

### Addendum 3 Consultation with An Bord Pleanála

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A pre-application consultation meeting was held with An Bord Pleanála via web conference on the 16th of June 2022. The purpose of the meeting was to introduce the Coolglass Windfarm development to An Bord Pleanála in order to provide them with the necessary information to enable it to decide on the strategic infrastructure development status of the project. The meeting was attended by the Applicant and representatives from SLR Consulting (Ireland) Limited. The meeting discussion was centred around the following key points:

- Introduction to the Project Team
- Background to the Coolglass Windfarm Project
- Project Proposals
- Legislative and Planning Policy Context
- Public Consultation
- Project Scoping
- EIA Studies
- Key Environmental Considerations
- Project Deliverables and Timelines

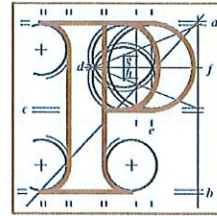
At the meeting, the Board detailed the pre-application consultation process. A presentation was given providing information on the site and the proposed development. The Board provided some guidance on key topics to be included in the EIAR and some points that they wanted to see addressed therein.

A second meeting was held with An Bord Pleanála via web conference on the 16th of November 2022. The purpose of the meeting was to develop the points raised by the Bord in the previous meeting and to inform the Bord of the progression of the project.

The meeting was attended by the Applicant and representatives from SLR Consulting (Ireland) Limited. The

The Board confirmed on the 11<sup>th</sup> May 2023 that the proposed development constitutes strategic infrastructure development and that a planning application should be made directly to the Board.

Our Case Number: ABP-313375-22



An  
Bord  
Pleanála

Coolglass Wind Farm Limited  
c/o SLR Consulting  
7 Dundrum Business Park  
Windy Arbour  
Dublin 14  
D14 N2Y7

RECEIVED  
26 JUL 2022

**Date:** 25 July 2022

**Re:** Proposed 13 turbine wind farm development of 86 megawatts and associated works.  
Townlands of Fossy Upper, Aghoney, Gorreelagh, Knocklead, Scotland, Brennanshill, Monamantry,  
Coolglass, Crissard and Kylenebehy, Co. Laois.

Dear Sir / Madam,

The Board acknowledges receipt of your email and attached information dated 20th of July, 2022 in relation to the above mentioned development.

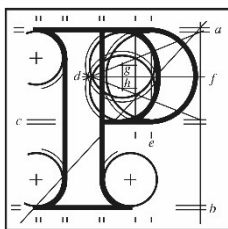
Please contact the undersigned officer of the Board if you have further queries.

Yours faithfully,

Doina Chiforescu  
Executive Officer  
Direct Line: 01-8737133

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An  
Bord  
Pleanála

## Record of Meeting ABP-313375-22 1<sup>st</sup> meeting

<b>Case Reference / Description</b>	ABP-313375-22 Proposed 13-turbine wind farm development in townlands of Fossy Upper, Aghoney, Gorreelagh, Knocklead, Scotland, Brannanshill, Monamantry, Coolglass, Crissard and Kilenabehy, Co. Laois.		
<b>Case Type</b>	Pre-application consultation		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup>		
<b>Date</b>	16/06/22	<b>Start Time</b>	11 a.m.
<b>Location</b>	N/A	<b>End Time</b>	12.10 p.m.

<b>Representing An Bord Pleanála</b>
<b>Staff Members</b>
Stephen Kay, Assistant Director of Planning (Chair)
Maire Daly, Planning Inspector
Kieran Somers, Executive Officer
<b>Representing the Prospective Applicant</b>
Cathal Gallagher, Statkraft
Killian Boland, Statkraft
Aislinn O'Brien, SLR Consulting
Crystal Leiker, SLR Consulting

The Board referred to the letter received from the prospective applicant requesting pre-application consultations and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters it wished to receive advice on from the Board. The Board mentioned general procedures in relation to the pre-application consultation process as follows:

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

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

The prospective applicant provided the Board's representatives with a background apropos the proposed development which is for a thirteen wind turbine farm consisting of two clusters and associated grid connection; each one of the proposed turbines has the potential to generate 6.6 megawatts of power giving a total output of c.86MW. The prospective applicant also reported that the processes of preliminary design work and environmental impact assessment are on-going; it also added that, with respect to the proposed grid connection, the exact substation to be linked into has yet to be decided; two grid connection options are being considered. The prospective applicant noted some of the benefits arising from the proposed development with regard to sustainable energy targets and local employment opportunities.

