

An
Bord
Pleanála

Commission Order ABP-321225-24

Planning and Development Acts 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: P.23/60546

Appeal by the Development Applications Unit of Government Offices, Newtown Road, Wexford and by Michael Myers and others of Grannagh, Carrigeen, via Waterford, County Kilkenny against the decision made on the 16th day of October, 2024 by Kilkenny County Council to grant permission, subject to conditions, to Queally Pig Slaughtering Limited care of Enerpower of Confederation House, Block C&D, Waterford Business Park, Cork Road, Waterford for the proposed development.

Proposed Development: Erection of a 2MW wind turbine, located to the southwest of the main building, the wind turbine will be installed with a hub height of 64 metres and a blade radius of 35.5 metres, with underground ducting connecting to the existing ESB substation and all associated works at Grannagh Business Park Complex, Grannagh, Waterford, County Kilkenny. The application relates to the development which comprises of an activity which holds an Integrated Pollution Control Licence (IPC) (Licence number P0175-02), The proposed development was amended by the further public notices received by the planning authority on the 19th day of September, 2024.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the most recent approved climate action plan, national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans, the furtherance of the national climate objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State); and in coming to its decision, the Commission had regard to the following:

- (a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

European Policy/Legislation including:

- (i) Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive),
- (ii) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive), and
- (iii) Directive 2000/60/EC (Water Framework Directive).

National Policy and Guidance including:

- (i) Project Ireland 2040 - National Planning Framework (2018),
- (ii) National Development Plan (2021-2030),
- (iii) the objectives and targets of the National Biodiversity Action Plan 2023-2030,

- (iv) Long-term Strategy on Greenhouse Gas Emissions Reduction (2024),
- (v) Policy Statement on Security of Electricity Supply (November 2021),
- (vi) National Energy Security Framework (April 2022),
- (vii) National Energy and Climate Action Plan (2021-2030),
- (viii) Architectural Heritage Protection Guidelines for Planning Authorities (2011), and
- (ix) Framework and Principles for the Protection of the Archaeological Heritage (1999).

Regional and Local Planning Policy, including in particular:

- (i) Regional Spatial and Economic Strategy for the Southern Region (2019-2032), and
 - (ii) Kilkenny City and County Development Plan (2021-2027),
- (b) the location, nature and scale of the proposed development,
 - (c) the pattern of development within the area and the context of the receiving environment,
 - (d) the range of mitigation measures set out in the plans and documents accompanying the application including the Cultural Heritage Impact Assessment and Natura Impact Statement,
 - (e) the submissions received in relation to the appeal, and
 - (f) the Inspector's report and recommendation.

Appropriate Assessment Stage 1 Screening Determination

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir Special Area of Conservation (Site Code 002137) is the only European Site in respect of which the proposed development has the potential to have significant effect in view of the conservation objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the Lower River Suir Special Area of Conservation (Site Code 002137) in view of the site's conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

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

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 Site.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

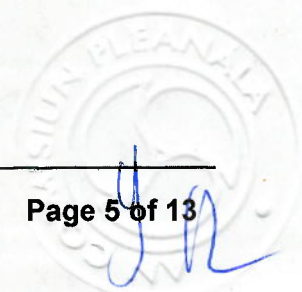
Conclusions on Proper Planning and Sustainable Development

Having regard to:

- the mitigations introduced in the proposed development following the refusal of permission under planning register reference 09/575 (ABP 10.236920), specifically, the reduction in height of the proposed turbine and its relocation further east on the application site and towards the south-eastern periphery of the viewshed of protected view V21 as designated in the Kilkenny City and County Development Plan 2021-2027;

- the duties of the Commission and the planning authority arising from section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended (which came into effect after the adoption of the Kilkenny City and County Development Plan 2021-2027);
- the significant prioritisation at national and regional levels of policies and objectives relating to decarbonising electricity generation and the harnessing of renewal energy resources since the planning decision under planning register reference 09/575 (ABP 10.236920), notably, Climate Action Plan 2024 and 2025, National Planning Framework First Revision 2025 (including NPO 66, 69 and 70), National Development Plan 2021-2030 (including NSO 8), National Energy Security Framework (April 2022), and the Southern Regional Spatial and Economic Strategy 2019-2032 (including Objective RPO 99);
- the Strategic Aim, Objectives and Development Management Requirements relating to architectural and archaeological heritage protection and the protection of areas of significant visual amenity value as contained in 'Chapter 9 – Heritage, Culture and the Arts' of the Kilkenny City and County Development Plan 2021-2027, and
- the Strategic Objective 2D of 'Chapter 2 – Climate Change' and the Strategic Aim, Objectives and Development Management Requirements of 'Chapter 11 – Renewable Energy' of the of the Kilkenny City and County Development Plan 2021-2027,

