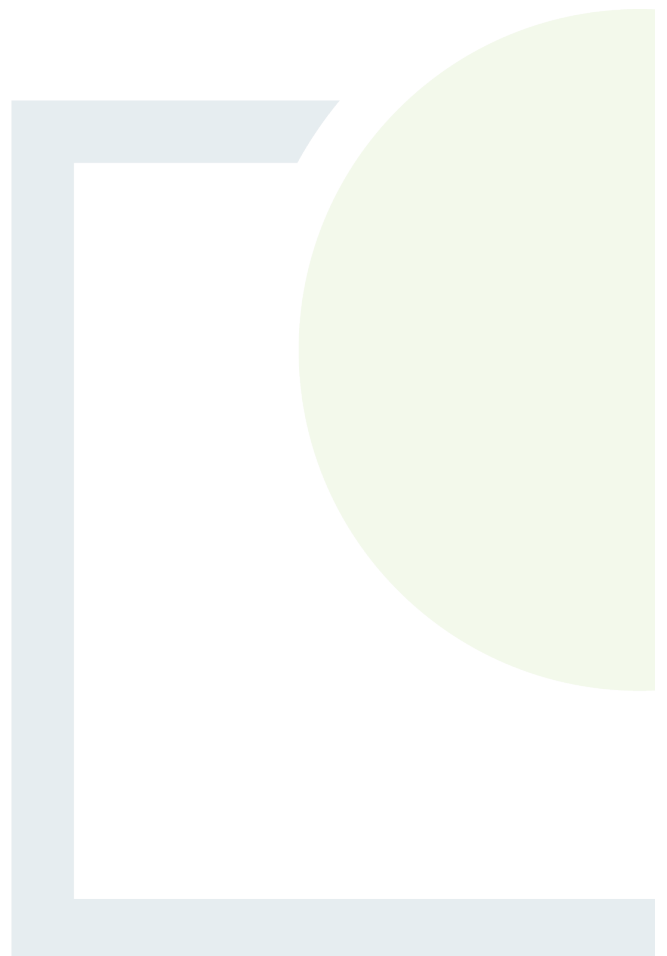




CONSULTANTS IN ENGINEERING,  
ENVIRONMENTAL SCIENCE  
& PLANNING

## APPENDIX 1.1

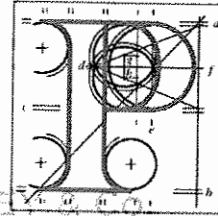
SID Determination and  
Meeting Minutes





**Our Case Number:** ABP-309259-21

**Your Reference:** Coumnagappul Wind Farm Limited



**An  
Bord  
Pleanála**

FEHILY TIMONEY

Resubmitted

JMIRM

15 MAY 2021

Ref: 1

Correspondence No:

1/2021

Fehily Timoney  
Core House  
Pouladuff Road  
Cork  
Co. Cork

**Date:** 4th May 2021

**Re:** Proposed Coumnagappul Wind Farm consisting of up to 11 turbines.  
In the townlands of Coumnagappul, Carrigbrack, Knockavanniamountain, Barricreemountain Upper and Glennaneanemountain, Skeeheans, Lagg, Co. Waterford.

Dear Sir / Madam,

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

Please find enclosed a copy of the written record of the 1<sup>st</sup> meeting of the 22<sup>nd</sup> April, 2021.

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

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

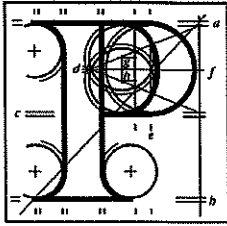
Yours faithfully,

Sarah Kerley  
Executive Officer  
Direct Line: 01-873 7287

VC07

Tel (01) 858 8100  
Glaó Áitiúil LoCall 1890 275 175  
Facs Fax (01) 872 2684  
Láithreán Gréasáin Website www.pleanala.ie  
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street  
Baile Átha Cliath 1 Dublin 1  
D01 V902 D01 V902



