

An  
Coimisiún  
Pleanála

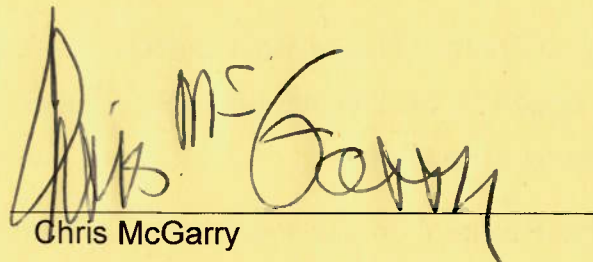
**Direction**  
**CD-022076-26**  
**ABP-322069-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 09/04/2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

**Planning**

**Commissioner:**

  
Chris McGarry

**Date:** 09/04/2026

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

The Commission made its decision consistent with:

- (a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out

in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

- (b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.

The Commission also had regard to the following in coming to its decisions:(a) European legislation, including of particular relevance:

- The relevant provisions of EU Directive 2011/92/EU as amended by Directive 2014/52/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- (b) the National Biodiversity Action Plan 2023-2030
- (c) National policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases
- (d) the provisions of the Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June 2006
- (e) the policies set out in the Regional Spatial and Economic Strategy of the Southern Regional Assembly 2020-2032,
- (f) the policies of the planning authority contained within the Kilkenny County Development Plan, 2021-2027,
- (g) the character of the landscape in the area of the site and in the wider area of the site,
- (h) the pattern of the existing and permitted development in the area,
- (i) the distance between the turbines and surrounding dwellings and other sensitive receptors from the proposed development,
- (j) the Environmental Impact Assessment Report submitted,
- (k) the Natura Impact Statement submitted,

- (l) the submissions and observations made in connection with the planning application, and
- (m) the expert report of the Senior Ecologist, and
- (n) the report of the Inspector.

**Appropriate Assessment: Stage 1:**

The Commission considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following European Sites in respect of which the proposed development has the potential to have a significant effect are the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233).

**Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment, including the expert report of the Senior Ecologist. The Commission completed an appropriate assessment of the implications of the proposed development for the European Site for which potential to have a significant effect had been identified, in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

### **Environmental Impact Assessment**

The Commission completed an environmental impact assessment of the proposed development taking into account:

- (a) The nature, scale and extent of the proposed development,
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) The submission from the planning authority, prescribed bodies and observers,
- (d) The inspectorate Senior Ecologist's assessment, and
- (e) The Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the developer, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the developer and submissions made in the course of the application.

### **Reasoned Conclusions on the Significant Effects**

The Commission considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health** - Potential significant positive impacts on the socio-economic profile of the area due to community funding and investment; potential significant health and safety impacts during construction, operation and decommissioning that will be mitigated through the implementation of the measures set out in the Environmental Impact Assessment Report, including the Environmental Management Plan, best practice construction methods, appropriate training, installation of shadow flicker and ice detection systems on turbines, remote monitoring and scheduled maintenance.
- **Biodiversity** - Potential significant effects on habitats, mammals, bats, birds and aquatic ecology in the construction phase and operational phase which would be mitigated by the implementation of the mitigation measures contained in the Environmental Impact Assessment Report, including the Environmental Management Plan, good practice construction measures, timing of vegetation removal, water pollution prevention measures, provision of bat boxes, use of buffer zones, biosecurity measures and the appointment of an Ecological Clerk of Works and Environmental Manager.
- **Land, Soils, Water, Air and Climate** - Potential significant effects on hydrology, hydrogeology and soils would be mitigated by a series of best practice construction management and pollution prevention measures and other specific measures outlined in the Environmental Impact Assessment Report, including the Environmental Management Plan, surface water management plan, use of buffer zones, erosion control and pollution prevention measures, and appointment of an Environmental Manager.

Positive air quality and climate impacts are identified for the operational phase due to the offsetting of fossil fuels by the generation of renewable energy. Construction noise will be mitigated by the measures outlined in the Environmental Management Plan.

