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An Bord Pleanála
64 Marlborough Street
Dublin 1
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8 January 2024
Our Ref: CUS001
Your Ref: [ABP-313778-22]

Dear Sir/Madam,

Re: Planning Application for a wind energy development and all associated works at Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, County Offaly.

On behalf of our client, Cush Wind Limited ('the Applicant'), please find enclosed a Strategic Infrastructure Development (SID) planning application for the abovementioned proposed development, submitted in accordance with Section 37E of the Planning & Development Act 2000 (as amended) ('the Act').

Description of the Proposed Development

This planning application seeks a 10-year planning permission for a proposed development generally described as follows:-

- 8 no. wind turbines with hub height of 114 metres, a rotor diameter of 172 metres and an overall tip height of 200 metres;
- All associated turbine foundations and crane hardstanding areas;
- A wind farm control building with a gross floor area of 131 square metres;
- Underground electrical and communications cabling;
- Construction of internal wind farm access tracks and the upgrade of existing agricultural and forestry tracks;
- Upgrade works to 2 no. existing site entrances from the N62 national secondary road to provide access for the construction phase;
- Upgrade works to 2 no. existing site entrances from the L30033 and L300321 local roads to provide access during the operation phase;
- 1 no. guy-wired meteorological mast with an overall height of 30 metres;
- 2 no. temporary construction compounds;
- Ancillary forestry felling to facilitate the construction and operation of wind farm infrastructure;
- Temporary works to public roads along the turbine component haul route, including a vehicle turning area at the junction of the N52 and N62 national secondary roads;
- All associated and ancillary site development, excavation, construction, landscaping, spoil deposition and reinstatement works, including the provision of site drainage infrastructure and environmental mitigation measures; and,

- A 35-year operational life from the date of commissioning of the entire proposed development.

SID Determination & Design Amendments

This planning application is being made directly to An Bord Pleanála following its determination of 9 May 2023, on foot of a Pre-Application Consultation (PAC) process, that the proposed development constitutes SID and that the planning application must be made directly to it in the first instance (Reference ABP-313778-22). An Bord Pleanála considered that the proposed development constitutes SID having regard to its strategic economic importance to the State (S.37A(2)(a)) and its contribution to the fulfilment of national and regional policy objectives (S.37A(2)(b)).

Subsequent to An Bord Pleanála issuing its determination, the Applicant continued the iterative environmental assessment and technical design process. The original proposed development submitted to An Bord Pleanála as part of the PAC process comprised an 11 no. turbine development with a total output of 79.2 MW. However, following further technical and commercial assessments, this was subsequently reduced to 8 no. turbines with a total output of 57.6MW, which still exceeds the applicable 50MW SID threshold as set out within the Seventh Schedule of the Act.

Please refer to **Chapter 2 (Volume I)** of the Environmental Impact Assessment Report (EIAR) submitted with the planning application for an analysis of the evolution in the design and layout options considered, and how the final submitted 8 no. turbine proposed development was arrived at.

Pre-Application Consultation – Matters to be Considered

During the course of the PAC process, An Bord Pleanála's representatives provided guidance to the Applicant as to what considerations relating to proper planning and sustainable development may have a bearing on a decision in relation to a planning application pursuant to Section 37E, alongside the procedures involved in making such an application. The matters that the Applicant was advised to consider and address in the planning application included:-

- The findings of bird surveys conducted in the wider area to understand bird activity in the environs of the proposed development site;
- Mitigation measures to ensure the protection of qualifying interests of proximate Natura 2000 sites;
- A comprehensive series of photomontages from representative viewpoints, including from Birr Castle;
- An analysis of carbon losses and gains arising from the proposed development; and
- Consideration of telecommunications routes which traverse the wider area, around the project site.

Each of these matters have been fully addressed in the enclosed planning application; including in this Planning Statement, the EIAR and Natura Impact Statement (NIS), and all other plans and particulars submitted with the application.

Legislative & Policy Context

Current European Union (EU) and national policy in respect of the promotion of

alternative, indigenous energy production and the reduction of greenhouse gas emissions are all collectively supremely supportive of a vastly increased generation of electricity from renewable resources to rapidly transition energy production away from reliance on fossil fuels in response to the global threat of anthropogenic climate change.

In recognition of this urgency, and more latterly the outbreak of war in Ukraine, the European Commission has published a temporary emergency regulation (Council Regulation (EU) 2022/2577) calling on all EU Member States to accelerate, as a matter of overriding public interest, the granting of development permits for the deployment of renewable energy generation, such as wind power. The overall aim is to provide an additional 480 gigawatts (GW) of wind energy capacity across Europe by 2030 to both rapidly reduce European dependence on fossil fuel imports and to achieve the imperative of long-term climate goals¹. In November 2023, this emergency regulation was prolonged for a further 12-months.

Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC) international Paris Agreement aims to limit global warming to well below 2°C and pursue efforts to limit it to 1.5°C above preindustrial levels. In 2015, the Climate Change & Low Carbon Development Act was enacted by Government to legally mandate and drive this transition through primary legislation. Ireland, however, continues to lag significantly behind in reducing greenhouse gas emissions.

The Environmental Protection Agency (EPA) has confirmed that the State failed to meet its legally mandated 2020 emissions target set under the EU Effort Sharing Decision (ESD) (No 406/2009/EC), achieving a reduction of just 2-4% below 2005 levels, as compared to a binding target of 20%. As a consequence, Ireland will need to avail of flexibilities under EU rules in order to comply with its obligations, with significant Exchequer costs.

The successor EU Effort Sharing Regulation (ESR) 2023/857 (Amended in April 2023), which governs EU emission reductions for the 2020-2030 period in the non-Emissions Trading Scheme (ETS) sectors, has subsequently prescribed Ireland with a 42% emissions reduction target for 2030, again as compared to 2005 levels. The European Council has adopted a new 'European Climate Law' to achieve this, which is obligatory for all EU Member States.