An  
Bord  
Pleanála

## Record of Meeting ABP-309259-21 1<sup>st</sup> meeting

<b>Description</b>	<b>ABP-309259-21 - Proposed Coumnagappul Wind Farm consisting of up to 11 turbines, Co. Waterford</b>		
<b>Case Type</b>	Pre-application Consultation under Section 37B of the P&D Act 2006, as amended.		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup> Meeting		
<b>Venue</b>	Virtually by Microsoft Teams		
<b>Date</b>	22/04/2021	<b>Time</b>	11am – 12:15pm

### Representing An Bord Pleanála

Ciara Kellett, Assistant Director of Planning (Chair)

Patricia Calleary, Senior Planning Inspector

Sarah Kerley, Executive Officer      s.kerley@pleanala.ie      01-8737287

### Representing the Prospective Applicant

Alexander Kelly - Coumnagappul Wind Farm Limited

Robert Greene - Coumnagappul Wind Farm Limited

Michael O'Connor - Coumnagappul Wind Farm Limited

Marc McLoughlin - Coumnagappul Wind Farm Limited

Jim Hughes, Director - Fehily Timoney

Rita Mansfield - Fehily Timoney

## **Introduction:**

The Board referred to the letter received from the prospective applicant on the 22<sup>nd</sup> January 2021, requesting pre-application consultations and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board. It also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters that it wished to receive advice on from the Board. The Board mentioned the following general procedures in relation to the pre-application consultation process:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board will serve notice at the conclusion of the process as to the strategic infrastructure status of the proposed development. It may form a preliminary view at an early stage in the process on the matter.
- A further meeting or meetings may be held in respect of the proposed development.
- Further information may be requested by the Board and public consultations may also be directed by the Board.
- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.

## **Presentation by the prospective applicant:**

The proposed development includes the development of an eleven-turbine wind farm in Co. Waterford, approximately 13.6km north of Dungarvan and c. 13km south of Clonmel, Co. Tipperary, which is being developed by Coumnagappul Wind Farm Limited. The prospective applicant provided an overview of the proposed development under the following headings:

**Prospective Applicant Background** - Coumnagappul Wind Farm Limited is 100% owned by EMP Energy Limited (EMPower). EMPower is an international renewable energy developer who are developing projects across markets in Africa and Europe.

### **Proposed Development**

- 11 turbines (6MW output each with a maximum tip height of 185 m and a maximum rotor diameter of 155 meters).
- On-site substation.
- Grid connection: 110 kV new on-site substation connected into the Dungarvan 110 kV substation via 110 kV underground cable.

### **Site Location**

- Located approximately 13.6km north of Dungarvan and c. 13km south of Clonmel, Co. Tipperary.
- Low population density.
- High wind speeds.
- Land is designated a 'preferred location' for wind development in Waterford County Development Plan.
- Closest wind farm situated approximately 19km south west.

**Turbine Delivery Route** - The proposed route for the delivery of turbines to the site is currently undergoing technical assessment. It is potentially commencing at Waterford Port, running along the N25 through Kilcormac onto the N72 to the North of Dungarvan town, then progressing North onto the R672, before turning onto the local road, L5113.

The prospective applicant is aware there may be some pinch points in relation to the local road and these are currently being taken into consideration in its assessment.

**Design Iteration** - The prospective applicant is currently reviewing two access points to the site, A (South) and B (North) The prospective applicant is identifying the most suitable location for the turbines based on any sensitivities on the site, particularly seeking to minimise clutter when viewed from local receptors and also for wind optimisation. The substation and temporary compound are proposed to be located in the centre of the site. Due to low population density, it is possible to provide four-times tip height distance from receptors (740m).

**Legislation & Policy** - The prospective applicant states that the proposed development consists of 11 turbines with a total power output of approximately 66mW which exceeds the 50mW threshold set out in the Seventh Schedule of the 2006 Act. The prospective applicant is of the view that the development would be of strategic, economic and social importance to the State or the region in which it would be situate, as the development has the potential of powering up to 36,000 homes and displace the emission of over 50,000 tonnes of carbon dioxide (CO<sub>2</sub>) per annum. It would also fulfil the objectives of the National Planning Framework, regional spatial and economic strategy for the Southern Region and also the Climate Action Plan. The proposed development is located in a "preferred area" under the Waterford County Development Plan Renewable Energy Strategy.

