulation 42 of SI 477/2011 has not been carried out nor has there been a screening for same. It is argued that there is a breach on the part of the Minister to comply with Regulation 42.

43
The respondent argues that in fact this obligation must be read in the light of Regulation 42
(20) which states:-

'For the avoidance of doubt, notwithstanding that the making, adoption and consent procedures relating to plans and projects which fall under the Planning and Development Acts 2000 and 2011do not come within the scope of these regulations ...'.

Accordingly, SI 477 of 2011 does not apply to the Minister's decision which as aforesaid under s. 31 (17) forms part of the County Council Development Plan.

The applicants accepts that there is no challenge to the implementation or transposition of the EU Directive and therefore in order to avoid the implications of Regulation 42 (20) as requiring the Minister's directive to be preceded by an appropriate assessment or screening for same, it will be necessary to find some ambiguity in the effective exclusion provided in Regulation 42 (20), however, again, no such ambiguity has been identified by either the applicants or indeed by the court.

Conclusion

45 In the circumstances I am not satisfied that the applicants have discharged the burden required to secure an order for *certiorari* and other relief, and accordingly the relief claimed in the statement of grounds is refused.

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Approdia

2021 - 2027

LAOIS COUNTY COUNCIL CHOMHAIRLE CHONTAE LAOISE





APPENDIX 5: WIND ENERGY STRATEGY

Laois County Development Plan 2021 – 2027: January 2022

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1. INTRODUCTION

1.1 Introduction

One of Ireland's greatest natural resources is wind. The country has one of the most advantageous wind regimes in Europe suitable for the production of electricity especially during the winter months when energy demand is at its highest. Over the course of the last decade in particular, there has been a growing interest in the development of wind farming to harness this valuable and renewable resource.

While the western and south-western seaboard counties boast the optimum wind resources, County Laois also has a certain potential in this area notwithstanding its inland location.

1.2 Background

Ireland [and by extension County Laois] is at a cross-roads concerning the future of energy. The challenges of climate change resulting from increasing greenhouse gas emissions need to be tackled effectively, strategically and urgently. Recent studies have contributed to growing awareness and knowledge of the problem, its long-term socio-economic consequences and have stressed the need for decisive and immediate action.

An integrated approach to climate and energy policy is needed given that energy production and use are primary sources of greenhouse gas emissions. Ireland's increasing dependence on energy imports threatens its security of supply and implies higher prices. Ireland is currently the most import dependent country in the European Union for energy. Approximately 86% of the national energy requirement is imported at a cost of c. €6.25 bn/annum. In contrast. boosting investment in renewable energy and new technologies has wide-reaching benefits and will play a fundamental part in the government's strategy for growth and expansion of the green energy sector.

Moreover, the greater use of renewable energy resources as a direct substitute for imported fossil fuels will lead to significant savings on the national fuel bill, greater security of supply and a reduction in the potential for serious economic impacts due to external factors which might affect energy prices. Renewable energy sources are largely indigenous, are not reliant on the future availability of conventional sources of energy, and their predominantly decentralised nature reduces vulnerability to volatile energy supply. Consequently they will comprise a key element of a sustainable energy package going forward.

Limiting greenhouse gas emissions is seen as vital in controlling global warming which is one of the most important environmental issues currently being addressed by the European Union. The promotion of renewable energy will play a significant part in achieving this target.

As public debate surrounding the topic increases, from developers, legislators, officials and concerned citizens alike, the need for and value of a formal renewable energy strategy for County Laois has become clearly established.

1.3 Terms of Reference

Planning has a key role to play in the development of renewable energy in County Laois by facilitating the appropriate siting, establishment and operation of renewable energy sites in ways that balance the environmental, social, and economic benefits with any demonstrated impacts particularly those of a landscape and amenity variety.

The objectives of this report are to evaluate and analyse the potential renewable energy resource within County Laols, to outline the key environmental and planning considerations for such development and to make recommendations as to how renewable energy resource development policy and practice can be improved.

Ultimately, this document will clarify the Council's policy towards wind energy developments in the county, form the basis for a more streamlined assessment of planning applications and ultimately assist in the decision making process of the Planning Authority.

CONTEXT, CAPACITY, VALUE

2.1 Evolving National and European Context

Renewable energy development will be a vital part of Ireland's strategy to tackle two major challenges facing the country today-ensuring a secure supply of energy and combating climate change. In recent years Ireland has become heavily dependent on the importation of fossil fuels in order to meet its energy needs, with fossil fuels accounting for 90% of all energy consumed nationally as recently as 2019.

The high dependency on energy imports is risky and as a result, Ireland is currently extremely vulnerable both in terms of meeting future energy needs and ensuring price stability. Accordingly, the Department of Communications, Energy and Natural Resources' [DCENR] energy policy has been moving towards greater levels of selfsufficiency, with renewable energy being a key part of the Governments Energy Policy framework 2007-2020. Additionally, in the context of the current global economic downturn and a time of increasing uncertainty over world energy prices, the further exploitation of indigenous renewable resources will be crucial if Ireland is to meet its renewable energy targets, secure energy supply, decouple economic growth from environmental pollution and re-power Ireland's economy.

Ireland's need to support renewable energy also stems from its international commitments under the Kyoto protocol and the European Directive 20021/77/EC to

tackle greenhouse gas emissions and air new Directive on the pollution. A **Promotion of Renewable Energy Sources** came into effect in June 2009, which will establish a binding target of 20% of overall EU energy consumption coming from renewable sources by 2020 as well as a binding 10% minimum target for energy from renewable resources in the share of transportation fuels. The Irish target under the directive is for renewable resources to of total energy account for 16% consumption by 2020. Failure to meet the EU targets could result in EU sanctions being imposed.

At a basic level the new Directive legally obliges each EU Member State to:

- [a] ensure that its 2020 target is met and
- [b] introduce "appropriate measures" and outline them in a National Renewable Energy Action Plan designed to ensure that the Member State meets its interim trajectory.

The "appropriate measures" include ensuring that grid-related measures and administrative and planning procedures are sufficient to achieve the target. The European Commission will be able to initiate infringement proceedings if a Member State fails to introduce "appropriate measures" to enable it to meet its interim trajectory, or if a Member State fails to submit its National Action Plan on time. Thus it is critical that industry stakeholders and state-bodies work together to support the delivery of renewables and the associated infrastructure required in order to meet national targets.

2.2 Government and EU Policy

The following is a chronological summary of key objectives for renewable energy identified in recent government and EU policy documents, programmes and acts.

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2.3 National Energy Efficiency Action Plan 2009-2020

The purpose of this Action Plan is to identify policies and measures that have the potential to contribute towards the national target of 20% energy efficiency savings by 2020. It builds upon the Energy Efficiency Action Plan that was submitted to The European Commission in 2007as part of Ireland's obligations under the Energy Services Directive [ESD] which requires member states to deliver energy savings of 9% by 2016.

The Action Plan contains 90 actions, measures and programmes which will each play their part in securing a more sustainable energy future for Ireland. Of the 90 actions, five stand out as having key importance for the delivery of the national target:

- Roll out of a multi-annual National Insulation Programme for Economic Recovery to assist homeowners substantially reduce their energy bills,
- Support to businesses to increase competitiveness through tax allowances for energy-efficient technologies,
- Introduction of an Energy Demand Reduction Target,
- Encouragement of public sector towards purchasing only green goods and services as part of target to reduce energy usage in the public sector by 33%,
- Development of an electric vehicle deployment strategy to provide for a minimum of 10% of national passenger car and light commercial fleet being electrically powered by 2020.

2.4 The Grid Development Strategy 2007-2025

This strategy recognises that one of the biggest challenges facing the energy sector in Ireland is the development of a high voltage transmission grid to meet the country's demand for more economical, reliable and environmentally friendly electric power.

Key actions include:

- Creation of a high capacity, efficient, reliable link between generation, and demand centres.
- Doubling in capacity of bulk transmission grids,
- Upgrading 2,300 kms of the existing network,
- Constructing 1,150 kms of new circuits,
- Balanced grid development in each region,

Total investment of €4 billion in national infrastructure of which €310 million is earmarked for the Midlands Region.

