



An
Coimisiún
Pleanála

Commission Order
ABP-322154-25

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 25/60003

Appeal by Briskalagh Limited against the decision made on the 27th day of February, 2025 by Kilkenny County Council to refuse permission.

Proposed Development: 10-year permission for development consisting of the provision of the following seven number wind turbines with an overall turbine tip height of 185 metres, a rotor blade diameter of 163 metres, and hub height of 103.5 metres, and associated foundations and hard-standing areas. A permanent 38kV substation compound (control building with welfare facilities, all associated electrical plant and apparatus, security fencing, underground cabling, storage containers, wastewater holding tank, site drainage and all ancillary works). Permanent underground electrical (38kV) and communications cabling to the existing Ballyragget 110kV substation in the townland of Moatpark (including joint bays, communication and earth sheath link chambers and all ancillary works along the route). This cabling route is primarily located within the public road corridor which includes a protected structure (Kilkenny RPS reference number C886). Underground electrical (33kV) and communications cabling connecting the wind turbines and meteorological mast to the on-site substation. Three number temporary construction compounds (including site offices and welfare facilities). A

meteorological mast with a height of 30 metres, security fencing and associated foundation and hard-standing area. A new temporary site entrance on the L1009. A new gated site entrance on the L5024. Upgrade of existing site tracks/roads and provision of new site access roads, junctions and hardstand areas. A borrow pit. Spoil Management. Tree felling and hedgerow removal. Biodiversity Management and Enhancement Plan measures (including establishment of a riparian buffer and hedgerow enhancement). Site Drainage. Operational stage site signage and all ancillary works and apparatus. A thirty-five-year operational life from the date of full commissioning of the wind turbines and subsequent decommissioning of the wind turbines is being sought, all in the townlands of Acragar, Ballyconra, Ballycuddihy, Ballyroe, Ballyroe (Grace), Ballyroe (Maher), Baunaniska, Boherkyle, Briskalagh, Brittas, Clone, Coolnapisha, Curraghduff, Freshford, Freshford Lots, Graigueswood, Grange, Huntstown, Kilmanagh, Knockeenglass, Knockown, Moatpark, Monabrika, Monavadaroe, Moneenaun, Oldtown, Oldtownhill, Parksgrove, Picketstown, Rathealy, Sart, Sweethill, Tobernapeastia, Tullaroan, and Upperwood Demesne, County Kilkenny.

Decision

GRANT permission for the above proposed development 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 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).

And in coming to its decision, the Commission had regard to the following:

- (a) European legislation, including of particular relevance:
 - (i) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
 - (ii) EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025).
 - (iii) Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
 - (iv) 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.

- (b) National and regional planning and related policy, including:
 - (i) National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective 70.
 - (ii) The Wind Energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.
 - (iii) The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- (c) Regional and local planning policy, including:
 - (i) The Regional Spatial Economic Strategy for the Southern Region 2020-2032.
 - (ii) The Kilkenny City and County Development Plan 2021-2027.
- (d) Other relevant national policy and guidance documents.
- (e) The nature, scale and design of the proposed development, as set out in the planning application and the pattern of development in the vicinity of the site.
- (f) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.

- (g) The reports of the planning authority and the further information received by the Commission on the 28th day of October, 2025.
- (h) The submissions made on the planning application to the planning authority, to the Commission in relation to the appeal and the further information received from the applicant on the 28th day of October, 2025.
- (i) The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment, as well as the specialist ecologist and environmental scientist reports for the Commission relating to the same.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that River Barrow and River Nore Special Area of Conservation (Site Code 002162) and the River Nore Special Protection Area (Site Code 004233) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development

on River Barrow and River Nore Special Area of Conservation (Site Code 002162) and the River Nore Special Protection Area (Site Code 004233), in view of the sites' 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 conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) 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 their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment:

The Commission completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale, location and extent of the proposed development.
- (b) The Environmental Impact Assessment Report (EIAR) and associated documentation submitted.
- (c) The submissions received during the course of the planning application and the appeal.
- (d) The further information response received from the applicant on the 28th day of October, 2025.
- (e) The Planning Inspector's report and the report of the Commission's Ecologist and Environmental Scientist.

