

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322225-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 24/60210**

**Appeal** by EDF Renewables Ireland Limited care of MKO of Tuam Road, Galway against the decision made on the 10<sup>th</sup> day of March, 2025 by Kilkenny County Council to refuse permission.

**Proposed Development:** Development which will consist of all works (within County Kilkenny) associated with the connection of the proposed Seskin Wind Farm to the national electricity grid via underground 38kV electrical cabling within the public road corridor to the existing Kilkenny 110kV substation. Provision of 16 number joint bays, communication chambers and earth sheath links along the underground electrical cabling route. Reinstatement of the road and track surfaces above cabling trench along existing roads and tracks. Carriageway strengthening works at 'Black Bridge' on the L1835/L3037 (protected structure RPS reference number D84). A new temporary access road off the N78 to the L30372 in the townlands of Cloneen to facilitate the delivery of turbine components and other abnormal loads. All ancillary apparatus and site development works above and below ground at Kilmagar, Clara Upper, Mountnugent Upper, Mountnugent Lower, Ossoryhill, Feathallagh, Churchclara, Rathgarvan or Clifden, Clarabricken, Coolgreany, Coolcullen, Reevanagh, Scart, Highrath, Ballysallagh, Ballynamona, Coan

East and Cloneen, County Kilkenny as revised by the further public notices received by the planning authority on the 14<sup>th</sup> day of January, 2025.

## **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 the 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).

In coming to its decision, the Commission had regard to the following:

(a) European legislation, including of particular relevance:

- 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.

- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2003/2413 which aims to speed up the EU's clean energy transition.
- 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.
- Directive 2000/60/EC (Water Framework Directive).

(b) National and regional planning and related policy, including:

- 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 Objectives 70 and 71.
- Wind Energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.
- The objectives and targets of the National Biodiversity Action Plan 2023-2030.

(c) Regional and local planning policy, including:

- The Regional Spatial Economic Strategy for the Southern Region 2020-2032.
- 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, the pattern of development in the vicinity and the context of the receiving environment.
- (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 documentation submitted with the planning application, including the Environmental Impact Assessment Report, Appropriate Assessment Screening and Natura Impact Statement, and the further information provided by the applicant to the planning authority.
- (h) The reports of the planning authority.
- (i) The submissions made in relation to the planning application to the planning authority and to An Coimisiún Pleanála in connection with the appeal.
- (j) The mitigation measures proposed for the construction of the site.
- (k) The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.

### **Appropriate Assessment: Stage 1:**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment, and on the basis of the information considered in the Appropriate Assessment screening, it is not possible to exclude the possibility that the proposed development alone would result in significant effects on the 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. It is, therefore, determined that Appropriate Assessment (Stage 2) of the proposed development is required.

### **Appropriate Assessment: Stage 2:**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the 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 Conservation Objectives of these sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the Natura Impact Statement and all associated material submitted, and taking into account observations on nature conservation, it has been ascertained that adverse effects on the site integrity of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233) can be excluded in view of the Conservation Objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.



The conclusion is based on the following:

- (a) A full and detailed assessment, including information presented in the Environmental Impact Assessment Report and supplementary information submitted by the applicant, of the proposed development, including proposed mitigation measures and water quality monitoring in relation to the Conservation Objectives of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233).
- (b) The effectiveness of mitigation measures proposed, including supervision and monitoring and integration in the CEMP ensuring the smooth transition of obligations to the eventual contractor.
- (c) The application of planning conditions to ensure the application of these measures.
- (d) The proposed development will not affect the attainment of Conservation Objectives for the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) or the River Nore Special Protection Area (Site Code: 004233).

#### **Environmental Impact Assessment:**

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

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Reports (EIAR's) and associated documentation submitted in support of the planning application,

- (c) the planning authority reports, and the submissions received from the observers and prescribed bodies, and
- (d) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and 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 EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Commission considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects, both positive and negative, of the proposed development on the environment are those arising from the impacts listed below and would be mitigated as follows:

- **Biodiversity:** Potential negative disturbance effect on bats during strengthening works at Black Bridge can be adequately mitigated by pre-commencement bat activity survey and works avoiding deep hibernation period for bats (December to February).

- **Water (including Aquatic Receptors):** Negative effects on water quality as a result of increased sedimentation, accidental spillage of hydrocarbons and drilling fluid, and any other contaminants entering surface water runoff and drainage system can be adequately mitigated by measures outlined in the planning application documentation. The proposed development will not impede the ability of surface waters to achieve good or high status and the Water Framework Directive.
- **Noise:** Negative noise impacts arising 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.
- **Material Assets:** Negative traffic impacts arise during the construction phase of the proposed development as a result of road closure and diversion on local road network; these impacts will be mitigated through the implementation of measures outlined in the planning application documentation.
- **Cultural Heritage:** Permanent changes to Black Bridge (a protected structure) will have a direct, moderate and not significant effect, and will be further mitigated through the implementation of measures outlined in the planning application documentation.
- **Climate:** Positive long-term effects on Climate Change during the operation phase as it would enable the transmission of renewable energy from the wind farm to the national grid, thereby reducing greenhouse gas emissions.



