



An
Coimisiún
Pleanála

Inspector's Report

ACP-324135-26

Development

Proposed alterations to the terms of the permitted development granted under reference number ABP-309306-21.

Location

Located within the townlands of Castlecosker, Derrynahinch, Kiltorcan, Coolroe Beg, Baunskeha, Castlebanny, Kilvinoge, Cappagh, Coolnahau, Ballytarsna, Mullennakill, Gillpipe, Ballymartin, Ballyvatheen, Ballynoony West, Derrylackey, Garrandarragh, Ballygegan and Ballyvool, Co. Kilkenny.

Planning Authority

Kilkenny County Council

Requester

Springfield Renewables Limited

Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

Inspector

Liam Bowe

Date of site inspection

18th August 2026

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1. Introduction

On the 26th day of September 2022, the Commission under ref. no. ABP-309306-21, granted permission under section 37E of the Planning and Development Act 2000, as amended (the Act), to Springfield Renewables Limited for the following development at Castlebanny in County Kilkenny:

The construction of 21 wind turbines and ancillary works.

The application for the development included an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). Permission was granted subject to conditions. The subject application to the Commission is for alterations to this permission, under section 146B of the Act.

2. Legislative Provisions

Section 146B(1) of the Planning and Development Act 2000 (as amended) (the Act), provides that, subject to subsections (2) to (8) and to section 146C, upon request of any person who is carrying out or intending to carry out a strategic infrastructure development, the Commission may alter the terms of the development the subject of planning permission, approval or other consent granted.

Under sub-section 2(a), as soon as practicable after making such a request, the Commission is required to make a decision as to whether the making of the development would constitute a material alteration to the development concerned.

Under sub-section (2)(b), before making its decision under sub-section 146B (2), the Commission may invite submissions as it considers appropriate and is required to have regard to any submission made to it on foot of the invitation.

Under sub-section (3)(a), if the Commission decide that the making of the alteration would not constitute a material alteration, it is required to alter the planning permission/approval/consent accordingly and to notify the requester and the planning authority of the alteration.

Under subsection (3)(b), if the Commission decide that the making of the alteration would constitute the making of a material alteration, the Commission is required to:

- Request the information specified in Schedule 7A, unless it or an EIAR has already been provided by the requester (sub-section (3)(b)(i)). This information is required to be accompanied by any further relevant information on the characteristics of the alteration and its likely significant effects on the environment including, where relevant, how environmental effects pertaining to EU legislation other than the EIA Directive have been taken into account (sub-section (3A)) and can include mitigation measures (sub-section (3B)).
- Following receipt of such information, determine whether to make the alteration, make an alteration of the terms of the development which differs from the proposed alteration (subject to it not representing a more significant alteration), or refuse to make the alteration (sub-section (3)(b)(ii)).

Under subsection (4), before making a determination under sub-section (3)(b)(ii), the Commission is required to determine whether the extent and character of the alteration being requested, or being considered by the Commission, would be likely to have significant effects on the environment.

Under subsection (5), if the Commission determine that no significant environmental effects will arise, they proceed to make a determination under subsection (3)(b)(ii). If the Commission determines that significant effects will arise, the provisions of section 146C apply. These provisions relate to the preparation of an environmental impact assessment report.

Under subsection (7)(a), in making their determination, the Commission is required to have regard to:

- The criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,
- The criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- The Schedule 7A submitted by the requester,
- The further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B) (summarised above),

- The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- Whether the development is situated in or would have potential to impact on a European site, or a recognised or protected area of natural heritage.

Under subsection (7)(b), the Commission is required to include in its determination, the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

Under subsection (8)(a) before making a determination under subsection (3)(b)(ii) or (4) the Commission is required to require the requester to make information about the alteration available for inspection, notify appropriate persons that the information is available and invite submissions or observations from these persons. Further under subsection 8(b) the Commission is required to have regard to these submissions in its determination.

3. Planning History

The relevant planning history that the Commission should note for this application is as follows:

ABP-309306-21: Permission granted for the construction of 21 wind turbines and ancillary works at Castlebanny, Co. Kilkenny.

ACP-323958-25: Current application under Section 182A of the Act for the proposed development of a 110kV Grid Connection for Ballyfasy Wind Farm, Co. Kilkenny.

ACP-324363-26: Concurrent s.146B request to amend turbine diameters conditioned for Castlebanny Wind Farm project to enable the inclusion of three alternative turbine technologies, namely:

- 1) Tip height of 185m, hub height of 104m, rotor diameter of 162m (example turbine model is the VESTAS EnVentus V162).
- 2) Tip height of 185m, hub height of 103.5m, rotor diameter of 163m (example turbine model is the Nordex N163).
- 3) Tip height of 180m, hub height of 101m, rotor diameter of 158m (example turbine model is the GE 158).

4. Background to the Proposed Alterations

The approved development under ABP-309306-21 comprises the installation of wind turbines and a 110kV substation. The dimensions for the wind turbines are defined per Condition No.8 as follows:

The following design requirements shall be complied with:

(a) The wind turbines will be constructed to one of the following fixed dimensions:

- *Tip height of 185 metres, hub height of 107.5 metres, rotor diameter of 155 metres.*
- *Tip height of 185 metres, hub height of 110.5 metres, rotor diameter of 149 metres,*
- *Tip height of 182.5 metres, hub height of 105 metres, rotor diameter of 155 metres.*

(b) Cables within the site shall be laid underground.

(c) The wind turbines shall be geared to ensure that the blades rotate in the same direction

(d) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

Reason: *in the interest of visual amenity.*

The Planning Statement submitted with that as well as managing, developing and operating the national electricity transmission grid, EirGrid also maintain and develop drawings and technical standards and functional specifications for connections to the Irish Transmission system. The Applicants states that alterations are now needed to

the permitted development due to changes in EirGrid's specifications for 110kV substations.

Further to this, the Applicant requests the addition of a new set of turbine dimensions to the list of fixed turbine dimensions already conditioned. The Applicant states that this is needed due to technological advancements in turbines and market availability. The request considers the scope of the proposed alteration to be very minor as the proposed dimensions are within the range of those fixed dimensions assessed for the project.

5. Scope of Request

5.1 General Overview

The applicant is proposing the addition of new set of turbine dimensions to the fixed list already permitted per Condition No.8, as follows:

- Tip height of 185 metres, hub height of 110 metres, rotor diameter of 150 metres.

The applicant states that the Vestas 150 is an example of a turbine model with these dimensions and the dimensions fall within the ranges specified in Condition No.8. The applicant is not proposing any change to the number of permitted turbines, wind turbine locations or ancillary wind infrastructure. The layout will remain consistent with the permitted development.

The alteration proposed would require amending Condition No.8 attached to the parent permission (ABP-309306-21).

The location of the on-site substation will also remain the same, however, it is proposed to slightly alter the orientation of the substation within this area. The substation footprint will expand by 465m² from 2.17ha to 2.22ha (an increase of 0.05ha).

I also note the terms of Condition No.1 of the parent permission which stipulates that the development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the further information received.

However, the terms of condition No.1 are qualified by the provision that they apply *‘except as may otherwise be required in order to comply with the following conditions’*. As Condition No.8 is such a ‘following condition’, I am of the opinion that its amendment is sufficient to capture the alterations now proposed.

5.2 Proposed Alterations

The dimensions of the proposed additional turbine are shown on a drawing submitted with this application, which also illustrates the proposed additional turbine details in the context of the range of consented turbines (Drawing No. 12066-2009 Rev. A refers). It is clearly demonstrated that the tip height, hub height and rotor diameter of the proposed additional turbine type are all within the ranges of the consented turbine dimensions.

The proposed alterations to the orientation of the substation compound accrue as a result of moving the southwestern corner of the compound by 7 metres further south (Drawing No. 12066-2003 Rev. A refers). It is also proposed to expand the substation footprint by 465m² from 2.17ha to 2.22ha (Drawing No. 12066-2003 Rev. A also refers). This results in an increase in area of 0.05ha or 2.3%.

Effectively, the width of the southern side of the compound is proposed to be lengthened from 129.5 metres to 132.6 metres. This increase in area will accommodate a harmonic filter (Drawing No. 12066-2007 Rev. A refers), a statcom (Drawing No. 12066-2008 Rev. A refers) and the reorientation of the proposed switchgear building.

The Commission is therefore requested to approve the minor alterations to the permitted development by an Amendment Order pursuant to Section 146(b) of the Planning and Development Act 2000, as amended, to incorporate the alterations outlined above, as demonstrated on Drawing No.’s 12066-2000 Rev. A to 12066-2009 Rev. A submitted with this application.

It is considered that the proposed alterations would not amount to the making of material alterations of the previously development permitted under ABP-309306-21. The applicant considers the extent of the overall proposed changes for the turbine

components to be very minor and within the ranges consented in Condition No.8 under ABP-309306-21.

5.3 Precedent Cases

Several similar requests for S.146B amendments to permitted windfarms have been determined by the Commission in relation to blade length, rotor diameter and hub height. These include:

- **ACP-323449-25:** On 26th February 2026 the Commission decided to alter the permitted Seven Hills Wind Farm, Co. Roscommon under Section 146B to provide for an altered range of turbine dimensions. In that case the rotor diameter of the wind turbines was proposed to be reduced by 4m or increased by 1m (from 162m), while the hub height was to be reduced by 5m or increased by 1m (from 99m), and the tip height was to be reduced by 1m from 180m. The Commission's Inspector concluded that:

"...I am satisfied that the Commission would not have determined the proposal differently had the hub height, rotor blade diameter and tip height now proposed in the alterations formed part of the original application. Therefore, the proposed alterations do not constitute the making of a material alteration of the development as granted under ABP-313750-22."

