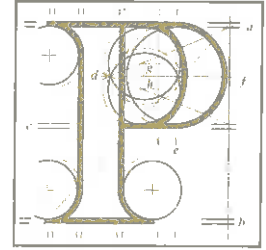


Our Ref: 19.PC0149

Your Ref: 4909/101/02/001/MÓB/

An Bord Pleanála



James Conlon
Jennings O'Donovan and Partners,
Finisklin Business Park,
Sligo.

16th September 2013

Re: Yellow River Wind Farm, North Of Rhode, Co. Offaly.

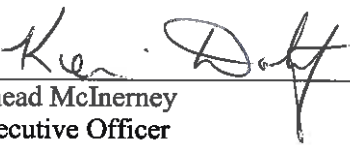
Dear Sir,

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 meeting of the 4th of September, 2013, which is marked 'Private and Confidential' for your information. Also enclosed are hard copies of the procedural information in connection with making a planning application; this can also be found on the Board's website.

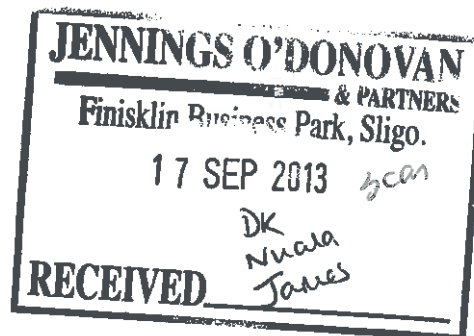
If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


pp Sinead McInerney
Executive Officer
Direct Line: 01-8737295

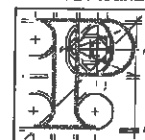
Encls.

AHC/PC149.04.LTR



Record Of Meeting

An Bord Pleanála



Case Reference/Description	19. PC0149 – Proposed Yellow River Wind Farm, North of Rhode, County Offaly.		
Case Type:	Section 37B of the Planning and Development Act 2000, as amended		
1st/2nd/3rd Meeting:	3 rd Meeting		
Date:	4 th September 2013	Start Time:	2.35 p.m.
Location:	Conference Room, An Bord Pleanála	End Time:	3.25 p.m.
Chairperson:	Philip Green, Assistant Director of Planning	Executive Officer:	Kieran Doherty

Attendees:	PRIVATE & CONFIDENTIAL
Representing An Bord Pleanála	
Philip Green, Assistant Director of Planning	
Karla McBride, Senior Planning Inspector	
Diarmuid Collins, Senior Administrative Officer	
Kieran Doherty, Executive Officer	
Representing Prospective Applicant	
Don Curtain, Green Wind Energy Ltd	
Donal Curtain, Green Wind Energy Ltd	
John Hickey, Green Wind Energy Ltd	
David Kiely, Jennings O'Donovan & Partners	
Nuala Carr, Jennings O'Donovan & Partners	
James Conlon, Jennings O'Donovan & Partners	

Record Of Meeting



Introduction

The prospective applicant was welcomed and the teams were introduced.

The Board's representatives noted the prospective applicant's correspondence dated 18th June 2013 following the second pre-application consultation meeting and the subsequent clarifications of the record of that meeting, received on 5th July 2013. Further correspondence dated 3rd September in response to issues raised in the meeting has been received by the Board. The prospective applicant had nothing further to add to these comments at this time.

The Board's representatives queried the reference to the River Boyne SAC in the letter of 3rd September and whether a Natura impact statement would be submitted as part of the planning application. The prospective applicant confirmed that an NIS will be submitted. Clarification was also sought as to whether the letter included a request to close the pre-application process. The prospective applicant stated that it would not be requesting closure of the process until the record of the meeting had been received.

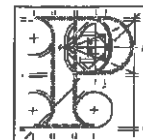
Meeting with Offaly

The Board's representatives met with Offaly County Council on 18th July 2013 and gave a copy of the record of the meeting to the prospective applicant. The Board's representatives referred to the concerns expressed by Offaly County Council over the visual impact of the proposed development. The prospective applicant confirmed that it has subsequently discussed the matter with the local authority and has submitted a photomontage booklet to the authority.

The Board's representatives informed the prospective applicant that the Offaly County Development Plan and Wind Strategy are under review. The new plan for 2014-2020 is expected to be adopted by the local authority in the last quarter of 2014.

The Board's representatives referred to the hydrogeology in the area. The local authority had informed the Board that the Upper Yellow River has a good status and the Lower Yellow River is of moderate status.