2.5 Climate Action Plan 2019 to Tackle Climate Breakdown

The Climate Action Plan 2019 is committed to achieving a net zero carbon energy system for Irish society and a resilient and sustainable country. This Plan sets out over 180 actions, together with hundreds of subactions, that need to be taken at a time when the warning signs are growing, and the time for taking action is rapidly reducing. This Plan identifies how Ireland will achieve its 2030 targets for carbon emissions, and puts us on a trajectory to achieve net zero carbon emissions by 2050. The Plan embraces every relevant sector: electricity, enterprise, housing, heating, transport, agriculture, waste, and the public sector. In

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relation to electricity, the key objectives are outlined below:

- Increase reliance on renewables from 30% to 70% adding up to 8.2 GW of renewable onshore wind energy capacity with some of this delivered by private contracts via corporate power purchase agreements;
- Deliver the Renewable Electricity Support Scheme (RESS) which will provide support for renewable electricity projects in Ireland through a series of scheduled, competitive auctions;
- Put in place a coherent support scheme for micro-generation with a price for selling power to the grid;
- Open up opportunity for community participation in renewable generation as well as community gain arrangements;
- Streamline the consent system, the connection arrangements and the funding supports for the new technologies both onshore and off shore.

2.6 Project Ireland 2040

Project Ireland 2040 is made up of the National Planning Framework to 2040 and the National Development Plan 2018-2027.

National Strategic Outcome (NSO) 8 identifies the importance of climate change and relates to ensuring a 'Transition to a Low Carbon and Climate Resilient Society'.

National Policy Objective 55 seeks to 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet

national objectives towards achieving a low carbon economy by 2050.'

The associated National Development Plan (NDP) 2018-2027 sets out the investment priorities that will underpin the implementation of the National Planning Framework, one of which is climate action, and commits to providing an additional 3,000-4,500 MW of renewable energy, full rollout of the Renewable Heat Support Scheme and the establishment of a Climate Action Fund to support initiatives that contribute to the achievement of Ireland's climate and energy targets.

2.7 Eastern and Midland Regional Spatial and Economic Strategy (RSES) 2019-2031.

The RSES seeks to support an increase in the amount of renewable energy sources in the region. The plan identifies rural areas as having a significant role in the delivery of the energy needs of the region, in the form of wind, solar and blomass. The Strategy acknowledges that Bord Na Mónas Strategic Framework for the Future Use of Peatlands identifies cutaway bogs as areas which may be suitable for renewable energy as long term alternative uses of these sites.

Regional Policy Objective 7.35 of the RSES states that Eastern Midland Regional Authority shall, in conjunction with local authorities in the Region, identify **Strategic Energy Zones** as areas suitable for larger energy generating projects, the role of community and micro energy production in urban and rural settings and the potential for renewable energy within industrial areas. The plan states that a regional landscape strategy could be developed to support delivery of projects within the Strategic Energy Zones.

2.8 Bio-Energy Action Plan for Ireland 2007

The new Government action plan has been launched as a comprehensive strategy to increase the deployment of renewable energy across three key sectors: electricity, heat and transport.

Among the commitments in the Government Action Plan are:

- By 2020 a third of all electricity consumed in Ireland will come from renewable sources (such as solar, wind, tidal etc.)
- 12% of all residential and commercial heating will be powered by renewable sources (wood chips, solar, etc.)

2.8 White Paper on Energy 2007-2020

Published in March, 2007, the new White Paper entitled "Delivering a Sustainable Energy Solution for Ireland" sets out the Governments Energy Policy Framework for the period 2007 to 2020 to deliver a sustainable energy future for Ireland. The White Paper sets out the Governments comprehensive action-oriented Energy Policy Framework to 2020 under the following strategic goals:

- Security of Supply,
- Sustainability of Energy and
- Competitiveness of Energy Supply.

The underpinning strategic goals are:

- Ensuring that electricity supply consistently meets demand,
- Safeguarding the physical security and reliability of gas supplies to Ireland.

- Enhancing the diversity of fuels used for power generation,
- Delivering electricity and gas to homes and businesses over efficient, reliable and secure networks,
- Creating a stable attractive environment for hydrocarbon exploration and production.
- Being prepared for energy supply disruptions,
- Addressing climate change by reducing energy related greenhouse gas emissions,
- Accelerating the growth of renewable energy sources,
- Facilitating Delivering an integrated approach to the sustainable development and use of bio-energy resources.
- Providing for increased competition and consumer choice in the energy market.
- Ensuring that the regulatory framework meets the evolving energy policy challenges.

By 2020 it is envisaged that one third (33%) of electricity consumed in the Irish economy will come from renewable sources.

2.9 The National Bio-fuel Obligations Scheme 2010

The NBOS obliges all road transport fuel suppliers to use bio-fuel in the fuel mix to ensure that bio-fuel represents 4% per annum of their annual fuel sales. This percentage will increase over time. This bio-fuel obligation will provide an important incentive to domestic bio-fuel production over the coming years.

The Government has set a target of 10% of all vehicles on the road to be electric vehicles by 2020. In order to achieve this the Government is taking a broad range of initiatives around Electric Vehicles, including signing Memoranda or Understanding with a number of motor manufacturers, committing

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to a large scale national roll out of Electric Vehicle Infrastructure and appropriate supports for the customer. The size and geography of Ireland make the country uniquely suitable for Electric Vehicles, and the Government is ensuring that Ireland becomes an early test centre for this technology, and that it takes full advantage of the potential benefits associated with using electricity from renewable sources in transport.

2.10 The Wind Energy Development Guidelines, DoEHLG, 2006 [currently under review]

The DoEHLG published Wind Energy Development Guidelines in 2006 for the purpose of guiding Local Authorities in the preparation of a strategy or plan led approach towards the sensitive siting of these developments.

The guidelines, which supersede the 1996 version, are designed to ensure consistency of approach to wind energy developments throughout the country and to provide clarity to prospective developers and local communities alike. They also provide a sample methodology for the identification of suitable locations for wind energy development within their boundaries and the treatment of planning applications for wind energy development proposals.

The Guldelines have been the subject of a targeted review since 2013 to encompass detailed guidance in relation to noise, proximity and shadow flicker and address issues that have caused increasing concern in relation to wind turbine development.

Circular Letter PL 20-13 Review of Wind Energy and Renewable Energy Policies in Development Plans issued to all planning authorities stating that a number of policy initiatives were under review including:

Focused review of the wind energy development guidelines.

Renewable energy export policy and development framework.

Specifically the draft targeted review of the 2006 guidelines proposes the following:

- Setbacks from turbines and curtilage of noise sensitive properties in the vicinity,
- Noise sensitive properties include residential properties, residential institutions, schools etc
- Areas of special amenity may also be defined as noise sensitive,
- A noise limit to be attached in noise sensitive properties (for one or more properties),
- Exceptions to noise limits if residents give written consent to satisfaction of the planning authority,
- Exceptions to setback from turbines & curtilage of noise sensitive properties if the written consent of local residents is forthcoming and to the satisfaction of the planning authority.

2.11 Draft Revised Wind Energy Development Guidelines, December 2019.

The guidelines are prepared to provide advice to Local Authorities on planning for wind energy through the development plan process and determining planning applications.

They are to ensure consistency of approach throughout the country in the identification of suitable locations for wind energy developments.

The review was undertaken to reflect technological developments in the wind energy sector and to strike a balance between the concerns of local communities

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and the need to invest in indigenous energy projects.

2.12 The Planning and Development [Strategic Infrastructure] Act 2006 as amended

This legislation provides for the streamlining of the planning process for certain types of major energy, transport and environmental infrastructure of strategic importance. The new consent procedures apply to, among other things, major electricity transmission lines and interconnectors, strategic gas infrastructure development, power stations, wind farms, liquified natural gas facilities and gas storage facilities.

The new procedures will ensure an enhanced service, with greater flexibility, full and robust decision-making, public participation and more definitive time-frames in terms of key infrastructure delivery on the ground.

2.13 Sustainable Energy Ireland Wind Atlas 2003

SEI, the national energy authority promotes and assists the supply of energy in an environmentally and economically sustainable manner. The promotion and technology research associated with wind energy is a part of the overall brief carried by SEI. In 2003, a wind atlas for the whole of Ireland was released and records the available wind resource for each county. The wind atlas was used to inform this study.

