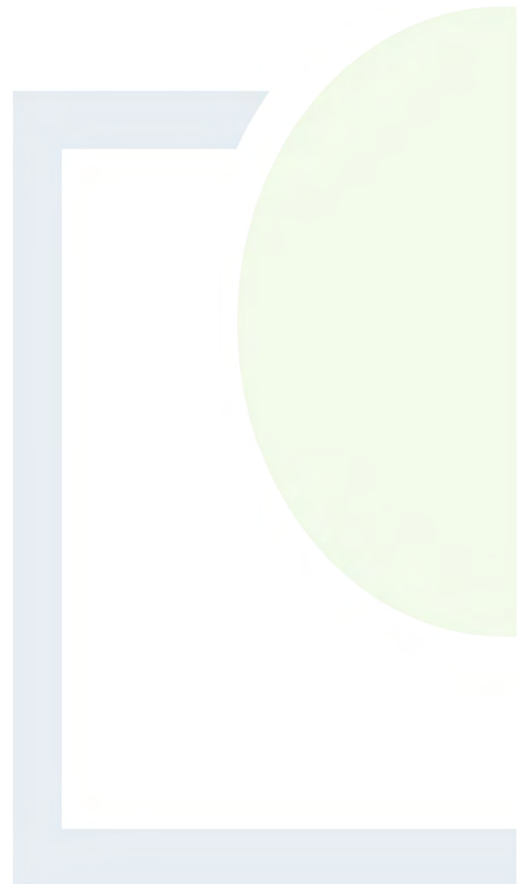




DESIGNING AND DELIVERING
A SUSTAINABLE FUTURE

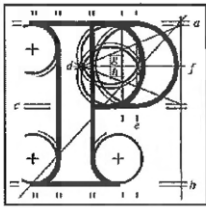
ADDENDUM 3

Consultation Response





DESIGNING AND DELIVERING
A SUSTAINABLE FUTURE



**An
Bord
Pleanála**

Record of 1st Meeting ABP-311394-21

Development	110kV electrical substation, a 110kV loop in/loop out cable connection to the Kinnegad -Rinawade 110kV overhead line and all associated development		
Location	Virtually by Microsoft Teams		
Case Type	Pre-application consultation		
1 st / 2 nd / 3 rd Meeting	1 st		
Date	15/12/2021	Time	15:00p.m. – 16:00p.m.
Attendees			
Representing An Bord Pleanála			
Brendan Wyse, Assistant Director of Planning (Chair)			
Donal Donnelly, Senior Planning Inspector			
Jennifer Sherry, Executive Officer		j.sherry@pleanala.ie	01-8737266
Representing the Prospective Applicant			
Declan Morrissey, Fehily Timoney and Company			
Jim Hughes, Fehily Timoney and Company			
Kevin MacMahon, Statkraft Ireland			
Jane O'Connor, Statkraft Ireland			

Introduction

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 that it wished to receive from the Board.

The Board mentioned the following general procedures in relation to the pre-application consultation process:

- 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 proposed development, the subject of this pre-application consultation meeting, is for a 110kV substation and an on-site 110kv loop-in/loop-out connection to the Kinnegad-Rinawade 110kV overhead line to serve permitted development Drehid Wind

Farm. The Board granted permission in September 2020 under ABP-306500-20 (Kildare County Council Reg. Ref: 18/1534) for Drehid Windfarm to include 12 wind turbines with a tip height of 169m, underground grid connection to Dunfierth substation and associated site works.

The prospective applicant advised the rationale for the proposed development is guided by EirGrid as Dunfierth substation is not suitable for a generator connection and would require a complete rebuild of the substation. The prospective applicant stated the proposed development will include the following infrastructure:

- 1 no. 110kV onsite substation including control buildings, underground electrical and communications cabling, 2 no. overhead line single circuit strain towers, drainage and sediment controls, temporary site compounds, tree felling and associated works.
- Approx. 1,200 metres of 110kV double circuit underground electricity cable and two single circuit strain towers to facilitate connection to the existing Kinnegad-Rinawade 110kV overhead line.

A number of drawings were discussed in the presentation provided of the site layout, site location and indicative substation layout. The prospective applicant stated survey work is ongoing and completed in some areas. The prospective applicant advised that it is their intention to include an EIAR and NIS with the application, using the information previously gathered for the application for Drehid Wind Farm.

In conclusion to the presentation, the prospective applicant stated that the current proposed development will form part of the transmission network. The prospective applicant stated it is their opinion the proposed development should be considered a strategic infrastructure development.