- **ABP-320537-24:** On 10th July 2025 the Commission decided to alter the permitted Bracklyn Wind Farm, Co. Meath under Section 146B to provide for an altered range of turbine dimensions. In that case the rotor diameter of the wind turbines was proposed to be reduced by 4m or increased by 1m (from 162m), while the hub height was to be reduced by 5m or maintained at 104m and the tip height was to be reduced by 6m or maintained at 185m. The Commission's Inspector concluded that:

"I am satisfied that the Board would not have determined the proposal differently had the hub height, rotor blade diameter and tip height now proposed in the alterations formed part of the original application. Therefore, the proposed alteration does not constitute the making of a material alteration of the development as granted under ABP-311565-21"

- **ABP-311565-21:** On 7th July 2025 the Commission decided to alter the permitted Bracklyn Wind Farm in County Westmeath under Section 146B to provide for an altered range of turbine dimensions. In this case the rotor diameter was proposed to be reduced by up to 4m or increased by up to 1m, while the hub height was proposed to be reduced by up to 5m and the overall tip height was proposed to be reduced by up to 6m. The Commission's Inspector concluded that:

"I am satisfied that the proposed alteration would not constitute the making of a material alteration to the permitted Bracklyn Wind Farm, subject to consideration of environmental impact and AA as considered in this report. The alteration of the dimensions of the turbines is therefore appropriate. Having regard to the nature and scale of the proposed alterations and the development as granted under ABP-311565-21, I am satisfied that the Board would not have determined the proposal differently had the hub height, rotor blade diameter and tip height now proposed in the alterations formed part of the original application. Therefore, the proposed alteration does not constitute the making of a material alteration of the development as granted under ABP 311565-21".

- **ABP-318764-23:** On 23rd April 2024, the Commission decided to alter the permitted Drumnahough Wind Farm in Co. under Section 146B to provide for an altered range of turbine dimensions. In this case the rotor diameter of the wind turbines was proposed to be reduced by 11.8m or 9m or increased by 5m, while the hub height was to be reduced by 2.5m or 12m or increased by 4.5m with the tip height maintained or reduced by 18m. The Commission's Inspector concluded that:

"I am satisfied that the Board would not have determined the proposal differently had the hub height, rotor blade diameter and blade length now proposed in the alteration under Options A, B or C formed part of the original application. Therefore, the proposed alteration does not constitute the making of a material alteration of the development as granted...."

- **ABP-307357-20:** On 14th August 2020 the Commission decided to alter the permitted Yellow River Wind Farm in County Offaly under Section 146B to

provide for an altered range of turbine dimensions. In this case the rotor diameter was proposed to be increased from 113m to 126m, while the hub height was to be reduced from 110m to 93m and 110m to 103m. The Commission's Inspector concluded that:

"....the Board would not have determined the proposal differently had the turbine configuration and blade length now proposed in the alteration formed part of that application. In that regard, I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as granted permission..."

- **ABP-303729-19:** On 5th June 2019 the Commission decided to alter the permitted Meenbog Wind Farm in Co. Donegal under Section 146B to provide for an altered range of turbine dimensions. In this case the rotor diameter of the wind turbines was proposed to be increased from 126m to 136m, while the hub height was to be reduced from 93.5m to 88.5m. The Commission's Inspector concluded that:

"Having regard to the nature and scale of the proposed alterations and the development as granted...I am satisfied that the Board would not have determined the proposal differently had the rotor blade diameter now proposed in the alteration formed part of the original application. Therefore, the proposed alteration does not constitute the making of a material alteration of the development...."

- **ABP-303313-18:** On 4th April 2019 the Commission decided to alter the permitted Cloncreen Wind Farm in County Offaly under Section 146B to provide for an altered range of turbine dimensions. In this case the rotor diameter was proposed to be increased from between 126m and 131m to 140m (an increase of between 9m and 14m), while the hub height was proposed to be reduced from between 104.5m and 107m to 100m. The Commission's Inspector concluded that:

"...having fully considered the proposed alterations and the development as granted.....the Board would not have determined the proposal differently had the turbine configuration and blade length now proposed in the alteration

formed part of the said application. In that regard, I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as granted...”

5.4 Application Documentation

The application for alterations is accompanied by:

- Planning Statement (PS) which includes:
 - Consented Castlebanny Wind Farm
 - Requested amendments
 - Need for Requested Amendments
 - Outline of Conclusions of 146B ER and NIS
- Environmental Report (ER) which includes:
 - Appendix 1: Referenced EIAR chapters:
Population and Human Health,
Biodiversity,
Land, Soils and Geology,
Hydrology and Hydrogeology,
Material Assets,
Noise and Vibration,
Landscape and Visual Impact Assessment,
Air Quality and Climate,
Cultural Heritage,
Traffic and Transport,
Interaction of the Foregoing, and
Schedule of Mitigation Measures
 - Appendix 2: Referenced EIAR Appendices:
Directional Cumulative Assessment,
CEMP,
Biodiversity Management Plan, and
Peat Stability Risk Assessment.
- Addendum Natura Impact Statement

- Drawings of the consented development and proposed alterations (site location maps, site layout plans and elevations).

5.5 Environmental Report (ER)

The ER submitted by the Applicant provides the following information:

- Section 1.0 sets out an introduction and a description of the proposed alterations.
- Section 2.0 to Section 14.0 sets out a description of the likely effects under the headings of:
 - Population and human health,
 - Biodiversity,
 - Ornithology,
 - Land, soils and geology,
 - Hydrology and hydrogeology,
 - Shadow flicker,
 - Material assets,
 - Noise and vibration,
 - Landscape and visual impact assessment,
 - Air Quality and climate,
 - Cultural heritage,
 - Traffic and transport, and
 - Interaction of the foregoing.
- Section 15.0 sets out the conclusion that there will be no material change to the residual impacts recorded in the original EIAR as a result of the proposed amendments.

6. Public Consultation

The provisions of section 146B(2)(b) provides for, at the Commission's discretion, the inviting of submissions from persons, including the public. I have considered the nature, scale and extent of the alteration and the information on file; the nature, scale

and extent of the windfarm development granted permission under ABP-309306-21 and the accompanying information and the nature of the site and surrounding area.

I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Commission in determining the matter for the following reasons:

- (a) I am satisfied that the proposed alterations that are fully contained within the footprint of the existing site boundary are minor in nature.
- (b) These amendments will result in very modest visual effects.
- (c) The pattern, form, scale, and nature of the overall development will remain unchanged.

7. Assessment

Under Section 146B of the Planning and Development Act, 2000 (as amended), the requester is seeking to alter the terms of a strategic infrastructure development (ABP-309306-21) approved by the Commission under Section 37G by the Planning and Development Acts 2000, as amended.

The Commission should note that all the principal elements of the permitted development will remain the same as outlined under ABP-309306-21, including all mitigation measures and planning conditions. The proposed alterations to the permitted development arose for Springfield Renewables Limited following changes to EirGrid's specifications for 110kV substation compounds and both technological advancements and market availability in turbine types.

The first consideration to assess is whether the proposed alteration would constitute a material alteration of the terms of the strategic infrastructure development approved under ABP-309306-21. Should the Commission decide that the proposed alteration is not material, it shall alter the approved development accordingly. However, if it is decided that the proposed alteration is material, the Commission shall consider the proposed alterations in terms of the significant effects on the environment and other related matters.

7.1 Consideration of Materiality

The requester proposes to install a type of turbine that would differ from the turbine type that formed the basis of the EIA and NIS under ABP-309306-21. The requester states that the need for the alteration to the terms of the permission has arisen following changes to EirGrid's specifications for 110kV substation compounds and both technological advancements and market availability in turbine types. The requester has sought changes to the orientation and area of the substation compound and the inclusion of an additional turbine type to those approved under ABP-309306-21.

7.1.1 Planning Context

The approved Castlebanny Wind Farm and the proposed alterations comply with the following policy:

7.1.1.1 European Policy

- RED III (European Renewable Energy Directive (EU/2023/2413))
- European Wind Power Action Plan
- REPowerEU Plan 2022 and Directive EU 2018/2001, as amended 18.05.2022
- European Green Deal 2020

7.1.1.2 National and Regional Policy and Guidelines

- National Planning Framework, April 2025 (NPF)
- The National Development Plan 2021-2030 (NDP)
- Climate Action and Low Carbon Development Act 2015, as amended
- Climate Action Plan 2024 (CAP 2024) and Climate Action Plan 2025 (CAP 2025)
- Energy Security in Ireland to 2030, Energy Security Package, Nov. 2023
- National Energy Security Framework, April 2022
- Policy Statement on Security of Electricity Supply, November 2021
- Long-Term Strategy on Greenhouse Gas Emissions Reductions (April 2023)
- National Climate and Energy Plan 2021-2030 (NCEP)
- National Biodiversity Action Plan (NBAP)
- National Landscape Strategy for Ireland 2015-2025 (NLS)
- Regional Spatial Economic Strategy for the Southern Region (RSES)
- National Landscape Strategy for Ireland, 2015-2025
- The National Peatlands Strategy 2015 – 2025 (DAHG, 2015)

- The Wind Energy Development Guidelines, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government (June 2006) (WEDG, 2006)
- Draft Wind Energy Development Guidelines 2019

7.1.1.3 Local Policy

- Kilkenny County Development Plan 2021 – 2027

7.1.2 Precedent Cases

I refer the Commission to the precedent cases outlined in Section 5.3 of this report. The Commission previously considered similar alterations to wind farms in relation to amending the turbine type including hub height, blade length and/or rotor diameter in ABP File Ref. No.'s 303313, 303729, 307357, 312876, 318764, 312876, 320537 and 323449.