The prospective applicant noted that the proposed development would occur within the functional area of Laois County Council. The prospective applicant noted the nature of the subject site and its proximity to County Kilkenny at its southern end; consented and operational wind farms in the general vicinity were also noted (including the consented Pine Woods wind farm).

With respect to the two clusters which form the proposed development site, the prospective applicant advised of potential access points to these and it said that access to both clusters could be facilitated via existing forestry tracks.

With regard to the suitability of the subject site, the prospective applicant said that this was assessed as the most suitable location for a number of reasons, including high wind speeds, low population density and available grid capacity in the surrounding network. With respect to the receiving environment, the prospective applicant noted that there are no residential receptors within 720 metres of any proposed turbine. It also noted that there would be no significant impacts in terms of matters such as visual amenities, waterbodies/watercourses or national monuments. The prospective applicant advised that a Natura Impact Statement would be prepared to accompany any subsequent planning application.

In relation to the delivery of turbine components, the prospective applicant advised that this is proposed from the M7, the R426 and via a local road. With respect to the proposed grid connection (the subject of pre-application consultations with the local authority), the prospective applicant reiterated that two options are being considered and that the preferred option will be assessed as part of the EIAR. The prospective applicant added that the proposed underground cable would be a 110kV connection within the public roadway.

With regard to the SID status of the proposed development, the prospective applicant referred to the proposed total power output of the project (circa 85.8 megawatts) and stated its opinion that the proposed development would constitute strategic infrastructure. With regard to the criteria set out under section 37A(2) of the Planning and Development Act 2000, as amended, the prospective applicant stated its opinion that the proposed development would qualify as SID as it would be of strategic economic or social importance to the region in which it would be situated and would also contribute to the fulfilment of National and Regional planning objectives. The prospective applicant also noted the proximity of the proposed development to Kilkenny and stated its opinion that it would have potential to have significant effects (landscape, visual and hydrological) on the functional area of that local authority.

With regard to the relevant legislative and policy context, the prospective applicant referred to recent and significant proposals and updates with respect to the relevant sector of renewable energy, including the REPower EU Plan and the EU Green Deal. The prospective applicant also referred to the Climate Action Plan 2021 with its targets in respect of 2030 and 2050; the prospective applicant noted the emissions reduction targets with regard to this.

With respect to the local planning policy context, the prospective applicant noted that the Laois County Development Plan 2021-2027 came into effect in March 2022. The prospective applicant referred to several climate mitigation objectives with regard to this (CM RE 1, CM RE 2, CM RE 5, CM RE 6 and CM RE 7). The prospective applicant referred to Appendix 5 of the Wind Energy Strategy of the adopted development plan and noted that the proposed development is located in an area

'not open for consideration.' The prospective applicant advised generally that submissions were made at draft and material amendment stage of the adopted development plan seeking an omission of the 1.5-kilometre separation distance from Appendix 5 as it was considered that the inclusion of this separation distance conflicted with policy objectives in the development plan which promoted wind farm development. The prospective applicant noted however that the Wind Energy Strategy was not amended and that a draft Ministerial Direction was published for public consultations directing the removal of this set-back distance; the prospective applicant advised that a recommendation is to be made by the Office of the Planning Regulator to the Minister on this matter. The prospective applicant expressed its opinion that this matter would be resolved in due course.