Given Ireland's past failures to meet emissions targets, alongside increasing EU ambition, the Climate Change & Low Carbon Development (Amendment) Act 2021 was enacted and enshrines a new target of at least 51% emissions reductions, based on 2018 levels, by 2030 across the whole economy i.e. both ESR and ETS emissions. This will require annual average emissions reductions of at least 7%. The realisation of these very challenging and timebound targets will require an unprecedented, transformational step change in the implementation and ambition of Irish climate mitigation policy, including in respect of the deployment of renewable energy generation sources.

Accordingly, pursuant to the 2021 Act, the Government published the Climate Action Plan 2021 (CAP21) which sets out targets for each sector of society. CAP21 prescribes

¹ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions European Commission (March 2022).

that, for the energy (electricity) sector, a total reduction in emissions of 60-80% shall be required i.e. reducing from 10.5 MtCO₂ equivalent (eq.) in 2018 to between 2-4 MtCO₂ eq. in 2030.

The Government has also published the Sectoral Emissions Ceilings for each sector for both the 2021-2025 and 2025-2030 carbon budget periods. The electricity sector has been prescribed a ~40% emissions reduction (6 MtCO₂ eq.) for the 2021-2025 carbon budget with the remainder to be achieved in the subsequent 2025-2030 carbon budget (3 MtCO₂ eq.) (see **Figure 1**).

	2018 Baseline (MtCO ₂ eq.)*	Sectoral Emission Ceilings for each 5-year carbon budget period (MtCO ₂ eq.)		Indicative Emissions in Final Year of 2021-2025 carbon budget period (MtCO ₂ eq)	Indicative Reduction in Emissions in Final Year of 2021-2025 budget period compared to 2018	Emissions in final year of 2026-2030 carbon budget period (MtCO ₂ eq)	Reduction in Emissions final year of 2026-2030 carbon budget period compared to 2018	Agreed CAP21 Ranges
	2018	2021-2025	2026-2030	2025	2025	2030	2030	2030
Electricity	10	40	20	6	~40%	3	~75%	60 – 80%

Figure 1: Rounded Sectoral Emissions Ceilings for the Electricity Sector (MtCO₂ eq.)

In 2022, the Environmental Protection Agency (EPA) reported that the energy sector has so far achieved just a 1.8% reduction in emissions. To date, across all sectors, the EPA also reported that 47% of Ireland's total carbon budget for 2021-2025 has been consumed in the first 2-years. An extremely challenging annual reduction of 12.4% is therefore required for each of the remaining years if Ireland is to stay within the budget. Given the recognised decarbonisation challenges in other sectors, particularly transport and agriculture, a significant ramping up of renewable electricity generation capacity is acknowledged as being absolutely essential to have any chance of realising these emissions targets.

Renewable Electricity

Electrification is the lynchpin for all greenhouse gas emission reduction efforts and, to achieve the scale and speed of the emissions reductions required, all energy systems will need to be electrified from non-fossil fuel sources, including transport, industry and heat.

Accordingly, as described above, a major plank in the national policy to realise the emissions reduction targets is the Government's renewable electricity generation goal to massively upscale and accelerate the deployment of generation capacity by 2030. In the revised National Development Plan 2021-2030, the Government increased the level of ambition to 80% by 2030 to match CAP21, noting this as "an unprecedented commitment to the decarbonisation of electricity supplies".

It is also increasingly recognised that the vast bulk of renewable electricity to achieve the carbon budgets before 2030 will come from onshore wind generation. CAP21 included a target of "up to ~ 8GW" for onshore wind; however, the updated CAP23 and CAP24 increased this target to 9GW, with 6GW targeted by 2025 (see **Figure 2**). This is demonstrative of how onshore wind; as a mature, tried and tested technology; is increasingly being seen as absolutely critical to achieving short-run decarbonisation targets, as further described in CAP24:-

"Given that the programme of large-scale offshore wind deployment is expected to be realised towards end decade, deployment rates for onshore

renewables will need to increase to match demand growth to ensure we keep electricity emissions within range of the carbon budgets. This requires a major upscaling and accelerating in current deployment of renewables, particularly onshore wind." (p.156)

Theme	2025 KPI	2025 abatement (vs. 2018) MtCO ₂ eq.	2030 KPI	2030 abatement (vs. 2018) MtCO ₂ eq.	2031-2035 measures
Accelerate Renewable Energy Generation ⁸³	50% renewable electricity share of demand 6 GW onshore wind capacity Up to 5 GW solar PV capacity, including at least 1 GW of new non-utility solar	2. 21	80% renewable electricity share of demand 9 GW onshore wind capacity At least 5 GW offshore wind capacity 8 GW solar PV capacity, including 2.5 GW of new non-utility solar Green hydrogen production from renewable electricity surplus generation	7. 18	Decarbonisation Roadmap for a net-zero power system Green hydrogen production via 2 GW offshore wind

Figure 2: Key Performance Indicators for Renewable Electricity Generation in CAP24

At the EU level, under the Clean Energy Package, Member States must also, from 2021 onwards, maintain the 2020 renewable energy baseline figure (40% in Ireland's case for renewable electricity). In addition, national governments must progress along an indicative trajectory to achieve these enhanced targets as set out in the *National Energy & Climate Plan 2021-2030 (NECP) (2023 Update)* with reference points in 2022, 2025 and 2027. If Ireland falls below its baseline, or falls below one or more of its national reference points, it will be required to ensure that rapid additional measures are implemented within one year to cover the gap. These additional measures include increasing the national deployment of renewable electricity, as well as making a voluntary financial payment to an EU renewable energy financing mechanism, and the purchasing of further statistical transfers from other Member States.

Onshore Wind Energy

As can be seen from the above, EU and national policies in respect of climate change and renewable energy are progressing at a remarkable scale, speed and ambition in response to the growing climate and energy crises, imposing binding obligations for renewable energy generation and with the role of onshore wind increasingly recognised as pivotal.

At the same time, with the continued decarbonisation of society; projected economic growth and electrification of transport, industry and heat; the SEAI forecast that demand for electricity will continue to increase rapidly. Indeed, EirGrid's *All-Island Generation Capacity Statement*, projects that long-term electricity demand will increase by between 28% and 43% between 2021 and 2030, also partly due to the expected expansion of large energy users (e.g. data centres). EirGrid caution that this could result in significant dispatch difficulties in meeting demand in the absence of enhanced generation supply, all of which is required to be from renewable electricity sources.