Similar to the current application at Castlebanny Wind Farm, the alteration applications listed above proposed different turbine types, mainly options to avoid future procurement difficulties for the applicant. The current application is similar in so far as the requester is introducing another turbine type within the ranges of the consented turbine types. For the referenced precedent cases, the Commission considered all potential impacts and concluded that the minor alterations would not be deemed material. Proposed change in hub height, rotor diameter and blade length would not give rise to a material change or any increase in potential environmental impact. The alterations could not be considered material in terms of the Act.

7.1.3 Original Application

The approved development comprises the installation of wind turbines with defined dimensions and electrical capacity as follows:

- Tip height of 185m, hub height of 107.5m, rotor diameter of 155m.
- Tip height of 185m, hub height of 110.5m, rotor diameter of 149m,
- Tip height of 182.5m, hub height of 105m, rotor diameter of 155m.
- Electrical capacity of the project – 105-126 MW.

The approved substation compound had the following dimensions:

- Length: 186.7m
- Width: 129.5m

Condition No. 1 required that the development be carried out in accordance with the plans and particulars lodged with the application subject to any requirements necessary to comply with other attached conditions.

Condition No. 8 required that the turbines be in accordance with the specifications outlined above with maximum hub height shall of 110.5m, maximum rotor diameter of 155m and maximum overall tip height 185m which are in accordance with the turbine options assessed in the EIAR and NIS and other application documentation.

7.1.4 Proposed Alterations

The proposed additional wind turbine type and electricity capacity is as follows:

- Tip height of 185m, hub height of 110m, rotor diameter of 150m.
- Electrical capacity of the project – 105-126 MW.

The proposed alterations to the area of the substation compound are:

- Length: 186.4m
- Width: 132.6m
- Additional buildings: Harmonic filter and Statcom.
- Reorientation of the switchgear building.

7.1.4.1 Electrical Capacity

The electrical capacity of the development is dependent on the wind turbine model installed. However, the proposed alteration will not result in any change to the electrical capacity of the wind farm as the proposed additional turbine type is within the range of turbines already consented on the subject site. The estimated power output from the consented wind farm is between 105 and 126 MW.

7.1.4.2 Wind Turbine Hub Height

The proposed additional turbine has a hub height of 110m. The proposed hub height of 110m falls within the range of the approved hub heights of 105m and 110.5m, representing no change.

7.1.4.3 Wind Turbine Rotor Diameter

The proposed additional turbine has a rotor diameter of 150m. The proposed rotor diameter of 150m falls within the range of the consented 149m and 155m rotor diameters, which represents no change.

7.1.4.4 Wind Turbine Tip Height

The proposed additional turbine has a tip height of 185m. The proposed turbine tip height of 185m falls within the range of the consented 182.5m and 185m tip heights, representing no change.

The proposed alterations will not require any alterations to the overall site layout, turbine locations, drainage provisions or any associated infrastructure.

7.1.4.5 Substation Compound

As stated previously, the proposed alterations to the orientation of the substation compound accrue as a result of moving the southwestern corner of the compound by 7 metres further south (Drawing No. 12066-2003 Rev. A refers). The width of the southern side of the compound is proposed to be lengthened from 129.5 metres to 132.6 metres. This increase in area will accommodate a harmonic filter (Drawing No. 12066-2007 Rev. A refers), a statcom (Drawing No. 12066-2008 Rev. A refers) and the reorientation of the proposed switchgear building.

It is also proposed to expand the substation footprint by 465m² from 2.17ha to 2.22ha (Drawing No. 12066-2003 Rev. A also refers). This results in an increase in area of 0.05ha or 2.3%.

7.1.5 Potential for Environmental Impacts (EIA and AA)

I have considered all environmental impacts in Section 7.3 of this report and have concluded that based on the proposed alterations as described, no significant additional impacts are predicted on Population and Human Health, Biodiversity, Land

and Soil, Water, Air Quality and Climate, Landscape, Cultural Heritage, Noise and Vibration, Shadow Flicker, Material Assets and Interactions with the Foregoing.

The EIA Screening concluded that the proposed alterations do not equal or exceed any class of development within Schedule 5, Parts 1 or 2 of the P&D Regulations, and significant sub-threshold impacts are unlikely. See Section 7.4 of this report.

The Appropriate Assessment (Stage 2) concluded that the proposed alterations, individually or in combination with other plans and projects, will not have a significant negative impact on any European Designated Site. See Section 7.5 and Appendix 3 and 4 of this report.

7.1.6 Finding in Respect of Materiality

The main issue is whether the proposed turbine configuration comprising a range of dimensions is materially different compared with the subject of the permitted assessment. I consider the proposed additional turbine dimensions as outlined above, would not represent an increase or decrease in hub height, rotor blade diameter or wind turbine tip height from that reviewed in the EIAR and assessed in the EIA and NIS. The overall wind turbine tip height of 185m would not be exceeded by the proposed additional turbine option.

As outlined earlier, it is proposed to slightly reorientate the substation compound and lengthen the southern side of the compound by 3.1m, from 129.5 metres to 132.6 metres. This increase in area will accommodate a harmonic filter, a statcom and allow the reorientation of the consented switchgear building. This results in an expansion of the substation footprint by 465m² from 2.17ha to 2.22ha, or 2.3% increase in area.

Having regard to the limited scale and nature of the alterations proposed in relation to the consented development and precedent cases outlined above, I am satisfied that the alterations will not alter the character of the approved development or give rise to new considerations or environmental effects that were not already considered in the assessment of impacts under ABP-309306-21.

I am satisfied that the proposed alterations would not constitute the making of a material alteration to the permitted Castlebanny Wind Farm, subject to consideration of environmental impact and AA in this report. The proposed additional turbine

option/ dimensions and alterations to the substation compound are therefore appropriate.

Having regard to the nature and scale of the proposed alterations and the development as granted under ABP-309306-21, I am satisfied that the Commission would not have determined the proposal differently had the hub height, rotor blade diameter and tip height now proposed and the alterations to the substation compound now proposed formed part of the original application. Therefore, the proposed alterations do not constitute the making of a material alteration of the development as granted under ABP-309306-21.

7.1.7 Amendment to Condition No. 8

Based on my opinion above that the proposed alterations do not constitute the making of a material alteration, I consider that an amendment to the wording of Condition No.8 is required to ensure that if permission is granted in respect of the current application, then the overall project could be completed in compliance with Condition No.8 of the 2022 approval, which this application seeks to amend.

I consider the wording of Condition No.8 needs to be altered so that it would read as set out below:

The following design requirements shall be complied with:

(a) The wind turbines will be constructed to one of the following fixed dimensions:

- Tip height of 185 metres, hub height of 107.5 metres, rotor diameter of 155 metres.*
- Tip height of 185 metres, hub height of 110.5 metres, rotor diameter of 149 metres,*
- Tip height of 182.5 metres, hub height of 105 metres, rotor diameter of 155 metres.*
- Tip height of 185 metres, hub height of 110 metres, rotor diameter of 150 metres.*

(b) Cables within the site shall be laid underground.

(c) The wind turbines shall be geared to ensure that the blades rotate in the same direction

(d) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

Reason: *in the interest of clarity and the proper planning and sustainable development of the area.*

7.2 Design Flexibility

In this section of the report, I will discuss design flexibility and how, in my opinion this relates to the current S.146B amendment application.

7.2.1 Strategic Infrastructure Development (SID)

The Planning and Development Act 2000, as amended, provides for a special planning application process for SID, which allows for an application to be made directly to the Board under Section 37(E) rather than to the local authority.

The types and sizes of development that fall under SID are set out in the 7th Schedule of the Planning and Development Act 2000, as amended. They include large projects in the energy, transport, environmental and health infrastructure sectors.

To qualify as a SID, a proposed development must be one of the specific classes prescribed in the 7th Schedule and must exceed the defined development thresholds for that class.

The parent permission in this case, ABP-309306-21, relates to a planning application made under the provisions of Section 37(E) of the Planning and Development Act 2000, (as amended) for a wind farm development comprising of 21 turbines with an output of 105-126MW and other related works. In this regard, the parent permission application was determined SID by the Commission based on the criteria defined in Class 1 of the 7th Schedule as follows:

“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.”

7.2.2 Section 146B (Application for Alterations to SID Permissions)

The current amendment application has been lodged directly to An Coimisiún Pleanála under Section 146B of the Planning and Development Act 2000, as amended. This is a general provision applicable to SID and provides for a request to the Commission from a person who is carrying out or intending to carry out a SID to alter the terms of a development which has already been approved.

In this case, the applicant is requesting alterations to ABP-309306-21. As described above, the applicant is effectively seeking design flexibility in relation to the size of the wind turbines to an application permitted prior to the introduction of the design flexibility provisions.

7.2.3 Background to Design Flexibility

The Planning and Development (Amendment) (No.3) Regulations, 2023 providing for design flexibility were commenced in December 2023. They provide that a prospective applicant who wishes to avail of a degree of flexibility in their planning application, may in advance of submitting their application, request a meeting with the Commission for the purpose of receiving an opinion as to whether it is appropriate for an application for permission to be made before certain details of the proposed development are confirmed. Such unconfirmed details, may for example in the case of a wind farm application, include the precise parameters of a wind turbine. The process for an applicant seeking to make an application for design flexibility, including the statutory pre-application process is set out in Section 37CC of the Act.