Record Of Meeting



The Board's representatives stated that the local authority had made reference to a local parachute club. The prospective applicant stated that it was aware of a landing site for the parachutists in the area.

The Board's representatives informed the prospective applicant of the local authority's concerns with regard to the haul routes around Rhode Village, which it considers are not capable of servicing the proposed development. The prospective applicant stated that a traffic impact statement had been submitted to the local authority avoiding areas of concern and with upgraded tracks. The configuration and alignment of roads has been assessed and a schedule of the works required for the roads will form part of the environmental impact statement. All junctions have been auto-tracked and the land take has been factored into agreements with landowners.

The Board's representatives stated that the local authority has concerns regarding the cumulative impact of wind farms within the area. The proposed sites are located within areas designated for wind energy development within the Offaly County Council Wind Energy Strategy; however, as there are a number of wind farm developments proposed for the midlands, the local authority is of the opinion that cumulative impact is an issue that should be addressed in any application.

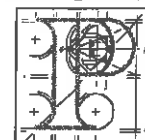
The prospective applicant stated that it had discussed the issue of community gain with the local authority.

For clarification, the prospective applicant stated that some wind turbines would be re-located, not omitted as stated in the last paragraph of page 4 of the record of the meeting with Offaly County Council.

Archaeology

The Board's representatives queried whether the prospective applicant has any plans for pre-testing of the site. The prospective applicant stated that a comprehensive study of the area has been completed and features within the area identified, but no testing has been done. The proposed road network serving the proposed development has regard to the archaeological study. The Board's representatives stated that the EIS should explain the reasoning behind and justify this approach.

Record Of Meeting



Grid Connection

The Board's representatives asked whether there was any update on the grid connection application under the Gate 3 process. The prospective applicant stated that the grid connection is likely to be to the Derryiron substation, however, there is no update as yet and it is unlikely that it will be received before a planning application is made. The Board's representatives stated that some prospective applicants for strategic infrastructure development of this nature have received grid connection offers. The prospective applicant stated that the connection is available on a technical level and is satisfied that the grid connection will be forthcoming. Having regard to the timescales involved in developing the project, the prospective applicant is prepared to proceed through the planning process in the absence of a grid connection offer.

Traffic Management

The prospective applicant confirmed that a traffic management plan has been submitted to the local authority and a meeting is due to take place with the local authority.

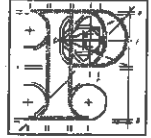
Application Procedures

The procedures for making a planning application under section 37A(4)(a) of the Planning and Development Act 2000, as amended, were covered by the Board's representatives. A copy of the procedures, including guidelines for electronic copies of applications, is attached. Administrative staff would be available to assist with any administrative issues. The content of public notices could be discussed but its accuracy would ultimately be the responsibility of the applicant for permission. Any NIS must be stated in the public notice.

The Board's representatives advised that site notices should be placed at each of the turbine sites and the access roads to these sites.

Record Of Meeting

An Bord Pleanála



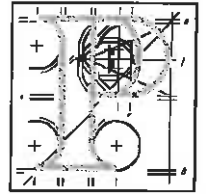
Conclusion

A copy of the record of this meeting will issue to the prospective applicant. It is then open to the prospective applicant to request closure of the pre-application process.

Philip Green

Assistant Director of Planning

16 September 2013



S.37A Application Procedures

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37A(4)(a) of the Planning and Development Act, 2000 as amended.
- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000, as amended.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper (A sample public notice is attached). A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2011 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
 - Planning Authority – 5 hard copies and 2 electronic copies.
 - An Bord Pleanála – 3 hard copies and 7 electronic copies.

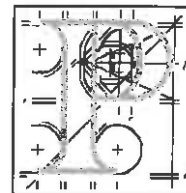
The Board also requires the prospective applicant to provide a stand alone website containing all of the application documentation. The address of this website is to be included in the public notice.

- The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.

- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant would advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.
- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice (Sample letter to prescribed bodies is attached).
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the County Manager and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.
- The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.
- The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition it was pointed out that the legislation also enables the Board direct payment of costs or a contribution towards same to the planning authority and third parties.