Ireland currently has the lowest share of energy coming from renewable sources in the EU at just 13%. While the overall performance in the achievement of renewable energy targets for heat (RES-H) and transport (RES-T) has been widely recognised as very poor, Ireland has become a world leader in renewable electricity (RES-E), almost exclusively driven by a massive expansion of onshore wind generation. Currently, 38.6% of electricity generated comes from renewable sources and the SEAI estimate that in 2023 wind energy generation accounted for 85.7% of this, providing 30.6% of total energy produced. EirGrid reported that an all-time record for renewable electricity generation was set in December 2023, with wind energy providing ~3.9GW of electricity demand on an instantaneous basis.

To date, Ireland currently has an approximate installed capacity of 4.4GW of onshore wind energy, thus requiring the delivery of up to a further 4.6GW to 2030 to achieve the target of 9GW. This amounts to an effective doubling of the current capacity (see **Figure 3**). As described in CAP24, “the historical average deployment of onshore wind installed capacity connected between 2008 and 2020 inclusive was ~280 MW per annum from 19 projects (with an annual maximum of 612 MW)” (p.156). To achieve the necessary emissions abatement, the approximate installation rate of onshore wind would therefore need to increase to at least ~650MW of capacity per year. This can be achieved by installing approximately 100 no. turbines per annum, each with an output capacity of c. 6-7MW, similar to the proposed development. Accelerating planning decisions will be key to progressing against these targets at the necessary pace.

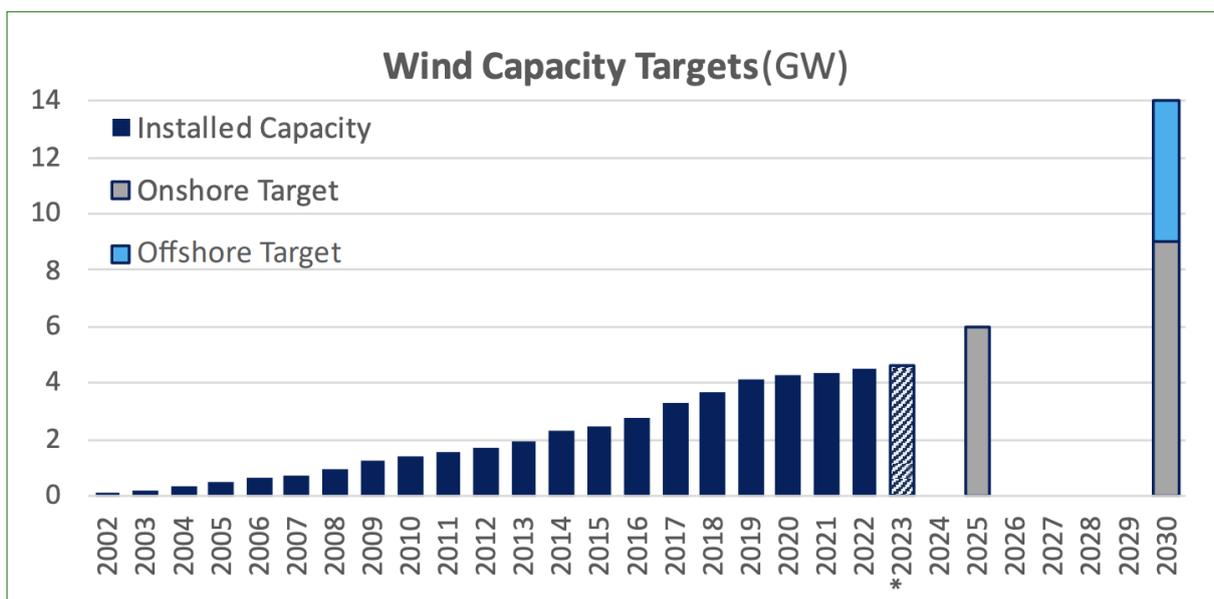


Figure 3: Ireland’s Wind Generation Capacity Targets (SEAI, 2023)

Grid Connection Policy

Incorporating such a large share of wind energy onto the Irish electricity network has required the Irish grid operator, EirGrid, also to become a world leader in managing variable electricity loads through the DS3 programme. Ireland is in the top five globally for both installed wind power capacity per capita and the contribution of wind

energy to electricity demand. By 2030, EirGrid's ambition is to accommodate instantaneous penetrations of up to 95% of demand from variable renewable energy sources.

In light of the ambitious targets outlined above, the Government has committed to supporting the rollout of onshore wind energy infrastructure through a new system for connecting projects to the national grid under the auspices of the Commission for the Regulation of Utilities' (CRU) Enduring Connection Policy (ECP). A prerequisite for achieving a grid connection offer from CRU is firstly securing planning permission for the renewable energy generating infrastructure.

A new Renewable Energy Support Scheme (RESS) was also put in place in 2018 to incentivise the introduction of sufficient renewable electricity generation to deliver the RES-E target. This new scheme replaces the previous support mechanism for renewable electricity, known as the Renewable Energy Feed-in Tariff (REFIT), and marks a shift from guaranteed fixed prices for renewable generators to a more market-oriented mechanism i.e. an auction-based scheme where the cost of support will be determined by competitive bidding between renewable energy generators, resulting in a lower cost of support. This means that all wind energy projects which are submitted for planning permission must be located and designed to be fully viable, buildable and to be competitive in an open market competition.

In this context, the proposed development of 8 no. turbines, which is the subject of this planning application, has therefore been located and designed to be highly competitive in a RESS auction and, with a projected output of 57.6MW, can be constructed in the short-term and therefore has the capacity to make a significant contribution to the achievement of Ireland's binding 2030 national decarbonisation targets.