In the circumstances of this case, the parent permission ABP-309306-21 was lodged on 28th January 2021 and determined on 26th September 2022. It, therefore, predates the legislative provisions for design flexibility and it was not open to the applicants to seek design flexibility in respect of the parent permission.

Notwithstanding same, I am also satisfied that it was not open to the requester to seek an application for design flexibility under Section 37CC of the Act in any event. In this regard Article 151 of the 2023 Regulations provides for definitions of applications for the purposes of design flexibility and in relation to SID this means *“an application for permission for any development specified in the Seventh Schedule of the Act....”*

In my opinion this refers to ‘de-novo’ applications for SID and development specified in the Seventh Schedule of the Act. The current application is not a ‘de-novo’ application for a SID, and it does not come within the scope of a development specified in the Seventh Schedule of the Act. Therefore, I am satisfied that the applicant could not have sought the requested alterations under the design flexibility legislation.

In this regard I am satisfied that the alteration of a SID application, which was made and determined prior to the legislative provisions for design flexibility, can only be sought under the provisions of Section 146B of the Act.

An application under Section 146B of the Act can only consider whether the alterations would be material or not and as discussed in Section 7 of this report, I consider that the proposed alterations are not material in nature.

7.2.4. Conclusion on Design Flexibility

In conclusion, I do not consider that the subject application falls within the definition of *‘an application for permission for any development specified in the Seventh Schedule of the Act’* as per the Regulations which would trigger an application under design flexibility for the description of the development proposed in the current application.

Accordingly, I consider the design flexibility sought by the applicant in relation to the turbine designs permitted in 2023, to be acceptable based on the current Section 146B legislation.

7.3 The Potential for Significant Environmental Effects

The applicant’s Environmental Report (ER) assesses the amendments in Section 3.0 under the following EIAR topics: Population and Human Health, Biodiversity, Ornithology, Land, Soil, and Geology, Hydrology and Hydrogeology, Shadow Flicker, Material Assets – Telecoms Aviation, Noise and Vibration, Landscape and Visual Impact Assessment, Air Quality and Climate, Cultural Heritage, Traffic and Transport, and Interaction of the Foregoing.

The ER report concludes in Section 15.0 that *‘the conclusions of this assessment and the findings of this Environmental Report are that there will be no material*

change to the residual impacts recorded in the original EIAR as a result of these proposed amendments to the Castlebanny Wind Farm development.'

Table 7.1 Assessment of Environmental Effects
Population and Human Health (Section 2)
The ER notes that given the nature and characteristics of the proposed alterations, there are no likely effects on population and human health at any phase of the development. The proposed alterations will not affect population trends, employment opportunities, capital investment in the project or expenditure in the local economy, on land use or in terms of major accidents. The report highlights that the likely operational phase effect will be limited to the effects of noise and shadow flicker and that all other likely effects will be identical to those permitted under ABP-309306-21. The ER notes that given the distance of the substation from sensitive receptors, it is assessed that no additional effects to those already noted within the original EIAR on population and human health receptors are anticipated. Furthermore, the proposed turbine dimensions fall within the range of parameters already assessed, it is anticipated that the addition of a new turbine type and dimensions to the list already conditioned will not result in additional effects from noise and shadow flicker to those already noted within the original EIAR on population and human health receptors. Regardless of the wind turbine installed, the upper thresholds of noise and shadow flicker effects at receptors are limited by conditions of consent set out in the Board Order for the permitted development (Condition No.'s 6 and 7 refer) must be complied with. The assessment notes that the cumulative impact assessment remains unchanged. I am satisfied that based on the alterations proposed, that no likely significant adverse effects are predicted.
Biodiversity (Section 3)
Background
The ER notes that the proposed alterations will not impact the permitted construction activities or ancillary wind turbine infrastructure as per ABP-309306-21 and hence will not impact on habitats, terrestrial mammals, aquatic species or invertebrates.

Habitats

Overall, habitats for which negative residual effects have been identified in the original EIAR and assessment occur outside of the footprint of the proposed design changes to the 110kV substation associated with this S146B Application.

A site visit and habitat verification survey was carried out on 10th and 11th March 2025. This confirmed no changes to the area of Sitka spruce conifer plantation (WD4) where the proposed 110kV substation is proposed (low local biodiversity value). Some new habitat areas (BL2) were identified and changes to habitats (WD4, WS2 and WS5) were identified, which resulted in increases to biodiversity values. In all other cases biodiversity values remained the same as recorded and presented in the original EIAR or slightly decreased where felled woodland (WS5) is now under improved grassland (GA1).

Fauna

All faunal species recorded during this survey had previously been identified within the consented project site and, consequently, any potential impacts were assessed therein.

Three new badger setts were recorded (two outlier setts and one subsidiary sett). Per the original EIAR, no heavy machinery will be used within 30m of badger setts and lighter machinery will not be used within 20m of badger setts.

Two new trees were recorded with preferential roosting features, although these are located outside of the footprint of the consented project but are likely to be present within the inner buffer zone for bats.

Potential Impact of Alterations Proposed

The report notes that in terms of ecological assessment, the most important consideration is the proposed amendments in terms of increased footprint to the 110kV substation. As the inclusion of the new turbine dimensions are within the consented parameters it is anticipated that this will not result in any potential additional effects on ecological receptors.

I note that the design changes will not result in the loss of additional conifer plantation (WD4) habitat loss. Consequently, no additional effects arise as a result of the proposed amendments.

Appropriate Assessment (AA)

With regard to Appropriate Assessment and the proposed alterations, an Addendum to the Natura Impact Statement (NIS) established that with the implementation of all previously

committed-to mitigation measures, there is no possibility of the proposed alteration affecting any European Site. Refer to Section 7.5 of this report in relation to AA.

Conclusion

The biodiversity assessment concludes that following implementation of mitigation measures set out in the EIAR, the proposed alteration will not result in any likely significant impacts on biodiversity either alone or cumulatively and does not have the potential to affect any ecological receptor beyond those already assessed in the EIAR as permitted in ABP-309306-21.

Assessment

I have considered the applicant's assessments and I am satisfied that all issues have been appropriately assessed and that no significant adverse effects are likely to occur in relation to biodiversity as a result of the proposed alterations.

Ornithology (Section 4)

The ER notes that the alterations are within the parameters of those already assessed and consented as part of the original EIAR with regards to ornithology, with no change to construction or operational phase activities or methodologies or any other permitted infrastructure.

I consider the proposed alterations will have no interaction with ornithological receptors and hence no likely impacts are predicted.

Land, Soil and Geology (Section 5)

The ER notes that the proposed alterations will not impact the permitted construction activities or ancillary wind turbine infrastructure as per ABP-309306-21 and hence will not impact on land, soils or geology.

The ER notes that the proposed amendments to the substation will increase its footprint by 465m². As the substation is located in the same place as the consented layout, the sensitivity will remain unchanged. It is confirmed that there is no peat on the substation footprint.

Further to this and as the new turbine dimensions are within the fixed dimensions already consented, these will not result in any impacts on land, soils and geology receptors.

I consider the proposed alterations will not result in any additional effects on land, soil or geological receptors and hence no significant impacts are predicted.

Hydrology and Hydrogeology (Section 6)

The ER notes that the proposed amendments to the substation are in the same proximity as the consented layout and the proposed alterations to the turbines are within the parameters of those already assessed and consented as part of the original EIAR with regards to hydrology or hydrogeology, with no change to construction or operational phase activities or methodologies or any other permitted infrastructure.

I consider the proposed alterations will not result in any additional effects on hydrological or hydrogeological receptors and hence no significant impacts are predicted.

Shadow Flicker (Section 7)

The ER notes that the proposed amendments to the substation are in the same proximity as the consented layout and the proposed alterations to the turbine dimensions are within the parameters of those already assessed and consented as part of the original EIAR with regards to shadow flicker, with no change to construction or operational phase activities or methodologies or any other permitted infrastructure.

I am satisfied that no significant adverse effects are likely to occur as a result of shadow flicker from the proposed alterations.

Material Assets – Telecoms Aviation (Section 8)

The ER notes that the proposed amendments to the substation are in the same proximity as the consented layout and the proposed alterations to the turbine dimensions are within the parameters of those already assessed and consented as part of the original EIAR with regards to material assets, with no change to construction or operational phase activities or methodologies or any other permitted infrastructure.

Because the alterations are minimal, I consider that significant impacts in relation to aviation are unlikely. I also consider that there will be no likely significant effects for telecommunications, and other utility Infrastructure due to the nature of the proposed alterations.

Noise and Vibration (Section 9)

The ER notes that it is likely that noise levels experienced at the nearest NSL over 1km away during the construction and operational phase, as described in Chapter 12 of the EIAR for the permitted development, will be immaterially different due to slight changes in the footprint of the substation and the Vestas 150 wind turbine type being used in the noise assessment in the EIAR. Due to the minimal nature of the alterations, no significant

effect or significant change in predicted noise levels at sensitive receptors is likely to occur.

I note that Condition No. 6 of the permitted development (ABP-309306-21), stipulates noise limits that must be adhered to during the operational phase. The applicant states that there are no changes to the findings of the EIAR with respect to either the substation or the addition of the turbine dimensions to the set of consented dimensions.