The study represents meaningful progress forward from previous ESBI studies as it provides information in a user friendly graphic format to assist the developer in choosing a suitable location for a wind farm. Specifically, the critical information presented in the wind atlas relates to locations and access to the electricity grid together with measurement of windspeed at varying heights above ground level.

2.14 Current Capacity

In 2019, Ireland has an installed wind power nameplate capacity of 4,130 megawatts (MW). This compares to a total of 1,026 MW in 2009 [see map 1 below].

In 2019 wind turbines generated 32.5% of Ireland's average electricity demand, one of the highest electric grid penetration values in the world. Ireland's wind farms, are almost exclusively onshore, with only the 25MW Arklow Bank Wind Park situated offshore. The most important locations for wind energy production output are counties Cork, Donegal and Kerry while the largest individual production sites are in counties Cork, Galway, Donegal, Offaly and Tipperary,

Map No. 1: Installed National Wind Capacity-November 2009



2.13 Projected Capacity

In order to reach EU 2020 renewable energy targets it is assumed that 7,800 MW will need to be installed and operational by that year on the island of Ireland [c. 6,500,MW in Ireland and c. 1,300 MW-in Northern Ireland).

In addition to the large scale wind farms, there is also expected to be circa 4,500 Microgeneration installations [single turbine units] across the island of Ireland over the next number of years with a capacity of approximately 38.5 MW (c. 34MW in Ireland and c. 4.25MW in Northern Ireland).

Map No. 2 Projected National Wind Capacity-November 2009



2.14 Economic Value

Increasing the share of national energy consumption from renewable sources will deliver significant benefits for the electricity customer, the local economy and society. Recent volatility in fossil fuel prices has demonstrated that regions with a high dependence on energy imports are exposed to a parallel level of risk. This volatility makes it difficult for investors in the economy to make reliable long term forecasts of their energy costs. The most effective way to reduce this volatility is to increase the share of energy costs that are predictable and locally based. This will lead to lower and more stable long term energy costs. As other regions move to stabilise their long term energy costs it is essential that Ireland continues to increase relative competitiveness in this area. It is estimated

that between 25 and 30% of capital investment in renewable energy is retained in the local economy. This typically flows to companies in construction, legal, finance and other professional services.

Ensuring the security of energy supply is also a key part of the Irish Government's recent **Framework for Sustainable Economic Revival**. Having regard to the current economic downturn, the framework acknowledges the need to put the energy/climate change agenda at the heart of Ireland's economic renewal.

3. RENEWABLE ENERGY IN COUNTY LAOIS

To date the renewable energy sector in County Laois has been dominated by wind and solar energy developments.

The bulk of the activity for wind energy so far has been in the following three places:

- an upland area in the south-east of the county near the county boundaries with Carlow and Kilkenny where 8 no. turbines with an output of c. 21 MW have been installed.
- a low-lying area part of which is a former industrial peatland in the south-west of the county straddling the county boundaries of Kilkenny and Tipperary, where 4 no. turbines with an output of c. 10 MW have been installed and there is a valid permission [under PI Ref 14/139] for an additional 2 no. turbines. In effect, this site is part of the much larger Lisheen 1 & 2 Wind Farm in County Tipperary [comprising 30 no. turbines] and Bruckana Wind Farm in Counties Kilkenny and Tipperary [comprising 16 no. turbines].

 an upland area at Cullenagh Mountain roughly between Abbeyleix and Portaloise in the centre of the county where there is a valid permission under PI Ref 13/268 for 18 no. turbines with a projected output of c. 45 MW. This has yet to be constructed.

In addition, there have been three successful applications for single wind energy turbine projects on individual sites throughout the county. These are related to the existing uses on the sites in question including industrial, [Portlaoise], commercial [Mountrath] and agricultural [near Ballybrittas].

4. METHODOLOGY

This section presents the methodology used to inform the wind energy strategy for County Laois.

The methodology has been primarily informed by a number of considerations including the amount of existing and approved capacity in the county to date, the potential of other renewable energy options including solar, available wind and transmission network, settlement patterns and population densities of the county as well as the environmental, tourism relevant promotion and landscape policies in the **DRAFT Laois County Development Plan** 2021-2027.

Reference is also made to the wind energy strategies of adjoining counties and the DoEHLG Planning Guidelines for Wind Energy Development for Planning Authorities 2006 currently under review.

4.1 Wind Resource Mapping

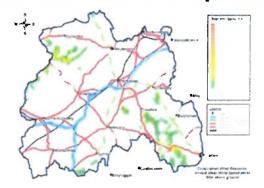
The available wind speed is a critical factor in determining the location and commercial viability of prospective sites.

The Sustainable Energy Ireland (SEI) Wind Atlas 2003 was utilised to extract data on constrained wind resources for County Laois. The SEI Wind Atlas provides information on wind speeds modeled at 50m, 75m and 100m. Generally the areas considered economically viable have wind speeds above 7.5 metres per second at 75 m height turbine height above ground level.

While elevation obviously has an impact on wind speeds, it is not the sole determining factor-construction, grid connection and maintenance costs may be higher at greater elevations and therefore affect viability.

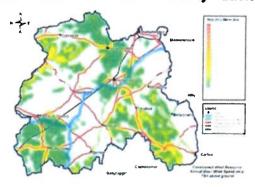
Due to advances in technology and economies of scale, there is now increasing scope for development of wind energy at much lower elevations than heretofore. For example, Bord Na Mona is proceeding with ambitious plans for sections of its worked out boglands in a number of locations throughout the country. Many of these sites are in relatively low-lying locations.

Map No.4: Mean Wind Speed at 50 ms over Ground level in County Laois

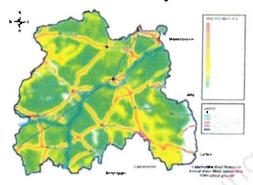




Map No. 5: Mean Wind Speed at 75 ms over Ground level in County Laois



Map No. 6: Mean Wind Speed at 100 ms over Ground level in County Laois



4.2 Transmission Network

Access and proximity to the transmission network is another key factor in identifying potential areas for wind farm developments. For the large, commercial operations, the end product in the form of electricity needs to be fed into the national grid and this can be a notable constraint both in practical and cost terms regarding the viability and location of the project.

There are a number of large electricity transmission lines running approximately north to north east across County Laois. Proximity to these lines is a significant consideration for the siting of commercial windfarms in the county.

In addition, a major upgrade of the grid line between County Laois and County Kilkenny has consent but has not commenced.

Separate to the grid connection, the transport of electricity from the turbines to a substation, which connects to the grid, will usually require the establishment of ancillary infrastructure which may cause separate additional visual impact although undergrounding of services, albeit more costly, usually lessens this impact.

Map 7: Transmission Network in County Laois



4.3 Settlement Patterns and Population Densities

In Census 2016 the population of County Laois was **84,697** an increase of 5.1% on Census 2011, a growth rate which was the highest in the country.

The aggregate urban population is also steadily increasing in line with regional and national trends. According to Census 2002, 33% of the county population lived in urban areas. By Census 2006, this had risen to 40% and it rose again to 47% by Census 2011.

In the context of a declining agricultural base and net rural outward migration, the trend towards increased urbanisation is likely to continue.

Nonetheless, Laois remains a predominantly rural county with a dispersed settlement pattern. As a result, it is likely

that in many cases wind farm developments will lead to land use planning conflicts and significant local opposition, due mainly to concerns in relation to visual and landscape character as well as impacts due to noise generation. However, by their nature, wind farms traditionally have gravitated towards more elevated, isolated locations which usually coincide with lower population densities, however may conflict with landscape and visual amenity policies.

4.4 Designated Areas

Existing ecological designations provided under European and National legislation in County Laois are shown on Map 8.

These include Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Natural Heritage Areas (NHAs), There are 30 NHAs, 7 SACs and 2 SPAs in County Laois located predominantly in upland areas and in the environs of the main watercourses.