- **Material Assets, Cultural Heritage and the Landscape** - Potential positive impacts on material assets due to the provision of new amenity area. Traffic impacts will be short-term and temporary and will be mitigated during construction by the measures set out in the Environmental Impact Assessment Report, including the Environmental Management Plan, Traffic Management Plan and appointment of a Traffic Management Co-Ordinator. Traffic impacts during the operational stage would be negligible. Potential impacts on unknown cultural heritage would be mitigated by archaeological monitoring with provision made for resolution of any archaeological features/deposits that may be identified. Landscape and visual impacts will arise but would be balanced to a degree by the nature and characteristics of the receiving environment including extensive commercial forestry, agricultural uses, and the nature and characteristics of the various scenic routes and views in the area.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so the Commission adopted the report and conclusions of the reporting Inspector.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the Climate Action and Low Carbon Development Act 2015 (as amended), the Climate Action Plan 2024 and Climate Action Plan 2025, and would be in accordance with the National Biodiversity Action Plan 2023-2030, the National Planning Framework (First Revision 2025), the

Regional Spatial and Economic Strategy of the Southern Region, 2020-2032 and the relevant provisions of the Kilkenny City and County Development Plan, 2021-2027 including the location of the subject site within an area where wind energy developments are considered acceptable in principle. The proposed development would make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future, would not seriously injure the residential amenities of the area, would not adversely affect population and human health, (including having noted and considered in full the concerns expressed by some observers and accompanying medical commentary, in relation to potential impacts on vulnerable/neurodiverse persons), on the basis of the full detail of the proposed development and associated mitigating measures as set out in the application documentation and including the distances of the turbines from sensitive receptors, along with the compatibility of the proposed development with applicable guideline levels on separation distances, would not adversely affect natural heritage, biodiversity, cultural heritage or tourism, would not have an undue adverse impact on the landscape, and would be acceptable in terms of traffic safety, aviation and convenience. The proposed development would constitute an appropriate form of wind energy development at the subject site and its development at this location would be practicable in terms both of, the ability of the subject site and environs to accommodate the proposed development, without any serious injury to the amenity of the area or of property in the vicinity and the compatibility of the proposed development at this location by reference to relevant supporting policies and objectives at national, regional and county development plan level. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, except as may otherwise be required in order to comply with the following conditions.  
Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior

to the commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

**Reason:** Having regard to the nature and extent of the proposed development, the Commission considered it appropriate to specify a period of validity of this permission in excess of five years.

3. The permission shall be for a period of 35 years from the date of the commissioning of the wind turbines. The wind turbines and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.

**Reason:** To enable the relevant planning authority to review the operation of the wind farm in the light of the circumstances then prevailing.

4. Mitigation measures set out in the Environmental Impact Assessment Report, shall be implemented in full.

**Reason:** To protect the environment.

5. Mitigation measures set out in the Natura Impact Statement shall be implemented in full in conjunction with the timelines therein, except as may be otherwise required in order to comply with the conditions of this Order.

**Reason:** To protect the integrity of European Sites.

6. The watercourse crossing W3 on the R432 regional road shall be carried out by horizontal directional drilling under the Rathduff\_15 Stream, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of clarity and the protection of the built heritage of the area.

7. Prior to the commencement of development, the following shall be submitted to the planning authority for written agreement:

- (a) Details of pre and post construction condition survey of proposed haul routes, bridges/structures along the route, weight of abnormal loads, and arrangements for maintenance of routes/structures during construction and repair of any damage.
- (b) A revised detailed Construction Traffic Management Plan, to include arrangements for the management of construction traffic on the public road, arrangements for alternative routes, details of source and volume of aggregate material to be sourced on/off site, haul routes, phasing programme for construction works (including with other windfarms), and means to keep the public road free of dirt and debris.