Consequently, I am satisfied that noise levels arising from the wind farm during operation will remain below the prescribed limits and that all wind turbine types which may be installed can comply with the conditioned noise limits. I am also satisfied based on the approved development that the alterations will not give rise to significant vibration effects during the operational phase.

Landscape and Visual Impact Assessment (Section 10)

The Landscape Assessment assesses the likely landscape and visual effects of the proposed alterations to the Castlebanny Wind Farm including the proposed amendments to the footprint of the substation and the additional turbine dimensions. The original assessment was based on turbine sizes with ranges of hub height of 107.5 - 110.5m, rotor diameter of 149 - 155m and tip height of 182.5 - 185m. The proposed turbine size has a hub height of 110m, a rotor diameter of 150m and a tip height of 185m.

The applicant's Landscape Assessment in Section 10.5 concludes that;

'The proposed amendments are not deemed likely to result in material changes to the original assessment. Therefore, as the magnitude of effect and the baseline context are consistent with the original application, it is deemed that there will not be a material change to the conclusions of the original LVIA for the project.'

I note that the Kilkenny City and County Development Plan 2021 – 2027, as varied, which the approved development was assessed under is still the relevant Development Plan.

I have assessed views to the proposed substation and turbines in the surrounding area including from a number of the viewpoints assessed in the EIAR and I am satisfied that the original LVIA covers the range of potential turbine dimension options proposed. I consider that there will be no material increase to visual impacts. I also consider that there is no noticeable increased effect on physical landscape elements or the overall character of the landscape in comparison to the authorised turbines.

I conclude that effects of the proposed alterations to the permitted Castlebanny Wind Farm on landscape and visual impact would be minimal and not significant. Therefore, the

proposed alterations are considered acceptable, aligning with national, regional, and local planning policies.

Air Quality and Climate (Section 11)

As above, no change to construction or operational phase activities.

During operational phase, electrical output from the Castlebanny Wind Farm falls within the previously assessed range of turbine dimensions, and therefore it will not extend beyond that envelope which has been assessed.

I have considered the applicant's assessment, and I am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to air quality and climate as a result of the proposed alterations to the approved development.

Cultural Heritage (Section 12)

The ER notes the proposed alterations to the substation compound and the dimensions of an additional wind turbine type, with no change to construction or operational phase activities or methodologies or any other permitted infrastructure.

I consider there is no change in the magnitude or significance of visual impact on cultural heritage sites. No material change to either the visual presence or the aesthetics of the proposed turbines relative to the authorised turbines.

I concur that the proposed alterations to the substation compound will be slight, requiring archaeological monitoring as mitigation and hence no likely residual impacts on cultural heritage are predicted.

Traffic and Transport (Section 13)

The proposed alterations are to the substation compound and an additional wind turbine type, with no change to construction or operational phase activities or methodologies or any other permitted infrastructure. The proposed alterations will not result in significant effects on the local road network. There will be no change to the haulage routes, no change to the amount or type of traffic, particularly during construction.

I note that Condition No.'s 12 and 16 of the permitted development relates to compliance requirements in relation to traffic safety and to protect the public road network and the amenity of residents.

I am satisfied that following implementation of planning conditions relating to the approved development on the site, no likely significant impacts will arise in relation to traffic and transport based on the alterations to the permitted Castlebanny Wind Farm.

Interaction of the Foregoing (Section 14)

I consider the potential for interactions relating to the proposed alterations have been fully assessed and that no likely significant effect on the environment will occur.

Cumulative

Having regard to the foregoing, I am satisfied that there would be no significant additional cumulative impacts.

7.4 Environmental Impact Assessment

The Environmental Report accompanying the current request assesses the impact of the proposed alteration options relative to the impacts identified in the original EIAR.

I highlight given the distance of the substation from sensitive receptors, it is assessed that no additional effects are anticipated and there would be no alteration to the layout of the wind farm or to turbine locations. The footprints will remain the same as permitted. Construction practices, traffic movements, commissioning and operation would not be affected by the proposed alterations to the substation and wind turbines.

I have undertaken an EIA screening determination on the basis of the Schedule 7A documentation submitted, see Appendix 1 (Form 1 – EIA Pre-Screening) and Appendix 2 (Form 3 – EIA Screening Determination).

The Screening Determination concludes as follows:

‘Having regard to:

- The parent permission granted under ABP-309306-21, which the subject alterations seek to amend,*
- The modest nature and scale of the proposed alterations,*
- The location of the proposed alterations, within the footprint of the permitted development site,*
- The pattern of development in the surrounding area,*

- *The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised,*
- *The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003), and*
- *The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised.*

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.'

To summarise, there is no real likelihood of significant effects on the environment and hence, EIA is not required.

7.5 The Likely Significant Effects on a European Site

This section of the report examines the potential for effects on the integrity of European sites by virtue of the proposed alterations, alone and in combination with other plans and projects, including the permitted development. The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are, therefore, fully considered in this section in respect of the proposed alterations. An updated NIS was submitted by the applicant.

Under the parent permission, ABP-309306-21, the Commission considered a range of potential impacts on European Sites including the impact from water pollution, avian collision risk and avian displacement. Taking account of the mitigation measures proposed, no potential for residual adverse effects on the Qualifying Interests of the River Barrow and River Nore SAC (Site code: 002162), River Nore SPA (Site code: 004233), the Lower River Suir SAC (Site code: 002137) and Saltee Islands SPA (Site code: 004002) as a result of the proposed development were predicted.

7.5.1 Compliance with Article 6(3) of the EU Habitats Directive

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

7.5.2 Natura Impact Statement

The application was accompanied by an Addendum Natura Impact Statement (NIS) which contained a Stage 1 AA Screening Report and a Stage 2 NIS. The report described the site and the proposed development, including the alterations to the substation and the new turbine type, and utilised the extensive data collected as part of the EIAR desk and field surveys. The reports confirmed that the proposed development would not be located within any European site, but that the grid connection would traverse one. The AA screening exercise identified 6 no. European sites within a potential Zone of Influence, and it had regard to the EIAR ecological surveys and assessments (water quality, aquatic & terrestrial ecology, bird and bat surveys (incl. collision risk assessments)). It screened out the sites which would not be affected by the proposed development. The Addendum NIS report also dealt with several European sites located in the vicinity of the proposed forestry replanting areas in other parts of the country, which will be the subject to Forestry Licence requirements.

The **AA Screening** exercise identified the following European sites that have the potential to be affected by the proposed windfarm development:

- River Barrow & River Nore SAC
- River Nore SPA
- Lower River Suir SAC
- Saltee Islands SPA

The **Addendum NIS** listed the Conservation Objectives, Qualifying Interests and Special Conservation Interests for each of these sites. It identified the potential sources of direct and indirect impacts on the sites, assessed the potential impacts

relative to the Conservation Objectives for each site. It had regard to the EIAR water quality assessments and ecological surveys and concluded that the risk for the habitats and species which are designated as Qualifying Interests and Special Conservation Interests for the European sites was minimal subject to the implementation of the EIAR mitigation measures to protect water quality.

The desk top studies and site surveys described the site and surrounding area along with potential connections to nearby and further afield European sites. The reports assessed the site and their environs for terrestrial, aquatic and mobile species of Special Conservation Interest and Qualifying Interest and for the European sites. The ecological characteristics of the sites were described as was the recorded presence of any QI and SCI species, and WFD/EPA/ERBD water quality data for the receiving watercourses was provided.

The Addendum NIS formally concluded that, in the light of best scientific knowledge in the field, all aspects of the proposed project which, by itself, or in combination with other plans or projects, which may affect the relevant European Sites have been considered, and that the Commission is enabled to ascertain that the proposed project will not adversely affect the integrity of any of the European Sites concerned. The Addendum NIS conclusions were not altered by the alterations to the footprint of the substation or the additional turbine dimensions.

Having reviewed the Addendum NIS and supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge, and details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for the appropriate assessment of the proposed development, subject to the further consideration of European sites located within an enlarged Zone of Influence (further analysis below).

7.5.3 AA Screening

The European sites within the Zone of Influence of the proposed works and approximate separation distances are set out below. The applicant's bird surveys recorded the presence of bird species at the subject site that are of Special Conservation Interest for some further afield European sites.

The proposed windfarm development would not be located within an area covered by any European site designations, and although the proposed grid connection would traverse a watercourse covered by an SAC designation, it is not relevant to the maintenance of any such sites. The following 6 no. European sites are located within the Zone of Influence of the windfarm site and their Qualifying Interests and Special Conservation Interests and approximate separation distances from the site are listed below.