In relation to potential effects on the receiving environment, the prospective applicant advised that there are no residential receptors within 720 metres of any of the proposed turbines; the prospective applicant advised of 85 residential receptors in proximity of the proposed wind farm development and 105 residential receptors within 500 metres of the potential grid connection route.

With regard to landscape and visual amenity effects, the prospective applicant advised of a study area of 20 kilometres around the subject site with respect to a Zone of Theoretical Visibility; the prospective applicant noted that this particular exercise illustrates the worst-case scenario of visibility. The prospective applicant noted that there are some 27 landscape viewpoints in County Laois which take into consideration numerous sensitive receptors and key views; it also noted viewpoints in respect of counties Kilkenny and Carlow. The prospective applicant said that the overall objective would be to be as robust as possible with respect to landscape and visual assessment.

With respect to European Sites in the vicinity, the prospective applicant noted the most proximate SACs and SPAs (River Barrow and River Nore SAC and River Nore SPA) and the qualifying interests for these in terms of habitats and species. The prospective applicant advised that survey work is on-going (including birds, bats, mammals and aquatic surveys) and also noted that detailed habitat surveying is currently underway.

With regard to effects on waterbodies/watercourses, the prospective applicant noted the fact that the proposed development would be located within two catchments (Barrow catchment with respect to the northern cluster and Nore catchment with respect to the southern cluster). The prospective applicant said that the main hydrological features in the vicinity of the subject site are the Stradbally River and the Crooked River to the north and tributaries of the River Clough and Owveg River to the south; the prospective applicant provided details in relation to the water quality status for these aforementioned waterbodies. The prospective applicant said that all proposed turbines would be located at least 50 metres from any open waterbody and that no construction activities would take place within 50 metres of a watercourse, with the exception of watercourse crossings such as the access roads. The prospective applicant said that the subject site is at low risk of flooding. With regard to groundwater, the prospective applicant advised that the aquifer within the majority of the subject site is classified as 'PI – Poor Aquifer – Bedrock which is Generally Unproductive except for Local Zones.'

In relation to potential effects on cultural heritage, the prospective applicant advised that there are some 23 recorded archaeological monuments located within a study area extending for one kilometre of the proposed wind farm development; it added that none of these are located inside the proposed development boundary. One potential sensitive receptor has been identified (Timahoe Round Tower) which the prospective applicant said will be assessed as part of the EIAR to accompany the planning application.

With regard to the overall evolution of the project, the prospective applicant noted two previous design iterations and advised that the number of proposed turbines has been reduced from a previously proposed number of 23 due to impacts and constraints in the area.



With respect to consultation and community engagement, the prospective applicant said that a project and information website is in progress and that consultations with the local communities are due to commence in June 2022. An EIAR Scoping Report is due to be distributed in June 2022 to both statutory and non-statutory bodies. The prospective applicant advised of its current target to lodge a subsequent planning application circa December 2022.

**Board's queries/comments:**

The Board's representatives enquired as to the nature of consultations to date and asked if the NPWS had been included in this regard. The prospective applicant said that its understanding was that engagements had commenced between the project ecologist and the NPWS. The Board noted this and recommended early engagement in this respect.

With regard to the renewable energy strategy of the local authority and the matter referred to the OPR, the Board's representatives recommended clarity to be provided on this matter in any subsequent planning application. The prospective applicant stated that it was its belief that the Wind Energy Strategy for the county was to be reviewed at an early stage.

In response to the Board's query on the matter, the prospective applicant said that there is no peat on the subject site in respect of both clusters.

The Board stated its preliminary opinion that the proposed development would be SID with respect to the Seventh Schedule and 37A(2); it added that this decision is ultimately a matter for the Board when the SID determination is made.

The Board advised that the current 'not open for consideration' designation for the subject site in the current county development plan would be a significant matter and, in the event that this designation was not changed by the time an application was submitted, would need to be addressed in terms of rationale and justification for the proposed development.