**Receiving Environment** - Most views of the site are to the South and to a lesser extent, to the East. The Comeragh Mountains assist in protecting the extent of visibility to the North. With regards to European sites, most proximate sites include the Comeragh Mountains SAC and the Nier Valley Woodlands SAC. No development is proposed within the SAC, however it does form part of the boundary of the proposed development. Several ecological surveys have been carried out on site since 2019 with preliminary findings showing no signs of significant bird populations in the area

The following details were also highlighted:

- No invasive plant species.
- No bat activity in August 2020.

- No actual or potential bat roosts.
- Bird Surveys ongoing.
- Mammal survey ongoing.

## **Consultation**

The prospective applicant stated that it places a strong emphasis on public engagement and interaction. Public engagement has been ongoing since October 2019, though it slowed down during 2020, due to Covid-19 restrictions. An online webinar was held in December 2020 and copies of the EIA scoping report were distributed to households within 2km of the proposed development. It is expected to hold a follow up webinar in May 2021, and subject to restrictions, a face to face event in July/August 2021. The prospective applicant stressed the importance of having multiple communication tools, including a public consultation website, email, telephone, letter and a Community Liaison Officer appointed in order to obtain effective feedback from the entire community. Meetings have also taken place with Eirgrid, Waterford City & County Council, Irish Water, ESB, GNI, Eircom, Planners, Heritage Officer and Archaeologist.

## **Discussion**

The following matters were discussed:


- The Board's representatives enquired about potential pinch points along the turbine delivery route. The prospective applicant explained they have engaged with a specialist haulage company who are currently reviewing the best route to site and aims to mitigate any potential pinch points.
- The Board's representatives highlighted the importance of considering additional European sites which fall outside the 15km buffer which have the potential to be impacted by the proposed development. The prospective applicant agreed and stated that is their view at this point that appropriate assessment will be required and an Natura Impact Statement will be submitted with the planning application.



- The prospective applicant highlighted the interest in the community fund and their ongoing commitment to addressing local issues.
- The Board's representatives queried the number of affected landowners. The prospective applicant stated there are four main landowners, however, this may increase to seven, to include lands needed to secure turbine delivery and access to the site.
- The Board's representatives asked whether it is expected to include the grid connection as part of the proposed development. The prospective applicant said the grid connection will form part of the Environmental Impact Assessment Report however, it might not form part of the application as this is a matter yet to be decided.
- The Board's representatives queried whether the number of turbines in the proposed development is fixed at 11. The prospective applicant said there may be some minor amendments as they proceed through additional survey work and assessments however, the number of turbines is expected to remain at 11.
- The prospective applicant queried the timeline for a SID determination following receipt of the closure request. The Board's representatives advised to allow 6-8 weeks in their schedule for a SID determination from the Board.
- The Board's representatives offered its preliminary view that the development would seem to fall within the Seventh Schedule and would be Strategic Infrastructure having regard to Section 37(2). However, it emphasised that the ultimate decision on this will be a matter for the Board, in due course.

## **Conclusion**

The record of the meeting will issue to the prospective applicant and it will then be a matter for the prospective applicant to submit any comments on this if it wishes to do so. It will be a matter for the prospective applicant to revert to the Board when it requires a further meeting or to seek to close the pre-application consultation process.

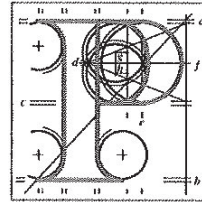
 30/4/21

**Ciara Kellett**

**Assistant Director of Planning**

Our Case Number: ABP-309259-21

Your Reference: Coumnagappul Wind Farm Limited



An  
Bord  
Pleanála

Fehily Timoney  
Core House  
Pouladuff Road  
Cork  
Co. Cork

FEHILY TIMONEY & Co.