National, Regional & Local Planning Policy

National Policy & Guidelines

In national planning policy, the crucial role of onshore wind energy development in the transition to a low carbon society and economy is also recognised in the National Planning Framework (NPF) (National Policy Objective 55) and in the concomitant National Development Plan 2021-2030. The NPF and NDP, jointly referred to as 'Project Ireland 2040', include ten common goals, known as National Strategic Outcomes (NSO), and NSO 8 is the '*Transition to a Low Carbon and Climate Resilient Society*', including the significant expansion of onshore renewable energy generation in accordance with overarching national energy policies.

The Government's *Wind Energy Development Guidelines for Planning Authorities 2006* ('2006 Guidelines') issued under Section 28 of the Act, and subsequent updated *Draft Revised Wind Energy Development Guidelines*, published in 2019 ('Draft 2019 Guidelines'), establishes a land-use planning framework whereby local planning authorities can proactively support the development of wind energy at appropriate locations. Section 3.5 of the 2006 Guidelines sets out a stepwise guide for the designation of suitable areas for wind energy in statutory county development plans through the use of a series of criteria including, *inter alia*, available wind resources, grid accessibility, landscape capacity, natural heritage, noise, archaeology etc. The proposed development has been advanced by the Applicant in full cognisance of these criteria and local wind energy development policy, as further described below.

Regional Policy

At a regional level, the principal purpose of the Eastern and Midlands Regional Spatial and Economic Strategy 2019-2031 ('RSES') is to support the implementation of Project Ireland 2040 through translating the NSOs to a regional scale. The RSES includes sixteen Regional Strategic Outcomes ('RSO') aligned to the UN Sustainable Development Goals, the EU thematic objectives for regional policy and national policy to embed a coherent policy hierarchy and to ensure that future investment is targeted towards identified strategic policy goals. It is recognised in the RSES that there is over-reliance on non-indigenous supplies of fossil fuel energy and that there is a need to better leverage natural resources to increase the share of renewable energy. RSO 9 therefore supports this transition to low carbon and clean energy through pursuing, *"climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050"*.

In support of the RSOs, a series of Regional Policy Objectives (RPO) have been established which are intended to set the framework for lower tier county development plans to support the increase in the amount of new renewable energy sources in the region, including the development of onshore wind energy at a larger scale on appropriate sites. Since 2010, it is a legal requirement that county development plans are consistent with the RSES and NPF, as higher tier plans in the hierarchy. RPO 7.36 states that:

"Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions."

Local Policy

In accordance with these overarching national and regional policies, the *Offaly County Development Plan 2021-2027* ('the Offaly CDP') is supportive of wind energy development at suitable locations within County Offaly. The Offaly CDP recognises the potential that wind energy development can play in achieving national targets in relation to reductions in fossil fuel dependency, and therefore greenhouse gas emissions, and seeks to achieve a reasonable balance between responding to Government policy on renewable energy and enabling the wind energy resources of the county to be harnessed in a manner that is consistent with proper planning and sustainable development.

In accordance with the 2006 Guidelines (and Draft 2019 Guidelines), a dedicated Wind Energy Strategy ('WES') has been prepared and incorporated into the Offaly CDP. The WES applies a stepwise 'sieve-mapping' exercise whereby key environmental, landscape and other technical issues have been considered to identify the most suitable locations for wind energy development, including wind speeds; presence of existing electricity network infrastructure; landscape character and sensitivities; areas of high amenity; protected viewpoints and routes; European and nationally designated nature conservation sites; and areas of built heritage.

Following the completion of this exercise, 12 no. broad areas were identified as being potentially suitable and were subject to further, granular analysis with 6 no. being

classified as 'Areas Open for Consideration for Wind Energy Developments' (see **Figure 4**). These areas have been selected as they are characterised by low housing densities; do not conflict with European or National designated sites; and have the ability, by virtue of their landscape characteristics, to absorb wind farm developments.

As also illustrated in **Figure 4** below, the proposed development site is located within an area designated as 'Open for Consideration for Wind Energy Developments' and identified as the 'Area generally south of Cloghan' (No.7), as follows:

"This area is characterised by predominantly flat and in places slightly undulating landscape with a number of significant tracts of peatlands and transitional woodlands, and coniferous forestry in places. There also exists good wind speeds and reasonable access to the grid. The extensive tracts of flat peatlands in this area offer potential to accommodate a wind farm layout with depth, comprising a grid formation giving a better sense of balance and visual cohesion. In addition, there exists a precedent of windfarm and renewable energy projects developed in the area such as Meewaun windfarm [sic] while other projects have been deemed suitable and are awaiting commencement of development. There exists both good wind speeds and electricity infrastructure in the area." (p.20)

