

File With \_\_\_\_\_

**SECTION 131 FORM**

Appeal NO: ABP 318507-23

Defer Re O/H

Having considered the contents of the submission dated received 04/12/23  
from

McCutcheon Halley I recommend that section 131 of the Planning and Development Act, 2000

be not be invoked at this stage for the following reason(s): no new material planning issues

E.O.: Karen Byrne

Date: 14/01/2024

**For further consideration by SEO/SAO**

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

File With \_\_\_\_\_

**CORRESPONDENCE FORM**

Appeal No: ABP 318 507

M \_\_\_\_\_

Please treat correspondence received on 04/12/23 as follows:

<p>1. Update database with new agent for Applicant/Appellant _____</p> <p>2. Acknowledge with BP <u>RL 20</u></p> <p>3. Keep copy of Board's Letter <input type="checkbox"/></p>	<p>1. RETURN TO SENDER with BP _____</p> <p>2. Keep Envelope: <input type="checkbox"/></p> <p>3. Keep Copy of Board's letter <input type="checkbox"/></p>
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Amendments/Comments. applicants response to section 5 referral for

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<p>4. Attach to file</p> <p>(a) R/S <input type="checkbox"/>      (d) Screening <input checked="" type="checkbox"/></p> <p>(b) GIS Processing <input type="checkbox"/>      (e) Inspectorate <input type="checkbox"/></p> <p>(c) Processing <input type="checkbox"/></p>	<p>RETURN TO EO <input type="checkbox"/></p>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Dave with code</u>	AA: <u>M Ledwith</u>
Date: <u>04/12/23</u>	Date: <u>5-12-23</u>



**AN BORD PLEANÁLA**

LDG- \_\_\_\_\_  
 ABP- \_\_\_\_\_

**04 DEC 2023**

Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
 Time: \_\_\_\_\_ By: *Pol*

An Bord Pleanála  
 Attn: Mr. Dave Walsh  
 64 Marlborough Street  
 Dublin 1  
 D01 V902

30 November 2023

**Re: Section 5 Request for Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) for the replacement of nacelle components on 2 No. Wind Turbines at Kilvinane Windfarm, Dunmanway, Co. Cork (Cork County Council Ref. D/37/23; ABP Ref. RL88.318507)**

Dear Sir/Madam,

We act on behalf of our Client, Cork Sustainable Energy Limited, and are writing to you with regard to a Section 5 declaration request which was made to Cork County Council on 29<sup>th</sup> September 2023 (Cork County Council Ref. D/37/23).

On 27<sup>th</sup> October 2023, the Council issued correspondence (copy enclosed) advising that the Planning Authority will not be making a decision on this matter and the application will be referred to An Bord Pleanála for determination (ABP Ref. RL88.318507).

An Bord Pleanála has a duty and obligation to determine cases before it as expeditiously as possible and generally within the statutory objective period of 18 weeks of receipt under the provisions of the Planning and Planning and Development Act 2000, as amended. Whilst we acknowledge that in this instance, the referral before the Board is at an early stage in the 18-week statutory objective period, we are cognisant of the significant ongoing delays to decision-making within the organisation. This submission has therefore been prepared to convey the strategic importance of this forthcoming decision.

In late 2019, the European parliament announced a 'climate emergency' in advance of the UN COP 25. A climate emergency had also been declared in the Oireachtas earlier that year (May 2019), in an amendment to the report 'Climate Action: A cross-party consensus for action'. Following this, the Government published the Climate Action Plan 2019 acknowledging that decisive and urgent action is required to arrest the acceleration of greenhouse gas emissions in the limited window of opportunity that remains. The main focus of the plan was to identify how the Government would reduce Ireland's still-growing greenhouse gas emissions and it included a commitment to make Ireland 100% carbon neutral by 2050.

More recently, the Climate Action Plan (CAP) 2023 was published which seeks to increase the proportion of renewable electricity to 80% by 2030, including a target of 9 GW from onshore wind. To support the decarbonisation of the electricity sector, CAP 23 identifies the following measures as critical:

AN BORD PLEANÁLA

LDA

ABP

11 + DEC 2023

1991

1991

1991

1991

- Accelerate Renewable Electricity Generation
- Accelerate Flexibility
- Electricity Demand Management

To achieve accelerated renewable electricity generation, CAP 23 highlights the need for a flexible and supportive planning policy framework and recognises that renewable energy generation projects and associated infrastructure must be considered to be in the overriding public interest.