Distribution

23 JUN 2022

Job No: 02360

Correspondence No: 2

Comment:

Date: 2nd June 2022

Re: Proposed Coumnagappul Wind Farm consisting of up to 11 turbines.

In the townlands of Coumnagappul, Carrigbrack, Knockavanniamountain, Barricreemountain Upper and Glennaneanemountain, Skee-hans, Lagg, Co. Waterford.

Dear Sir / Madam,

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

Please find enclosed a copy of the written record of the second meeting of the 25<sup>th</sup> May, 2022.

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

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

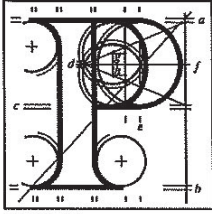
Yours faithfully,

Sarah Caulfield  
Executive Officer  
Direct Line: 01-873 7287

PC07

Tel (01) 858 8100  
Glaó Áitiúil 1890 275 175  
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64 Sráid Maoilbhríde 64 Marlborough Street  
Baile Átha Cliath 1 Dublin 1  
D01 V902 D01 V902



An  
Bord  
Pleanála

## Record of Meeting ABP-309259-21 2<sup>nd</sup> meeting

<b>Description</b>	ABP-309259-21- Proposed Coumnagappul Wind Farm consisting of up to 11 turbines, Co. Waterford		
<b>Case Type</b>	Pre-application Consultation under Section 37B of the P&D Act 2000, as amended.		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	2 <sup>nd</sup> Meeting		
<b>Venue</b>	Virtually by Microsoft Teams		
<b>Date</b>	25/05/2022	<b>Time</b>	11:00am – 11:56am

<b>Representing An Bord Pleanála</b>		
Ciara Kellett, Assistant Director of Planning (Chair)		
Sarah Lynch, Senior Planning Inspector		
Máire Daly, Planning Inspector		
Sarah Caulfield, Executive Officer	s.caulfield@pleanala.ie	01-8737287
<b>Representing the Prospective Applicant</b>		
Michael O'Connor - Coumnagappul Wind Farm Limited		
Rita Mansfield - Fehily Timoney		
Anthony Ryan – Fehily Timoney		

## **Introduction**

The Board referred to its previous meeting with the prospective applicant of the 22<sup>nd</sup> April, 2021 and the record of this meeting. The Board asked if the prospective applicant had any comments it wished to make on the record of this meeting; the prospective applicant wished to clarify that an information leaflet was circulated in the local community rather than a scoping document.

## **Presentation by the prospective applicant:**

The prospective applicant provided a brief recap on the first meeting and gave an overview of the proposed development. Following additional surveys, the prospective applicant said there has been some changes made to the design and location of turbines across the site. The current proposal now consists of 10 turbines (a decrease of 1 turbine), with a maximum tip height of 184 metres. It was submitted that the Vesta V162 is the expected turbine model which has a flexible power rating of 6.5MW, 6.8MW and 7.2MW. The final turbine rating has not yet been confirmed.

The prospective applicant provided several maps which detailed the initial turbine layout and the current proposal.

In relation to turbine delivery routes, the prospective applicant said a route assessment analysis and a swept path analysis has been completed which highlighted a number of pinchpoints along the route where works will be required. The delivery route is expected to run from Waterford Port, along the N25, turning right onto the N72 and onto local and regional roads before accessing the site from the west.

In relation to the grid connection, the prospective applicant said the proposed 110kV onsite substation would connect into the Dungarvan 110kV substation via an underground cable. It was submitted that 3 options were considered, and a preferred route was selected which would only require 1 HDD bridge crossing.

The prospective applicant said several studies have been completed including landscape and visual impact assessment, ecology, ornithology & bats, cultural heritage, shadow flicker, baseline noise and modelling and water & hydrology.

Following detailed surveys and analysis, the prospective applicant decided to remove turbine number 9 from the development. Turbine number 3 was also relocated and labelled as turbine number 12.