Special Areas of Conservation have been created by the Habitats Directive (92/43/EEC) to enable the protection, conservation and, where possible and necessary, restoration of certain habitats and/or species. Designated SACs are compiled within a framework of protected areas i.e. Natura 2000 sites.

Special Protection Areas are strictly protected sites classified in accordance with article 4 of the EU Birds Directive [79/409/EEC] for rare and vulnerable birds and for regularly occurring migratory species.

Natural Heritage Areas are a national designation introduced by the Wildlife (Amendment) Act 2000.

The following are the locations of the existing and proposed SACs, SPAs and NHAs in County Laois:-

Special Areas of Conservation (SACs) in County Laois (as identified on Map No. 8)

Site Name	Site Code	½" Map Number
River Barrow And River Nore	002162	
Clonasiee Eskers and Derry Bog	000859	38
Lisbigney Bog	000869	44
Mountmellick	002141	
Slieve Bloom Mountains	000412	38/44
Coolrain Bog	002332	
Knockacollier Bog	002333	
Ballyprior SAC	00256	

Special Protection Areas (SPAs) in County Laois (as identified on Map No. 8)

Site Name	Site Code	Main habitat or species
		Whooper Swan, Comcrake, Hen
		Harrier, Mertin, Peregrine
	004233	Kingfisher

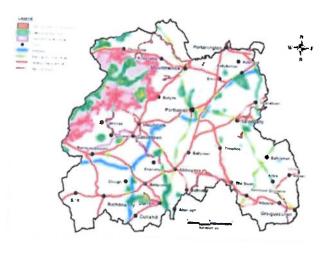


Natural Heritage Areas (NHAs) in County Laois (as identified on Map No. 8)

Site Name		Main habitat or species
	Code	
	0000413	Calcareous fen with willow and birch scrub
	000857	
Clonasiee Eskers And Deny Bog	000859	
Clonreher Bog		Raised bog
Clopook Wood	000860	
Coolacurragh Wood		Ash/hazel woodland, limestone hill Birch/alder woodland, fee past
	000415	Birch/alder woodland, fen peat Midland reised bog (with Knockacollier Bog, those two bogs are the
		most southerly intact examples of true Midland Raised Bogs in the country)
		Grassland used by Greenland White fronted googs
		Grassland used by Greenland White-fronted greese Wet meadow, river, winter feeding site for Greenland White-fronted
Delour River Nr. Lacca Manor		Oak/birch woodland, river, wet grassland
Derries Wood		Disturbed raised bog, disused gravel pit, conifer plantation, take,
		reedbed, important insect populations
	001494	Limestone hills, oak/ash woodland
		Canal, welland, grassland
	000417	State-owned nature reserve. Lake in transition through fen to aider/willow important invertebrate fauna
		alder/willow Important invertebrate fauna Limestone hill, hazel/ash woodland
Knockacollier Bog		Midland raised bog, Birch and alder woodland. One of the few intact bogs south of the Slieve Blooms
Listigney Bog	000869	Raiser by:
	(0)568 C	Raiser bog Species-rich fen
Monancha Bog/	00052	Reised bog
Ridge Of Portlanise	000B76	
River Barrow And River Nore	002162	River, wetland, woodland
River Nore/Abbeyleix		
		Twarte Shad (Vulnerable), wet grassland, mixed deciduous woodland of
Rock of Chalanases		
Rock of Dunamaise Shanafine Marsh		
Shanahoe Marsh Sliove Bloom Mountains		
		Old Red Sandstone mountains, mountain blanket bog, Peregrine Falcon, Hen hamer, red grouse
	001800	
	000421	



Map 8: Environmental Designations in County Laois



4.5 Landscape Character Types in County Laois

Landscape policies and designations in the Laois County Development Plan 2021-2027 have informed the Wind Energy Strategy 2021-2027.

These include defined Landscape Character Areas and Views and Prospects Worthy of Preservation.

Landscape Character Types are distinct types of landscape that are relatively homogenous in character. They are generic in nature in that they may occur in different localities throughout any defined area. Nonetheless, where they do occur, they commonly share similar combinations of geology, topography, land cover and historical landuse. For example, blanket bog uplands are distinct landscape character types and are recognisable as such whether they occur in County Laois or other counties.

County Laois has been divided into 6 LCT's:

- Mountain, Hills and Upland Areas
- Lowland Agricultural Areas
- River Corridors and Lakes

- Peatland Areas
- Urban Fringe Areas
- Rolling Hill Areas

The main areas that were under consideration for wind energy development during the last county development plan were mainly in the following landscape type areas:

- Hills and Upland Areas
- Peatland Areas
- Rolling Hill Areas

There was a presumption against wind energy development in the Mountain Areas.

The following policies relate to the main landscape character types in question.

LCT 1: MOUNTAINS / HILLS AND UPLAND AREAS

Although lacking in terms of dramatic peaks, hills and uplands are a prominent feature of the county, particularly in the north-west and south-east. From the tops of these hills panoramic views of the lowland landscapes of Laois and adjacent counties are gained. The hills also act as orientating features. The Seven Hills, Cullenagh, Cullahill, Fossy Mountains and the upland areas around Swan, Luggacurren and Wolfhill are prominent by virtue of landmarks at their summits as well as their topography: A church at Wolfhill acts as a prominent local landmark.

The hills and uplands form important historic features with an abundance of archaeological features and contain evidence of human settlement extending back 9,000 years.

There is extensive mono-type afforestation and marginal agriculture in these areas. Field systems and the enclosures associated with them are generally absent

in this landscape. New dwellings are comparatively few with much of the older stock abandoned and derelict.

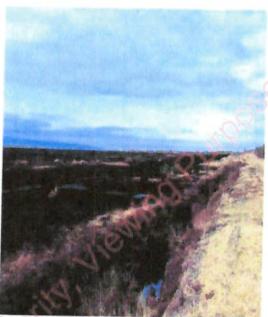
These hills and uplands represent considerable potential in terms of tourism development. However, at present they are somewhat isolated as separate entities. Linking the most important sites by way-marked trails would be a valuable addition allowing further appreciation of the landscape in a sensitive manner.

The Wind Energy Strategy has identified these upland areas for consideration in terms of future wind energy development. Any such development must be carefully sited to minimise negative impacts. The siting and design of wind energy proposals shall be in accordance with the *Planning Guidelines for Wind Energy Development for Planning Authorities [DoEHLG, 2006]* and the County Laois Wind Energy Strategy.

The Slieve Bloom Mountains have been identified as an Area of sensitivity and an area not open for consideration for Wind Energy Development.

Refer to policies in the Chapter in the CDP – Chapter 3- Climate Action and Energy. AND Chapter 11 Biodiversity and Natural Amenities

