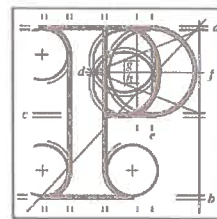


**Our Case Number:** ABP-309375-21

**Your Reference:** Bord Na Móna Powergen Ltd.



**An  
Bord  
Pleanála**

Brian Gallagher  
TOBIN Consulting Engineers  
Fairgreen House  
Fairgreen Road  
Co. Galway  
H91 AXK8

**Date:** 05 April 2022

**Re:** Oweninny Wind Farm Phase 3. Between 10 and 20 wind turbines (including tower sections, nacelle, hub, rotor blades) with an approximate capacity of 90 MW and a maximum blade tip height of 200 metres.

Oweninny Wind Farm, townlands of Laghtanvack, Croaghaun (also known as Croaghaun West), Moneynieran, Corvoderry, Shanvolahan, Dooleeg More and Shanvodinnaun, Co. Mayo

Dear Sir,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act, 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E 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.

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

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 attachment 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.

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.

Teil	Tel	(01) 858 8100
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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

Yours faithfully,

*Sarah Caulfield*

Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

PC09

**Teil**  
**Glaio Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
**Ríomhphost**

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## Appendix A

**Note 1:** The following is a list of **prescribed bodies** considered relevant for the purposes of Section 37E (3) (c) of the Act.

- Minister for Housing, Local Government and Heritage
- Minister for Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Department of the Environment, Climate and Communications
- National Parks & Wildlife Service
- Minister for Transport
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Office of Public Works
- North and West Regional Assembly
- Mayo County Council

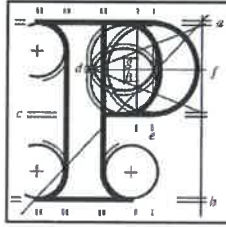
Further notifications should also be made, where deemed appropriate.

**Note 2:** The prospective applicant should be advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.

**Note 3:** In addition to setting out the overall height of the turbines, the prospective applicant is advised to submit drawings and documents, including turbine dimensions, sufficient to describe the nature and extent of the development.

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An  
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### 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, 2001-2019 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 – 2 hard copies and 8 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 a period of at least 5 working days has elapsed 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. The prospective applicant should advise the Board's administrative personnel in advance, of the details of its proposed public notice and further definitive advice on the notice including confirmation of dates/times can be communicated at that stage.

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- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make a submission to the Board by the same deadline as specified in the public notice.
- The letter serving notice on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive Officer 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 deposition 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 conclusion 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, the legislation also enables the Board to direct payment of costs or a contribution towards costs incurred by the planning authority and third parties.

**The sequencing of the making of the application is 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.

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