The prospective applicant said there are 2 residential properties within 1 kilometre of the turbine locations, 38 properties within 2 kilometres and no properties within the recommended 4-times tip height distance (740 metres).

It was submitted, given the low population density in the area, that there will not be an impact due to noise. There are 4 noise monitoring locations and noise modelling is currently ongoing based on the new layout and turbine model.

The prospective applicant said the proposed site has been assessed as low to moderate suitability for bats. Static bat monitoring has been completed.

In relation to Ornithology, the prospective applicant said there is suspected kestrel nesting in the area but anticipates the risk level to be low. However, given this sensitivity, the prospective applicant decided to relocate one turbine to the north, in order to limit the amount of felling required and to protect this habitat.

It was submitted that there is a high level of burning in upland areas which has caused significant damage on the landscape and scarring of habitats. As a result, the prospective applicant said there is low level mammal activity on the site. Additionally, the prospective applicant said there is no invasive species within the site or on the access road leading to the site.

In relation to Archaeology, the prospective applicant said there is no national monuments recorded within the footprint of the turbine array. It was noted that the turbine delivery route and cable route will be assessed from an archaeological perspective also.

The prospective applicant said two consultation meetings have taken place with Waterford City & County Council. On both occasions the local authority highlighted the area as an important fisheries catchment with water quality and hydrology as two main considerations. The prospective applicant said aquatic surveys have been carried out and there is no evidence of Pearl Mussel in any watercourse draining the

site or along the proposed cable route. Given the salmonid watercourses, the prospective applicant said mitigation measures will be included within the EIAR. It was submitted that there are no significant concerns relating to drainage, hydrology or water quality.

The prospective applicant said a peat stability risk assessment will be carried out but that the risk of peat slippage is low, given the average peat depths on the site of approximately 0.15 metres.

It was submitted that two scoping exercises were completed, one during 2020 and the second in 2021. It said a number of responses were received and will be taken into consideration. The prospective applicant said certain prescribed bodies, as well as Bird Watch Ireland and Bat Conservation Ireland noted that they don't have the resources to respond to individual scoping requests.

The local authority scoping response was received which highlighted a number of key items including landscape, public consultation and traffic management.

The prospective applicant said it hopes to schedule a meeting with the Irish Raptor Study Group in the coming weeks.

In relation to public consultation, the prospective applicant said engagement is ongoing with the local community and it anticipates hosting a webinar within the next 4-6 weeks, an additional leaflet drop to a wider catchment area and face-to-face meetings before an application is submitted.

The prospective applicant gave an overview of the community fund associated with the proposed development and said it would be calculated in accordance with the Renewable Electricity Support Scheme (RESS).

## **Discussion**

The following matters were discussed:

- In response to a query on the matter, the prospective applicant said it anticipates that the grid connection element will form part of the application.

- The prospective applicant said monitoring will be conducted in relation to proposed enhancement lands. In relation to hydrological monitoring, the prospective applicant said this would be conducted in accordance with the Water Framework Directive Hydrological Monitoring baseline. A hydrometric station is not proposed as part of this development.
- The prospective applicant said 3 borrow pits have been identified and the reinstatement of these pits are currently being assessed.
- The Board's representatives advised including an analysis of the carbon losses and gains of the proposed development in its entirety within the climate chapter of the EIAR.
- In response to a query on the matter, the prospective applicant said the construction compound is located close to a minor forestry drain and a 50-metre set back distance will be applied for all watercourses.
- In response to a query relating to the requirement of third-party lands for the turbine delivery route, the prospective applicant said these are currently being assessed.
- The prospective applicant said a cumulative and in-combination assessment will be completed on any proposed/existing wind farms in the area.
- In relation to the turbine output ranges, the Board's representatives advised that if a specific power rating is not finalised and ranges are brought forward, these ranges should be fully considered in the EIAR to allow the Board to examine and fully evaluate the likely impacts.



## **Conclusion**

The record of the meeting will issue to the prospective applicant, and it will then be a matter for the prospective applicant to submit any comments on this if it wishes to do so. It will be a matter for the prospective applicant to revert to the Board if it requires a further meeting or if it wishes to close the pre-application consultation process.