LCT 5: PEATLAND AREAS

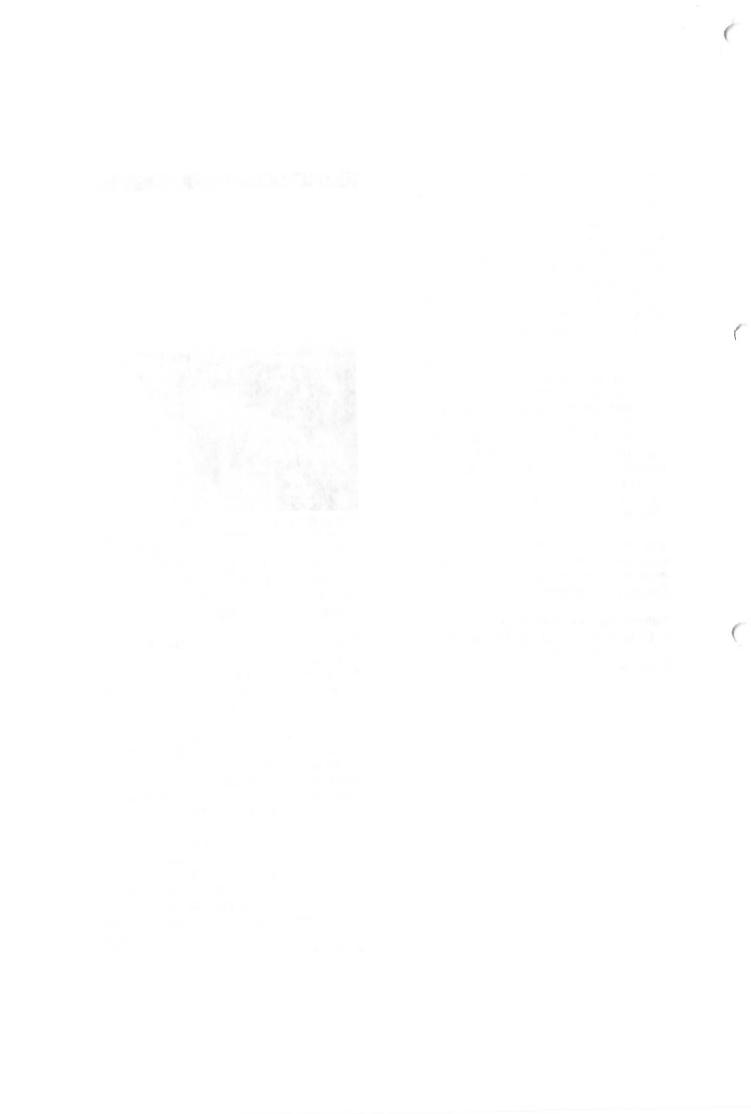


Topography is strikingly flat, geology is generally Carboniferous Limestone (type varies according to specific location) and landcover is raised bog much of which is now exhausted and being considered for alternatives uses including afforestation, amenity and wind energy.

The Lisheen site in County Tipperary [south-west of Rathdowney] clearly shows the potential of using disused cutaway bogland for developing wind energy. In addition to planning applications in counties Kilkenny and Tipperary, there have been two planning applications to Laois County Council for wind farm developments adjacent to Lisheen on the extensive Bord Na Mona boglands between Rathdowney, County Laois, Johnstown, County Kilkenny and Templetouhy, County Tipperary.

This landscape type could be more accurately described as a specific habitat rather than a landscape type per se. In its original state, the undisturbed raised bog is peat based and supports a dense growth of birch scrub with gorse and heather as an under-storey. Manual turf cutting in some areas will have left a somewhat untidy





exposed peat surface, with scarce vegetation. Commercially harvested peatland areas are generally devoid of vegetation and present as an evenly exposed surface of peat. Such a man made landscape has a sterile and indeed industrial character. Pockets of rough grazing and scrubland also exist in this landscape character area.

In terms of location, some of the larger peatland areas are in close proximity to the larger urban settlements such as Cul na Mona between Portlaoise, Abbeyleix and Mountrath. Others are in more remote, sparsely populated place, for example in the south-west of the county.

LCT 7: ROLLING HILL AREAS



Undulating with variable topography usually ranging from 70 metres to 90 metres. Geology comprises Silurian greywackes and slates with Old Red Sandstone at lower elevations.

Overall, this is a complex landscape incorporating several elements within a rolling landform. Land cover reflects this complexity with tillage and pasture agriculture, pockets of wetlands and raised bog, small coniferous plantations and occasional deciduous copses. Varied enclosures include hedgerows with significant amounts of trees and some post and wire fencing. The settlement pattern is quite frequent though commonly dispersed

with considerable evidence of new one-off house building in the vicinity of settlements.

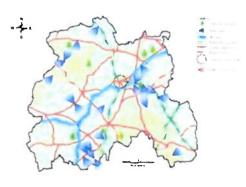
4.7 Views and Prospects Worthy of Preservation

The following views and prospects in County Laois are worthy of preservation.

Table 2: Views and Prospects worthy of Preservation

Map REF 001	No./MAP	LOCATION
		Killeshin/Rossmore
002		The Windy Gap
003		Ahamey
004		Slieve Bloom Mountains
005		Rock of Dunamaise
006		
007		Grange, Mountmellick
008		The Heath
V		Raheen
009		Kilamuck
0010		Raheenleagh
0011		Castletown
0012		Clonasiee

Map 9: Views and Prospects to be Preserved in County Laois



4.8 Archaeology

Generally, archaeological impacts associated with wind energy developments are site specific and are usually examined as part of the accompanying EIS. Generally,

whilst not precluding wind energy development, the visual impact of wind farms on such sites and archaeological landscapes should be carefully considered.

4.9 Recreation, Tourism and Amenity

Consideration was also given to areas within the County that are of significant importance for recreation or tourism. Typically, these areas are attractive due in large part to their high quality environment, scenic value, natural heritage designations and archaeological resources and are therefore considered to be much more sensitive to windfarm developments, for example the Slieve Bloom Mountains and Cullahill Mountain.

4.10 Landslide Susceptibility.

The Issue of landslide risk associated with windfarm developments is a consideration in the assessment of suitable sites for windfarms.

Landslides may be a risk at slopes of 4 degrees, depending on peat depth. However, slope is only one parameter in identifying areas of potential landslide susceptibility. In addition, other factors such as type of soil (mineral or peat), depth of soil, underlying bedrock, aspect and weather patterns can all contribute to landslide susceptibility.

The Geological Survey of Ireland advised that some very preliminary mapping could be undertaken but that landslide risk assessment is required on a site by site basis and policy should reflect the importance of undertaking adequate modeling, risk assessment and mitigation at planning application stage.

4.11 Wind Energy Strategles in Adjoining Countles

The wind energy strategies for Counties Carlow, Kildare, Kilkenny, North Tipperary, and Offaly were examined as part of the

methodology and those areas within those counties identified as being favourable towards wind energy development immediately adjoining County Laois are highlighted.

The purpose of this exercise is to put the evolving situation in County Laois into a wider regional context.



Mark - Programme - The Program

5. WIND ENERGY STRATEGY FOR COUNTY LAOIS - AREA CLASSIFICATIONS

Arising out of the preceding methodology-in particular, superimposing the wind data maps with the other designation maps, taking into account the amount of existing and approved wind energy developments-the suitability of County Laois in terms of wind energy generation can be subdivided into four distinct area classifications.

The **four** area classifications, as indicated on map no. 3.2, are as follows:

STRATEGIC AREAS

Areas deemed eminently suitable for windfarm development and reserved for such purposes. Applies to useable areas that have economically viable wind speeds, have no designations, are sparsely populated, are in close proximity to a grid connection and have the ability to absorb wind development.

It is considered that there are no such areas in County Laois.

The most optimum wind regime for commercial wind energy in County Laois is in the Slieve Bloom Mountains. However this area is being excluded for the following reasons.

- It is one of the most designated parts of the county in terms of Natura 2000 sites, NHAs, and Views and Prospects,
- It offers major tourism and leisure potential,
- Part of the Slieve Blooms lie in County Offaly and its Wind Energy Strategy has excluded the Slieve Blooms for similar considerations.

AREAS NOT OPEN CONSIDERATION

These are areas identified as particularly unsuitable for windfarm development. This category is used for areas which due to their scenic, ecological or tourism values are unable to accommodate development of this type.

FOR

Along with the Slieve Bloom Mountains and Cullahill Mountain, the other key area recommended for inclusion in this category are "The Seven Hills of Laois" a series of hills eg Rock of Dunamaise, Corrigeen Hill that extend in a north-south trajectory between Portlaoise and Stradbally.



These areas enjoy extensive designations. With reference to the Slieve Blooms, this is one of the two SPA sites in the County. It also contains extensive SAC and NHA land classification and is a location for considerable tourist and leisure activity. The "Seven Hills" coincide with an NHA and they also offer major tourism potential focused mainly on the Rock of Dunamaise while Cullahill Mountain is adjacent an SAC of the same name and also offers major tourism potential.



PREFERRED AREAS

Having regard to the landscape character assessment policies, amendments have been made to the areas to reflect these policies.

Preferred Areas are deemed suitable for wind energy development unless specific local planning circumstances within the context of the development plan support a decision to refuse. The category is used for areas that have a relatively low sensitivity to wind development, have a viable wind regime, avoid most designations, are sparsely populated and are in close proximity to a grid connection and an approved or built wind farm.

One such area has been identified in County Laois and comprises Bord Na Mona cutaway bog sites and lands adjacent at:

 Area straddling the Laois, Tipperary, Kilkenny border between Rathdowney and Templetouhy and due northeast of the recently completed windfarm site at Lisheen, County Tipperary and Bruckana, County Kilkenny.