**Reason:** In the interest of visual amenity and traffic safety.

8. The delivery of large-scale turbine components for the construction of the windfarm shall be managed in accordance with a finalised Construction Traffic Management Plan, which shall be submitted to, and agreed with the planning authority prior to the commencement of development. This plan shall provide details of the road network to be used by construction traffic, including oversized loads, and detailed arrangements for the protection of bridges, culverts and other structures to be traversed, as may be required. The plan shall also contain details of how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads. Any proposed works to the national road network to facilitate turbine delivery shall comply with the requirements of Transport Infrastructure Ireland.

**Reason:** In the interest of public safety and residential amenity.

9. (a) The developer shall retain the services of a suitably qualified and experienced Ecologist (to perform the role of Ecological Clerk of Works) to undertake pre-construction surveys at the various project elements, immediately prior to commencing work to check for the presence of protected species in the vicinity, and to oversee and ensure the implementation of all environmental mitigation and monitoring measures, including the Biodiversity Protection Area, during construction and operation of the wind farm.
- (b) The watercourse crossing (W3) of the Rathduff\_15 stream shall be carried out when the stream bed is in its dry state.

**Reason:** To protect biodiversity.

10. The developer shall retain the services of a suitably qualified and experienced bat and bird specialists to undertake appropriate bat and bird surveys of the site, in accordance with the mitigation and monitoring arrangements set out in the Environmental Impact Assessment Report and the Natura Impact Statement. Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with, and agreed in writing with, the planning authority prior to commencement of development. These reports shall be submitted on an agreed date annually for five years, with the prior written agreement of the planning authority. Copies of the reports shall be sent to the Department of Housing, Local Government and Heritage.

**Reason:** To ensure appropriate monitoring of the impact of the development on the avifauna and bat species of the area.

11. The construction of the proposed development shall be managed in accordance with a final Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (a) The CEMP shall include but not be limited to operational controls for dust, noise and vibration, waste management, protection of soils and

groundwaters and surface waters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, waste management, project roles and responsibilities.

- (b) The CEMP shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development and shall clearly describe all identified likely archaeological impacts, both direct and indirect and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- (c) Works near watercourses shall be carried out in consultation with and in accordance with Inland Fisheries Ireland (IFI) standards *Guidelines on the Protection of Fisheries During Construction Works in and Adjacent to Waters* (IFI, 2016) and the Office of Public Work's *Design Guidance for Fish Passage on Small Barriers* (2021). The IFI shall be given at least 1 weeks advance notice of felling operations at the site and all forestry works shall comply with the *Forestry and Water Quality Guidelines* (2000) published by the Forest Service.
- (d) The CEMP shall include a draft decommissioning plan for the turbines, to include reuse and/or recycling of turbine components. A revised plan shall be submitted and agreed in advance of decommissioning.

**Reason:** In the interest of environmental protection and residential amenity.

- 12. Commissioning and construction works shall be limited to the hours of between 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1400 hours on Saturday and shall not be permitted on Sundays or public holidays.

**Reason:** To protect the amenities of nearby residential properties.

- 13. All vegetation removal works shall be carried out outside of the bird nesting season, which is between 1<sup>st</sup> March and 31<sup>st</sup> August.

**Reason:** In the interest of protection of the local bird population.

14. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:

- (a) For the daytime period of 0700 hours to 2300 hours, in quiet environments, where background noise is less than 30dB(A)L90 T10, a maximum noise level of 40dB(A)L90 T10.
- (b) For daytime periods of 0700 hours to 2300 hours where background noise level exceeds 30dB(A)L90 T10, the greater of 5dB(A) above background noise levels, or 45 dB(A)L90 T10.
- (c) 43dB(A)L90 T10 at all other times.

Prior to the commissioning of the windfarm, the developer shall submit and agree in writing with the planning authority a Noise Compliance Monitoring Programme (NCMP) for the operational windfarm. The NCMP shall include a detailed methodology for all sound measurements including Amplitude Modulation (AM) and tonal noises, including frequency of monitoring (initially six months, with confirmatory monitoring in the third year post commissioning) and recording of results, which shall be made publicly available.

The results of the initial noise compliance monitoring to be submitted to and agreed in writing with the planning authority within 12 months of commissioning of the wind farm. The NCMP shall be fully implemented during the operation of the windfarm.