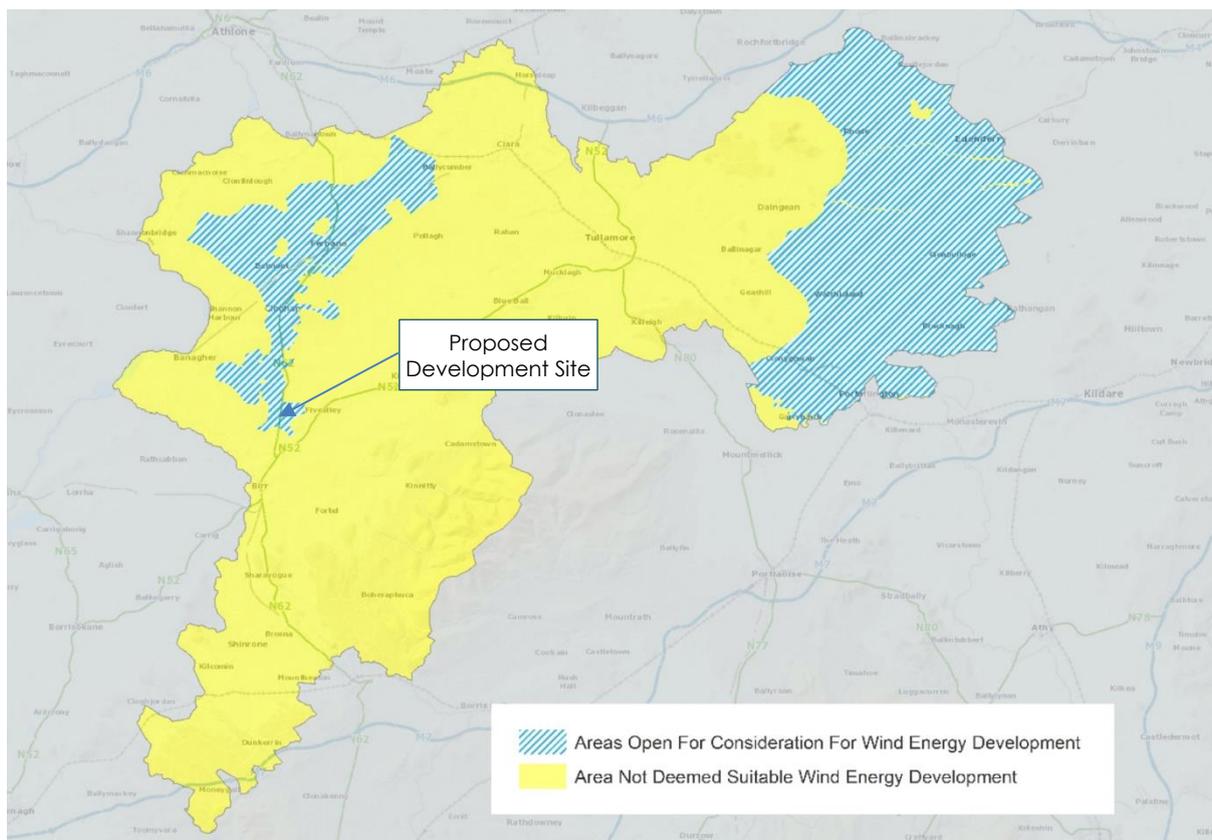


Figure 4: Wind Energy Designations (Offaly Wind Energy Strategy, 2021-2027)

The WES also highlights that, while the classification of 'Areas Open for Consideration for Wind Energy Developments' are in principle suitable for wind energy development,

proposals will be evaluated on a case-by-case basis subject to the criteria listed in Development Management Standard 109 contained in Chapter 13 of the CDP, as further addressed below.

Site Selection & Justification

The proposed development site was selected for the following reasons:-

- The location has been designated as an 'Area Open for Consideration for Wind Energy Developments' within the Offaly CDP/WES;
- The site is not the subject of any specific protective landscape designations; including protected views, scenic routes, designated scenic landscapes and proposed Wilderness Areas; and is predominantly designated as having a low/medium level of landscape sensitivity;
- There is a low number of permitted and proposed wind energy developments within 10km of the subject site. These include the existing Meenwaun Wind Farm and Cloghan Wind Farm; permitted Derrinlough Wind Farm (under construction) and the proposed Carrig Renewables Wind Farm. Accordingly, the proposed development is unlikely to have any significant adverse cumulative effects on the visual amenity of the area;
- The environs of the proposed development site generally has a low population density. The nearest urban settlement, Birr, is approximately 4km distant. The *Draft 2019 Guidelines* propose a setback distance of 4-times overall tip height between a wind turbine and any residential property, subject to a mandatory minimum setback of 500 metres (m). Given the size of the available landbank, these setback distances can be achieved at this location. There are only 2 no. dwellings within 800m of a proposed turbine, but both are economically involved landowners in the proposed development. The availability of sufficient setback distances will ensure that there is unlikely to be any significant effect on local residential amenity, particularly in respect of noise and shadow flicker;
- The proposed development site has an average wind speed of approximately 7.3m/s at ~114m height which is sufficient to ensure the viability of a wind energy development and has been verified by the on-site temporary met mast. The site is also located proximate to a number of connection points to the national electricity grid which can facilitate the efficient export of the renewable electricity generated;
- The land use context is benign, generally consisting of flat or gently undulating mix of cutaway and cutover bog; commercial forestry and bog woodland (non-Annex I pursuant to the EU Habitats Directive 92/43/EEC), woodland scrub and pasture farmland;
- There is a general absence of sensitive habitats, including any European designated nature conservation (Natura 2000) sites within, or within the immediate environs of, the proposed development site. The nearest Special Area of Conservation (SAC) is the Ridge Road, SW of Rapemills SAC (Site Code: 000919), located c. 2.6km to the west, while the Dovegrove Callows SPA (Site Code: 004137) is located c. 1.7km to the southwest;
- The subject site is well served by the national road network with convenient access via the motorway and national roads, including the N62 national secondary route directly which bisects the site. A good network of regional and local roads also traverses the general area to provide suitable access during the construction and operation phases of the proposed development. Some

temporary road works to accommodate the delivery of turbine components would be necessary, particularly at the junction of the N62 and N52; however, these will not be significant or extensive;

- There is an absence of significant constraints in respect of aviation and telecommunications, including radio observatories and broadcast communications in the area. The site is partially located within 5km of the Irish Low Frequency Array (I-LOFAR) system at Birr Castle; however, a Radio Telescope Impact Assessment (RTIA) confirmed that there is no likelihood of significant effects; and,
- The conclusions of the EIAR that the proposed development is unlikely to have any significant adverse effects on the environment, including in respect of nature conservation, ecology, soil, hydrology, groundwater, archaeology, built heritage, landscape, noise, human health and public rights of way.

Having regard to the above, and the Development Management Standard 109 contained in Chapter 13 of the Offaly CDP, the Applicant submits that the proposed development site is an eminently suitable location for a wind energy development of this general scale and is viable and deliverable in the short-term to positively contribute to 2030 renewable electricity and decarbonisation targets.

Full details of the site selection process and assessment of reasonable alternative locations, layouts and designs for the proposed development are provided in **Chapter 2 (Volume I)** of the EIAR submitted.

Stakeholder Consultation

Community Consultation

In advance of the submission of this planning application, the Applicant undertook extensive public consultation throughout the project design and EIAR process. In early 2022, door-to-door visits were undertaken with local residents together with leaflet drops. In addition, consultation clinics were organised on 25 and 26 January 2023 at the County Arms Hotel and Birr Golf Club, Birr, County Offaly, where individual members of the public and community groups were afforded the opportunity to discuss the project directly with the project design team.

