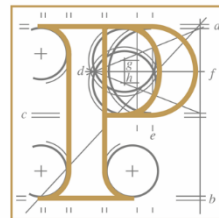


**Our Case Number:** ABP-311587-21

**Your Reference:** Bord na Móna Powergen Limited



An  
Coimisiún  
Pleanála

Fehily Timoney & Company  
Rita Mansfield  
Core House  
Pouladuff Road  
Cork  
Co. Cork  
T12 D773

**Date:** 24 March 2026

**Re:** Proposed development of between 14 and 18 no. wind turbines, 110kV on-site substation and associated connection to the national grid.  
Littleton Wind Farm, Co. Tipperary.

Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Commission 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), (b) and (c) of the Act. Accordingly, the Commission 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 Coimisiún Pleanála under section 37E of the Act.

Please also be informed that the Commission considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is,

- Appendix 1: Prescribed bodies to be notified of the application for the proposed development.
- Appendix 2: Schedule of Information which is considered necessary to submit in order to facilitate the undertaking of the Completeness Check under Section 37JA of the Planning and Development Act 2000, as amended.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Commission 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 following information relates to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act 2000, as amended.

**Judicial review of An Coimisiún Pleanála decisions under the provisions of the Planning and Development Acts (as amended).**

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D01 V902

64 Marlborough Street  
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D01 V902

A person wishing to challenge the validity of a Commission 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 Commission.

The validity of a decision taken by the Commission 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 Commission. 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](http://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 Commission or email [sids@pleanala.ie](mailto:sids@pleanala.ie) quoting the above mentioned An Coimisiún Pleanála reference number in any correspondence with the Commission.

Yours faithfully,



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Niamh Hickey  
Executive Officer  
Direct Line: 01-8737145

PC09

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## **Appendix 1 – Prescribed bodies**

- Department of Housing and Local Government and Heritage
- Department of Climate, Energy and the Environment
- Department of Transport
- Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media
- Department of Agriculture, Food & Marine
- Roscommon County Council
- Tipperary County Council
- Kilkenny County Council
- Southern Regional Assembly
- Transport Infrastructure Ireland
- An Chomhairle Ealaíon (Arts Council)
- The Heritage Council
- Fáilte Ireland
- An Taisce
- Uisce Éireann
- Inland Fisheries Ireland
- Irish Aviation Authority
- Air Nav Ireland
- EPA
- HSE
- Health and Safety Authority
- The Commission for Regulation of Utilities
- ESB

- EirGrid

Further notifications should also be made, where deemed appropriate.

## Appendix 2 – Schedule of Information to Inform Completeness Check

This Schedule of Information seeks to provide details which will facilitate An Coimisiún Pleanála in undertaking the Completeness Check required by Section 37JA of the Planning and Development Act 2000, as amended in order to process the application. It shall not be construed as comprising an assessment of the application documentation or a consideration of the merits of the proposed development.

### Details of Proposed Development at Closure

<b>Pre-Application Ref.</b>	ABP-311587-21
<b>Prospective Applicant:</b>	BnM SSE
<b>Date of Final Meeting:</b>	1 <sup>st</sup> December 2025
<b>Number of Turbines:</b>	11 no.
<b>Design Flexibility opinion:</b>	No
<b>Is Grid Connection Included:</b>	No
<b>Is a BESS included:</b>	No
<b>Accommodating works for TDR:</b>	No

### Information

<b>Plans and Particulars</b>	
<b>Public Notice</b>	<ul style="list-style-type: none"> <li>• Time Period for Consultation and Fee for Submissions</li> <li>• Standalone Website Address</li> <li>• EIAR and NIS referenced</li> <li>• Reference to Section 37JA</li> <li>• All townlands within the site boundary to be correctly referenced.</li> </ul>
<b>Prescribed Bodies</b>	<ul style="list-style-type: none"> <li>• Notification of All Prescribed Bodies and a copy of the correspondence sent to same.</li> </ul>

