



An
Coimisiún
Pleanála

Inspector's Report ABP-320900-24

Development

Proposed wind farm of 10 wind turbines with MEC of approx. 72MW including on-site 110kV electrical substation.

Location

Ballyfasy Wind Farm, in the townlands of Ballinlammy, Ballyfasy Upper, Ballymartin, Ballynoony East, Ballyquin, Ballywairy, Bishopsmountain, Darbystown and Knockbrack, County Kilkenny.

Prospective Applicant(s)

Manogate Limited

Type of Application

Pre-Application Consultation under Section 37B of the Planning and Development Act 2000, as amended.

Planning Authority

Kilkenny County Council

Date of Site Inspection

21st October 2024

Inspector

David Ryan

1. Introduction

The Commission received a request dated 24th September 2024 to enter into pre-application consultations under Section 37B of the Planning and Development Act, 2000, as amended, in relation to a proposed development of Ballyfasy Wind Farm, located in the townlands of Ballinlammy, Ballyfasy Upper, Ballymartin, Ballynoony East, Ballyquin, Ballywairy, Bishopsmountain, Darbystown and Knockbrack, County Kilkenny. The request relates to whether the development of a wind farm of 10 wind turbines with MEC (Maximum Export Capacity) of approx. 72MW including on-site 110kV electrical substation constitutes Strategic Infrastructure Development (SID).

The prospective applicant sought closure of the pre-application consultation by correspondence dated 17th September 2025.

The Commission is requested to determine whether the proposed development constitutes SID.

It should also be noted that a Design Flexibility Request for the proposed wind farm of 10 wind turbines with MEC of approx. 72MW including on-site 110kV electrical substation, has been made under ABP-322292-25.

The Regulations transposing the RED III Directive came into effect on 7th August 2025 requiring that a completeness check of the application documentation submitted is undertaken to facilitate the processing of the application and which starts the permit granting timeline which postdates the last pre-application consultation meeting on this request which was held on 26th May 2025.

2. Site Location

The site is located in the townlands of Ballinlammy, Ballyfasy Upper, Ballymartin, Ballynoony East, Ballyquin, Ballywairy, Bishopsmountain, Darbystown and Knockbrack, County Kilkenny. It is approximately 3 km east of Mullinavat, Co. Kilkenny and 8 km south west of New Ross, Co. Wexford.

The site occupies an area predominantly in forestry with agricultural lands on its fringes. It is a low lying upland landscape with the highest point at 222 OD noted in the townland of Ballywairy.

It is transected by a number of local roads which meet the regional road network (R704) to the north. It is in proximity to the motorway network (M9). The settlement pattern in this area is of a low density. It is noted the Great Island – Kilkenny 110kV Overhead Line runs to the east of site.

There are no specific natural or built heritage designations in respect to the subject site. However, two watercourses traverse through the site; the Arrigle River (which flows north from the site to the River Nore) and the Smartcastle Stream (which flows south from the site to the River Suir). There are hydrological connections to the Lower River Suir Special Area of Conservation (SAC), the River Barrow and River Nore SAC, and the River Nore SPA.

The *Kilkenny City & County Development Plan 2021-2027* (KCCDP) is the relevant plan for the subject site. The site is not zoned but is designated in the Figure 11.4 Wind Strategy Areas as 'Open for Consideration'. A Draft Direction from the Minister of State at the Department of Housing, Local Government and Heritage has outlined Figure 11.4 shall be taken not to have come into effect.

3. Description of Proposal

The particulars submitted as part of the pre-application consultation sets out the prospective development, which, in summary, includes:

- 10 wind turbines (including tower sections, nacelle, hub, rotor blades) with an estimated capacity of 72MW. Each turbine will have a maximum blade tip height of between 169m-180m, a rotor diameter of between 130m-163m and a hub height of 95m-112m.
- The development will also include:
 - Associated hardstandings at each turbine location;
 - New access roads and upgrading of existing access roads;
 - New site entrances and modifications to existing entrances
 - Provision of site drainage;
 - 3 no. onsite clear-span bridges;
 - 100m meteorological mast;

- 2 Temporary construction compounds;
- 2 Borrow pits;
- An onsite 110kV electricity substation;
- Electrical and communication cables; and
- Related site works and ancillary works.
- Works on private lands along turbine delivery route (TDR).

The proposed development will likely seek an operational period of 35 years.

In addition to the main development above, the prospective applicant is also considering a 110 kV grid connection to the national grid, with two potential route options currently being considered. Option 1 is an underground cable connection from the wind farm site substation to the planned Castlebanny 110 kV substation c.6km north of the site. Option 2 is an underground cable connection between the onsite substation and the existing Great Island – Kilkenny 110 kV overhead line passing over the site to the east. The grid connection is expected to be a separate planning application and is the subject of a S.182E pre-application consultation (321814-25).