Discussion

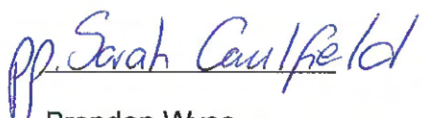
The following matters were discussed as part of the meeting:

- The Board's representatives advised it is their preliminary view that the proposed development would constitute a strategic infrastructure development but that it is ultimately for the Board to make a determination on the matter.
- The Board's representatives noted the proposed substation is to be located in the townland of Killyon and advised the prospective applicant to clarify the townlands affected by the proposed development.
- In response to the Board's representatives' query, the prospective applicant confirmed that no direct planning application has been made to Kildare County Council for the alternative connection proposal, which was previously determined by the Board not to be Strategic Infrastructure Development (ABP-308828-21). The prospective applicant also advised that the High Court challenge to Drehid Wind Farm is still before the courts.
- The Board's representatives noted the planning history of the area and advised the prospective applicant to consider the adequacy of the local road network for access during construction, residential amenity of dwellings to the north and east of the site, construction traffic, ecology and biodiversity of protected species located within 1km of the site. The prospective applicant stated it would have a good understanding of the local biodiversity from baseline surveys of the habitats that have been undertaken.
- The Board's representatives further stated that due consideration in the NIS should be given to the in-combination effects of the permitted solar farm and wind farm in the area.
- The Board's representatives noted the proximity of national monuments to the north of the site and the possible presence of a pathway through the substation site, as shown in historic mapping. The prospective applicant advised that this should be reflected in any cultural heritage assessment.

- The prospective applicant in response to the Board's representatives' query advised they have been in discussions with EirGrid throughout the process and it is not confirmed yet if the substation will become an EirGrid asset.
- The Board's representatives noted if the prospective applicant intends to submit an EIAR that it should be very focused on the assessment of the proposed development. There should be no doubt or possibility that the permitted development for Drehid Wind Farm is being revisited.

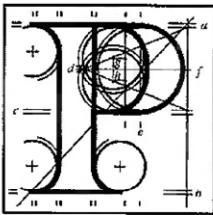
Conclusion

The record of the meeting will issue to the prospective applicant, and it will be a matter for the prospective applicant to submit any comments on this if it wishes to do so. Following this, the prospective applicant should seek a second meeting with the Board or request closure to the pre-application process in writing. If closure to the pre-application is requested, the reporting inspector will complete the report and recommendation which will be forwarded to the Board for determination. A copy of the procedures will be attached, and the decision will then issue to the prospective applicant.



Brendan Wyse

Assistant Director of Planning



An
Bord
Pleanála

Record of Meeting ABP-311394-21 2nd meeting

Case Reference / Description	110kV electrical substation, a 110kV loop in/loop out cable connection to the Kinnegad - Rinawade 110kV overhead line and all associated development. In the townlands of Ballynamullagh, Kilmurry, Coolree, Mulgeeth and Drehid, Co. Kildare.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	2 nd		
Date	23/11/23	Start Time	11.00 a.m.
Location	MS Teams	End Time	11:30 a.m.

Representing An Bord Pleanála
Stephen Kay, Assistant Director of Planning
Donal Donnelly, Senior Planning Inspector
Anthony Kelly, Planning Inspector
Ashling Doherty, Executive Officer
Lauren Griffin, Executive Officer
Breda Ingle, Executive Officer
Representing the Prospective Applicant
Brian Cronin, FTCO
Rita Mansfield, FTCO

Kevin MacMahon, Statkraft
Jane O' Connor, Statkraft
Alexander Brem, Statkraft

The meeting commenced at 11.00 a.m.

The Board welcomed the prospective applicant to the meeting and introduced those attending 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.

Presentation by the prospective applicant:

The prospective applicant gave an update on the proposed development and noted that this meeting is being held in conjunction with pre-application consultation 314463-22, for Drehid Wind Farm.. The proposed location is approximately 2.05km south of Johnstown Bridge, and approximately 4.89km to the east of Carbury in Co. Kildare. The rationale for the proposed substation is based on the unsuitability of other substations, including the Dunfiirth Substation, and the fact that there is no additional capacity on the Derryiron-Maynooth 110kV overhead line. Based on this, the proposed applicant is now seeking permission for a 110kV substation and an on-site 110kV loop-in/loop-out connection to the Kinnegad-Rinawade 110kV overhead line.