<b>Land Ownership</b>	<ul style="list-style-type: none"> <li>• Interest in land</li> <li>• Written consent of all other landowners (<i>Inc. legally binding agreement &amp; land registry map if required</i>)</li> </ul>
<b>Design Flexibility</b>	Design flexibility not sought.
<b>Fee</b>	
<b>EIA Portal</b>	Letter from Portal
<b>Planning Statement</b>	<ul style="list-style-type: none"> <li>• Renewable Energy Designation Policy Statement</li> <li>• Statement outlining compliance with all relevant policies and objectives in the County Development Plan including a justification for material contravention of same if relevant.</li> <li>• Consultation overview</li> <li>• Community Benefit Fund</li> <li>• Planning history</li> </ul>
<b>Drawings</b>	<ul style="list-style-type: none"> <li>• Drawing Schedule</li> <li>• Site location map</li> <li>• Site layout plan</li> <li>• Plans, elevations, sections and cross-sections</li> <li>• Wayleaves shown</li> <li>• Grid Connection Route</li> <li>• Scales appropriate</li> </ul>
<b>EIAR</b>	
No design Flex	One turbine type ( <i>tip height of 200 m, a hub height of 119 m and a rotor diameter of 162 m</i> ) and grid connection to be assessed.
<b>Non-Technical Summary</b>	Provided as a standalone section.
<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Legislative context</li> <li>• Scoping Consultation</li> <li>• Community Engagement Report</li> <li>• Methodology/methodologies for the assessment of the environmental factors and for the description and consideration of the significance of effects</li> <li>• Study Area(s) and justification for same.</li> <li>• Project Team (Author qualifications, experience and expertise)</li> </ul>

	<ul style="list-style-type: none"> <li>• Technical Difficulties/Limitations</li> </ul>
Description of the Proposed Development	<ul style="list-style-type: none"> <li>• Detailed description (all stages) of the characteristics of the proposed development including use of natural resources, production of waste, emissions &amp; disturbances</li> <li>• Construction Environmental Management Plan</li> <li>• Decommissioning Plan</li> <li>• Waste &amp; Resource Management Plan</li> <li>• IPC Licence, bogland rehabilitation and establishment of baseline environment for related environmental factors.</li> </ul>
Consideration of Alternatives	<ul style="list-style-type: none"> <li>• Site selection &amp; design process</li> <li>• Reasonable alternatives considered (Layout, scale, technologies, grid connection, turbine delivery, substation infrastructure, construction methodology, bog rehabilitation, etc)</li> </ul>
Population and Human Health	<ul style="list-style-type: none"> <li>• Population &amp; Settlement Patterns</li> <li>• Economic Activity &amp; Employment</li> <li>• Tourism &amp; Amenities (Inc. recreational trails/waterways)</li> <li>• Human Health &amp; Wellbeing (Reference Studies)</li> <li>• Property Devaluation/House Prices</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>• Derogations (Required/Obtained)</li> <li>• Ecological Impact Assessment</li> <li>• Biodiversity Enhancement Areas/Management Plan (<i>Proposed Peat Restoration</i>)</li> <li>• Bat Surveys (to include): <ul style="list-style-type: none"> <li>○ Preliminary Roost Assessment Surveys,</li> <li>○ Bat activity transect surveys,</li> <li>○ Static bat detector deployments,</li> <li>○ Emergence/re-entry bat roost,</li> <li>○ Hibernation</li> <li>○ Survey data to include a min. of 30 days in each season, in a variety of weather conditions with detectors at different height levels.</li> </ul> </li> <li>• Invasive Species Management Plan</li> <li>• Terrestrial Surveys (<i>Habitat &amp; ecology (inc protected flora, invasive plant species, mammals, amphibians and reptiles)</i>)</li> </ul>

	<ul style="list-style-type: none"> <li>• Aquatic Surveys (<i>Habitat &amp; ecology (inc river habitat, macroinvertebrate, electro-fishing, fisheries)</i>)</li> </ul>
Ornithology	<ul style="list-style-type: none"> <li>• Surveys (<i>Vantage Point, Breeding &amp; non-breeding, hinterland, Dusk, Walkover, Roost &amp; Winter surveys</i>)</li> <li>• Connectivity with European Sites</li> <li>• Collision Risk Model (CRM) Assessment</li> <li>• Monitoring Programme</li> <li>• Cumulative Assessment</li> </ul>
Noise and Vibration	<ul style="list-style-type: none"> <li>• Baseline Noise Levels</li> <li>• Map of all receptors within 4 x Tip of Turbines</li> <li>• Predicted Noise Levels</li> <li>• Proposed Noise Limits (cumulative)</li> <li>• Operational Noise Monitoring Proposal</li> <li>• Mitigation Strategy for Operational Amplitude Modulation and Tonal Noises</li> <li>• Cumulative Noise Assessment</li> </ul>
Shadow Flicker	<ul style="list-style-type: none"> <li>• Shadow Flicker Analysis</li> <li>• Wind Turbine Control Measures</li> </ul>
Air and Climate	<ul style="list-style-type: none"> <li>• Carbon Impact Assessment including Embodied Energy Assessment and Climate Change Vulnerability Assessment</li> <li>• Dust Generation/Emissions and Management</li> <li>• Vehicle Emissions and Management</li> </ul>
Land, Soils & Geology	<ul style="list-style-type: none"> <li>• Ground Condition Assessment (inc): <ul style="list-style-type: none"> <li>○ Ground Investigations Report</li> <li>○ Site Investigations Report</li> <li>○ LIDAR Survey</li> <li>○ On site precipitation monitoring and use of climate data</li> <li>○ Ground and surface water monitoring (<i>using piezometres</i>) and in-situ hydraulic conductivity testing.</li> <li>○ Slope Stability Analysis (<i>Justification of model employed. Deterministic model recommended</i>).</li> </ul> </li> <li>• Peat and Spoil Management Plan</li> </ul>