The public consultation process was managed by a dedicated Community Liaison Officer (CLO) and structured and managed to ensure clarity and consistency, and to maintain an objective and factual approach. A website was also established where members of the public concerned could view details of the project, receive updates on the design process and to contact the CLO via email or a freephone number (www.cushwindfarm.ie).

The community consultation process, which has been undertaken in accordance with the Draft 2019 Guidelines and the *Department of Environment, Climate and Communication's Code of Practice for Wind Energy Development 2016*, facilitated the early identification of potential concerns of the public in respect of the proposed development and a more focused consideration of likely significant effects, including the identification of design modifications and opportunities to incorporate embedded mitigation measures into the design and layout of the proposed development.

A full Community Report documenting the entire public consultation process is

presented at **Annex 1.8 (Volume II)** of the EIAR.

Planning Authority Consultation

Prior to the submission of this planning application, the Applicant consulted with the Planning Authority, Offaly County Council. Full details of all consultations, including written correspondence and meetings, are provided in **Chapter 1 (Volume I)** of the EIAR submitted.

Overall, the Planning Authority did not express any significant concerns in respect of the proposed development and stated that care should be taken to avoid any potential planning or environmental effects. In written correspondence received following a consultation meeting with the Applicant, the Planning Authority offered advice in relation to the scope of the EIAR and NIS; referring specifically to matters including residential amenity, biodiversity, transport, flooding, landscape and visual amenity, noise and shadow flicker. Accordingly, the Applicant has ensured that all matters have been fully addressed within the EIAR and NIS.

Environmental Impact Assessment

Overview

A full EIAR has been submitted with this planning application to inform the Environmental Impact Assessment (EIA) to be carried out by An Bord Pleanála. As described above, all matters raised by An Bord Pleanála, the Planning Authority, the local community and other prescribed bodies during pre-application consultations are addressed in the EIAR. The EIAR is presented as 2 no. volumes, which should be read in conjunction with each other, as follows:-

- **Volume I** comprises the main EIAR text and follows a 'Grouped Format' structure where each environmental factor is assessed and presented as a separate chapter. The EIA Directive prescribes the range of environmental factors which should be used to organise descriptions of the environment and likely environmental effects. These have been supplemented with additional environmental factors owing to the characteristics of the proposed development under assessment, as follows:-
 - Chapter 1: Introduction;
 - Chapter 2: Assessment of Project Alternatives;
 - Chapter 3: Description of the Project;
 - Chapter 4: Population & Human Health;
 - Chapter 5: Biodiversity;
 - Chapter 6: Land & Soils;
 - Chapter 7: Water;
 - Chapter 8: Air Quality & Climate;
 - Chapter 9: Landscape;
 - Chapter 10: Cultural Heritage;
 - Chapter 11: Noise & Vibration;
 - Chapter 12: Shadow Flicker;
 - Chapter 13: Material Assets;
 - Chapter 14: Interactions of the Foregoing; and,
- **Volume II** comprises a range of annexes, including technical data and reports,

which informed the impact assessment provided in **Volume I** so as to ensure the EIAR is transparently supported by evidence.

As requested by An Bord Pleanála, all environmental mitigation measures, as prescribed within the EIAR, have also been compiled into a standalone document and submitted in **Volume II**.

A separate **Non-Technical Summary** of the EIAR is also provided to facilitate the wider public concerned in their involvement in the statutory consultation during the planning application determination stage.

Some key environmental matters pertaining to the proposed development are also addressed and summarised below.

Biodiversity

A comprehensive biodiversity study of the proposed development was undertaken in accordance with all best-practice survey methods related to wind energy developments and a detailed assessment on the likely significant effects of the proposed development is included at **Chapter 5 (Volume I)** of the EIAR.

The overall assessment concludes that the detailed mitigation and monitoring measures will ensure that there is no likely significant effects on biodiversity arising from the construction, operation or decommissioning of the proposed development.

Please note that, in accordance with best practice, some minor, sensitive information has been redacted in this chapter of the EIAR, including in the annexes. This information can be provided upon request.

Soils & Water

The proposed development site has been designed to avoid areas of cutaway bog. The soils, subsoils and bedrock at the project site are generally classified as low-to-medium importance and minimal volumes will be required to be removed to allow for the construction of the project. No turbines or related infrastructure will be constructed within or near any designated sites for the protection of ecological features or geological heritage.

Surface water drainage measures, pollution control and other preventative measures have been fully incorporated into the design of the proposed development as embedded mitigation to ensure there is no likely significant adverse impacts on water quality or downstream designated sites. All proposed mitigation measures will be subsequently incorporated into the detailed Construction Environmental Management Plan (CEMP) to be prepared prior to the commencement of development (see **Annex 3.4 (Volume II)** of the EIAR).

Overall, it is assessed that there is no likelihood for significant effects on the hydro-/geological environment and, following the implementation of the proposed mitigation measures, the proposed development can be constructed, operated and decommissioned without affecting the Water Framework Directive status of any waterbody. A standalone Water Framework Directive Compliance Assessment has also been provided at **Annex 7.3 (Volume II)** of the EIAR.

Landscape

A full set of photomontages of the proposed development are provided in **Annex 9.2 (Volume II)** of the EIAR. These photomontages were prepared to inform a landscape

and visual impact assessment, presented at **Chapter 9 (Volume I)** of the EIAR. The landscape and visual impact assessment concludes that the highest level of impact significance is 'moderate' and is representative of 'worst-case' views from the local community (within 5km), including from Birr Castle.

Outside of the central study area, the significance of impacts considerably reduces and ranges between 'slight' and 'imperceptible' due to the robust working nature of the landscape context which is not assessed to be highly sensitive or susceptible to development. When assessed in combination with other permitted and proposed developments, including other wind farms, it is assessed that the proposed development will not give rise to any likely significant landscape, visual or cumulative effects.