The Commission considered that the Environmental Impact Assessment Report supported by the documentation submitted by the applicant during the course of the planning application and the appeal 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 applicant and submissions made in the course of the planning application and the appeal.

Reasoned Conclusion of the Significant Effects:

The Commission considered that the Environmental Impact Assessment Report and supporting documentation submitted by the applicant during the course of the planning application and the appeal, including the further information received on the 28th day of October, 2025, provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of Directive 2011/92/EU as amended by EU Directive 2014/52/EU amending. The Commission considered that the main significant direct and indirect effects of the proposed development, including the wind farm and grid connection, on the environment are those arising from the impacts listed below.

The main significant effects, both positive and negative, are:

Population and Human Health - Specific enhanced mitigation is required to be secured by condition during the operational phase to ensure the shutdown of turbines to prevent shadow flicker at the surrounding receptors. No significant negative effects on population and human health are envisaged during all phases of the proposed development, once mitigation is applied.

Biodiversity - The proposed development will result in the permanent loss of habitats within the site, and the operational phase generates the potential for risk of collision/injury to bats and birds. Mitigation includes hedgerow planting and enhancement, protection of watercourses, pre-clearance and pre-construction surveys, monitoring and the measures which form part of the Biodiversity Management and Enhancement Plan. Once mitigation is applied, no significant negative residual effects upon biodiversity will arise.

Land, Soil, Water, Air and Climate - Mitigation comprises measures to reduce and manage adverse impacts upon land, soils, water, air quality and climate and includes the implementation of a Construction and Environmental Management Plan. Negative effects on surface water and groundwater, aquatic species, and downstream receptors which are likely to arise from potential release of sediments and other pollutants into watercourses can be adequately mitigated by the measures outlined in the application documentation. With the implementation of mitigation, no significant residual negative effects will arise. During the operational phase, the proposed development will have a long-term, moderate, positive effect on Air Quality and Climate as a result of reduced greenhouse gas emissions.

Noise and Vibration - Negative noise impacts that may arise during the construction phase of the proposed development will be short-term, temporary, transient and mitigated through the implementation of measures outlined in the planning application documentation and through compliance with suitable conditions. Operational noise levels can be controlled through adherence with a noise limit condition, such that no significant residual effects would arise.

Material Assets, Cultural Heritage, and the Landscape - Given the rural nature of the environment and the increase in traffic during the construction phase, including HGV traffic, significant effects on the road network surrounding the proposed wind farm site and along the proposed grid connection route will arise from the perspective of the local population. However, these are likely to be short-term, temporary negative impacts and are of a type that can be successfully mitigated through adherence with a comprehensive Construction Traffic Management Plan (CTMP) and through compliance with suitable conditions.

Potential direct impacts on unknown features of sub-surface archaeology within the wind farm site and along the proposed grid connection route may arise during the construction phase. However, these impacts will be mitigated by archaeological monitoring of groundworks, application of mitigation measures and through compliance with suitable conditions.

In the context of landscape and visual effects, it is considered that the proposed development will give rise to significant visual effects in respect of a number of local residential receptors in the immediate vicinity of the site, including those within the village of Kilmanagh and dwellings located along the wind farm site's surrounding local road network. These residential receptors are represented by viewpoint numbers 2, 4, 6, 8 and 13. When considered in combination with the existing and permitted turbines that are visible to the west, significant cumulative visual effects are also deemed to arise for the cluster of properties to the east of T2 and T4. Whilst the effects on all these residential receptors will be mitigated to a degree by a combination of layout, design, screening, separation distances etc., significant residual effects will remain. Notwithstanding this, having regard to the characteristics and value of the receiving landscape, the localised nature of these impacts, the absence of significant effects on tourism and cultural heritage assets and the State's need to transition to renewable energy sources and rapidly accelerate the delivery of projects of this nature, it is considered that these effects are not sufficient to warrant a refusal of permission for the proposed development and are, therefore, acceptable.