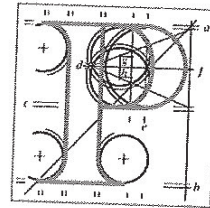
 2/6/22

**Ciara Kellett**

**Assistant Director of Planning**

**Our Case Number:** ABP-309259-21

**Your Reference:** Coumnagappul Wind Farm Limited



**An  
Bord  
Pleanála**

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

**Date:** 6th December 2022

**Re:** Proposed Coumnagappul Wind Farm consisting of up to 11 turbines.  
In the townlands of Coumnagappul, Carrigbrack, Knockavanniamountain, Barricreemountain Upper and Glennaneanemountain, Skeehans, Lagg, Co. Waterford.

Dear Sir / Madam,

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

Please find enclosed a copy of the written record of the third meeting of the 18<sup>th</sup> November, 2022.

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

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

Yours faithfully,

Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

PC07

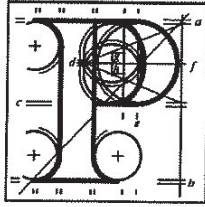
RM/SH

P2360  
3

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaó Áitiúil</b>	<b>LoCall</b>	1890 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Ríomhphost</b>	<b>Email</b>	bord@pleanala.ie

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902



**An  
Bord  
Pleanála**

**Record of Meeting  
ABP-309259-21 3<sup>rd</sup>  
meeting**

<b>Description</b>	ABP-309259-21- Proposed Coumragappul Wind Farm consisting of up to 11 turbines, Co. Waterford		
<b>Case Type</b>	Pre-application Consultation under Section 37B of the P&D Act 2000, as amended.		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	3 <sup>rd</sup> Meeting		
<b>Venue</b>	Virtually by Microsoft Teams		
<b>Date</b>	18/11/2022	<b>Time</b>	11:00am – 11:30am

<b>Representing An Bord Pleanála</b>		
Ciara Kellett, Assistant Director of Planning (Chair)		
Sarah Lynch, Senior Planning Inspector		
Sarah Caulfield, Executive Officer	s.caulfield@pleanala.ie	01-8737287
<b>Representing the Prospective Applicant</b>		
Michael O'Connor - Coumragappul Wind Farm Limited		
Rita Mansfield - Fehily Timoney		
Jim Hughes – Fehily Timoney		

## **Introduction**

The Board referred to its previous meeting with the prospective applicant of the 25<sup>th</sup> May 2022 and the record of this meeting. The Board asked if the prospective applicant had any comments it wished to make on the record of this meeting; the prospective applicant replied that it had no comments to make.

## **Presentation by the prospective applicant:**

The prospective applicant provided a brief recap on the second meeting and gave an overview of the proposed development. The current proposal now consists of 10 turbines, with a maximum tip height of 185 metres. It was submitted that the candidate turbine is the Vesta V162 which has a flexible power rating of 6.0MW to 7.2MW and this range will be assessed within the EIAR. The prospective applicant said it will be seeking a 40-year permission.

The prospective applicant provided two maps which detailed the initial turbine layout and the current proposal. From a landscape and visual impact perspective, the prospective applicant said the decision was made to remove T3 and T9 from the project scope. Additionally, it was noted that T2 and T5 have been relocated slightly to the north.

It was submitted that ground investigation works are ongoing on the site in relation to the borrow pit locations in order to fully determine the potential for the excavation of aggregates.

The prospective applicant said EIAR scoping consultations have been completed. Several meetings were held with Waterford City & County Council with the most recent being in September 2022. This meeting focused primarily on the changes to the wind strategy within the recently adopted Waterford City & County Council Development Plan 2022-2028, in which the site has been identified as a 'no go area' for wind energy development. In response to consultations, TII have stated that key considerations relate to the delivery route, grid route and any haul routes associated with the project.