European sites	Site Code	Qualifying Interests (Maintain/Restore)	Separation distances	Links
River Barrow & River Nore SAC	002162	Estuaries M Reefs M Mudflats & sandflats M Salicornia & other annuals M Atlantic & Mediterranean salt meadows R Floating River Vegetation M European dry heaths M Tall herb fringe communities M Petrifying springs M Old sessile oak woods R Alluvial forests M Desmoulin's Whorl Snail M Freshwater Pearl Mussel & Nore Pearl Mussel R White-clawed Crayfish M Sea, Brook & River Lamprey R Twaite Shad R	Intersected by GCR	Aquatic

		Salmon R Otter R Killarney Fern M		
River Nore SPA	004233	Kingfisher M	4.5km NE 7km down stream of GCR	Mobile
Hugginstown Fen SAC	000404	Alkaline fens M	5km W	No
Thomastown Quarry SAC	002252	Petrifying springs M	7.5km N	No
Lower River Suir SAC	002137	Atlantic & Mediterranean salt meadows R Floating River / Ranunculion Vegetation M Tall herb fringe communities M Old sessile oak & Alluvial forests R Taxus baccata woods R Freshwater Pearl Mussel R White-clawed Crayfish M Sea, Brook & River Lamprey R Twaite Shad R Salmon R Otter M	250m from haul route 22km down stream of windfarm site	Aquatic No
Saltee Islands SPA	004002	Fulmar M Gannet M	45km SW	Mobile

		Cormorant M Shag M Lesser Black-backed Gull M Herring Gull M Kittiwake M Guillemot M Razorbill M Puffin M		
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The **potential effects** are the same as those assessed under the parent permission and relate to:

- Release and transport of pollutants in ground or surface water flowing into the European sites via on-site tributaries and watercourses.
- Ex-situ impacts on qualifying species outside the European sites but which are an integral and connected part of the population of qualifying interest species, including:
 - Loss of habitats used by QI/SCI species.
 - Loss of foraging & commuting areas used by QI/SCI species.
 - Noise disturbance to QI/SCI species during construction.
- Interference with flight lines of species associated with the European sites or mortality related to collision with operational turbines.

Based on my examination of the Addendum NIS report and supporting information, the scale of the proposed works and nature of the likely effects, the substantial separation distance and functional relationship between the proposed works and the European sites and their conservation objectives, the site specific characteristics, the species specific characteristics and requirements (incl. habitat preference, diet & foraging distances), and the absence of suitable support habitats or an aquatic connection between the European sites and the proposed works, taken in

conjunction with my own assessment of the subject site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for the following 4 no. European sites which I consider to be within the Zone of Influence by reason of mobile and/or aquatic connections.

The 4 no. European sites that remain after the AA Screening exercise are:

SACs	SPAs
River Barrow & River Nore (002162)	River Nore (004233)
Lower River Suir (002137)	Saltee Islands (004002)

AA Screening Conclusion

In conclusion, having regard to the nature and scale of the proposed development, to the separation of the windfarm site from the European sites, to the nature of the qualifying/conservation interests and conservation objectives of the European sites and to the available information as presented in the EIAR regarding ground and surface water pathways and mobile connections between the windfarm site and the European sites, and other information available, it is my opinion that the proposed development has the potential to affect 4 of the European sites having regard to the conservation objectives of the relevant sites, and that progression to a Stage 2 Appropriate Assessment is required.

7.5.4 Appropriate Assessment

The details for the 4 European sites within the Zone of Influence of the proposed development are summarised below:

River Barrow and River Nore SAC

This site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. The Nore, for a large part of its course, traverses limestone plains and then Old Red Sandstone for a short stretch below Thomastown.

The site includes the River Arrigle, and it is designated for a wide variety of habitats and species.

The River Barrow and River Nore SAC is designated for its importance to a wide variety of terrestrial and aquatic habitats (incl. heathland, woodland, riparian vegetation, estuarine & coastal), along with one species of mammal (Otter), several species of fish (incl. Salmon, Shad & Lampreys), and 3 no. freshwater invertebrate species (incl. pearl mussels & crayfish). The full list of QI habitats and species is set out in the table above. It is noted from the NPWS documentation and accompanying maps (Map nos. 2 to 5) that several of the QI estuarine and coastal habitats are located a considerable distance downstream of the proposed works and they will not be included for further consideration. It is also noted in NPWS Map nos. 6 and 7 that several of the QI habitats and species are not located within the River Arrigle. Although they are present along the main channel of the River Nore either upstream or at a considerable distance downstream of the confluence of the two rivers, they will not be included for further consideration (Nore Freshwater Pearl Mussel, Petrifying springs, Old sessile oak woods, Alluvial forests, White-tailed crayfish, Desmoulin's Whorl Snail & Killarney fern). The remaining QI habitats and species and their main Attributes and Targets are summarised below:

Site name	Relevant QIs/ SCIs	Attributes & Targets
River Barrow & River Nore SAC (002162)	Floating River Vegetation	Habitat Area (stable or increasing); Habitat Distribution (no decline); Hydrological regime (river flow & groundwater discharge); Substratum composition; Water chemistry; Water quality; Vegetation composition; Floodplain connectivity.
	Tall herb fringe communities	Habitat distribution (no decline); Habitat area (stable); Hydrological regime (maintained); Vegetation structure (sward height); Vegetation composition (broadleaf herb: grass ratio); Vegetation composition (typical species & negative species indicator).
	Freshwater Pearl Mussel	Under review.
	Sea Brook & River Lamprey	Distribution; Population structure of juveniles; Juvenile density in fine sediment; Extent and

	Twaite Shad	distribution of spawning habitat; Availability of juvenile habitat. Distribution (extent of anadromy); Population structure (age classes); Extent and distribution of spawning habitat (no decline); Water quality (oxygen levels); Spawning habitat quality: Filamentous algae; macrophytes; sediment (stable).
	Salmon	Distribution; Adult spawning fish; Salmon fry abundance; Out-migrating smolt abundance; Number and distribution of redds; Water quality
	Otter	No significant decline in: - Distribution, Extent of terrestrial & freshwater habitats, couching sites & holts, Availability of fish biomass & Connectivity.

River Nore SPA

The River Nore SPA is a long, linear site that includes a section from the bridge at Townparks, (north-west of Borris in Ossory) to Coolnamuck (approximately 3km south of Inistioge) in Co. Kilkenny. For a large part of its course the River Nore traverses Carboniferous limestone plains; it passes over a narrow band of Old Red Sandstone rocks below Thomastown. The River Nore SPA is designated for its importance to Kingfisher.

A survey in 2010 recorded 22 pairs of Kingfisher (based on 16 probable and 6 possible territories) within the SPA, a nationally important population of Kingfisher and a species that is listed on Annex I of the E.U. Birds Directive. Other species which occur within the site include Mute Swan, Mallard, Cormorant, Grey Heron, Moorhen, Snipe and Sand Martin.

The foraging range of the Kingfisher can extend over 3-5km depending on food availability. The River Nore SPA is located c.4.5km from the subject site, so it is within this range.

Site name	Relevant QIs/ SCIs	Attributes & Targets
River Nore SPA (004223)	Kingfisher	None specified.

Potential direct effects: The proposed development would not be located within a European site, although the grid connection would cross the River Arrigle which is

covered by the River Barrow and River Nore SAC designation. It is not relevant to the maintenance of any European site. No potential for direct effects having regard to the location and scale of the proposed development and to the separation distance between the works and the QI habitats and QI/SCI species.

Potential indirect effects: There is potential for indirect effects on these European sites and several of their QI habitats and QI/SCI species during the construction phase as a result of water pollution from the unmitigated release of fine sediments and contaminated river dredge during construction works and hydrocarbons by way of accidental spillages from machinery, which could give rise to water pollution in River Arrigle, chemical contamination and clogging of fish gills, with resultant impacts on the availability of prey biomass for the QI and SCI species Otter and Kingfisher. Further potential indirect effects relate to the loss of riparian vegetation along the River Arrigle. The uncontrolled introduction of invasive species from works vehicles could give rise to the colonisation of habitats by invasive species, with resultant impacts on the attributes and targets for the QI and SCI species, in the absence of mitigation. There is no potential for any additional significant indirect adverse effects during the operational phase when the works are complete.

Mitigation measures: The Addendum NIS mitigation measures, which would serve to protect the European sites and their QI habitats and QI/SCI species from adverse effects, include:

- Implementation of a Biodiversity Management Plan.
- Preparation of a CEMP & Invasive Species Management Plan.
- Erection of site boundary fencing/buffer zones.
- Timing, seasonality & weather dependency of works.
- Appointment of Ecological Clerk of Works.
- Adherence to best construction practices.
- Surface water management measures to protect water quality including:
 - regular surface water monitoring,
 - no concrete mixing, refuelling or washing out on site,
 - waste management plan & off-site waste disposal, and

- protection of all watercourses from contamination.

Floating river vegetation & Tall herb fringe communities: The site and environs drain to the River Arrigle which forms part of the River Barrow and River Nore SAC. The NPWS Site Synopsis notes that Floating River vegetation and Tall herb fringe communities are present throughout the river systems within the SAC. Having regard to the nature the proposed development and the avoidance of in-stream works, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. the management of sediments & accidental spills, and the control of invasive species) the proposed works would not have an adverse impact on water quality in the River Barrow and River Nore SAC or introduce invasive species to the watercourses during any of the works. There would be no resultant adverse effects on these QI habitats with respect to their attributes and targets (incl. Habitat Area & Distribution, Hydrological regime, Substratum composition, Water quality, Vegetation composition/diversity, and floodplain connectivity).

Fisheries: The site and environs drain to the River Arrigle which forms part of the River Barrow and River Nore SAC, and several species of fish (incl. Salmon, Shad, and Sea, River & Brook Lamprey) have been recorded in the river and its tributaries during their various lifecycle stages. Any deterioration of biological or chemical water quality or smothering of the riverbed substratum because of siltation, accidental fuel spills or poorly managed in-stream works could have adverse resultant impacts on the QI fish species, by affecting spawning grounds, food availability (incl. macro invertebrates & macrophytes) and health (incl. clogging of fish gills). However, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. the management of sediments & accidental spills, ongoing water quality monitoring and the control of invasive species), the proposed development would not have an adverse impact on fisheries in the River Barrow and River Nore SAC. There would be no resultant adverse effects on these QI species with respect to their attributes and targets (incl. Distribution, Population structure & density, Extent and distribution of spawning habitat, Availability of juvenile habitat, & Water quality).