it is considered that the impacts on Grannagh Castle (Protected Structure and National Monument), the thatched cottage (Protected Structure) and protected view VP21 are not of a magnitude that warrant refusal when taken in conjunction with the benefits accruing from the proposed development in decarbonising electricity generation and the harnessing of renewal energy resources at the application site. In this instance, the Commission considered that the said impacts on the visual amenity of the area and on the architectural and archaeological heritage are within acceptable limits and are reversible (see condition 2 below).



It is therefore considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Kilkenny City and County Development Plan 2021-2027, would be acceptable in terms of impacts on the visual amenity of the area and on the archaeological and architectural heritage of the receiving environment, would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience, and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. 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 application, as amended by the further plans and particulars received by the planning authority on the 19th day of September 2024, 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 development shall agree such details in writing with the planning authority prior to 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. This permission shall be for a period of 25 years from the date of the first commissioning of the wind turbine. The wind turbine and related ancillary structures shall then be decommissioned and removed unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the planning authority to review the operation of the wind turbine over the stated time period, having regard to the circumstances then prevailing and in the interest of orderly development.

3. Prior to commencement of development, a detailed scheme for the repainting of the existing buildings as set out in the Cultural Heritage Impact Assessment received by the planning authority on the 19th day of September 2024 shall be submitted to, and agreed in writing with, the planning authority. The scheme shall include details of the buildings on the site to be repainted, the colour and finish of the paint palette to be used and the timescale for the completion of the works.

Reason: In the interest of the visual amenities of the area.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) existing trees and specifying which are proposed for retention as features of the site landscaping,
 - (ii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly,

hazel, beech or alder and which shall not include prunus species,
and

- (iii) details of screen planting.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
- (c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

- 5. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect the integrity of the European Site.

- 6.
 - (a) Shadow flicker arising from the proposed development shall not exceed 30 hours per year or 30 minutes per day at dwellings not in the ownership of the developer or other sensitive receptors.
 - (b) The proposed development shall be fitted with appropriate equipment and software to control shadow flicker in accordance with the above requirement. Details of these control measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
 - (c) 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 not in the ownership

of the developer. Within 12 months of commissioning of the proposed turbine, this report shall be 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 at reasonable intervals thereafter by the planning authority.

Reason: In the interest of residential amenity.

7. The wind turbine including mast and blades shall be finished externally in a light grey colour.

Reason: In the interest of visual amenity.

8. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works, the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (preservation in-situ/excavation).

- (b) 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, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service 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.

- 9. Prior to the commissioning of the turbine, the developer shall submit for the written agreement of the planning authority details of actions to be taken by the developer in the event of the proposed development causing interference with telecommunication signals. Such actions shall be completed to minimise interference with telecommunication signals and shall be carried out to the written satisfaction of the planning authority at the developer's expense.

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

- 10. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently the developer shall inform the planning authority, the Irish Aviation Authority and Department of Defence of the co-ordinates of the turbine as constructed and the highest point of the turbine (to the top of the blade spin).

Reason: In the interest of air traffic safety.

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction and Environmental Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

12. Prior to commencement of development, a transport management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The traffic management plan shall incorporate details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of roads, bridges, culverts or other structures to be traversed, as may be required. Any works, including reinstatement works, to existing junctions on the national road network shall comply with Transport Infrastructure Ireland (TII) standards as outlined in TII publications and shall be subject to Road Safety Audit as appropriate.

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

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Monday to Friday inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

14. 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 planning 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.

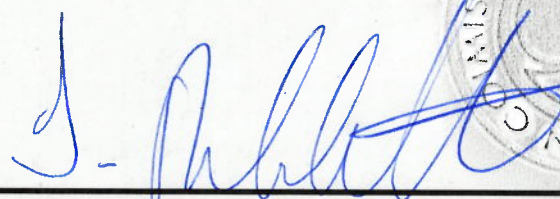
Reason: To ensure the satisfactory reinstatement of public roads.

15. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the preparation of a Cultural Heritage Strategy for the area which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

16. 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.



Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Commission.**

Dated this 29th day of Oct. 2025