In relation to turbine delivery routes, the prospective applicant said the route will depart from Waterford Port, join the N29, turn right onto the N72 and then onto local

and regional roads before accessing the site. Minor works will be required at pinch points along the route, but the prospective applicant said these works are temporary in nature and would be replaced following the turbine delivery.

Regarding the Wind Energy Strategy, the prospective applicant said the site was previously designated as a 'preferred' area for wind energy development within the 2011-2017 Development Plan but this designation has changed to a 'no go area' within the new Waterford City & Council Development Plan 2022-2028. The prospective applicant said these 'no go areas' are not defined within the new Energy Strategy, but the previous strategy did provide a definition which they are using as a guide and will demonstrate within the EIAR that the proposed development is fit for purpose in this specific location. It was noted that the key justification would be landscape and visual given the location on the foothills of the mountains and ability to utilise the natural horseshoe valley. Additionally, the prospective applicant said the area is sparsely populated with only 39 properties located within 2 kilometres of the site. These properties are mainly located to the west with most of the wind turbines located to the east.

In relation to Ecology, it was submitted that there is high level of burning in upland areas which has caused significant damage on the landscape and scarring of habitats. It said the proposed development provides several opportunities for enhancement of land and habitats on the site.

Regarding Ornithology, it was noted that the lands are of low to moderate importance for bats and birds. A Collision Risk Model has been prepared which shows a low collision risk on the site, except for Kestrel and Golden Plover which are slightly higher.

Following the relocation of T2 to the north, it is now located on the boundary of a different water catchment, which is designated for Margaritifera Fresh Water Pearl Mussel. The prospective applicant said all construction and environmental mitigation will be adopted to ensure sedimentation of this watercourse does not occur.

The prospective applicant said LVIA (Landscape and Visual Impact Assessment) has been completed and consists of approximately 30 photomontage viewpoint locations providing a representation of views from upland, lowland and coastal

areas. Four viewpoints were presented to the Board's representatives (from north, south, east and west).

The prospective applicant is of the opinion that the proposed development is well positioned from an LVIA perspective, and the proposed development is justifiable given the low population density in the area, the natural topography, and the wind optimisation, notwithstanding the designation as a 'no go area'.

## **Discussion**

The following matters were discussed:

- In response to a query on the matter, the prospective applicant said they have not received any feedback to-date from the Irish Raptor Study Group.
- In relation to the borrow pits, the prospective applicant said site investigations are ongoing on the site in relation to the true potential for rock excavation.
- The prospective applicant confirmed that the peat on the site is very shallow and said a peat stability risk assessment has been completed.
- In response to a query on the matter, the prospective applicant said the potential enhancement areas would be included within both the EIAR and NIS.
- The prospective applicant said public consultation is ongoing and included the circulation of a 12-page newsletter, an online webinar and an in-person event. An online exhibition is expected to launch imminently, and a further webinar and in-person event is anticipated in January 2023.
- In relation to the designation within the Wind Energy Strategy, the prospective application said Waterford City & County Council advised providing robust justification for the development and a robust LVIA.
- In relation to the 40-year permission duration, the Board noted that the standard time-limit is 30 years and advised providing reasoning for this extra time.
- The prospective applicant said it hopes to submit the planning application in Q1 2023.

## **Conclusion**

The record of the meeting will issue to the prospective applicant, and it will then be a matter for the prospective applicant to submit any comments on this if it wishes to do

so. It will be a matter for the prospective applicant to revert to the Board if it wishes to close the pre-application consultation process.

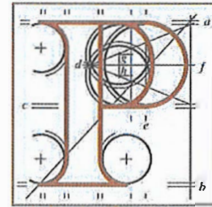
 6.12.22

**Ciara Kellett**

**Assistant Director of Planning**

**Our Case Number:** ABP-309259-21

**Your Reference:** Coumragappul Wind Farm Limited



**An  
Bord  
Pleanála**

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

**FEHILY TIMONEY & Co.**

Distribution **JHIRM**

**4 MAY 2023**

Job No: **P2360**

Correspondence No: **2**

Comment:

**Date:** 23 May 2023

**Re:** Proposed Coumragappul Wind Farm consisting of up to 11 turbines.

In the townlands of Coumragappul, Carrigbrack, Knockavanniamountain, Barricreemountain Upper and Glennaneanemountain, Skeehans, Lagg, Co. Waterford.