Noise

According to the 2006 Guidelines, in general, any noise generated by the proposed development is unlikely to have significant effects where the distance from the nearest turbine to any Noise Sensitive Locations (NSL) is more than 500m. As discussed above, other than 2 no. dwellings that are economically involved in the proposed development, all dwellings are located in excess of 800m from a proposed wind turbine.

Nevertheless, a total of 106 no. NSLs within 10-times overall tip height of the proposed turbines (2,000m) were surveyed to assess the likelihood for noise impacts and the results provided at **Chapter 11 (Volume I)** of the EIAR. Using sound emission data specific to the selected turbine model, the operational noise levels at the NSLs have been predicted. In all cases, predicted noise levels are within the applicable noise criteria as set out in the Draft 2019 Guidelines, including when assessed cumulatively with other operational, permitted and proposed wind farms.

Shadow Flicker

The 2006 Guidelines also provide that shadow flicker is again not normally an issue where setback distances are more than 500m to sensitive receptors. Nevertheless, the EIAR assesses the potential number of shadow flicker hours per year likely to be experienced under 'expected' and exceptional 'worst-case' scenarios at all dwellings within 2,000m of the proposed wind turbines.

During the operation phase, 23 no. receptors are predicted to exceed the 30-minutes per day criterion in a 'worst-case' modelled scenario. Under the 'expected' shadow flicker assessment model, no receptors are predicted to exceed the 30-hours per year criterion, including when assessed cumulatively.

Notwithstanding the above, technological mitigation measures will be implemented to curtail the wind turbines at predetermined times when shadow flicker exposure could potentially breach the 30-minutes per day limit. These measures will ensure that no dwelling/receptor will experience levels of shadow flicker which exceeds the limits set out in current guidance.

Appropriate Assessment

Following the completion of a Stage 1 Appropriate Assessment Screening, a full NIS (Stage 2) has been prepared and submitted with this planning application. The NIS is presented as a separate, standalone document and submitted to inform a Habitats Directive Appropriate Assessment to be carried out by An Bord Pleanála pursuant to

Council Directive 92/43/EEC and Bird Directive 2009/147/EC. The NIS addresses the entirety of the project, including relevant cumulative, off-site, and secondary developments.

The NIS concludes that the proposed development; individually or in combination with other plans or projects; will not, beyond reasonable scientific doubt, adversely affect the conservation objectives or integrity of any Natura 2000 site.

Please note that, in accordance with best practice, some minor, sensitive information has been redacted in the NIS. This information can be provided upon request.

Turbine Dimensions

The proposed development includes 8 no. wind turbines, each with a hub height of 114m, a rotor diameter of 172m and an overall tip height of 200m, based on a Vestas V172-7.2MW turbine model. No other turbine dimensions are included within the planning application nor assessed within the EIAR and NIS.

It is important to note, however, that turbine technology advances rapidly with component dimensions constantly changing to maximise efficiency. It may therefore be the case that, at the time of construction, the abovementioned proposed turbine model is no longer available in the market. Accordingly, while the EIAR and NIS assesses the likely significant environmental effects of the proposed turbine model and its principal dimensions, as presented above, it also fully incorporates an assessment of any immaterial deviations thereof, in terms of hub height and rotor diameter, subject to a maximum height of 200m.

Any proposal to immaterially deviate from the above hub and rotor dimensions will be subject to a separate future consent process. Any such consent would be required to demonstrate that the deviations to the turbine model and dimensions are immaterial, including by reference to the EIAR and NIS, and any conditions of planning consent.

Permission Period

A 10-year planning permission is being applied for in respect of this proposed development. That is, planning consent would remain valid for 10-years following the final grant of planning permission. We note that the 2006 Guidelines state that:

“Planning Authorities may grant permission for a duration longer than 5 years if it is considered appropriate, for example, to ensure that the permission does not expire before a grid connection is granted. It is, however, the responsibility of the applicants in the first instance to request such longer durations in appropriate circumstances”.

Subject to a grant of planning permission, a 10-year planning permission is considered appropriate for a development of this nature and scale to ensure that all required supplementary statutory consents, including grid connection agreements, and licences can be put in place prior to the commencement of development.

Operational Duration

The operational lifetime of the proposed development is 35-years from the date of full and final commissioning. Prior to the expiry of this period, the Applicant will decide whether to continue to operate, replace or decommission the development.

However, for the purposes of the EIAR and NIS, decommissioning is assumed.

It should be noted that the 2006 Guidelines state that:

“The inclusion of a condition which limits the life span of a wind energy development should be avoided, except in exceptional circumstances.”

Notwithstanding the above, the Applicant requests that, subject to a grant of permission, a 35-year operational period from the date of full and final commissioning of the proposed development be provided by way of condition of consent.

Site Notices

8 no. site notices have been erected in respect of this proposed development at appropriate locations, including at the main entrances to the proposed development site and at all relevant access points to the subject lands, so as to be easily visible and legible by persons using the public road network and the public concerned.

The site notices will be monitored on a regular basis by the Applicant to ensure, to the best possible extent, that they remain *in situ* and are not otherwise defaced or become illegible.

In the event that notices are removed or tampered with, the Applicant will seek to ensure that they are replaced as quickly as possible.

EIA Portal

As required, an EIA Portal submission confirmation notice accompanies this planning application in accordance with the Planning & Development Regulations 2001 (as amended).

Planning Application Documentation

An Bord Pleanála will find enclosed all of the required planning application plans and particulars in sufficient detail, including in respect of turbine dimensions, to fully describe the nature and extent of the proposed development and to enable its potential impacts to be fully assessed, as follows:-

- Completed Planning Application Form;
- Site Notice;
- Copy of each Newspaper Notice (2 no.);
- EIA Portal Confirmation Notice;
- Planning Application Fee (€100,000);
- Planning Application Notification Letter issued to Offaly County Council;
- Planning Application Notification Letter issued to each prescribed body;
- Planning Application Drawings (see Schedule of Drawings attached to the Planning Application Form);
- Environmental Impact Assessment Report, including:
 - Volume I – Assessment of the Proposed Development (the Project);
 - Volume II – Technical Annexes in support of Volume I;
 - Non-Technical Summary; and
- Natura Impact Statement.

