Dear Sir/Madam,

Please find enclosed a Planning Application for the proposed Meenbog Wind Farm, which is being lodged directly with An Bord Pleanála under the provisions of Section 37E of the Planning and Development Act (as amended). The proposed development has previously been determined to be Strategic Infrastructure Development (SID) by the Board following its consideration under PL05.PC0228.

This application is being lodged on behalf by our clients, Planree Ltd. and constitutes the provision of up to 19 no. wind turbines and all associated works as set out in the public notices.

The application documentation submitted in support of this planning application includes the following:

- Planning Application Form
- Planning Application Drawings
- Environmental Impact Assessment Report (EIAR) in three volumes:
  - Volume 1 – EIS text including non-technical study
  - Volume 2 – Photomontage Booklet
  - Volume 3[a] – EIAR Appendices
  - Volume 3[b] – EIAR Appendices
- Natura Impact Statement [NIS]
- Site Notice
- Landowner letters of consent
- Newspaper Notices (from both a local and national paper circulating in the area, as required)
- SID Planning Application Fee (Paid by Electronic Fund Transfer)
- Copies of notification letters sent to relevant bodies prescribed by An Bord Pleanála
The content of the application form, site notices, letters of consent, newspaper notices, planning fees and letters to prescribed bodies have been prepared in accordance with the requirements of the Planning and Development Act, 2000 (as amended), the Planning and Development Regulations, 2001 (as amended) and, where specified, the requirements of An Bord Pleanála as articulated through the pre-application consultation process that has been undertaken.

In a letter dated 12\textsuperscript{th} September 2017 the Board determined that the proposed development is a Strategic Infrastructure Development and comes within the scope of the 7\textsuperscript{th} Schedule of the Planning and Development Act 2000 and satisfies the requirements of Section 37A(2)(a) and (b). A copy of this determination letter is attached for your information.

As requested by An Bord Pleanála, three hard copies of all application documents are being forwarded as well as seven electronic copies. The prescribed bodies are being provided with the application documentation in the format that they have specified. The scale of the drawings submitted as part of this application have been previously agreed with An Bord Pleanála.

We trust that this application is in order and we await your consideration and decision in due course. Should you have any queries in relation to this application, please do not hesitate to contact this office.

Yours faithfully,

\begin{flushright}
 J. Green, B.A., M.R.U.P., M.I.P.I. \\
 McCarthy Keville O’Sullivan
\end{flushright}

\textbf{Encl.} Determination letter
Jimmy Green
McCarthy Keville O'Sullivan Ltd.
Block 1, G.F.S.C.
Moneenageisha Road
Galway

11th September 2017

Re: Proposed wind farm at Meenbog, Lismullyduff and surrounding townlands.
Co. Donegal.

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 Boré 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.

Yours faithfully,

Kieran Somers
Executive Officer
Direct Line:01-8737107

PC09.LTR
Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, 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(6) 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.

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.
List of Prescribed Bodies

<table>
<thead>
<tr>
<th>Case Reference/Description</th>
<th>Proposed wind farm at Meenbog, Lismullyduff and surrounding townlands, Co. Donegal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Type</td>
<td>S.37E of the Planning and Development Act 2000 (as amended)</td>
</tr>
</tbody>
</table>

The following is a schedule of prescribed bodies considered relevant for the purposes of section 37E(3)(c) of the Principal Act:

- a) Minister for Housing, Planning and Local Government
- b) Donegal County Council
- c) Minister for Culture, Heritage and the Gaeltacht
- d) Údarás na Gaeltachta
- e) Minister for Communications, Climate Action and Environment
- f) Transport Infrastructure Ireland
- g) An Chomhairle Ealaíon
- h) Fáilte Ireland
- i) An Taisce
- j) Inland Fisheries Ireland
- k) The Irish Aviation Authority
- l) The Heritage Council
- m) The Health Service Executive
- n) The Commission for Energy Regulation
- o) Minister for Transport, Tourism and Sport
- p) The Environmental Protection Agency
- q) Minister for Agriculture, Food and the Marine
- r) Irish Water
Jimmy Green
McCarthy Keville O'Sullivan Ltd.
Block 1, G.F.S.C.
Moneenageisha Road
Galway

12th September 2017

Re:
Proposed wind farm at Meenbog, Lismullyduff and surrounding
townlands.
Co. Donegal.

Dear Sir/Madam,

I refer to letter dated 11th September, 2017 with regard to the closure of pre-application consultations in respect of the
above mentioned proposed development.

Inadvertently the Board Direction and two prescribed bodies were omitted from the letter that issued to you being

(i) Department of Infrastructure Northern Ireland
(ii) The Loughs Agency

Apologies for any inconvenience caused.

Yours faithfully,

Kieran Somers
Executive Officer
Direct Line: 01-8737107

ADHOC/PC0228/01
Board Direction

Ref: 05.PC0228

At a meeting held on August 24th 2017, the Board considered the report of the inspector dated 31st July 2017, as well as the documents on file.

The Board determined that the proposed development is strategic infrastructure development, in accordance with the inspector's reasoning and recommendation. The Board was satisfied that the proposed development comes within the scope of the 7th Schedule of the Planning and Development Act 2000 and satisfies the requirements of section 37A(2)(a) and (b).

Note:
1. It is noted that the application will be for a wind farm whose power output will exceed 50MW. The application should clearly state the number and configuration of turbines proposed and the power output envisaged.

2. The Board concurred with the inspector's recommendation that the case is one for which significant effects on the environment of a transboundary state arise (vis-à-vis Northern Ireland), and the case should proceed on this basis.

3. The Board endorsed the 'considerations' raised by the inspector in section 7.1 of her report, and noted that these correspond generally with the matters brought to the attention of the applicant at the meeting held on 18th May 2017 (whereby the 'additional summer season' of monitoring referred to the summer of 2017).

4. Having regard to the provisions of the Circular Letter PL1/2017 the Board intends to carry out its EIA functions in accordance with the provisions of the EIA Directive (2014/52/EU), and the applicant is advised to prepare documentation accordingly.

5. ABP (SIDS section) to check and update the list in Appendix 1 with current Department names including in Northern Ireland and refer also to Donegal County Council.

Board Member: [Signature]
Date: 28th August 2017

(Please issue Board Direction with letter).