Following alterations to the design of the proposed wind farm development, the number of turbines has decreased from 12 to 11, turbine no. 5 has been relocated, and amendments are proposed to the access track (see Record of Second Meeting on Ref. 314463 held on 23rd November, 2023). The proposal the subject of this pre application consultation will comprise 1 no. 110kV substation, including control buildings, underground electrical and communications cabling, drainage and sediment controls, temporary site compounds, tree felling and associated works. It also includes approximately 1,050m of 110kV double circuit underground electricity cable and 2 no. single circuit strain towers to facilitate connection to the existing Kinnegad-Rinawade 110 kV overhead line.

The prospective applicant stated that a Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) will be submitted with the application. It was stated that surveys completed to date include breeding birds and winter birds, lizards, aquatic ecology, terrestrial habitats, bats, peat probing and topographical surveys.

Discussion:

The prospective applicant confirmed that the location of the proposed substation presented at the 1st meeting has since been moved approximately 400m north. This is due to peat probing highlighting that peat depth was significant at the previously proposed location. The land is a mixture of farmland and forestry with some concentration of peat in the forestry. The depth of the peat at the proposed substation location is approximately 0.5m.

The Board's representatives sought clarification if the new proposed substation location would require tree felling to which the prospective applicant confirmed it would to a certain degree although the extent of such felling was likely to be less than that shown on the drawings presented in the presentation to the Board.

A discussion was held having regard to drainage channels and watercourses to the west of the proposed site. The prospective applicant stated that the OPW Boyne arterial drainage channel and a tributary of the River Boyne, the Blackwater Longwood watercourse, skirts along the west of the proposed development. As part of the EIAR, consideration will be given to the cumulative effects of ongoing maintenance of the arterial drainage channel with the project to ensure their drainage is a standalone, compared to the actions the OPW take within the area.

The prospective applicant confirmed they have completed 2 seasons for the surveys and also have extensive data from the previous application.

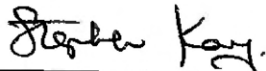
The Board's representatives restated the opinion given at the first pre application consultation meeting that screening for AA and any NIS prepared should give full consideration to the in combination effects of the permitted solar farm and proposed wind farm development (Revised Drehid Wind Farm the subject of pre application consultation Ref. ABP-314463-22).

The Board's representatives stated that their preliminary view is that the proposed substation application is a Strategic Infrastructure Development (SID) but the decision will lie solely with the Board.

Conclusion:

The onus is on the prospective applicant to either request a further meeting or formal closure of the instant pre-application consultation process. The record of the instant meeting will issue in the meantime and the prospective applicant can submit any comments it may have in writing or alternatively bring any comments for discussion at the time of any further meeting.

The meeting concluded at 11.30 a.m.

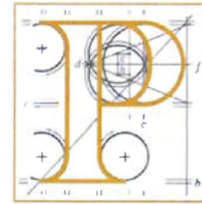
A handwritten signature in black ink, appearing to read "Stephen Kay", is written over a horizontal line.

Stephen Kay

Assistant Director of Planning

Our Case Number: ABP-311394-21

Your Reference: North Kildare Wind Farm Limited



An
Bord
Pleanála

Statkraft Ireland
Building 4200
Cork Airport Business Park
Cork
T12D23C

Date: 23 April 2024

Re: 110kV electrical substation, a 110kV loop in/loop out cable connection to the Kinnegad - Rinawade 110kV overhead line and all associated development.

In the townlands of Ballynamullagh, Kilmurry, Coolree, Mulgeeth and Drehid, Co. Kildare.

Dear Sir / Madam,

Please be advised that following consultations under section 182E of the Planning and Development Act 2000, as amended, the Board hereby serves notice that it is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act 2000, as amended. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) 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.

The following is a list of prescribed bodies to be notified of the application for the proposed development.

- Department of Housing, Local Government and Heritage
- Department of Environment, Climate and Communications
- Department of Agriculture, Food and the Marine
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Kildare County Council
- Transport Infrastructure Ireland/ National Transport Association
- Irish Water
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Heritage Council
- Eastern and Midlands Regional Assembly
- Inland Fisheries Ireland
- Commission of Regulation of Utilities

Tel	Tel	(01) 858 8100
Glao 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

- Irish Aviation Authority
- Health & Safety Authority
- Office of Public Works
- ESB
- EirGrid

Further notifications should also be made where deemed appropriate.

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 following 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.

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 substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) 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(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that 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 cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases 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 against a respondent or notice party where relief is obtained 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.


Tel	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

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.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,



Niamh Hickey
Executive Officer
Direct Line: 01-8737145

VC11

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
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