Otter: Otter has been recorded commuting and foraging along the larger rivers in the River Barrow and River Nore SAC and it is possible that it utilises the nearby

watercourse and tributaries. Any deterioration of water quality because of the proposed works and resultant impacts on the availability of fish biomass for Otter could have an adverse impact on this QI species. However, I am satisfied that following the implementation of the mitigation measures (incl. the measures to protect water quality and hence the availability of prey species) the proposed development would not have an adverse impact on Otter in nearby watercourses during the construction and operational phases. Therefore, there would be no resultant adverse effects on this QI species respect to its attributes and targets (incl. Distribution, Extent of terrestrial & freshwater habitats, Couching sites & holts, and availability of fish biomass or Connectivity).

Kingfisher: The surrounding watercourses provide suitable nesting and foraging habitat for this species for which the River Nore SPA has been designated. The EIAR did not record the presence of this species within the site and environs during the walkover surveys and no flights were recorded at collision height. There is the possibility, however, that Kingfishers may establish a nest site in the vicinity prior to works commencing. Consequently, pre-construction surveys should be undertaken along the River Arrigle and its tributaries before grid connection works commence and if a nest is identified a 500m buffer should be provided around the nest until it has been vacated. Any loss of foraging habitat or diminution of water quality would be mitigated by the measures contained in the CEMP, Surface Water Management Plan and Biodiversity Management Plan. This species would gradually habituate to the area post construction, with no adverse long-term impacts are anticipated.

I am satisfied that the drainage ditches and small watercourses on site do not have the required environment or do not support an abundant supply of small fish for Kingfishers to forage. Further to this, the subject site is at the extreme end of the foraging range of the Kingfisher and any ornithological link is unlikely. This is supported by the lack of observation of this species during the site surveys. Therefore, I consider it unlikely that significant impacts will accrue to the Kingfisher as a result of the proposed development.

Potential in-combination effects: Potential indirect in-combination effects relate to damage to QI habitats and QI/SCI species because of accidental spillages and sediment run off during the junction upgrade works, and the accidental introduction of invasive species by construction vehicles. This could give rise to pollution,

contamination and/or colonisation with resultant impacts on water quality, fisheries, and the availability of prey species for Otter and Kingfisher, having regard to the various plans or projects in wider area (incl. renewable energy projects, agriculture, domestic & industrial discharges and recreation) in the absence of mitigation. However, having regard to the implementation of the aforementioned mitigation measures and recommended conditions (see below), I am satisfied that there would be no adverse cumulative effects on the European sites or their QI habitats and QI/SCI species.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of these European sites in light of its Conservation Objectives, subject to the implementation of mitigation measures outlined above.

Lower River Suir SAC

This European site lies within the Zone of Influence of the proposed works as it has a long distance indirect aquatic connection to the windfarm site via a network of watercourses and tributaries within the Blackwater (Kilmacow) sub-catchment, and a very minor short distance connection to the River Suir at various points along the turbine delivery route from Waterford (incl. minor road works at junctions).

This SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow/ Nore immediately east of Waterford, and it is designated for a variety of habitats and species.

This SAC is designated for its importance to a wide variety of terrestrial and aquatic habitats (incl. woodland, riparian vegetation & coastal), along with one species of mammal (Otter), several species of fish (incl. Salmon, Shad & Lampreys), and 2 no. freshwater invertebrate species (incl. pearl mussel & crayfish). The full list of QI habitats and species is set out in the table above. It is noted from the NPWS documentation and accompanying maps (Map no.3) that the QI coastal habitats are located a considerable distance downstream of the windfarm site and they will not be included for further consideration. It is also noted in NPWS Map nos. 4 to 7 that one of the QI habitats and species is located a considerable distance downstream of the windfarm site and the confluence of the River Blackwater with the River Suir and it

will not be included for further consideration (Alluvial forests), and that several other species are either located upstream of this confluence (Freshwater Pearl Mussel and White-tailed crayfish) or along another unconnected watercourse (Old sessile oak woods). The remaining QI habitats and species and their main Attributes and Targets are summarised below:

Site name	Relevant QIs	Attributes & Targets
Lower River Suir SAC (002137)	Floating River Vegetation	Habitat Area (stable or increasing); Habitat Distribution (no decline); Hydrological regime (river flow & groundwater discharge); Substratum composition; Water chemistry; Water quality; Vegetation composition; Floodplain connectivity.
	Tall herb fringe communities	Habitat distribution (no decline); Habitat area (stable); Hydrological regime (maintained); Vegetation structure (sward height); Vegetation composition (broadleaf herb: grass ratio); Vegetation composition (typical species & negative species indicator).
	Sea, Brook & River Lamprey	Distribution; Population structure of juveniles; Juvenile density in fine sediment; Extent and distribution of spawning habitat; Availability of juvenile habitat.
	Twaite Shad	Distribution (extent of anadromy); Population structure (age classes); Extent and distribution of spawning habitat (no decline); Water quality (oxygen levels); Spawning habitat quality: Filamentous algae; macrophytes; sediment (stable).
	Salmon	Distribution; Adult spawning fish; Salmon fry abundance; Out-migrating smolt abundance; Number and distribution of redds; Water quality
	Otter	No significant decline in: Distribution, Extent of terrestrial & freshwater habitats, couching sites & holts, Availability of fish biomass and connectivity.

Potential direct effects: As for the River Barrow and River Nore SAC.

Potential indirect effects: As for the River Barrow and River Nore SAC.

Mitigation measures: As for the River Barrow and River Nore SAC.

Habitats and species: As for the River Barrow and River Nore SAC.

Potential in-combination effects: As for the River Barrow and River Nore SAC.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its Conservation Objectives, subject to the implementation of mitigation measures outlined above.

Saltee Islands SPA

This coastal European site lies within the Zone of Influence of the proposed windfarm as one of its SCI species has an extensive foraging range. Lesser Black-backed Gull was recorded foraging within or flying over the windfarm site during the EIAR survey work, and it was recorded foraging mainly in the northern section of the site which is mainly characterised by agricultural fields.

The Saltee Islands SPA is located c.5 km off the coast of Co. Wexford and comprises 2 no. islands which are of special conservation interest for the several species of waterbird. The islands comprise a mix of exposed rocky cliffs, shingle and boulder shores backed by boulder clay cliffs, as well as small areas of intertidal sandflats and sea caves. The site is of special conservation interest for several species of water bird (incl. Lesser Black-backed Gull) and for holding an assemblage of over 20,000 breeding seabirds.

This SPA is designated for its importance to a wide variety of waterbirds and the full list of SCI species is set out in the table above. Most of these species can be excluded from further assessment based on their coastal habitat preference, dietary needs, nesting requirements, and foraging range. The remaining SCI species and their main Attributes and Targets are summarised below:

Site name	Relevant SCI	Attributes & Targets
Saltee Islands SPA (004002)	Lesser Black-backed Gull	Attributes: Breeding population abundance, Productivity rate, Distribution, Prey biomass, Barriers to connectivity & Disturbance at breeding sites. Target: No significant decline.

Potential direct effects: As for the River Barrow and River Nore SAC.

Potential indirect effects: As for the River Barrow and River Nore SAC during the construction phase in relation to loss of foraging habitat and a diminution in water quality and thus prey species. There is also potential for additional significant indirect adverse effects during the operational phase when the works are complete in relation to the operational turbines (incl. barrier effects & collision risk).

Mitigation measures: As for the River Barrow and River Nore SAC.

Lesser Black-backed Gull: This species was recorded in large numbers at/ over the windfarm site which is located c.45km NW of the large Saltee Island colony, during the Spring and Autumn seasons, but less so at collision risk height. This colony supports c.4% of the national breeding population and a significant proportion of this species present at/ or over the windfarm sites may have migrated from Britain. The survey results and Collision Risk Model recorded a high avoidance rate (c.99.5%) and a low probability of collision (c.6%). It predicted a total of c.1.92 collisions per year (combined spring & autumn migrations & breeding) which equates to c.58 collisions over the 35-year operational period of the windfarm. Any loss of foraging habitat or diminution of water quality would be mitigated by the measures contained in the CEMP, Surface Water Management Plan and Biodiversity Management Plan. The proposed windfarm would not have an adverse impact on the Attributes and Targets for this species with no significant declines in Breeding population abundance, Productivity rate, Distribution, Prey biomass, Barriers to connectivity and Disturbance at breeding sites. This species would gradually habituate to the area post construction, with no adverse long-term impacts on the Saltee Island population anticipated in terms of loss of foraging habitat, species displacement or increased mortality as a result of collisions with turbine rotor blades.

Potential in-combination effects: There are several operational, permitted and planned windfarms within a 30km radius of the site and several infrastructure projects are planned for the surrounding area. The EIAR Vantage Point surveys indicate that the site could lie along a migratory / commuting route for Lesser Black-backed Gull, however it concludes that there would be no cumulative impacts or cumulative barriers to movement as a result of in-combination effects, based on the survey results and collision risk modelling. Given the lack on any local impacts on this species, it is unlikely that the windfarm would contribute to cumulative impacts in the wider area in-combination with other projects.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its Conservation Objectives, subject to the implementation of mitigation measures outlined above.

