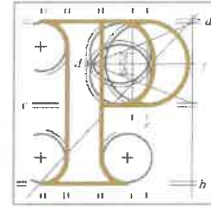


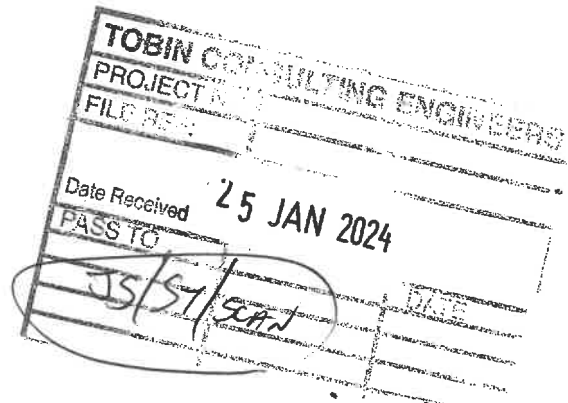
Our Case Number: ABP-317824-23

Your Reference: Futureenergy Scart Mountain Designated Acti
Compa



**An
Bord
Pleanála**

TOBIN Consulting Engineers
Block 10-4
Blanchardstown Corporate Park
Dublin
Dublin 15
D15 X98N



Date: 24 January 2024

Re: Proposed Development of a 110kV Electrical Substation and Grid Connection:
Scart Mountain, Co. Waterford

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.

- Waterford City and County Council
- Southern Regional Assembly
- Minister for Housing, Local Government and Heritage.
- Minister for the Environment, Climate and Communications.
- Transport Infrastructure Ireland

Teil (01) 858 8100
Glao Áitiúil 1800 275 175
Facs (01) 872 2684
Láithreán Gréasáin www.pleanala.ie
Ríomhphost bord@pleanala.ie

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- Inland Fisheries Ireland
- Uisce Eireann
- Health Service Executive
- Commission for the Regulation of Utilities

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.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As only one meeting was required in this case, a refund of €3,500 will be sent to you in due course.

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

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
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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.

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

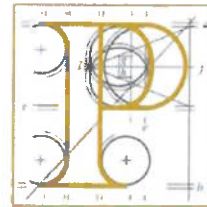
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Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
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Baile Átha Cliath 1	Dublin 1
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Our Case Number: ABP-317824-23

Your Reference: Futureenergy Scart Mountain Designated Activity
Compa



An
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TOBIN Consulting Engineers
Block 10-4
Blanchardstown Corporate Park
Dublin
Dublin 15
D15 X98N

Date: 12 October 2023

Re: Proposed Development of a 110kV Electrical Substation and Grid Connection.
Scart Mountain, Co. Waterford


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 meeting of the 12th September 2023.

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,

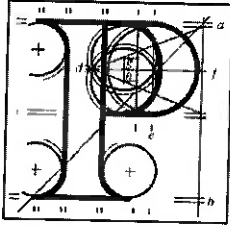


Lauren Murphy
Executive Officer
Direct Line: 01-8737275

VC07

Teil	Tel	(01) 858 8100
Glaó 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



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Record of Meeting
ABP- 317824-23
1st meeting

Case Reference / Description	Proposed Development of a 110kV Electrical Substation and Grid Connection at Scart Mountain, Co. Waterford		
Case Type	Pre-Application Consultation		
1st / 2nd / 3rd Meeting	1 st		
Date	12 th September 2023	Start Time	3:20pm
Location	Virtually by Microsoft Teams	End Time	3:50pm

Representing An Bord Pleanála
Paul Caprini, Assistant Director of Planning
Pauline Fitzpatrick, Senior Planning Inspector
Ashling Doherty, Executive Officer
Lauren Murphy, Executive Officer

Representing the Prospective Applicant
Emer Campbell, Future Energy Ireland
Sinead O'Malley, Future Energy Ireland
Louise Byrne, Tobin Consulting Engineers
Oonagh Fleming, Tobin Consulting Engineers
John Staunton, Tobin Consulting Engineers

The meeting commenced at 3:20PM

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. The Board may at any time conclude the consultation where it considers appropriate to do so.
- 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:

This pre-application consultation has been held in conjunction with pre-application consultation for ABP-315920-23 (associated windfarm development).

The prospective applicant stated that they gave a project overview of location, policy context and public consultation in previous pre-application consultation on the windfarm development ABP-315920-23 which immediately preceded this application. The location of the proposed grid connection starts at the proposed windfarm substation which is over 4km northeast of Cappoquin and runs to the existing Dungarvan 110kV substation. The route is approximately 16.4km long with 3km on the public road corridor. The proposed infrastructure elevation range is approximately 165m from the proposed windfarm to approximately 10m above sea level at the end of the route. It crosses the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC). The Dungarvan Harbour Special Protection Area (SPA) is approximately 600m east of the existing Dungarvan substation.

The prospective applicant set out the regional and local policy context for grid connections.

EIA scoping was initiated in January 2023 and consultations are ongoing with Waterford City and County Council and a number of Government Departments.

Discussion:

The prospective applicant confirmed they will be submitting an Environmental Impact Assessment Report (EIAR) for the proposed development and the Scart Mountain Windfarm. The prospective applicant stated that the substation will be submitted as part of the windfarm application (pre-app reference ABP-315920-23).

The Board's representatives recommend that the grid connection be fully assessed in the EIAR as a singular project and in combination with the proposed windfarm.

The Board's representatives highlighted a previous case ABP-311670-21 which may be of relevance.

The Board's representative initial opinion is that the proposed application is a Strategic Infrastructure Development (SID), but it is at the Boards discretion to issue a final decision.

The prospective applicant confirmed they will require consent from 3 private landowners having regard to the 3km of road that is off road.

The Board's representatives recommended that the prospective applicant highlights in their cover letter they will be submitting 2 separate applications to the Board so they can be considered associated files and allocated accordingly.

Conclusion:

The record of the instant meeting will issue in due course 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 onus is on the prospective applicant to request a further meeting.

The meeting concluded at 3:50pm

A handwritten signature in black ink, appearing to read 'P. Caprani', written over a horizontal line.

Paul Caprani

Assistant Director of Planning