With respect to forestry in the area, the Board enquired as to how larger turbine components would be delivered to the site, in particular regarding the avenue of mature deciduous trees which line the regional road on entry to Timahoe. The prospective applicant replied that no felling of trees was envisaged to accommodate, only some potential tree trimming might take place.

The Board's representatives advised that any planning application and studies should be cognisant of effects on tourism and amenities of the area, including on county Kilkenny. The Board also recommended that due regard should be had to effects on any designated areas and forestry generally; also on any walkways or trails in the vicinity of the subject site.

Noting that the proposed grid connection would not form part of the subsequent planning application, the Board recommended that this element should be considered in the EIAR from a cumulative effects perspective.

The Board advised that effects on hydrological regimes in the area should be assessed robustly and that engagement with the NPWS on this issue would be recommended. In particular the Board's representatives highlighted the site's location within a Margaritifera Sensitive Area. The Board also noted the provisions of the Water Framework Directive and the levels of risk to the current status of relevant waterbodies.

The Board representatives advised that any changes to the drainage regime on the mountain should be carefully considered. The prospective applicant responded stating that, following consultation with the local authority, nature-based drainage regimes would be implemented.

With regard to public consultations, the Board enquired as to any engagements with the traffic department of the local authority. The prospective applicant replied that some discussions have taken place in this regard apropos matters such as proposed turbine delivery routes. The prospective applicant said that it will consult further with the local authority in respect of any works required to facilitate transport. The Board's representatives queried if any consultation had taken place to date with third party landowners and what works may be required. The prospective applicant

advised that it has some private lands already secured to facilitate connection to the relevant substation when this is decided upon. The prospective applicant also advised that 9 nodes were identified along the delivery route and that 3 of these may require works.

With respect to any tree felling required to facilitate proposed turbines, the prospective applicant said that this would be kept to a minimum and that appropriate mitigation (re-planting) would be applied.

The Board's representatives advised that the Climate Chapter of the EIAR should adequately outline the carbon resources required to construct the proposed development and outline what the savings are by displacement of fossil fuel generated electricity. Figures could be calculated using a life cycle analysis with regard to materials and transportation.

The Board's representatives said that some further information regarding the criteria under section 37A(2)(a) (strategic economic or social importance of the project) might be of assistance to the reporting inspector in assessing the SID status of the proposed development.

The Board's representatives also recommended that the current pre-app case be kept open for the present time and said that a further meeting could be accommodated in respect of updates on the projects and feedback from stakeholders and relevant prescribed bodies.

**Conclusion:**

The record of the instant meeting will issue shortly and it will then be open to the prospective applicant to consider next steps in the process. The Board's representatives recommended that a further meeting might be of benefit in early Autumn (circa September 2022).

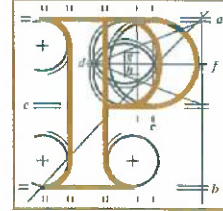
The meeting concluded at 12.10 p.m.

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**Stephen Kay**  
**Assistant Director of Planning**

**Our Case Number:** ABP-313375-22

**Your Ref:** Coolglass Wind Farm Limited



**An  
Bord  
Pleanála**

SLR Consulting  
7 Dundrum Business Park  
Windy Arbour  
Dublin 14  
D14 N2Y7

**Date:** 14th December 2022

**Re:** Proposed 13 turbine wind farm development of 86 megawatts and associated works.  
Townlands of Fossy Upper, Aghoney, Gorreelagh, Knocklead, Scotland, Brennanshill, Monamantry,  
Coolglass, Crissard and Kylenebehy, Co. Laois.

Dear Sir / Madam,

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

Please find enclosed a copy of the written record of the second meeting of the 16<sup>th</sup> November, 2022.