The sequencing of the making of the application was summarised as follows:

1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

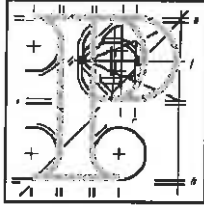


Guidelines for Electronic Copies of Applications (Standalone Website & CD Copies)

1. Each document/drawing should be clearly labelled:
 - EIS and NIS chapters saved individually should be named with the number and title of the chapter e.g. Chapter 2: Ecology, Chapter 3: Human Beings etc., and not just the chapter number.
 - Document names cannot begin or end with a dot, cannot contain consecutive dots and cannot contain any of the following characters: ~ " # % & * : < > ? / \ { | }.
 - Drawings should be saved with the drawing title and/or number, not just the drawing number.
 - Large documents to have 'contents' page e.g. EIS and to be paginated appropriately to allow ease of access to its various sections.
2. Documents/drawings should not be compressed e.g. not Winzipped, and should open directly.
3. Each document/drawing when opened should be clearly legible and any scaling of the drawing clearly and accurately indicated.
4. Each document/drawing when opened should be oriented in the appropriate way (portrait/landscape). It should also be possible to rotate the document/drawing.
5. The documents/drawings should be presented in the same sequence as they appear in the hard copy of the application, in order to make the electronic copy as accessible as possible.
6. All photographs/photomontages shall be in colour, not blurred and clearly legible.
7. All drawings/maps which rely on any colour interpretation e.g. red/blue edging, zoning etc. must be provided in colour.

July, 2012.

An Bord Pleanála



Application Form for Permission/Approval in respect of a Strategic Infrastructure Development

1. Please specify the statutory provision under which your application is being made:

2. **Applicant:**

Name of Applicant:
Address:
Telephone No:
Email Address (if any):
Fax Number (if any):

3. Where Applicant is a company (registered under the companies Acts:

Name(s) of company director(s):
Registered Address (of company)
Company Registration No.
Telephone No.
Email Address (if any)
Fax Number (if any):

4. Person / Agent acting on behalf of the Applicant (if any):

Name:
Address:
Telephone No.
Mobile No. (if any)
Email address (if any)
Fax No. (if any)

Should all correspondence be sent to the above address? (please tick appropriate box)

(please note that if the answer is "No", all correspondence will be sent to the Applicant's address)

Yes: [] No:[]

Contact Name and Contact Details (Phone number)
for arranging entry on site if required/appropriate:

5. Person responsible for preparation of Drawings and Plans:

Name:

Firm/Company:

Address:

Telephone No:

Mobile No:

Email Address (if any):

Fax No (if any):

Details all plans/drawings submitted – title of drawings/plans, scale and no. of copies submitted. This can be submitted as a separate schedule with the application form.

6. Site:

Site Address/Location of the Proposed Development (as may best identify the land or structure in question)		
Ordnance Survey Map Ref No (and the Grid Reference where applicable)		
Area of site to which the application relates in hectares		ha
Site zoning in current Development Plan for the area:		
Existing use of the site & proposed use of the site:		
Name of the Planning Authority(s) in whose functional area the site is situated:		

7. Legal Interest of Applicant in respect of the site the subject of the application

Please tick appropriate box to show applicant's legal interest in the land or structure:	Owner	Occupier
	Other	
Where legal interest is "Other", please expand further on your interest in the land or structure.		
If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation.		

Does the applicant own or have a beneficial interest in adjoining, abutting or adjacent lands. If so, identify the lands and state the interest.

8. Site History

Details regarding site history (if known):

Has the site in question ever, to your knowledge, been flooded?

Yes: [] No: []

If yes, please give details e.g. year, extent:

Are you aware of previous uses of the site e.g. dumping or quarrying?

Yes: [] No: []

If yes, please give details:

Are you aware of any valid planning applications previously made in respect of this land / structure?

Yes: [] No: []

If yes, please state planning register reference number(s) of same if known and details of applications

Reg.Ref.No:	Nature of Proposed Development	Nature of Final Decision of Application Grant of Refusal by Planning Authority/An Bord Pleanála

If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then any required site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development regulations 2001 as amended.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development?

Yes: [] No:[]

If yes please specify

An Bord Pleanála Reference No.: _____

9. Description of the Proposed Development

Brief description of nature and extent of development

10. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and a breakdown of the gross floor area of each class of development.

Class of Development:	Gross Floor Area in m ²

11. Where the application relates to a building or buildings:

Gross floor space of any existing buildings(s) in m ²	
Gross floor space of proposed works in m ²	
Gross floor space of work to be retained in m ² (if appropriate)	
Gross floor space of any demolition in m ² (if appropriate)	

12. In the case of residential development please provide breakdown of residential mix.

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4 + Bed	Total
Houses							
Apartments							
Number of car-parking spaces to be provided		Existing:	Proposed:		Total:		

13. Social and Affordable Housing.

Please tick appropriate box:	Yes	No
<i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?</i>		
<p>If the answer to the above question is "yes" and the development is not exempt (see below), you must specify, as part of your application, the manner in which you propose to comply with section 96 of Part V of the Act.</p> <p>If the answer to the above question is "yes" but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p> <p>If the answer to the above question is "no" by virtue of section 96 (13) of the Planning and Development Act 2000, details indicating the basis on which section 96 (13) is considered to apply to the development should be submitted.</p>		

14. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use (or previous use where retention permission is sought)
Proposed use (or use it is proposed to retain)
Nature and extent of any such proposed use (or use it is proposed to retain).