Ireland is facing significant challenges in its efforts to meet these targets, alongside its commitment to transition to a low carbon economy by 2050. To meet the target of 9 GW by 2030, onshore wind energy will require an additional 4.7 GW, double the existing installed capacity. The target to increase to 80% electricity generation by renewable sources is equally ambitious. Renewables accounted for 36.4% of electricity generated in 2021 (wind energy developments comprised 85% of this figure).

Within this context, the referral presently before the Board is of critical strategic significance. As with any industry reliant on plant and machinery, routine maintenance at wind energy installations occasionally requires the replacement of parts to ensure optimal and continued operation in a safe and effective manner. The decision in this matter will therefore have far-reaching consequences within the State, providing greater certainty for all windfarm operators and for Planning Authorities, as to the planning implications, if any, of carrying out maintenance works that include replacement of wind turbine components with like for like parts.

The importance of the renewable energy sector to the implementation of legally binding national climate change targets cannot be understated. We therefore respectfully urge the Board to prioritise a timely determination, ensuring the referral does not simply fall to the 'bottom of the pile' thereby leading to a protracted decision-making process.

A timely decision will facilitate confidence and clarity for all stakeholders in the planning process, contributing to the security of existing supply and supporting continued growth in the sector.

Please do not hesitate to contact the undersigned if you have any queries.

Yours sincerely,



Martina Keenan Rivero

**McCutcheon Halley Chartered Planning Consultants**

# Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,  
Béthar Chorcaí, An Sciobairín,  
Co. Chorcaí P81 AT28.  
Fón: (028) 40340 • Faics (028) 21660  
Suíomh Greasain: www.corkcoco.ie  
Planning Section, Norton House,  
Cork Road, Skibbereen,  
Co. Cork P81 AT28.  
Tel: (028) 40340 • Fax: (028) 21660  
Web: www.corkcoco.ie



Cork Sustainable Energy Ltd.,  
c/o McCutcheon Halley  
Chartered Planning Consultants,  
6, Joyce House,  
Barrack Square,  
Ballincollig,  
Co. Cork.

Our Ref: D/37/23.

~~27<sup>th</sup> October, 2023.~~

**RE/ Section 5 Request for Declaration under Section 5 of the Planning & Development Act, 2000 (as amended) for the replacement of nacelle components on 2 No. Wind Turbines at Kilvinane Windfarm, Dunmanway, Co. Cork.**

Dear Sir,

I refer to your application received on 29<sup>th</sup> September, 2023 on behalf of Cork Sustainable Energy Ltd. in connection with the above.

I wish to inform you that Cork County Council will not be making a declaration on this development and the application will be referred to An Bord Pleanála under Section 5(4) of the Planning & Development Act, 2000, as amended, for determination.

Receipt No. WCP12189 in respect of €80.00, is issued herewith.

Yours faithfully,

  
KEVIN O'REGAN.  
SENIOR EXECUTIVE OFFICER.

<b>McCutcheon Halley</b> Received	
Date:	31 OCT 2023
Project:	4718
Action:	sherepoint

Cork Sustainable Energy Ltd.  
c/o McCutcheon Halley  
Joyce House,  
Ballincollig,  
Co. Cork.

27-OCT-2023  
10:34:00

**Cork County Council**  
**County Hall**  
**Cork**  
**Tel - 021 427 6891**  
**VAT Registration No - 0007458M**



**Receipt : WCP0012189**

**Header Details**

Receipt Reference: WCP0012189  
Received From: Cork Sustainable Energy Ltd.  
Billing Address: c/o McCutcheon Halley  
Joyce House,  
Ballincollig,  
Co. Cork.  
Account No.: POS  
7000004  
Amount Paid (EUR): 80.00  
Type: CHEQUE  
Comments: D/37/23 - Exemption fee  
Receipt Issued By: ALORDAN  
Receipt Date: 20-Oct-2023  
Site: 0262 : West Cork Planning Department  
D/N/U: D  
Invoice Reference: 9000244688 - CHEQUE

**Line Details**

From Reference	To Reference	Transaction Date	Remarks	Amount
WCP0012189	9000244688	20-Oct-2023	D/37/23 - Exemption fee	80.00

RECEIPT IS ISSUED SUBJECT TO CLEARANCE OF CHEQUE/CREDIT CARD  
ISSUED ON BEHALF OF  
West Cork Planning Department,  
Norton House,  
Skibbereen,  
Co. Cork028-40340