This preferred area does not have NHA, SAC or SPA designations and is located within LCT 5 Peatland Areas.





The Lisheen and Bruckana sites and the Mount Lucas site between Daingean and Walsh Island in County Offaly clearly show the potential of using disused cutaway bogland for developing wind energy.







AREAS OPEN FOR CONSIDERATION

Having regard to the landscape character assessment policies amendments have been made to the areas to reflect these policies.

Applications in these areas will be treated on their merits with the onus on the applicant to demonstrate why the development should be granted permission.

5.1 Individual Turbine Developments

Apart from the commercial production of wind energy, there is growing interest among the residential, agricultural and commercial sectors in the utilization of wind energy for private use at a more local, stand-alone level throughout the county.

Depending on the turbine size, the available wind speeds and the nature of the site, a wind turbine could supply upwards of 70% of the energy needs of a home, farm or business resulting in major cost savings.

Already there have been 3 no. successful planning applications for single turbine installations in County Laois, one each for an industrial site [Portlaoise], business park [Mountrath] and farm [Courtwood]. Similar type applications are likely at any location in the county.

Micro renewable generation for domestic, agricultural and light industrial activities are now exempted development subject to criteria detailed in Statutory Instrument No. 83 of 2007, as amended and No.256 of 2008, as amended.

5.2 Wind energy policy objectives

WES 1: Development of Renewable Energy Generation

It is the policy of the Council to support, in principle and in appropriate scales and locations, the development of wind energy resources in County Laois. The future

sustainable development of the County is dependent on a secure supply of energy. There is a need to promote the development of renewable energy to reduce dependency on fossil fuels and to comply with national and European polices with regards to renewable energy resources and to address the challenge of climate change. It will be an objective of the Council to ensure the security of energy supply by accommodating the development of wind energy resources in appropriate areas and at appropriate scales in the county.

WES 2: Development of Low Carbon Economy

Laois County Council will seek to promote itself as moving towards becoming a low carbon County by 2018 as a means of attracting inward investment to the County and the wider Midlands region.

WES 3: County Partnership Approach

Laois County Council will seek to promote wind energy in appropriate sites in the County and will work with agencies such as the Laois County Development Board, I.D.A, Enterprise Ireland to encourage investment in research and technology associated with windfarms and other renewable energy technology.

WES4: Community Involvement and Gain

Laois County Council will seek to promote community involvement and require community benefit where possible in proposed windfarm developments.

5.3 Specific Area Policies

Three area classifications [there are no Strategic Areas] have been recommended for windfarm development in County Laois and specific policies pertaining to each are presented below:



WES 5: Preferred Areas

These areas are considered suitable for windfarm development because of sufficient wind speeds, access to grid network, and established patterns of enquiries.

Projects within these areas must demonstrate conformity with existing and approved wind farms to avoid visual clutter, be developed in line with the Planning Guidelines in terms of siting, layout and environmental studies. Proximity to a Special Area of Conservation or Special Protection Area will require a Habitats Directive Assessment under Article 6 of the Habitat Regulations.

WES 6: Areas Open for Consideration

Wind energy applications in these areas will be evaluated on a case by case basis subject to viable wind speeds, environmental resources and constraints and cumulative impacts.

WES 7: Areas Not Open for Consideration

These areas are not considered suitable for wind farm development due to their overall sensitivity arising from landscape, ecological, recreational and/or cultural and built heritage resources as well as their limited wind regime.

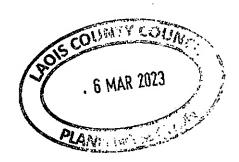
WES 8: Single Turbine Sites

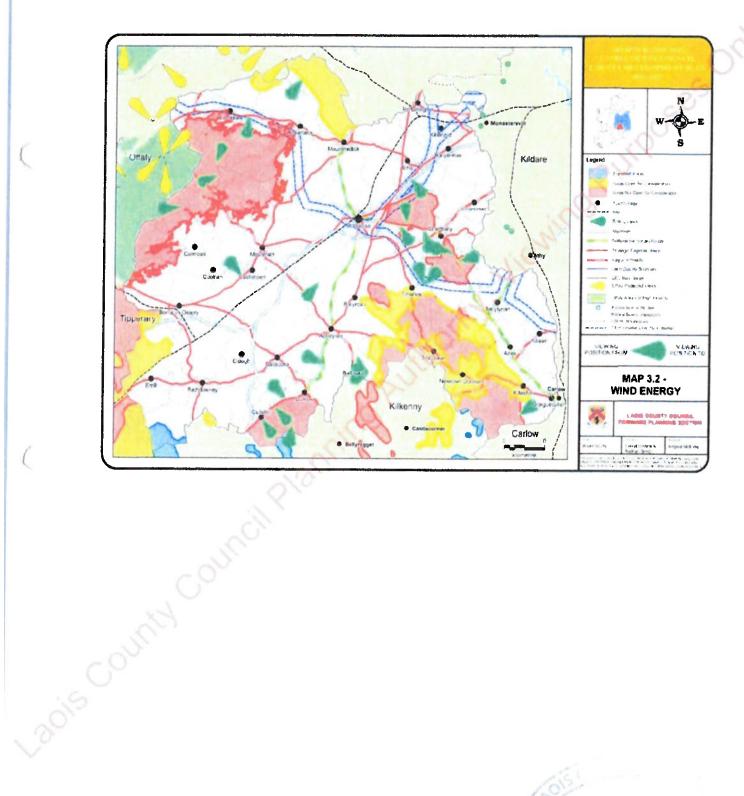
It is the policy of the Council to facilitate, where appropriate, small scale wind energy development by residential, industrial and agricultural producers to help meet the immediate needs of the development being provided / reduce their reliance on fossil fuels, and subject to the following criteria being met:

 The energy will be primarily generated to be used on the site and within the site boundary, 2. Noise and visual impacts including shadow flicker will not be significant on nearby residents.

WES 9: Life Extension and Repowering

It is Council policy to consider the repowering of existing windfarm development on a case by case basis where the proposal does not result in a net increase in the number of turbines and it is demonstrated that there is no adverse impact on the receiving environment, landscape, designated sites or residences in the area.





6. DEVELOPMENT CONTROL STANDARDS FOR WIND FARMS IN COUNTY LAOIS

6.1 Buffer Zones

Ensure a setback distance of 1.5 kms of wind turbines from schools, dwellings, community centres and all public roads in all areas open for consideration for windfarm development in accordance with the requirements of adopted National Policy Guidelines at the time of the determination of the planning application.

6.2 Boundary

The impact of proposed wind farms on the development potential of adjacent sites will be considered.

Turbine distances from the boundaries of adjacent landholdings will be assessed on a case by case basis.

6.3 Shadow Flicker

An assessment of the theoretical shadow flicker shall be prepared, further assessment shall indicate the likely level of shadow flicker based on anticipated meteorological constraints. If required, mitigating measures shall be proposed.

6.4 Cumulative Impacts

In order to preserve the spatial, scenic and rural integrity of the areas open to consideration the cumulative effect will be taken into account so as to avoid multiplicity of wind farms in these areas.

6.5 Archaeology

An archaeological assessment will be required for all sites within close proximity to Recorded Monuments. Relocation of

turbines to minimise impacts to the archaeological heritage will be permitted if necessary. This will be subject to agreement with the planning authority.

6.6 Bird Migratory Routes

Wind Turbines will not be permitted within the known flight path of migratory wild fowl.

6.7 Fencing

Fencing shall generally be permitted around the substation and not on any other part of the site unless agreed as part of a rehabilitation programme for on-site vegetation. The fencing shall then be permitted for the length of time required to ensure recovery of the vegetation.

6.8 Noise

Permitted maximum noise levels at noise sensitive residences shall be in compliance with noise specifications of the DoEHLG "Wind Energy Guidelines". Once commissioned the development will be monitored. In the event that the monitoring shows that any turbine is exceeding its projected noise levels and is having a detrimental noise impact, mitigating measures shall be agreed with the Local Authority.