**Reason:** In order to protect the amenities of noise sensitive properties in the vicinity of the development.

15. (a) Appropriate software shall be employed on each of the turbines to ensure that there will be no shadow flicker at any existing nearby dwelling. Turbine shutdown shall be undertaken by the wind energy developer or operator in order to eliminate the potential for shadow flicker.
- (b) A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority indicating compliance with the above shadow flicker requirements at dwellings. Within 12 months of the commissioning of the wind farm, this report shall be prepared and submitted to, and agreed in writing with, the planning authority. The

developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested by the planning authority at reasonable intervals thereafter.

**Reason:** In the interest of residential amenity.

16. In the event that the proposed development causes interference with telecommunication signals, effective measures shall be introduced to minimise interference with telecommunication signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to and agreed in writing with the planning authority prior to the commissioning of the turbines and following consultation with relevant authorities.

**Reason:** In the interest of protecting telecommunication signals and residential amenity.

17. (a) Prior to commencement of development and following consultation with the Department of Defence and Irish Aviation Authority, the developer shall submit for written agreement of the planning authority, details of an aeronautical obstacle warning light scheme.
- (b) Prior to commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the as constructed tip heights and WGS-84 format co-ordinates of the turbines and wind monitoring mast together with ground and tip height elevations at each turbine location.
- (c) The developer shall notify Air Nav Ireland and the Irish Aviation Authority of the intention to commence crane operations at least 30 days prior to their erection in accordance with S.I. 215 of 2005 Irish Aviation Authority (Obstacles to Aircraft in Flight) Order.

**Reason:** In the interest of aviation safety.

18. All mitigation measures in relation to Archaeology as set out in Chapter 15 of the Environmental Impact Assessment Report shall be implemented in full, except as maybe otherwise required in order to comply with the archaeological conditions of this permission. The developer shall retain/engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to:
- (a) Carry out pre-development archaeological testing in areas of proposed ground disturbance, including but not limited to, turbine base locations, hardstands, roads, compounds, on-site substation compound and all other ground disturbance required for the development. No groundworks may take place in the absence of the Archaeologist without his/her express consent.
  - (b) Submit an Archaeological Impact Assessment Report for the written agreement of the planning authority, following consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage in advance of any site preparation works or groundworks, including site investigation, works/topsoil stripping/site clearance/enabling works and construction works. The report shall include an archaeologist impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (archaeological excavation) and/or monitoring may be required.
  - (c) No site preparation and/or construction works shall be carried out on site until the Archaeologists report has been submitted to and approval to process is agreed in writing with the planning authority. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

19. The developer shall retain/engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to:
- (a) Carry out Archaeological Monitoring of all site clearance works, topsoil stripping and groundworks associated with the development. The use of

appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No groundworks may take place in the absence of the Archaeologist without his/her express consent.

- (b) Should archaeological remains be identified during the course of Archaeological Monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage, regarding appropriate mitigation (preservation in situ/excavation).
- (c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority following consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage, shall be complied with by the developer.
- (d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 20. On full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than 1 year, the turbines and all decommissioned structures shall be removed, and foundations covered with soil to facilitate revegetation. These reinstatement works shall be completed to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

**Reason:** To ensure a satisfactory reinstatement of the site upon cessation of the project.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interests of traffic safety and the proper planning and sustainable development of the area.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of the site upon cessation of the project, coupled with an agreement empowering the local authority to apply such security or part thereof to secure such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interests of orderly development and visual amenity and to ensure satisfactory reinstatement of the site.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development

Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

24. The Community Benefit Fund shall be adhered to for the life of the wind farm. The fund shall be administered in accordance with the Renewable Electricity Support Scheme (RESS) Community Benefit Funds Good Practice Principles, 2021, prepared by the Department of the Environment, Climate and Communications.

**Reason:** To ensure that the community living in proximity to the wind farm, benefits from it.

### **Schedule of Costs**

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be refunded to the applicant is **€6,771**