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

It is 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 make a positive contribution to Ireland's renewable energy and security of energy supply requirements, would not have an unacceptable impact on the road network, including traffic capacity, and would be acceptable in terms of traffic safety, would not seriously injure the residential amenities of the area, or otherwise of property in the vicinity, would not have a significant adverse impact on biodiversity or the water environment, and would not have an unacceptable impact on cultural or archaeological heritage. 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 16<sup>th</sup> day of December, 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 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. This permission shall not be construed as any form of consent for the associated development components, including the Seskin Wind Farm located in County Carlow, or agreement to a connection to the national grid.  
**Reason:** In the interest of clarity.
4. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) applicable to the proposed development shall be implemented in full.  
**Reason:** To protect the environment.
5. The mitigation measures contained in the submitted Natura Impact Statement (NIS) applicable to the proposed development shall be implemented in full.  
**Reason:** To protect the environment and the integrity of European Sites.
6. Prior to commencement of development, the developer 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.  
**Reason:** To protect the environment and the integrity of European Sites.

7. The developer shall appoint a Community Liaison Officer for all stages of the proposed development who shall be the first point of contact for residents and be responsible for monitoring and reporting of complaints, maintaining complaints register, addressing complaints and for discharging information in relation to the development to residents. Contact details for the Community Liaison Officer shall be provided to the planning authority.

**Reason:** In the interest of amenity and orderly development.

8. 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 proposed development.

**Reason:** To protect biodiversity.

9. The developer shall retain the services of a suitably qualified archaeologist (licence eligible) to monitor all ground excavation works in the environs (i.e. extending up to 20 metres from Zone of Notification of recorded archaeological sites and all ground excavations works in greenfield areas). No sub-surface work shall be undertaken in the absence of the archaeologist without their express consent. The developer shall facilitate the archaeologist in the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. On completion of archaeological monitoring, a written report prepared by the archaeologist shall be submitted by the developer to the planning authority and to the Department of Housing, Local Government and Heritage.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. All works to Black Bridge (a protected structure) shall be carried out under the supervision of a qualified professional with specialised conservation expertise and in accordance with best conservation practice as detailed in the "Architectural Heritage Protection: Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in 2011. A Structural Assessment of the bridge in accordance with relevant Transport Infrastructure Ireland Guidelines and an Architectural Impact Assessment shall be submitted for the written agreement of the planning authority prior to the commencement of any works on Black Bridge.

**Reason:** To ensure that the character and integrity of the protected structure and National Inventory of Architectural Heritage listed structures is maintained and protected from unnecessary damage and loss of fabric.

11. The construction of the proposed development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall provide an implementation tool for the schedule of mitigations (as conditioned) and as applicable to the construction phase and the contractor(s). The CEMP shall provide details of intended construction practice for the proposed development, including, but not limited to:
- (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) Details of on-site car parking and access arrangements for site workers and deliveries.
  - (d) A construction traffic management plan. Details of haul routes, road closures and diversion, local property access arrangements, and alternative arrangements to be put in place for pedestrians in the case of the closure of any public road or footpath during the course of site development works.
  - (e) Measures to obviate the queuing of construction traffic on the adjoining road network.
  - (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
  - (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
  - (h) 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.



- (i) 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.
- (j) A surface water management plan, including details of water quality monitoring.
- (k) Works to be carried out in accordance with Inland Fisheries Ireland "Guidelines on protection of fisheries during construction works in and adjacent to waters".
- (l) The location and specifications of any temporary storage requirements.
- (m) A waste management plan for construction waste.
- (n) The location of all archaeological constraints and cultural heritage constraints relevant to the proposed development.
- (o) 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.
- (p) Details of a local community feedback mechanism, where feedback including complaints are received and acted upon by the designated Community Liaison Officer.

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

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 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 and in accordance with measures outlined in the Environmental Impact Assessment Report.

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

13. Prior to commencement of development, the developer shall agree in writing with the planning authority, and in consultation with Transportation Infrastructure Ireland, the following:

(a) Details for the temporary and permanent road boundary treatments to the N78 National Road.

(b) Details and methodology for the crossing of the N10 National Road (along R712 via underbridge structure).

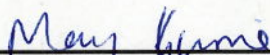
**Reason:** To safeguard national roads infrastructure and in the interest of traffic safety.

14. The developer shall appoint a roads engineer to carry out pre- and post-construction road surveys of the grid connection route and the agreed road diversion routes, and survey records, shall be submitted to the planning authority upon completion of each survey.

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

15. 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 roads. 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 interest of traffic safety and the proper planning and sustainable development of the area.

  
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Mary Gurrie

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



Dated this 27 day of November 2025.