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

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

Yours faithfully,

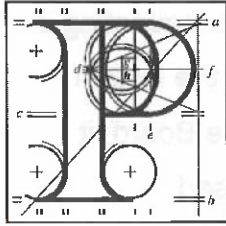
Doina Chiforescu  
Executive Officer  
Direct Line: 01-8737133

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An  
Bord  
Pleanála

## Record of Meeting ABP-313375-22 2nd meeting

<b>Case Reference / Description</b>	ABP-313375-22 Proposed 13 turbine wind farm development of 86 megawatts and associated works in townlands of Fossy Upper, Aghoney, Gorreelagh, Knocklead, Scotland, Brennanshill, Monamantry, Coolglass, Crissard and Kylenebehy, Co. Laois.		
<b>Case Type</b>	Pre-application consultation		
<b>1st / 2nd / 3rd Meeting</b>	2nd		
<b>Date</b>	16/11/22	<b>Start Time</b>	11:00
<b>Location</b>	Virtually	<b>End Time</b>	12:10

### Representing An Bord Pleanála

#### Staff Members

Stephen Kay, Assistant Director of Planning (Chair)

Máire Daly, Planning Inspector

Doina Chiforescu, Executive Officer

#### Representing the Prospective Applicant

Cathal Gallagher - Coolglass Wind Farm Limited

Crystal Leiker - SLR Consulting

Aislinn O'Brien - SLR Consulting

The Board referred to the letter received from the prospective applicant requesting a pre-application consultation and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters it wished to receive advice on from the Board. The Board mentioned general procedures in relation to the pre-application consultation process as follows:

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

The Board's representatives referred to the last meeting in June, 2022 and welcomed the prospective applicant to the second consultation meeting. The Board's representatives asked if the prospective applicant had any comments it wished to make on the record of this meeting. The prospective applicant asked if the response and clarification to items raised in record of the 1st pre application consultation was received by the Board. The Board's representatives confirmed that further information on Economic and Social implications of the project was received in July, 2022.

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

The prospective applicant opened the presentation with a brief introduction to the prospective applicant company and stated that the main topics to be discussed included consultation scoping responses, evolution of the proposed development, and further recent and significant legislative updates including the project's design envelope.

The prospective applicant provided the Board's representatives with an overview of the scoping responses, how they have addressed these responses and how they have fed into the evolution of the proposed development. It was highlighted that two rounds of scoping have been carried out on the proposed project.

Round 1 was undertaken on 17th June 2022, with the Design Iteration 2 layout which was used in the initial presentation to the Board, some minor design revisions which have led to the current design configuration, referred to as Design Iteration 3. A second round of scoping was then carried out on 17th October 2022 and concluded 5th November 2022.

In relation to the consultation responses, the prospective applicant listed the consultees, their responses and the actions taken for each one.

Inland Fisheries Ireland (IFI) requested that biological and physico-chemical surveys are undertaken, and the prospective applicant stated that these surveys are ongoing. Redesign of access tracks have been undertaken to minimise the number of watercourse crossings.



The prospective applicant stated that they had not received official engagement from National Parks and Wildlife Service (NPWS) since the scoping report was issued, however their project ecologist had engaged with NPWS prior to scoping and that the NPWS highlighted that aquatics was the chief concern. The prospective applicant stated that they believe the Inland Fisheries Ireland's response largely covers what the NPWS would have requested. Micro siting of turbines has been implemented as a result of the IFI response.

The prospective applicant also received a response from Geological Survey Ireland (GSI) and stated that the majority of information contained in this response was information that they were already aware of, however concerns were highlighted in relation to the two Public Water Schemes that are in proximity of the proposed development (Kyle & Orchard Springs and Swan Water Supply Scheme). Ground investigations are ongoing. Stated that micrositing of turbines has occurred to facilitate key concerns from GSI.