15. Development Details

Please tick appropriate box:	If answer is yes please give details	YES	NO
	<i>Does the proposed development involve the demolition of a Protected Structure(s), in whole or in part?</i>		
	<i>Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?</i>		
	<i>Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?</i>		
	<i>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) Act, 1994.</i>		
	<i>Does the application relate to work within or close to a European Site or a Natural Heritage Area?</i>		
	<i>Does the development require the preparation of a Natura Impact Statement?</i>		
	<i>Does the proposed development require the preparation of an Environmental Impact Statement?</i>		
	<i>Do you consider that the proposed development is likely to have significant effects on the environment in a transboundary state?</i>		
	<i>Does the application relate to a development which comprises or is for the purpose of an activity requiring an integrated pollution prevention and control license</i>		
	<i>Does the application relate to a development which comprises or is for the purpose of an activity requiring a waste license?</i>		
	<i>Do the Major Accident Regulations apply to the proposed development?</i>		
	<i>Does the application relate to a development in a Strategic Development Zone?</i>		
	<i>Does the proposed development involve the demolition of any habitable house?</i>		

16. Services

<i>Proposed Source of Water Supply</i>
Existing connection: [<input type="checkbox"/>] New Connection: [<input type="checkbox"/>]
Public Mains: [<input type="checkbox"/>] Group Water Scheme: [<input type="checkbox"/>] Private Well:[<input type="checkbox"/>]
Other (please specify): _____
Name of Group Water Scheme (where applicable): _____
<i>Proposed Wastewater Management / Treatment</i>
Existing: [<input type="checkbox"/>] New:[<input type="checkbox"/>]
Public Sewer: [<input type="checkbox"/>] Conventional septic tank system: [<input type="checkbox"/>]
Other on site treatment system: [<input type="checkbox"/>] Please Specify: _____
<i>Proposed Surface Water Disposal::</i>
Public Sewer / Drain:[<input type="checkbox"/>] Soakpit:[<input type="checkbox"/>]
Watercourse: [<input type="checkbox"/>] Other: [<input type="checkbox"/>] Please specify:

17. Notices

Details of public newspaper notice – paper(s) and date of publication
Copy of page(s) of relevant newspaper enclosed Yes: [<input type="checkbox"/>] No:[<input type="checkbox"/>]
Details of site notice, if any, - location and date of erection
Copy of site notice enclosed Yes: [<input type="checkbox"/>] No:[<input type="checkbox"/>]
Details of other forms of public notification, if appropriate e.g. website

18. Pre-application Consultation:

Date(s) of statutory pre-application consultations with An Bord Pleanála

Schedule of any other pre application consultations –name of person/body and date of consultation to be provided as appropriate and also details of any general public consultations i.e. methods, dates, venues etc. This can be submitted as a separate schedule with the application form.

Enclosed:

Yes: [] No:[]

Schedule of prescribed bodies to whom notification of the making of the application has been sent and a sample copy of such notification.

Enclosed:

Yes: [] No:[]

19. Application Fee.

Fee Payable

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and that the application documents being deposited at the planning authority offices, and any other location specified by the Board in pre application consultations, including a website (if any) will be identical to the application documents being deposited with the Board.

*Signed
(Applicant or Agent as appropriate)*

Date:

General Guidance Note:

The range and format of material required to be compiled/submitted with any application in respect of a proposed strategic infrastructure development shall generally accord with the requirements for a planning application as set out in the Planning and Development Regulations, 2001 to 2012 and those Regulations should therefore be consulted prior to submission of any application.

Sample Notice to Prescribed Bodies

Re: Direct Application to An Bord Pleanála in respect of a strategic infrastructure development.

Dear Sir/Madam,

Please be advised that _____ (name of applicant) intends to apply to An Bord Pleanála for permission/approval for the proposed development of (insert full details of proposed development).

A copy of the application is enclosed for your information.