4. Planning History

Related to the current proposal

ABP-322292-25 - A Design Flexibility Request for the proposed wind farm of 10 wind turbines with MEC of approx. 72MW including on-site 110kV electrical substation, has been made.

ABP-321814-25 – Proposed development of a grid connection under S.182

ABP-322293-25 - A Design Flexibility Request for the proposed development of a grid connection

Relevant History

There are numerous planning applications around the site in respect of residential and agricultural developments which is to be expected in a such a rural location.

In terms of wind energy, it is noted that there are wind farms approved and operational to the north of the site, including

- Castlebanny Wind Farm – 21 turbines (ABP Ref: 309306-21). This is located 1.5 km north and is approved but not constructed.
- Ballymartin Wind Farm – 7 turbines (ABP Ref: PL10.208178, KCC Ref: 07/2140, 07/2141 10/576). This is located to the north adjacent, and is constructed and operational.
- Rahora Windfarm – 5 turbines (ABP PL 10.206373). This is located c.1.5km to the northeast, and is constructed and operational.

5. Precedent Decisions

There is significant precedent specific to the circumstance of this application where the proposed development would have a total output greater than 50 MW. This includes applications with equal to or less than 10 turbines including:

- 312224 (7 wind turbines, 50.4 MW)
- 314271 (8 wind turbines, 52.8 MW)
- 313351 (9 wind turbines, in excess of 50MW)

6. Pre-Application Consultation Meetings Held

Two pre-application consultation meetings were held with the prospective applicant on the 20th November 2024, and 26th May 2025. The meeting records relating to this development proposal and the presentations made by the applicant to the Commission's representatives are attached to the file.

20th November 2024

- Given the status of the Renewable Energy Strategy in the KCDP, the prospective applicant advised of the approach outlined by KCC when considered wind energy development is on a project by project basis, with the prospective applicant outlining the policy framework they envisaged would encompass policy provisions supporting renewable energy.

- The prospective applicant advised that they intended to seek design flexibility on the range of turbines.
- The Commission's representatives gave their preliminary opinion that the proposed development would be likely to be considered SID but outlined that the determination of same is a matter for the Commission.

26th May 2025

- The prospective applicant outlined project updates including alterations to the range of turbine infrastructure sought including rotor diameter and hub height
- The Commissions representatives queried the proposed development output, with the prospective applicant advising of a range between 42MW to 72MW, with the intention that it would be a minimum of 50MW. The Commissions representatives reminded the prospective applicant of the threshold for windfarms in the Seventh Schedule.
- The prospective applicant advised that it is proposed that the 110kV substation would form part of the application.

7. Legislation

7.1 Planning and Development Act 2000, as amended

Section 2(1) of the Planning and Development Act 2000, as amended ('the Act'), defines 'strategic infrastructure' as including, inter alia:

(a) any proposed development in respect of which a notice has been served under section 37B(4)(a),

Section 37A of the Act states that:

(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Commission under section 37E and not to a planning authority.

(2) That condition is that, following consultations under section 37B, the Commission serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Commission, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate
- (c) the development would have a significant effect on the area of more than one planning authority.

The current SID thresholds are set out within the 7th Schedule of the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is –

Energy Infrastructure

2.— Development comprising or for the purposes of any of the following:

-An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts.

7.2 Environmental Impact Assessment

Section 37E(1) of the Planning and Development Act, 2000, as amended requires that an application for permission for development in respect of which a notice has been served under section 37B(4)(a) shall be made to the Commission and shall be accompanied by an environmental impact assessment report in respect of the proposed development. Therefore the submission of an EIAR is mandatory.

I note Schedule 5 of the Planning and Development Regulations 2001, as amended (PDR) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required.

The following classes are noted:

Part 2 Class 3 (i)

Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.

7.3 Appropriate Assessment

The nearest Natura 2000 site is the River Barrow and River Nore SAC (site code 002162), c. 2.4km to the north of the site at its nearest point.

The applicant intends to submit a Natura Impact Statement/Appropriate Assessment Screening Report.

8. Assessment

8.1 Seventh Schedule Development

The proposed development will comprise of a wind farm of 10 wind turbines with MEC (Maximum Export Capacity) of approx. 72MW including an on-site 110kV electrical substation.

The current SID thresholds are set out within the 7th Schedule of the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is an installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts.

Having regard to output of 72 megawatts of the proposed development, I am satisfied that the development accords with Section 37A(1) of the Act.