Dear Madam,

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

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

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

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

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

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

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

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaio Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Ríomhphost</b>	<b>Email</b>	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



Yours faithfully,

*Sarah Caulfield*

Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

PC09

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The following is a list of prescribed/public bodies considered relevant for the purposes of Section 37E (3) (c) of the Act.

- Minister for Housing, Local Government and Heritage
- Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Waterford County Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Department of Defense
- Office of Public Works

Further notifications should also be made, where deemed appropriate.

**Note:** The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with any future planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.

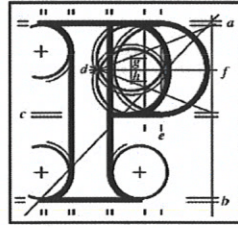
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**An  
Bord  
Pleanála**

## Judicial Review Notice

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

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

- (a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—
  - (i) any decision or purported decision made or purportedly made,
  - (ii) any action taken or purportedly taken,

(iii) any failure to take any action, pursuant to a statutory provision that gives effect to

- (I) a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
- (II) the SEA Directive 2001/42/EC, or
- (III) a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
- (IV) Article 6(3) or 6(4) of the Habitats Directive; or

(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, [www.citizensinformation.ie](http://www.citizensinformation.ie).

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

### **S.37A Application Procedures**

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37A(4)(a) of the Planning and Development Act, 2000 as amended.
- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000, as amended.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper (A sample public notice is attached). A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2019 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
  - Planning Authority – 5 hard copies and 2 electronic copies.
  - An Bord Pleanála – 2 hard copies and 8 electronic copies.
- The Board also requires the prospective applicant to provide a stand-alone website containing all of the application documentation. The address of this website is to be included in the public notice.
- The public notice of the application is to indicate that the application documentation will be available for public inspection after a period of at least 5 working days has elapsed from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.
- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. The prospective applicant should advise the Board's administrative personnel in advance, of the details of its proposed public notice and further definitive advice on the notice including confirmation of dates/times can be communicated at that stage.
- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make a submission to the Board by the same deadline as specified in the public notice (Sample letter to prescribed bodies attached).
- The letter serving notice on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive Officer and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the

application documentation will remain available for public inspection during the currency of the application.

- The deposition of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the conclusion of the period for the public to make submissions. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.
- **The fee for lodging an application is €100,000.** The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition, the legislation also enables the Board to direct payment of costs or a contribution towards costs incurred by the planning authority and third parties.

The sequencing of the making of the application is summarised as follows:

1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

### **Guidelines for Electronic Copies of Applications**

#### **(Standalone Website & CD Copies)**

- Each document/drawing should be clearly labelled
- EIA and NIS chapters saved individually should be named with the number and title of the chapter e.g. Chapter 2: Ecology, Chapter 3: Human Beings etc., and not just the chapter number.
- Document names cannot begin or end with a dot, cannot contain consecutive dots and cannot contain any of the following characters: ~ " # % & \* : < > ? / \ { | }.
- Drawings should be saved with the drawing title and/or number, not just the drawing number.
- Large documents to have 'contents' page e.g. EIA and to be paginated appropriately to allow ease of access to its various sections.
- Documents/drawings should not be compressed e.g. not Winzipped, and should open directly.
- Each document/drawing when opened should be clearly legible and any scaling of the drawing clearly and accurately indicated.
- Each document/drawing when opened should be oriented in the appropriate way (portrait/landscape). It should also be possible to rotate the document/drawing.
- The documents/drawings should be presented in the same sequence as they appear in the hard copy of the application, in order to make the electronic copy as accessible as possible.

- All photographs/photomontages shall be in colour, not blurred and clearly legible.
- All drawings/maps which rely on any colour interpretation e.g. red/blue edging, zoning etc. must be provided in colour.



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