6.9 Environmental Monitoring

Environmental monitoring will be required in sites adjacent to sensitive or vulnerable areas such as European Sites.

All liquids and hydrocarbons stored on site during construction shall be stored in a waterproof bunded area.

Silt traps shall be provided to intercept silt laden water from the site during construction.

All anciliary construction equipment shall be removed from the site within one month of final completion.

6 MAR 2023

Prior to commencement the developer shall agree with the Planning Authority details of the redistribution of any excess spoil generated during the construction phase. If on-site borrow pits are to be used during the construction phase the details shall be agreed with the Planning Authority beforehand.

This may involve a separate planning application.

6.10 Roads

Access roads within the site shall be unsurfaced and shall be located and constructed so as to minimise their visual impact. If the development is decommissioned they shall be removed, unless an alternative use for them has been agreed in advance with the Planning Authority.

Prior to commencement of development details of access openings to the site shall be agreed with the Planning Authority.

Prior to commencement of development the developer shall submit and agree with the Planning Authority proposals in relation vehicle types and use of public roads during the construction phase.

Site road embankments and associated areas shall be contoured and seeded to the satisfaction of the Planning Authority after construction.

Surface damage to public roads created during the construction phase shall be reinstated to the satisfaction of the Planning Authority.

6.11 Aquifers

The developer shall have a responsibility to demonstrate that any proposed development will not have significant

impacts upon aquifers, groundwater or drinking water.

6.12 Ancillary Structures and Equipment

No structures other than wind turbines, substation, monitoring mast and other essential ancillary installations will be permitted.

The planning application shall include all details of all such installations and shall be provided to the Planning Authority as part of the planning process.

Suitable landscaping proposals to reduce substation its visibility shall also be submitted. Wind monitoring masts require planning permission, which will be subject to Class 20A of Schedule 2, Part 1 of the Planning and Development Regulations, 2001 as amended. These are typically for a 40m or 50m mast required to monitor onsite wind speeds over 1-2 years.

6.13 Grid Connection

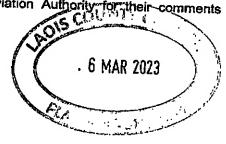
While the grid provider is responsible for grid connections, details of likely routes shall be included with the planning application. Connections within the wind farm will be laid underground.

6.14 Electromagnetic Interference

The potential electromagnetic interference of any proposal shall be assessed by the applicant in consultation with the relevant bodies prior to submission of any application. Proposals shall include measures to monitor the effects of the development on telecommunications and procedures to remedy any interference when the wind farm becomes operational.

6.15 Aeronautical Safety

All proposals shall be referred to the Irish Aviation Authority for their comments and



recommendations prior to the submission of any planning application.

6.16 Financial Contributions

In accordance with the Development Contribution Scheme the developer shall pay Laois County Council a levy in accordance with the Development Contribution Scheme.

In order to ensure the satisfactory completion of the development the developer shall pay a deposit or bond the amount of which will be decided by the Planning Authority.

6.17 Safety Aspects

The developer shall submit a maintenance agreement to be agreed with the Planning Authority to ensure the turbines do not deteriorate to a degree where they may pose a hazard to public safety.

Where proposals are located in close proximity to Motorways, National Primary and Secondary Routes, it is recommended that the applicant consult with the National Roads Authority, prior to making an application, in order to agree a setback distance from the road.

In the case of all other public roads, proposed setbacks for wind farms shall be subject to the agreement of the Council's Roads Department.

6.18 Single Turbine Developments

Many single turbine developments may be exempt under the Local Government Planning and Development Regulations, in particular under S.I. 83 of 2007, as amended [for residential development] and under S.I. 256 of 2008, as amended [for agricultural and commercial development].

For single turbine development proposals (inclusive of single turbine developments which generate energy for use within the site and feedback in to the grid on a tariff basis as in the UK], the development control standards as indicated above will not necessarily apply as such likely impacts as noise and shadow flicker are generally less significant than in the case of the larger, commercial type windfarm developments.

Proposals for single turbine developments will be assessed on a case by case basis.

6.19 Decommissioning of associated infrastructure at end of life.

A planning application for any renewable energy infrastructure [including wind] must be accompanied by a full and complete set of plans and condition on how the site shall be restored to its original condition at end of life. This should be accompanied by a bond, payable by the developer to the planning authority; the sole purpose of this bond shall be to enable the removal of any and all associated infrastructure with the granted development at the end of the developments term of existence.

7. GUIDELINES ON WIND FARM DEVELOPMENT CONSTRAINTS IN COUNTY LAOIS

An adequate wind resource is the primary constraint in developing a wind farm. As mentioned above, some indication of likely wind speeds can be extracted from the Irish Wind Atlas.

However, at least one year's measured data is required before a project can be developed.

This will entail erecting a 40m or 50m wind monitoring mast within the site and recording data for a minimum of 12 months. Planning permission, usually for 2 years, is required for this mast.



7.1 Pre-planning Consultations

Before any substantive design work is undertaken it is essential to discuss development proposals with the Planning Authority at an early stage. Many issues can be resolved by timely discussions. Visual impacts are particularly important and advice on the choice of viewshed reference points (VRPs) will be required. These will be part of the Landscape Impact Assessment which will be required as part of the planning application.

in the case of small wind farms, with outputs of less than 5MW, an EIS is not formally required, (although the Planning Authority retain the option of requesting one if they believe it is warranted). It is advisable at this stage to confirm with the Planning Authority their requirements to ensure all aspects are adequately covered when the planning application is finally lodged.

7.2 Pre-Application Discussion and Consultation

It is always wise to discuss proposed wind farm developments within the local community. This may well reduce local fears that are frequently founded on inaccurate information. A formal Information gathering is advisable where large wind farms are proposed.

Although future County Laois wind farm developments are likely to lie outside NPWS designated sites (for example NHAs, SACs and SPAs), nonetheless it is advisable to consult the National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht in relation to wind farm proposals early in planning stage.

Regarding potential impact on aviation flight paths, early consultation with the Irish Aviation Authority is also recommended.

7.3 Siting and Design of Wind Farms

The comprehensive guidelines on the Siting and Design of Wind Energy Development provided in the DoEHLG's Planning Guidelines [currently under review] ought to be consulted as a matter of course by all would-be developers at an early stage in their project. An overview is provided below.

Section 5 of the Guidelines cover the following areas:

- Siting and location
- Spatial extent and scale
- Cumulative effect
- Spacing of turbines
- Layout of turbines
- Height of turbines

The Guidelines also provides a comprehensive overview of siting turbines in specific landscapes.

A number of these, Hilly and Flat farmland, Transitional marginal land, Urban/industrial are relevant to County Laois and are addressed below.

7.3.1 Hilly and Flat Farmland.

Developments must be scaled in sympathy with the scale of the landscape. For example, a large wind farm development stretching over a patchwork of numerous small fields is inappropriate. Likewise, turbine spacing must reflect the scale of the landscape. For example, regular spacing is appropriate in a landscape with a regular field pattern and vice versa. Wind farm layout must also be arranged in sympathy with the landscape, for example a layout on a long ridge or plateau will be linear while a clustered layout should be used on a hilltop. A balance with the underlying landscape must also be found in relation to turbine height. Large scale landscapes will tend to support higher turbines. The temptation to increase hub height in marginal sites must be avoided unless the scale of the



landscape is sufficiently large to accommodate them. The cumulative effect of several wind farms is greatest in upland areas. On low-lying lands the effects may be reduced substantially by the buffer effects of hedgerows, tree lines and buildings.

7.3.2 Transitional Marginal Landscapes

These landscapes typically include upland or lowland areas which are farmed extensively with some regeneration of natural vegetation allowed. As these landscapes tend to quite irregular it follows that turbine arrangement, spacing and layout must also be irregular. In most marginal upland areas turbine heights will not appear uniform in height.

7.3.3 Urban/Industrial

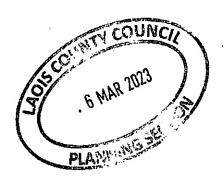
County Laois has a long and varied industrial history and the siting of turbines in industrial areas can be increasingly considered in the context of reducing energy costs, particularly for high volume power consumers. The siting and layout of turbines in industrial areas must take into consideration the scale of the area. A large wind farm beside a small industrial complex is not appropriate. Generally speaking industrial infrastructure is arranged in an orderly fashion, although elements within it may be quite varied in size and form. Therefore wind farm layouts should also be regular.