Hydrology, Hydrogeology & Water Quality	<ul style="list-style-type: none"> <li>• Hydrological Assessment</li> <li>• Hydrogeological Assessment</li> <li>• Flood Risk Assessment</li> <li>• Surface water/Drainage Management Plan</li> <li>• Standalone Water Framework Directive Compliance Report</li> <li>• Emergency Response Plan</li> <li>• Water Quality Management Plan</li> <li>• Drinking Water Source (UE and GWSS) Assessment</li> </ul>
Landscape & Visual	<ul style="list-style-type: none"> <li>• Photomontages</li> <li>• ZTV Analysis (20km radius from development site)</li> <li>• Landscape Character Assessment</li> <li>• Viewpoint Assessment</li> </ul>
Traffic & Transportation	<ul style="list-style-type: none"> <li>• Turbine Delivery Route &amp; Swept Path Analysis</li> <li>• Haul Route &amp; Swept Path Analysis</li> <li>• Traffic and Transport Assessment</li> <li>• Traffic Management Plan (including Construction traffic)</li> <li>• Stage 1 Road Safety Audit</li> <li>• Design Report (TII requirements)</li> </ul>
Material Assets	<ul style="list-style-type: none"> <li>• Gas/ESB networks</li> <li>• Telecommunications Impact Study</li> <li>• Aviation Review Statement</li> <li>• Any other relevant material assets identified in consultation process</li> </ul>
Cultural Heritage	<ul style="list-style-type: none"> <li>• Heritage Impact Assessment &amp; a Historic Landscape Character Assessment</li> <li>• Archaeological Impact Assessment</li> </ul>
Major Accidents and Disasters	<ul style="list-style-type: none"> <li>• Construction Stage</li> <li>• Operational Stage</li> <li>• Impact of Climate Change</li> </ul>
Cumulative Assessment	Projects considered should be clearly identified and the location of the cumulative assessment clearly labelled within each Chapter as relevant.
Interactions of the Foregoing	Description of interactions between factors.

<p>Compendium of Mitigation Measures</p>	<p>Intent expressed for the implementation of mitigation measures to be clearly set out as – ‘shall’.</p> <p>Commitments need to be expressed clearly and be specific.</p>
<p>Appendices</p>	<p>All appendices and sub appendices to be submitted in hard and soft copy. To include:</p> <ul style="list-style-type: none"> <li>• Glossary of Terms</li> <li>• Noise Survey Results &amp; Calibration Certificates</li> <li>• Material Volume Calculations</li> <li>• Statement of Competency</li> <li>• Other relevant documents</li> </ul>
<p><b>AA Screening report</b></p>	<ul style="list-style-type: none"> <li>• Author qualifications, experience and expertise</li> <li>• Methodology</li> <li>• Zone of Influence (ZOI) and identification of relevant European Sites to be based on a Source-Pathway-Receptor Model using the precautionary principle</li> <li>• Must include consideration of: Lower River Suir SAC, River Barrow and River Nore SAC, and The Loughans SAC (grid connection).</li> </ul>
<p><b>NIS</b></p>	<ul style="list-style-type: none"> <li>• Author qualifications, experience and expertise</li> <li>• Methodology</li> <li>• Collision Risk Modelling (CRM)</li> <li>• Biodiversity &amp; Ornithology Surveys for QI &amp; SCI species and habitats in accordance with Best Practice</li> <li>• Consideration of relevant Land, soils &amp; geology reports/assessments*</li> <li>• Consideration of relevant Hydrological, hydrogeological &amp; water reports/assessments*</li> <li>• Compendium of Mitigation Measures (<i>Intent expressed for implementation of mitigation measures – ‘shall’</i>)</li> </ul> <p>* As stipulated above for EIAR.</p>
<p><b>Appendices</b></p>	<p>All appendices and sub appendices to be submitted in hard and soft copy.</p>

**Other Documents (To include):**

**Civil Engineering Report**

- Site Entrances
- Access Tracks
- Wind turbines
- Cable routes & connections
- Substation (Compound & Buildings)
- Meteorological Mast
- Temporary construction compounds
- Borrow Pits & Deposition Areas
- Haul Route
- Turbine Delivery Route
- Surface Water Design
- Wastewater
- Potable Water
- Decommissioning & Restoration