

Form No. 7

Application to An Bord Pleanála for substitute consent

APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT

BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING

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

ADDITIONAL INFORMATION

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

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

OTHER STATUTORY CODES

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

DATA PROTECTION

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

APPLICATION FORM

1. NAME OF RELEVANT PLANNING AUTHORITY:	
Donegal County Council	

2. LOCATION OF DEVELOPMENT:	
<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Meenbog Windfarm, in the townlands of Croaghonagh, and Meenbog, County Donegal
<i>Ordnance Survey Map Ref No (and the Grid Reference where available) ¹</i>	OS1836, 1838, 2036, 2038 and NI19-B Irish Grid – (207,552E, 386,081N) I TM – (607502E, 886075N)

3. APPLICANT²:	
<i>Name(s)</i>	Planree Ltd.
	Address to be supplied at the end of this form (Question 19)

4. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):	
<i>Name(s) of company director(s)</i>	Michael Murnane and Andrew Clements
<i>Registered Address (of company)</i>	Lissarda Business Park, Lissarda, Co. Cork, Co. Cork, Cork P14 YN56
<i>Company Registration number</i>	530768

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

6. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS³:	
<i>Name</i>	Joseph O'Brien
<i>Firm/Company</i>	MKO

7. DESCRIPTION OF DEVELOPMENT:	
<i>Brief description of nature and extent of development⁴</i>	<p>Planree Ltd, intend to apply for substitute consent for development of this site, in the townlands of Meenbog and Croaghonagh, Co. Donegal.</p> <p>Leave to apply for substitute consent in relation to this development was granted by An Bord Pleanála under Section 177D of the Planning and Development Act 2000 (as amended), register reference ABP-314062-22. This application is made pursuant to Section 177E of the Planning and Development Act 2000 (as amended, and as provided for in section 41(12) of the Planning and Development, Maritime and Valuation (Amendment) Act 2022).</p> <p>The development for which substitute consent is being sought consists of: Deviations from the wind farm permitted under ABP-300460-17 (amended by ABP-303729-19). The deviations relate to wind farm roads and hardstand areas, peat management measures, borrow pits, site drainage measures, and all ancillary works.</p> <p>The application for substitute consent is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and a remedial Natura Impact Statement (rNIS).</p>

8. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:		
Please tick appropriate box	<i>A. Owner</i> ✓	<i>B. Occupier</i>
	<i>C. Other</i> ✓	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Deeds of Easements/Right of Way granted by Landowner(s)	

9. SITE AREA:	
<i>Area of site to which the application relates in hectares</i>	37.6ha

10. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS:	
<i>Gross floor space⁵ of existing building(s) in square metres</i>	N/A
<i>Gross floor space of any demolition in square metres (if appropriate)</i>	N/A

11. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT:	
Class of Development	Gross floor area in square metres
N/A	N/A
N/A	N/A

12. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX:							
Number of	Studio	1 Bed	2Bed	3 Bed	4 Bed	4+ Bed	Total
Houses	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Apartments	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of car-parking spaces to be provided	N/A						N/A


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

14. SITE HISTORY:
<i>Details regarding site history (if known)</i>
<p>Has the site in question ever, to your knowledge, been flooded? Yes [] No [<input checked="" type="checkbox"/>]</p> <p>If yes, please give details e.g. year, extent.</p> <p>Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [] No [<input checked="" type="checkbox"/>]</p> <p><i>There are Borrow Pits on site as part of the permitted Windfarm planning application. In addition an existing quarry has been developed to the west of the subject wind farm site (Substitute Consent 05E.SU.0027 refers), however, this is not within the red line of the site.</i></p> <p>If yes, please give details.</p>
Are you aware of any valid planning applications previously made in respect of this land/structure?
<p>Yes [<input checked="" type="checkbox"/>] No []</p> <p>If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:</p> <p>Reference No.: ABP PA05E.300460..... Date: ..26/06/2018.....</p>

15. SERVICES:
Source of Water Supply
<p>Public Mains [] Group Water Scheme [] Private Well [] Other (please specify):N/A.....</p> <p>Name of Group Water Scheme (where applicable): N/A.....</p>
Wastewater Management/Treatment
<p>Public Sewer [] Conventional septic tank system []</p> <p>Other on-site treatment system [] Please specify.....N/A.....</p>
Surface Water Disposal
<p>Public Sewer/Drain [] Soakpit []</p> <p>Watercourse [] Other [] Please specify.....N/A.....</p>

16. DETAILS OF PUBLIC NOTICE:	
<i>Approved newspaper⁷ in which notice was published</i>	Irish Independent
<i>Date of publication</i>	2 nd April 2024
<i>Date on which site notice was erected</i>	2 nd April 2024

17. APPLICATION FEE:	
Fee Payable	€11,280
Basis of Calculation	<p><u>Class 13 Development</u> Development not coming within any of the of the foregoing classes. Retention Permission Fee: €240, or €30 for each 0.1 hectare of site area, whichever is the greater.</p> <p>€30 x 0.1ha = €300 x 1ha = €300 x 37.6ha = €11,280</p>

18. DECLARATION:	
<p><i>I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder.</i></p>	
Signed <i>(Applicant or Agent as appropriate)</i>	 Meabhann Crowe (MKO – Agent)
Date	02/04/2024

CONTACT DETAILS — NOT TO BE PUBLISHED

19. APPLICANT ADDRESS/CONTACT DETAILS:	
<i>Address</i>	Planree Ltd., Lissarda Business Park, Lissarda, Co. Cork, P14 YN56
<i>Email address</i>	C/O MKO
<i>Telephone number (optional)</i>	C/O MKO

20. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:	
<i>Address</i>	MKO Planning and Environmental Consultants, Tuam Road, Galway, H91 VW84
<i>Email address</i>	info@mkoireland.ie
<i>Telephone number (optional)</i>	+353 91 735 611
<p>Should all correspondence be sent to the agent's address? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)</p> <p>Yes [<input checked="" type="checkbox"/>] No [<input type="checkbox"/>]</p>	

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

This form should be accompanied by the following documentation:

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

ALL Applications:

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map⁸
- 6 copies of site or layout plan as appropriate⁸
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate⁸
- The appropriate Fee

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

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

Directions for completing this form

1. Grid reference in terms of the Irish Transverse Mercator.
2. "The applicant" means the person seeking the consent, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.

6. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Culture, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Culture, Heritage and the Gaeltacht.

7. A list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority.

8. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2018.