As instructed during the PAC process, we have provided 2 no. hard copies and 8 no. electronic copies of all planning application plans and particulars. In addition, 5 no. hard copies and 2 no. electronic copies have been furnished to Offaly County

Council. Furthermore, all planning application and associated documentation is available to view at the dedicated project website at the following URL address:

www.cushwindfarmplanning.ie

The Applicant was also instructed by An Bord Pleanála in its SID determination to furnish copies of the planning application to each of the prescribed bodies listed at **Table 1**. Each of the prescribed bodies have been advised of the URL of the project website where all planning application documentation can be viewed and downloaded.

Prescribed Body	Means of Receiving Planning Application Documentation	Date Issued
An Chomhairle Ealaíon (The Arts Council)	Notified of URL of dedicated project website	8 January 2024
An Taisce	Notified of URL of dedicated project website	8 January 2024
Eastern & Midlands Regional Assembly	Notified of URL of dedicated project website	8 January 2024
Environmental Protection Agency	Notified of URL of dedicated project website	8 January 2024
Fáilte Ireland	Notified of URL of dedicated project website	8 January 2024
Inland Fisheries Ireland	Notified of URL of dedicated project website	8 January 2024
Irish Aviation Authority	Notified of URL of dedicated project website	8 January 2024
Irish Water	Notified of URL of dedicated project website	8 January 2024
Minister for Agriculture, Food and the Marine	Notified of URL of dedicated project website	8 January 2024
Minister for Communications Climate Action & Environment	Notified of URL of dedicated project website	8 January 2024
Minister for Housing, Local Government & Heritage	Notified of URL of dedicated project website	8 January 2024
Minister for Transport, Tourism & Sport	Notified of URL of dedicated project website	8 January 2024
Offaly County Council	5 no. hard copies and 2 no. electronic copies have been provided.	8 January 2024
Office of Public Works	Notified of URL of dedicated project website	8 January 2024
The Heritage Council	Notified of URL of dedicated project website	8 January 2024
Transport Infrastructure Ireland	Notified of URL of dedicated project website	8 January 2024

Table 1: Notified Prescribed Bodies

Support of Local Residents

In addition to the agreements which have been reached with each of the respective landowners whose lands are the subject of this planning application and, by virtue of same, have expressed their support for the proposed development; the respective owners of the 2 no. residential dwellings located within 800m of a proposed wind turbine (4-times overall tip height) have confirmed their knowledge of, and support for, the proposed development (see **Annex 2**).

Conclusion

Having regard to the above, we respectfully request that An Bord Pleanála grant planning permission for the proposed development. We trust that the plans and particulars submitted are in order and sufficient for your consideration of this planning application. Should you have any queries in relation to any of the information enclosed, please do not hesitate to contact this office.

Yours sincerely,

Galetech Energy Services

Galetech Energy Services

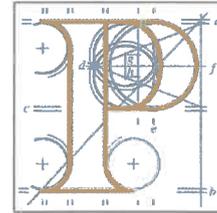
**Annex 1 –
Strategic Infrastructure Development Determination**



Our Case Number: ABP-313778-22

Your Reference: Cush Wind Limited

10 MAY 2023



An
Bord
Pleanála

Galetech Energy Services
Clondargan
Stradone
Co. Cavan
H12 NV06

Date: 09 May 2023

Re: Proposed 11 turbine wind farm
Cush, Galros West, Galros East, Boolinarig Big, Ballycolin and Eglis, Co. Offaly

Dear Sir / 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 the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As only one meeting was required in this case, a refund of €3,500 will be sent to you in due course.

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.

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 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

Yours faithfully,

Sarah Caulfield

Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

PC09

Teil
Glaó Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

List of Prescribed Bodies to be Notified

- Minister for Housing, Local Government and Heritage (DAU)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Offaly County Council
- Eastern and Midland Regional Assembly
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Office of Public Works

Note 1: The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines all proposed mitigation measures, in the interest of convenience and ease of reference.

Note 2: The prospective applicant is advised to submit sufficient drawings and details, including turbine dimensions, to fully describe the nature and extent of the proposed development and to allow its potential impacts to be adequately assessed.

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:

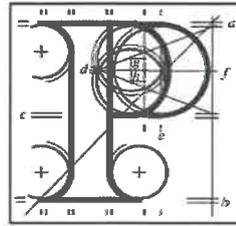
1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application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



**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.

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.

**Annex 2 –
Letters of Support from Local Residents**



Veronica Alexander

Eglish

Birr

Co. Offaly

Re: Cush Wind Farm

Applicant: Cush Wind Limited

To whom it may concern,

I, Veronica Alexander of Eglish, Birr, Co. Offaly wish to confirm that I am full owner of the dwelling contained within folio OY10417F, Eircode R42FH68.

I fully acknowledge that Cush Wind Limited is applying to An Bord Pleanala for planning permission to construct the proposed Cush Wind Farm.

I also acknowledge that a representative of Cush Wind Limited has comprehensively explained to me the exact location of the proposed wind turbines and their associated infrastructure, and I am satisfied with same.

Yours Sincerely,



Veronica Alexander

Date 27/11/2023

Kenneth Bracken

Kilmacshane

Banagher

Co. Offaly

Re: Cush Wind Farm

Applicant: Cush Wind Limited

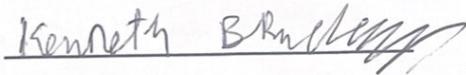
To whom it may concern,

I, Kenneth Bracken of Kilmacshane, Banagher, Co. Offaly wish to confirm that I am full owner of the dwelling contained within folio OY10387, Eircode R42HX29.

I fully acknowledge that Cush Wind Limited is applying to An Bord Pleanala for planning permission to construct the proposed Cush Wind Farm.

I also acknowledge that a representative of Cush Wind Limited has comprehensively explained to me the exact location of the proposed wind turbines and their associated infrastructure, and I am satisfied with same.

Yours Sincerely,



Kenneth Bracken

Date: 28/11/2023