8.2 Section 37A(2) Criteria

Accordingly, under Section 37A(2), the proposed development must fall within one or more of the following conditions:

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate

The development has the potential to have a strategic impact in meeting the State's renewable energy targets, it will meet the objectives of the Climate Action Plan 2025 and it will do so in a sustainable way through the provision of 10 turbines which will be connected to the national grid. The proposed development will assist in meeting national renewable energy targets and will also result in reductions in carbon emissions from electricity generation and reduce the country's reliance on fossil fuels.

Having regard to the national and regional policy context and the details of the subject proposal outlined above, I am satisfied that the development **would** be of strategic economic importance to the State and the Region and **would**, therefore, comply with the condition set out in section 37A(2)(a) of the Act.

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate

Having reviewed the NPF First Revision, the following relevant National Policy Objectives (NPOs) are noted which aim to reduce the carbon footprint and promote renewable energy:

NPO 69: Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets

NPO 70: Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.

At a regional level I note that the RSES for the SRA and, in particular RPO 99, which seeks to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines.

Having regard to the above, I am satisfied that the development **would** meet relevant national policy objectives of the NPF and **would** serve to fulfil the relevant regional policy objectives of the RSES for the Southern Regional Assembly. The development would, therefore, satisfy the requirement set out in section 37A(2)(b) of the Act.

(c) the development would have a significant effect on the area of more than one planning authority.

The site is fully contained within the area of one planning authority, KCC. Whilst the site is in relative proximity to the borders of counties Wexford and Waterford with the

potential for visual impacts, it is not considered the development will have a significant effect on the area of more than one planning authority.

I am satisfied that the proposed development **would not** have a significant effect on the area of more than one planning authority. Accordingly, I am of the opinion that the proposal **would not** come within the scope of this requirement to be considered as complying with section 37A(2)(c) of the Act.

8.3 Prescribed Bodies

In view of the scale, nature, and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

Note: The prospective application should be advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.

8.4 Other Matters

A Design Flexibility Request for the proposed wind farm of 10 wind turbines with MEC of approx. 72MW including on-site 110kV electrical substation has been made under ABP-322292-25.

It should also be noted that the underground cable options (1 & 2) to provide grid connection to the proposed onsite 110kV substation have become the subject of pre-application discussions with the Commission in ABP-321814-25 under the provisions of Section 182 of the PDA. Any such grid connection options will be the subject of a separate planning application.

9. Recommendation

Based on the foregoing assessment, it can be concluded that the proposed development **would** exceed the threshold set out in the Seventh Schedule of the Planning and Development Act 2000, as amended, and therefore satisfies Section 37A(1) of the Act. It can also be concluded that the development **is** of strategic

importance by reference to the requirements of Section 37A(2)(a) and Section 37A(2)(b) of the Act.

I recommend that the Commission serve a notice on the prospective applicant, pursuant to Section 37(B)(4) of the Planning and Development Act 2000, as amended, stating that it is of the opinion that the proposed development **constitutes** a strategic infrastructure development within the meaning of Section 37A of the Act for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the size, scale and location of the proposed wind farm and related development, and to the policy context, it is considered that the proposed development comprising the development of a wind farm of 10 wind turbines with MEC (Maximum Export Capacity) of approx. 72MW including on-site 110kV electrical substation on a site in the townlands of Ballinlammy, Ballyfasy Upper, Ballymartin, Ballynoony East, Ballyquin, Ballywairy, Bishopsmountain, Darbystown and Knockbrack, County Kilkenny, constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in Section 37A(1) of the Act.

The proposed development is also considered to be of strategic importance by reference to the requirements of Section 37A(2)(a), and 37A(2)(b) of the Planning and Development Act 2000, as amended.

An application for permission for the proposed development must therefore be made directly to An Coimisiún Pleanála under Section 37E of the Act.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

David Ryan

David Ryan

Senior Planning Inspector

17th October 2025

Appendix 1 – Prescribed bodies

- Department of Housing and Local Government and Heritage
- Minister of Climate, Energy and the Environment
- Kilkenny County Council
- Southern Regional Assembly
- Transport Infrastructure Ireland/ National Transport Authority
- An Chomhairle Ealaíon (Arts Council)
- The Heritage Council
- Fáilte Ireland
- An Taisce
- Irish Water
- Inland Fisheries Ireland
- Irish Aviation Authority
- Department of Agriculture, Food & Marine
- HSE, National Environmental Health Service
- The Commission for Regulation of Utilities (CRU)
- ESB
- EirGrid

Note: The prospective application should be advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.