Having regard to the above, the Commission is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Commission is satisfied that the reasoned conclusion is up to date at the time of making the decision. 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, and, subject to compliance with the conditions set out below, 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 the proposed development would be in accordance with European, national, regional and local planning policy provision. The Commission was satisfied that the proposed development would be consistent with the national climate ambitions and with the relevant provisions of the Climate Action Plan 2025. Furthermore, the Commission has 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. The Commission considered that, by reason of scale, form and extent, and, subject to compliance with the conditions set out below, the proposed renewable energy development would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity, would not have an unacceptable impact on the character of the landscape or the cultural or archaeological heritage resources of the site and surrounding area, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety, and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would be in accordance with the relevant provisions of the Kilkenny City and County Development Plan 2021-2027, and 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 An Coimisiún Pleanála on the 26th day of March 2025 and 28th day of October, 2025, 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 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. (a) The permission shall be for a period of 35 years from the date of the commissioning of the wind turbines, save for the substation and the grid connection to the National Grid.
- (b) Prior to commencement of development, a detailed Site Restoration Plan providing for the removal of the turbines and all ancillary structures, and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.

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

4. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented in full. In advance of commencement the applicant shall submit to the planning authority a complete schedule of all mitigation measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation. The schedule of mitigation measures shall include the following additional requirements:
 - (a) Appropriate software shall be employed on each of the turbines to ensure that there will be no shadow flicker at existing nearby habitable dwellings (excluding participating properties). 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.

- (c) Finalised drainage drawings for the proposed wind farm site shall be submitted to the planning authority prior to commencement of development. The finalised drawings shall clarify the discrepancy which identifies both treated (via settlement pond) and untreated water via overland flow being discharged directly into the front garden of Receptor ID H003 along the southern access road.
- (d) The developer shall confirm and submit the final as-built details of all turbine foundations following the confirmatory site investigations. Such details shall include the type of foundation used, the dimensions and any depth of the foundation and any associated excavation details. The information shall be submitted to the planning authority with a record of same being placed on the public file. The finalised drawings shall have regard to the mitigation set out in the submitted Flood Risk Assessment which requires sections of the access road within the modelled flood zones to have the track surface raised at least 500 millimetres above the 100-year fluvial flood level.
- (e) Prior to commencement of development, the developer shall submit an updated drawing for the watercourse crossing of the Tullaroan Stream between T6 and T7. These updated drawings shall be prepared in conjunction with and signed off by the project ecologist and shall clearly identify the mitigation measures that are to be installed and maintained throughout the construction phase.

- (f) A section diagram shall be submitted to the planning authority which illustrates the relationship between the spoil management area to the north-west of T5, the associated mitigation (i.e. silt fencing) and the nearby surface water feature. The submitted drawings shall be prepared in conjunction and signed off by the project ecologist.
- (g) For the spoil management area to the west of T4, the silt fencing along its southern boundary shall be extended along the full extent of its eastern boundary given its siting relative to the adjacent surface water feature.
- (h) Prior to commencement of development, the developer shall submit a tree survey to the planning authority for written agreement quantifying the full extent of tree loss across the wind farm site. Commensurate replacement native tree planting shall be provided and a revised Biodiversity Management and Enhancement Plan (BMEP) shall be submitted which provides finalised details of the replacement planting within the wind farm site. The revised BMEP shall:
 - (i) Clearly identify the finalised extent and locations of all enhancement planting, including new hedgerow and tree planting proposals.
 - (ii) Specify the party responsible, on behalf of the developer, for appointing and liaising with a suitably qualified ecologist to undertake the required monitoring. Each phase of monitoring and associated reporting shall be undertaken in consultation with the planning authority.