Laois County Council have issued a comprehensive response, most of which the prospective applicant is aware of and shall be addressed in the EIAR. The first pre-application consultation with Laois County Council was driven by traffic and transport issues. Laois County Council noted that the landscape assessment should be robust and consider cumulative impacts and listed a number of planning policies which the prospective applicant should consider in any case within their assessment. Currently engagement with Laois County Council Roads department is ongoing. Concerns were raised in relation the potential impacts on the River Barrow and River Nore Special Areas of Conservation (SAC). The visual impacts of the proposed development and cumulative visual impacts with existing and permitted windfarms shall also be taken into account in the overall assessment of the proposed windfarm. All information contained in this scoping response is noted and will be adhered to and included in their assessment.

A submission from the Department of Defence was received shortly after the presentation was sent to the Board, and their main concern relates to ensuring that a proper lighting scheme is installed on the turbines.

Regarding the overall evolution of the project, the prospective applicant noted two previous design iterations which had reduced the number of turbines from 23 to 16

as part of the first design iteration. The second design iteration resulted in two turbines in the southernmost cluster being dropped due to a number of environmental factors. An additional turbine was also dropped due to unacceptable visual clutter across the landscape resulting in a further reduction in the number of turbines from 16 to 13.

The prospective applicant noted that the initial design iteration 2 submitted to ABP for an SID pre-application comprised a 13-turbine wind farm development within 2 no. clusters with an associated grid connection. Each turbine has the potential to generate 6.6MW of power. Each turbine has a tip height of 180m and a rotor diameter of 150m. Preliminary Design and Environmental Assessment remains the same and encompasses 13 wind turbines, access tracks, turbine delivery route, internal substation and internal electricity grid route. Grid Connection of 110 kV is proposed via underground connection to a substation and two grid connection options are under consideration. The preferred option will be assessed as part of the EIAR but does not form part of this application.

The prospective applicant gave a brief description on the post scoping, design iteration 3 of the wind farm. The design iteration has kept all infrastructure indicated in the first pre-application meeting. Non-material changes incorporated include a re-design of the internal access tracks between several turbines in both clusters which minimises watercourse crossings in the design, re-orientation of temporary construction compound 1 and the project substation, and increasing separation distances to nearest residential receptors. Bat buffers have also been applied and micro-siting of some turbines were noted (e.g. T5).

Regarding the turbine delivery route, as part of the scoping process, the design team has decided to add an additional TDR to the assessment of this project. The TDR Route 1 arriving from Dublin Port, approaching the site from the M7 and the R426 (this was the initial TDR route). In addition, the TDR Route 2A arriving from Dublin Port, approaching the site from the M9, N78 and R426, and the TDR Route 2B: approaching from M7, N80, N78 and R426 are also being assessed.

Regarding the grid connection, the cable route options remain unchanged and will continue to be assessed as part of this EIAR.

Regarding the relevant legislative and policy context, the prospective applicant referred to recent and significant proposals and updates with respect to renewable energy and the REPowerEU Plan which focuses on accelerating the rollout of renewables. The prospective applicant noted that on 9th November 2022, the European Commission published Council Regulation under Article 122 of the Treaty, entitled 'Proposal for a Council Regulation Laying Down a Framework to Accelerate the Deployment of Renewable Energy'. This temporary emergency legislation will apply for one year in response to the increasing severity of the energy crisis, covering the time needed for the adoption and transposition of the Renewable Energy Directive. This regulation doubles down on the "overriding public interest" concept in the rollout of renewable energy.

The prospective applicant also highlighted changes to Irish legislation. The Planning and Development, Maritime and Valuation (Amendment) Act 2022 was signed into law on 24th July 2022 and among the main changes, this legislation provides an option to obtain an opinion from An Bord Pleanála on design flexibility and design options for Schedule 7 Strategic Infrastructure Developments. To date however the relevant provisions of the Act (s.37CC and CD) have not been commenced and the associated regulations have not been produced. The presentation made by the prospective applicants identified three turbine types of varying dimensions which were indicated by the prospective applicant as potential options.

The prospective applicant advised that its revised timeline for submission to An Bord Pleanála is Q1 2023.