Please note that An Bord Pleanála following its consideration of the application can decide to:

- (a) (i) grant the permission/approval, or
- (ii) make such modifications to the proposed development as it specifies in its decision and grant permission/approval in respect of the proposed development as so modified, or
- (iii) grant permission/approval in respect of part of the proposed development (with or without specified modifications of it of the foregoing kind),

and any of the above decisions may be subject to or without conditions,

or

- (b) refuse to grant the permission/approval.

Submissions or observations may be made only to An Bord Pleanála ('the Board') 64 Marlborough Street, Dublin 1 relating to-

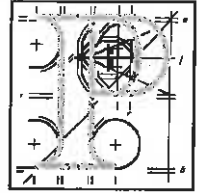
- (i) the implications of the proposed development for proper planning and sustainable development, and
- (ii) the likely effects on the environment of the proposed development, if carried out.
- (iii) the likely effects on a European site of the proposed development if carried out, (if applicable).
[(iii) to be inserted where an NIS is submitted]

Any submissions/observations must be received by the Board not later than 5.30 p.m. on the _____ (insert date – same date as closing date for submissions by the public).

Sample Public Notice

Guidance Note

An Bord Pleanála



Does the proposed development require the preparation of an Environmental Impact Statement?

Does the proposed development require the preparation of a Natura Impact Statement?

Do you consider that the proposed development is likely to have significant effects on the environment in a transboundary state?

Does the application relate to a development which comprises or is for the purpose of an activity requiring an integrated pollution prevention and control licence or a waste licence?

Does the application relate to the provision of, or modifications to, an establishment under the Major Accident Regulations?

Does the proposed development consist of or comprise the carrying out of works to a protected structure or proposed protected structure?

Does the application relate to a development in a Strategic Development Zone?

Does the proposed development involve the demolition of any habitable house?

If the answer to any of the above questions is **yes** please make reference to that fact in the public notice.

Planning and Development Acts 2000 to 2011

**Notice of Direct Planning Application to An Bord Pleanála in Respect of
a Strategic Infrastructure Development**

County _____

In accordance with section (please quote the statutory provision under which the application is being made) _____ of the Planning and Development Act 2000 as amended by the Planning and Development (Strategic Infrastructure) Act 2006 and as amended by the Planning and Development (Amendment) Act 2010 and the Environment (Miscellaneous Provisions) Act 2011____(Applicants name) ___ gives notice of its intention to make an application for permission/approval to An Bord Pleanála in relation to the following proposed development:

(Full description and address of proposed development)

[See guidance note for other information that may be required here]

The planning application, the (Environmental Impact Statement) and the (Natura Impact Statement, if applicable) may be inspected free of charge or purchased on payment of a specified fee during public opening hours for a **period of seven weeks** commencing on _____ (give a least five working days from the date of the notice as the date available for inspection) at the following locations:

The Offices of An Bord Pleanála 64 Marlborough Street, Dublin 1.

The Offices of the relevant Planning Authority (Name & Address) _____

The application may also be viewed/downloaded on the following website:

Submissions or observations may be made only to An Bord Pleanála ('the Board') 64 Marlborough Street, Dublin 1 during the above-mentioned period of seven weeks relating to -

- (i) the implications of the proposed development for proper planning and sustainable development, and
- (ii) the likely effects on the environment of the proposed development, if carried out.
- (iii) the likely effects on a European site of the proposed development if carried out, (if applicable).
[(iii) to be inserted where an NIS is submitted]

Any submissions/observations must be accompanied by a fee of €50 (except for certain prescribed bodies) and must be received by the Board not later than 5.30 p.m. on the _____ (insert date). Such submissions/observations must also include the following information:

- the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent,
- the subject matter of the submission or observation, and
- the reasons, considerations and arguments on which the submission or observation is based in full.

Any submissions or observations which do not comply with the above requirements cannot be considered by the Board.

The Board may in respect of an application for permission / approval decide to –

- (a) (i) grant the permission/approval, or
- (ii) make such modifications to the proposed development as it specifies in its decision and grant permission/approval in respect of the proposed development as so modified, or
- (iii) grant permission/approval in respect of part of the proposed development (with or without specified modifications of it of the foregoing kind),

and any of the above decisions may be subject to or without conditions,

or

- (b) refuse to grant the permission/approval.

Any enquiries relating to the application process should be directed to the Strategic Infrastructure Development Section of An Bord Pleanála (Tel. 01-8588100)

- A person may question the validity of any such decision by the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with section 50 of the Planning and Development Act, 2000, as amended.
- Practical information on the review mechanism can be accessed under the heading Publications - Judicial Review Notice on the Board's website www.pleanala.ie or on the Citizens Information Service website www.citizensinformation.ie