- (iii) The provision of the enhancement planting, including the riparian planting along the Tullaroan Stream, to be provided at the earliest stage in the construction process, the details of which shall be confirmed in the revised BMEP.
- (iv) Dusk emergence surveys shall be included in the programme of confirmatory pre-construction bat inspections/surveys at the watercourse crossings.
- (v) Where lighting is required to facilitate the grid connection construction works at watercourse crossings, lighting restrictions shall be implemented as set out in Section 6.1.2 of revised Bat survey report.
- (vi) For badgers, pre-commencement surveys shall be undertaken within 150 metres of all work areas on the site prior to the commencement of development to identify if there are any new setts on site in the intervening period.
- (vii) All vegetation removal works shall be carried out outside of the bird nesting season (1st March to 31st August, inclusive).
- (i) Prior to commencement of development, the developer shall submit a series of site layout plans at an appropriate scale to clearly demonstrate the precise location of the proposed underground cable along the N77. These layout plans shall clearly identify the existing carriageway surface, road margins on both sides, and the exact alignment of the grid connection route, including the location of any associated infrastructure such as joint bays, which shall be agreed with the planning authority prior to commencement of development.

- (j) The developer shall submit to the planning authority for written agreement, an engineering assessment and construction methodology which demonstrates that the proposed installation of the underground cable and associated works will not compromise or undermine the structural integrity of the N77.
- (k) In discussion with the relevant property owners along the proposed grid connection route, the developer shall install mobile screens to reduce noise levels during these works where the noise-sensitive locations are within 25 metres of the cable route.

Reason: To protect the environment.

- 5. The mitigation measures contained in the submitted Natura Impact Statement (NIS) and the revised NIS shall be implemented in full. Details of a time schedule for implementation of mitigation measures and associated monitoring shall be submitted to the planning authority. In addition to the mitigation measures contained in the NIS, the horizontal directional drilling works beneath the River Nore shall be undertaken outside the bird nesting season (1st March to 31st August, inclusive).

Reason: To protect the integrity of European Sites.

- 6. The following design requirements shall be adhered to:
 - (a) The wind turbines shall be designed as follows, in accordance with the turbine option assessed in the Environmental Impact Assessment Report and Natura Impact Statement, together with application documentation;
 - Turbine Tip Height – 185 metres
 - Hub Height – 103.5 metres
 - Rotor Diameter – 163 metres

- (b) The wind turbines, including masts and blades, shall be finished externally in a light grey colour to be agreed in writing with the planning authority prior to commencement of development.
- (c) Cables within the site shall be laid underground.
- (d) The wind turbines shall be geared to ensure that the blades rotate in the same direction.
- (e) Transformers associated with each individual turbine and mast shall be located either within the turbine mast structure or at ground level beside the mast.

Reason: In the interest of visual amenity.

7. 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 to 2300, 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 to 2300 where background noise level exceeds 30dB(A)L90 T10, the greater of 5 dB(A) above background noise levels, or 45 dB(A)L90 T10.
 - (c) 43 dB(A)L90 T10 at all other times.

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

8. Prior to the commissioning of the wind farm, the developer shall submit to, and agree in writing with, the planning authority a Noise Compliance Monitoring Programme (NCMP). The NCMP shall include a detailed methodology for all sound measurements, including Amplitude Modulation (AM) and tonal noises, frequency of monitoring (initially within six months, with confirmatory monitoring in the third-year post commissioning) and recording of results, which shall be made publicly available. The NCMP shall also include any mitigation measures such as the de-rating of particular turbines, if required, and shall be fully implemented during the operation of the windfarm. In addition, this shall include the mitigation measures required to achieve compliance with the noise limits, including turbine curtailment where exceedances may occur.

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

9. Prior to commencement of development, details of external finishes to the substation building and all associated structures, including security fencing, CCTV and interface mast, shall be submitted to the planning authority for written agreement.

Reason: In the interest of clarity and visual amenity.