## **Discussion**

The Board's representatives sought clarification from the applicant regarding the identification of turbines / turbine numbering from the first pre-application meeting to the second pre-application meeting. The prospective applicant clarified that turbine Nos. 1 to 7 are to be located in the norther cluster and 8 to 13 in the southern cluster. The original turbine 8 has been removed.

Clarifications were sought from the prospective applicant regarding micro-siting and bat buffers. In relation to the micro-siting, the prospective applicant briefly explained some details largely in response to the scoping responses from IFI, which was to minimise the impact of crossing watercourses and to move turbines further away from the watercourses. During the investigations into the northern cluster, it was noted that a couple of historic watercourses, as well as previously known watercourses that required micro-siting. Nothing has changed in the southern cluster. In relation to bat buffers, the prospective applicant said that bat surveys had been carried out.

The Board's representatives raised concern and sought clarity in relation to the current Laois CDP 2021-2027 wind energy policy. Specifically, the Board representatives noted that part of the proposed development is located in an area that is identified as 'open for consideration' for wind energy and partly in an area 'not open for consideration' as per the 2021-2027 Plan. The Board representatives also noted the Ministerial Direction in which the Minister has ordered the deletion of the setback distance of 1.5 km from Section 6.1 of the plan – Buffer Zones.

The prospective applicant stated that it was a draft Ministerial Direction which is now an actual Ministerial Direction and is aware that the proposed development is partially in an 'areas not open for consideration'. Stated that in the first design iteration process the location of the development relative to these designations was examined. The prospective applicant also stated that it believed that in this instance national policy should take precedence over the Local Policy and also that the recent provisions set out in European REPowerEU would be taken into account in the assessment undertaken by the Board.

The prospective applicant stated that they consider that the proposal is in alignment with European REPowerEU objectives of "overriding public interest". They also noted the fact that there is an objective in the development plan that the renewable energy strategy would be revised within one year of the adoption of the plan (Objective CMRE1) and that the plan policy may therefore have changed by the time that an application was made and was being assessed by the Board. The Board's representatives noted this response and stated that the issue of compliance with the wind energy strategy set out in the plan and any justifications for departing from the

provisions set out in the Plan, specifically the siting of part of the proposed development in an area currently indicated as 'not open for consideration' for wind energy development, would have to be detailed in any application submitted.

Regarding the LVIA (Landscape Visual Impact Assessment) the Boards representatives advised the prospective applicant to ensure that all assessments are robust and that all policies are up to date. The Board's representatives advised that formal contact with NPWS should occur before the application is submitted.

The Board's representatives stated that they considered that enough information was provided regarding the design, the design iterations, consultations that were done and the various changes on routes and access and grid connection in order to make a recommendation to the Board if the proposed development is or is not SID.

With regard to the design options presented as part of the submission made by the prospective applicant, no discussion as to the merits or otherwise of these options was undertaken at the meeting. The Board representatives noted that the provisions relating to design options for Seventh Schedule SID projects contained in the Planning and Development Maritime and Valuation (Amendment) Act, 2022 have not to date been commenced, that associated regulations are required and that further guidance and advice from the Department as to implementation is required. The Board has also to determine its procedures around how these new provisions will operate. In view of these factors, the Board representatives advised that the Board is not currently in a position to advise regarding design options for the proposed development.

The Boards representatives advised that they did not know when the design options provisions of the legislation would be operational. In the interim, the Board's representatives advised that the prospective applicant could proceed to request closure of the pre application process and submit an application accompanied by an EIAR that covered the specific design options identified by the applicant. Alternatively, the prospective applicant could leave the pre application process open and wait to see when the legislation relating to design options is enacted and the Board is in a position to engage with this process.

In response, the prospective applicant requested that the current pre-app case be kept open for the present time while they considered their options and that they would revert to the Board with how they wished to proceed.

### **Conclusions**

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

The meeting concluded at 12:10 pm



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**Stephen Kay**

**Assistant Director of Planning**

