Malachy Walsh and Partners
Engineering and Environmental Consultants
CELEBRATING 50 YEARS 1967 - 2017 50 years
CORK TRALEE LIMERICK LONDON
Reen Point, Blennerville, Tralee, Co. Kerry, Ireland
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AN BORD PLEANÁLA
LDG- 039119-21
ABP-
28 APR 2021
Fee: € 220 Type: Cheque
Time: By: post

Ref: 21992 HBR

April 22nd, 2021

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

RE: Declaration on development and exempted development regarding an increase in output from a permitted wind farm.

PLANNING REFERENCE: Kildare County Council 19/1323. An Bord Pleanála ABP-306748-20

SECTION 5 REFERENCE: Kildare County Council ED/00849

Dear Sir/Madam,

We refer to the above references and to an application made to Kildare County Council under Section 5 of the Planning and Development Act, 2000 (as amended) by Malachy Walsh and Partners, on behalf of Cloncant Renewable Energy Limited, regarding an increase in output at a permitted wind farm.

Malachy Walsh and Partners received a declaration from Kildare County Council on the 13th April, 2021, that the proposed increase in output at the permitted wind farm is development and is not exempted development. In accordance with Section 5 (3) (a) of the Planning and Development Act 2000 (as amended), we now refer this declaration to An Bord Pleanála for review. Please note that a separate referral from Offaly County Council (reference DEC21/6) relates to the same wind farm, the Cushaling Wind Farm, which is located in both counties Offaly and Kildare. The referral from Offaly County Council is currently under consideration by An Bord Pleanála (reference ABP-309940-21).

We enclose all original material submitted to Kildare County Council and a copy of the declaration received. Also enclosed is a cheque for €220.00 for the fee for this referral.

Please do not hesitate to contact me should you require any additional information.

Yours sincerely,

Helen Burman-Roy
For and on behalf of Malachy Walsh and Partners.

Malachy Walsh and Partners
Engineering and Environmental Consultants
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50 years
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Been Point, Blennerville, Tralee, Co. Kerry, Ireland
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Ref: 21992 HBR

March 18th, 2021

Kildare County Council
Planning Department
Head Office Áras Chill Dara
Devoy Park, Naas
Co Kildare
W91 X77F

RE: Declaration on development and exempted development regarding an increase in output from a permitted wind farm.

PLANNING REFERENCE: Kildare County Council 19/1323. An Bord Pleanála ABP-306748-20

Dear Sir/Madam,

Malachy Walsh and Partners have been engaged by Cloncant Renewable Energy Limited, to make a submission to Kildare County Council under Section 5 of the Planning and Development Act, 2000 (as amended) to determine if an increase in Megawatt (MW) output at a permitted wind farm development is or is not development; and, if development, would it be considered exempted development.

This Section 5 Declaration application relates to the permitted Cushaling Wind Farm in counties Kildare and Offaly. The permitted development is a wind farm of up to nine (9) wind turbines and all associated infrastructure, including an underground cable connection, an off-site substation, a battery energy storage facility and an amenity trail. One (1) turbine is in Co. Kildare, with a further eight (8) of the turbines in Co. Offaly. The consented turbines have a tip height of up to 187m.

As is often the case with wind energy development, there are technological advances during the planning time frame. Turbines of increased efficiency emerge to the market, sometimes of a larger dimension and sometimes within the same dimension envelope, as is now the case with the permitted Cushaling turbines. While there is no change required to the dimensions of the permitted turbines, or to the associated hardstands or infrastructure, there are now 6.6 MW turbines available (complying with the permitted dimensions and tip height of up to 187m). The Cushaling wind farm can therefore be developed with an output of 59.4 MW and can be constructed and operated as described in the Environmental Impact Assessment Report (EIAR) and the Planning Drawings, and in compliance with the Conditions of the Grant of planning issued by An Bord Pleanála (ABP-306748-20).

At the time of the application for planning, a turbine candidate of up to 5.5 MW was available and with 9 turbines, the expected yield was 49.5 MW. There are now machines available up to 6.6 MW which would increase the output of the wind farm to 59.4 MW. In this instance, while an increased capacity is positive in terms of energy output, it does not require an increase in the size or scale of the development and the permitted wind farm can be developed in accordance with the plans and particulars originally submitted and meet the Conditions of the Grant of planning.

The environmental impact assessment considered the worst-case scenario of the proposed development. The turbine dimensions and all the requirements in terms of the layout, and the dimensions of the hardstand areas and roads, all represented a worst-case dimension which can now accommodate a 6.6MW machine of the same scale as previously assessed. The turbine dimensions will remain the same as permitted, while one of the interior components, the generator, will be changing in size. We do not consider this change of machinery as development as the environmental assessment considered a worst-case scenario, and the Conditions of the Grant of Planning will be met.

We are therefore applying to Kildare County Council to determine if the increase in the output at the permitted wind farm would be considered development?

We enclose the application form for Declaration of Exempt Development and the location and layout drawings. The application fee will be paid by telephone at [redacted]. We will also try to call your office regarding same.

Note a similar application has been submitted to Offaly County Council regarding the eight turbines of the Cushaling Wind Farm located therein.