7.4 Requirement for an Environmental Impact Statement (EIS)

An environmental Impact statement is required for wind energy developments which contain more than 5 turbines or output more than 5MW (Section 176 of the 2000 Act as amended, Article 93 and Schedule 5 Part 1 of the 2001 Regulations as amended). However, the Planning Authority retains the option to request an environmental impact statement for smaller

wind farms if it considers significant environmental impacts may occur.

The type of information required in an EIS is set out in the Regulations.



COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Comhairle Chontae Laoise Áras an Chontae Port Laoise Contae Laoise R32 EHP9

Laois County Council Áras an Chontae **Portlaoise** County Laois R32 EHP9

T: (057) 8664000 F: (057) 8622313 corpaffairs@laoiscoco.ie www.laois.ie

ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING

LAOIS COUNTY COUNCIL

Planning Reference No.22/507

Applicant: Pinewood Wind Limited c/o Galetech Energy Services Clondargan

Stradone Co. Cavan, H12 NV06

Development at: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills

A submission/observation in writing, has been received on 19/09/2022 from

Kieran Brophy, Susan Brophy & Peter Sweetman Spink, Abbeyleix. Co. Laois

The appropriate fee of €20.00 has been paid.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 as amended and will be taken into account by the planning authority in its determination of the planning application.

ADMINISTRÁTIVE OFFICER, PLANNING

Planning Authority Stamp:

á Fáilte Romhat nó a Dhéanamh Gaeilge

 ∞ dlands/reland.ie

'I bpáirt leis an bpobal' Arna phriontáil ar pháipéar atá 100% athchúrsáilte — Do Chomhshaoil a chothú





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LAOIS COUNTY COUNCIL

Planning Reference No.22/507

Applicant: Pinewood Wind Li

Pinewood Wind Limited c/o Galetech Energy Services Clondargan Stradone Co. Cavan, H12 NV06

Development at: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois, .

A submission/observation in writing, has been received on 16/09/2022 from

John Brophy and Noreen Brophy Spink Abbeyleix Co. Laois

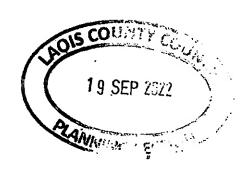
The appropriate fee of €20.00 has been paid.

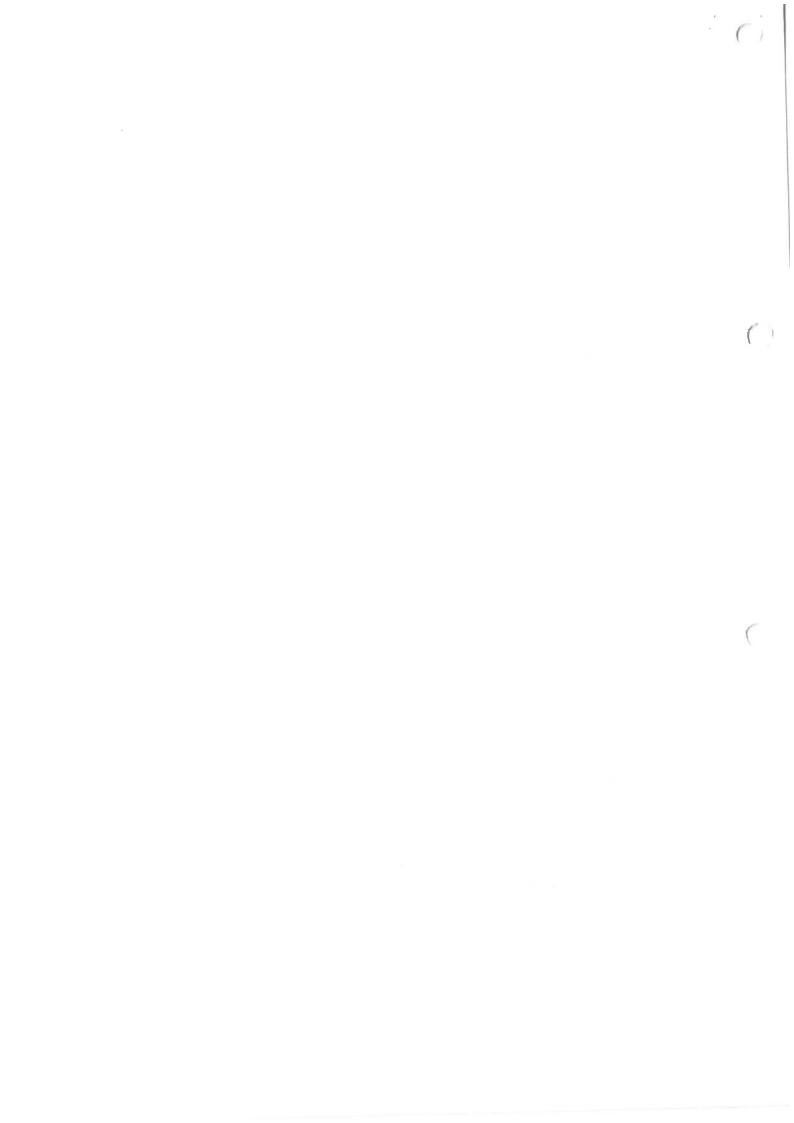
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LAOIS COUNTY COUNCIL

Planning Reference No.22/507

Applicant: Pinew

Pinewood Wind Limited c/o Galetech Energy Services Clondargan Stradone Co. Cavan, H12 NV06

Development at: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois.

A submission/observation in writing, has been received on 21/09/2022 from

Niall & Siobhan Headen Spink, Abbeyleix, Co. Laois

The appropriate fee of £20.00 has been paid.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 as amended and will be taken into account by the planning authority in its determination of the planning application.

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LAOIS COUNTY COUNCIL

Planning Reference No.22/507

Applicant: Pinewood

Pinewood Wind Limited c/o Galetech Energy Services Clondargan

Stradone Co. Cavan, H12 NV06

Development at: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois, .

A submission/observation in writing, has been received on 21/09/2022 from

Chris Palin Graiguenasmuthan, Spink, Abbeyleix, Co. Laois

The appropriate fee of €20.00 has been paid.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 as amended and will be taken into account by the planning authority in its determination of the planning application.

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ADMINISTRATIVE OFFICER, PLANNING

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COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Áras an Chontae Portlaoise, Co Laois R32 EHP9

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Planning Reference No. 22/507

Applicant:

Pinewood Wind Limited

Development at: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois.

A submission/observation in writing, has been received on 06/03/2023 from:

[E] Kieran Brophy Spink Abbeyeix Laois R32 D5N8

The appropriate fee of €20.00 has been paid. (Not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 as amended and will be taken into account by the planning authority in its determination of the planning application.

You will be advised of the Planning Authority's decision on the above application in due course. Your letter will form part of the documentation available for inspection by the public.

For ADMINISTRATIVE OFFICER,

PLANNING

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Submission No.: 150000001378

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Laois County Council

PLANNING APPLICATION REFERENCE No: 22507

A submission/observation in writing, has been received from John Brophy on 03/03/2023 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully, Laois County Council





COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Áras an Chontae Portlaoise, Co Laois R32 EHP9

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Planning Reference No. 22/507

Applicant: Pinewood Wind Limited

Development at: Lands at Graguenahown, Knockardagur, Boleybawn and Ironmills (Kilrush), Co. Laois, .

A submission/observation in writing, has been received on 06/03/2023 from:

Niall & Siobhan Headen Knockbawn/Clenagh Spink Abbeyleix Co. Laois

The appropriate fee of €20.00 has been paid. (Not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 as amended and will be taken into account by the planning authority in its determination of the planning application.

You will be advised of the Planning Authority's decision on the above application in due course. Your letter will form part of the documentation available for inspection by the public.

FOR ADMINISTRATIVE OFFICER,

PLANNING

Contact the Planning Section:

Phone: 057 866 4039 - Email: planning@laoiscoco.ie