10. Prior to commencement of development, the developer shall submit a detailed final Construction and Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall provide details of intended construction practice for the proposed development, including, but not limited to, and in line with the methodology and mitigation and monitoring measures detailed within the EIAR and the NIS and as conditioned:

- (a) details of the construction methodology for all the components of the proposed development;
- (b) details of all services and utilities along the grid connection route and methodology for crossing/diversions;
- (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (e) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (f) details of marking of hydrological buffer zones and silt fencing. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (g) a surface water management plan, including details of water quality monitoring;
- (h) works to be carried out in accordance with Inland Fisheries Ireland 'Guidelines on protection of fisheries during construction works in and adjacent to waters';
- (i) the location and specifications of any temporary storage requirements;

- (j) a waste management plan for construction waste; and
- (k) the location of all archaeological constraints and cultural heritage constraints relevant to the proposed development;

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be made available for inspection by the planning authority, with monitoring on a daily basis of all watercourses in or adjacent to works areas. Details of a local community feedback mechanism, where feedback including complaints are received and acted upon by a designated Community Liaison Officer.

Reason: In the interest of environmental protection, residential amenities, public health and safety.

11. Prior to commencement of development, the developer shall submit a detailed Construction Traffic Management Plan (CTMP) prepared by a suitably qualified transport engineer. The CTMP shall be consistent with the mitigation measures outlined in Chapter 15 of the EIAR and shall provide details for the management of construction traffic for the duration of the construction phase for both the wind farm and grid connection route. The CTMP shall provide:

- (a) Details of on-site car parking and access arrangements for site workers and deliveries, abnormal load road routes and management of the abnormal load delivery process, construction haul routes, road closures and diversions, local property access arrangements, and alternative arrangements to be put in place for pedestrians/motorists in the case of the closure of any public road or footpath during the course of site development works.

- (b) 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.

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 traffic safety and residential amenity.

- 12. 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 during construction and operation of the wind farm.

Reason: To protect biodiversity.

- 13. Site development works shall be limited to the hours of 0700 to 1900, Mondays to Fridays, inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays or 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 protect the amenities of nearby residential properties.

14. The Community Benefit scheme shall be adhered to for the life of the windfarm. The scheme shall be administered in accordance with the RESS Community Benefit Fund Good Practice Principles, 2021, prepared by the Department of the Environment, Climate and Communications.

In the event that the developer does not utilise the government's Renewable Energy Support Scheme (RESS), prior to the commencement of development, a community gain proposal shall be submitted to the planning authority for written agreement. In default of agreement, the matter shall be referred to An Coimisiún Pleanála for determination.

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

15. 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 commissioning of the turbines and following consultation with the relevant authorities.

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

16. (a) Prior to commencement of development, and following consultation with the Department of Defence and Irish Aviation Authority, the developer shall submit for the 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 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.

17. All mitigation measures in relation to Archaeology, as set out in Chapter 14 (Cultural Heritage) of the Environmental Impact Assessment Report (EIAR), shall be implemented in full, except as maybe otherwise be 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) In advance of any site preparation works or groundworks, carry out a geophysical survey and test excavations (under Licence from the National Monuments Service) in areas of proposed ground disturbance, including but not limited to, turbine base locations, hardstands, roads, compounds, the on-site 38kV substation compound and all other ground disturbance required for the proposed development. This shall also include a location in the vicinity of the Recorded Monument KK013-023002- Graveyard, Freshford Lots. No groundworks shall 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, which includes the results of the geophysical survey and test excavations. 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 shall be required.
- (c) Exclusion zones shall be established around elements of vulnerable heritage within the site, as identified in Chapter 14 of the EIAR, or during subsequent site investigations. Exclusions zones shall be fenced and demarcated, with no groundworks of any kind permitted within the zone. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (d) No site preparation and/or construction works shall be carried out on site until the Archaeologist's 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.

- 18. The developer shall comply with the requirements of Uisce Éireann with regard to the diversion of infrastructure within the site (wind farm and grid connection route) and connections to the public network.

Reason: In the interest of public health.

19. 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 or through works associated with the construction of the grid connection route, 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 completion of the proposed development.

20. 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 planning 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: To ensure the satisfactory completion of the proposed development.

21. 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

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 20th day of AUGUST 2026.