Please do not hesitate to contact me should you require any additional information.

Yours sincerely,

HBurman-Roy

Helen Burman-Roy
For and on behalf of Malachy Walsh and Partners.

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended

Incomplete application forms will be deemed invalid and returned

All responses must be in block letters

Section 1	Details of Applicants

1. Name of Applicant(s) A. Surname..... Forenames.....
Phone No..... Fax No.....
2. Address ..... **Cloncant Renewable Energy Limited** .....
..... **Building 4200, Cork Airport Business Park, Cork T12 D23C**

Section 2	Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname...**Burman-Roy**..... Forenames.....**Helen**.....
Phone No...[redacted]4..... Fax No.....
2. Address: ..... **Malachy Walsh and Partners, Reen Point, Blennerville, Tralee, Co. Kerry, V92 X2TK**

Section 3	Company Details (if applicable)

1. Name of Company **Cloncant Renewable Energy Limited** .....
Phone No...[redacted]... Fax No.....
2. Company Reg. No...**590597**.....
3. Address..... **Building 4200, Cork Airport Business Park, Cork T12 D23C**
.....

Section 4	Details of Site

1. Planning History of Site... **Kildare County Council 19/1323. An Bord Pleanála ABP-306748-20**

2. Location of Proposed Development..... **Ticknevin, Carbury, Co. Kildare, and also Co. Offaly (Ballykilleen, Shean, Kilcumber, Cloncant, Cushaling and Rathmore, Edenderry, Co. Offaly, and Ballina, Geashill, Co. Offaly)**
.....

3. Ordnance Survey Sheet No...**3315, 3315-A, 3378, 3379, 3441, 3442, 3497. ITM: 664549, 726128**

4. Please state the Applicants interest in the site **Leasee. Applicant has agreements in place to lease the land**
.....

5. Please state the extent of the proposed development.....**The development comprises a permitted 9-turbine wind farm, with one turbine in Co. Kildare and eight turbines in Co. Offaly**.....

6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought *(specific details required)*.....

Section 5 of the Planning and Development Act, 2000 (as amended)

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....

It is proposed to increase the Megawatt (MW) output at a permitted wind farm development, without increasing the size and scale of any of the works, layout or plans.

There are now machines available up to 6.6MW which would increase the output of the wind farm to 59.4MW. In this instance, while an increased capacity is positive in terms of energy output, it does not require an increase in the size or scale of the development and the permitted wind farm can be developed in accordance with the plans and particulars originally submitted and meet the Conditions of the Grant of planning.

The environmental impact assessment considered the worst-case scenario of the proposed development. The Turbine dimensions and all the requirements in terms of the layout, and the dimensions of the hardstand areas and roads, all represented a worst-case dimension which can now accommodate a (6.6MW) machine of the same scale as previously assessed. We do not consider this change of machinery as development as the environmental assessment considered a worst-case scenario, and the Conditions of the Grant of Planning will be met.

We are therefore applying to Offaly County Council to determine if the increase in the output at the permitted wind farm would be considered development; and, if so, would it be considered exempted development.

(See attached cover letter for additional explanation.)

Section 5	The following must be submitted for a valid application

		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	x
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	x
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	x
4.	All drawings to differentiate between the original building, all extensions and proposed development	n/a
5.	Fee of 80 Euro	x

Section 6	Declaration

I,_*HELEN BURMAN-ROY*_certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: HBurman-Roy Date: 18-3-21

Kildare County Council

Date: 13/04/2021
Our Ref: ED/00849

REGISTERED POST
Cloncant Renewable Energy Limited,
c/o Helen Burman-Roy,
Malachy Walsh and Partners,
Reen Point,
Blennerville,
Tralee,
Co. Kerry
V92 X2TK

RE: Application for a Declaration of Exempted Development under Section 5 at Ticknevin, Carbury, Co. Kildare and also Co. Offaly (Ballykilleen, Shean, Kilcumber, Cloncant, Cushaling and Rathmore, Edenderry, Co. Offaly and Ballina, Geashill, Co. Offaly)

Dear Sir/Madam,

I refer to your correspondence received 19th March 2021 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 as amended in this regard.

Yours sincerely,

Senior Executive Officer.
Planning Department

Malachy Walsh and Partners
19/4/21
Helen Burman Roy.
Project No. 21992
PO No.:

Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended)

ED/00849

WHEREAS a question has arisen as to whether the increase in the Megawatt (MW) output at a permitted wind farm development, without increasing the size and scale of any of the works, layout or plans at Ticknevin, Carbury, Co. Kildare is or is not development and is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 19/03/2021;

AND WHEREAS Cloncant Renewable Energy Limited requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Planning and Development Act 2000 (as amended); and
(b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

(a) Sections 3, 4, and 5 of the Planning and Development Act 2000 (as amended);
(b) Article 6 and Article 9 of the Planning and Development Regulations 2001 (as amended); and
(c) The nature, extent and purpose of the development,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

The proposed increase in MW output at the permitted wind farm development;

IS development and IS NOT exempted development

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

13th April 2021

Director of Services