

From: Eimear Lenehan [mailto:Eimear.Lenehan@res-ltd.com]
Sent: 30 September 2005 14:34
To: Marianne Fleming
Cc: l.ford-hutchinson@b9energy.co.uk
Subject: The Draft Planning (EIA Amendment) Regulations

Dear Marianne,

As per your letter of the 4th August please find following some comments on the above mentioned regulations.

Pt 3.25 Part 2 Amendment Draft Reg 5 - This regulation sets a timescale for an applicant who wishes to proceed with the submission of an ES following receipt of a scoping opinion to advise the Dept of his intention. This is to ensure the Dept knows what to expect and to plan accordingly. *Is this timescale set by the developer or by the Department? In the wind Industry there is much competition for grid capacity. Access to grid capacity is linked to the timing of the planning permission approval. The timescale for submission would have to remain confidential or it allows other developers to fast forward their applications in the same areas to get in and take what grid capacity is remaining. This is in effect giving away a competitive advantage. We would ask that this be taken into consideration when dealing with wind farm EIA. If a submission date is to be given it should not be on the public record in order to avoid this situation. We have an extensive Public Participation programme and normally notify nearby communities before the application is submitted.*

Draft Reg 8 A - The applicant to submit any further information or any other information within a specified timeframe of 3 mths or such extended period as may be agree with the Dept.*We would ask that the extended period not just be related to seasonal data but also to the extent of FEI required.*

Draft 8 B Current regulations have a requirement to publicize 'further information' is limited to info which the planners ask the applicant to provide. There is no provision for publicizing additional info provided voluntarily by the applicant – however it is considered good practice to make it available. *We agree and welcome this. However we also feel the need to limit this as it may cause resourcing difficulties and developers may be submitting in bits and pieces. We would recommend a limit on the number of times you can submit further information.*

If you want clarification on any of the above points please feel free to give me a call.

Regards
Eimear Lenehan

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