Other European sites

It is noted that several other SPAs, which have been designated for their importance for a variety of bird species, are located well outside the core foraging range for the designated species (incl. Hen harrier). The further afield European sites located in the vicinity of the proposed forestry replanting areas (which were screened in by the applicant) are outside the scope of this assessment as they would be subject to Forestry Licence assessments.

Integrity Test

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the River Nore SPA (site code: 004322), the River Barrow and River Nore SAC (site code: 002162), the Lower River Suir SAC (Site code: 002137), or the Saltee Islands SPA (Site code: 004002) in view of the Conservation Objectives of these sites.

Appropriate Assessment Conclusion

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the River Nore SPA, the River Barrow and River Nore SAC, the Lower River Suir SAC and the Saltee Islands SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

I concur with the conclusions reached in the Addendum NIS that the proposed windfarm development (incl. cable connections and hauls routes) will have no significant adverse effects (direct, indirect or in-combination) on the Conservation Objectives, Qualifying Interests or Special Conservation Interests for the River Barrow and River Nore SAC (Site code: 002162), River Nore SPA (Site code

004233), Lower River Suir SAC (Site code: 002137), Saltee Islands SPA (Site code: 004002), or for any other European Site.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Nore SPA (site code: 004322) or the River Barrow and River Nore SAC (site code: 002162), Lower River Suir SAC (Site code: 002137), Saltee Islands SPA (Site code: 004002) or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the River Nore SPA (site code: 004322), the River Barrow and River Nore SAC (site code: 002162), Lower River Suir SAC (Site code: 002137), and the Saltee Islands SPA (Site code: 004002).
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- The development of a wind farm and associated substation and grid connection will, through the design and application of mitigation measures, ensure the preservation of the favourable conservation status of habitats characterised as being in favourable status and ensure that habitat characterised as being in unfavourable status will not be further harmed or rendered difficult to restore to favourable status.
- The development of a wind farm and associated substation and grid connection will, through the design and application of mitigation measures as detailed and conditioned ensure the lasting preservation of the essential components and characteristics of the European Sites.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Nore SPA, the River Barrow and River Nore SAC, the Lower River Suir SAC, and the Saltee Islands SPA.

8. Recommendation

I recommend that the Commission:

- (a) Decides that the making of the alterations subject of this request and that the making of the alteration to the wording of Condition No.8 would not constitute the making of a material alteration of the terms of the development as approved under ABP-309306-21, and
- (b) the proposed modifications will not give rise to significant environmental effects or significant effects on the integrity of any European site, for the reasons stated below.

9. Draft Order

REQUEST received by An Coimisiún Pleanála on the 9th day of March 2026 from Springfield Renewables Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development, granted under ABP-309306-21 for a Wind Farm Development including 21 turbines and all associated works at Castlecoster, Derrynahinch, Kiltorcanm Coolroe Beg, Baunskeha, Castlebanny, Kilvinoge, Cappagh, Coolnahau, Ballytarsna, Mullennakill, Gillpipe, Ballymartin, Ballyvatheen, Ballynoony West, Derrylackey, Garramdarragh, Ballgegan, and Ballyvool, County Kilkenny.

WHEREAS the Commission made a decision to grant the proposed development, subject to conditions, for the above-mentioned development by order dated the 26th day of September 2022.

AND WHEREAS the proposed alterations are described as follows:

Amend the onsite 110kV substation footprint and inner components in line with current EirGrid specifications for 110kV substations and to slightly alter the orientation of the permitted substation; and

Add a turbine type to the list already permitted, comprising a turbine with dimensions of a tip height of 185 metres, a hub height of 110 metres and a rotor diameter of 150 metres.

PROPOSED ALTERATIONS consist of amendment to the wording of Condition No.8, so that the condition reads as follows:

Condition 8: The following design requirements shall be complied with:

(a) The wind turbines will be constructed to one of the following fixed dimensions:

- Tip height of 185 metres, hub height of 107.5 metres, rotor diameter of 155 metres.
- Tip height of 185 metres, hub height of 110.5 metres, rotor diameter of 149 metres.
- Tip height of 182.5 metres, hub height of 105 metres, rotor diameter 155 metres.
- Tip height of 185 metres, hub height of 110 metres, rotor diameter of 150 metres.

(b) Cables within the site shall be laid underground.

(c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.

(d) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

AND WHEREAS having regard to the issues involved, the Commission decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to the matter,

AND WHEREAS the Commission decided, in accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would not result in the making of a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Commission considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Commission hereby alters the abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Coimisiún Pleanála on the 9th day of March 2026, for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

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

- (a) The nature and scale of the proposed alteration,
- (b) The documentation on file, and
- (c) The report of the Inspector.

Having regard to:

- the nature and scale of the wind farm development permitted under ABP-309306-21,
- the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- the limited nature and scale of the alterations when considered in relation to the overall permitted development,
- the location of the proposed alterations, within the footprint of the existing wind farm development site,
- the absence of any significant new or additional environmental impacts arising as a result of the proposed alterations, and
- the report of the Commission's inspector, which is adopted,

The Commission was satisfied that the information before it was adequate to undertake a screening for appropriate assessment, an appropriate assessment and

a screening for environmental impact assessment in respect of the proposed alterations.

Appropriate Assessment: Stage 1

In conducting a screening exercise for appropriate assessment, the Commission considered the nature, scale and context of the proposed alterations, the documentation on file including the Addendum NIS submitted with the application and the assessment of the Inspector in relation to the potential for effects on European Sites. In undertaking the screening exercise, the Commission accepted the analysis and conclusions of the Inspector.

The Commission concluded that, by itself and in combination with other development in the vicinity, the proposed alterations would not be likely to have significant effects on 4 No. European Sites in view of their conservation objectives.

The Commission considered that the Hugginstown Fen SAC (Site code: 000404) and the Thomastown Quarry SAC (Site code: 002252) could be screened out from further assessment and that the River Barrow and River Nore SAC (Site code: 002162), the River Nore SPA (Site code: 004233), the Lower River Suir SAC (Site code: 002137), and the Saltee Islands SPA (Site code: 004002) required further investigation.

In reaching this conclusion, the Commission took no account of mitigation measures intending to avoid or reduce the potentially harmful effects of the development on any European site.

Appropriate Assessment: Stage 2

The Commission considered the Addendum NIS and all other relevant documentation on the file and carried out an appropriate assessment of the implications of the proposed alterations for the River Barrow and River Nore SAC (Site code: 002162), the River Nore SPA (Site code: 004233), the Lower River Suir SAC (Site code: 002137), and the Saltee Islands SPA (Site code: 004002).

The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment, as well as the report of the Inspector. In completing the assessment, the Commission considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the approved Castlebanny Wind Farm granted under ABP-309306-21, and 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 would not significantly affect the integrity of the River Barrow and River Nore SAC (Site code: 002162), the River Nore SPA (Site code: 004233), the Lower River Suir SAC (Site code: 002137), and the Saltee Islands SPA (Site code: 004002) or any other European Site in view of the sites' Conservation Objectives.

Environmental Impact Assessment Screening

The Commission considered the potential environmental impacts that might arise due to the proposed alteration, both by itself and in combination with other development in the vicinity. Having regard to the characteristics of the receiving environment and the characteristics of the proposed alterations, the Commission is satisfied that the proposed alterations would not be likely to have significant effects on the environment. The Commission concurred with the analysis and conclusions of the Inspector in this matter. The Commission, therefore, concluded that the preparation of an environmental impact statement is not required, either by means of any mandatory requirement or following sub-threshold analysis.

Having regard to:

- The parent permission granted under ABP-309306-21, which the subject alterations seek to amend,
- The modest nature and scale of the proposed alterations,

- The location of the proposed alterations, within the footprint of the permitted development site,
- The pattern of development in the surrounding area,
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised,
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised,

it is considered that, following the EIA Screening Determination, the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

Having regard to:

- the nature and details of the parent permission, ABP-309306-21,
- the character of the alterations, including their scale and form,
- the location of the proposed alterations, within the footprint of the existing permitted development site,
- the limited visibility of the proposed alterations outside the confines of the site,
- the absence of any significant new or additional environmental impacts arising as a result of the proposed alterations, including landscape or visual effects or effects on archaeology, and
- the report of the Commission's inspector, which is adopted,

The Commission concluded that the making of the proposed alteration would be in accordance with the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Liam Bowe

Senior Planning Inspector

2nd September 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ACP-324135-26
Proposed Development Summary	Alteration request in accordance with Section 146B regarding the permitted Castlebanny Wind Farm (ABP-309306-21)
Development Address	Located in the townlands of Castlecoster, Derrynahinch, Kiltorcan, Coolroe Beg, Baunskeha, Castlebanny, Kilvinoge, Cappagh, Coolnahau, Ballytarsna, Mullennakill, Gillpipe, Ballymartin, Ballyvatheen, Ballynoony West, Derrylackey, Garrandarragh, Ballgegan, and Ballyvool, County Kilkenny.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here N/A
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	N/A
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold N/A
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5, Class 3, Para 3 (j) <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'.</i> Schedule 5, Class 13 (Part 2); <i>'Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:</i> (i) <i>result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this schedule, and</i> (ii) <i>result in an increase in size greater than –</i> - 25 per cent, or - <i>an amount equal to 50 per cent of the appropriate threshold which is the greater'</i>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	Screening Determination required (Complete Form 3)
No ☐	N/A

2nd September 2026

Liam Bowe
Senior Planning Inspector

EIA – Screening Determination

Appendix 2: Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference	ACP-324135-26	
Development Summary	Alteration request in accordance with Section 146B regarding the permitted Castlebanny Wind Farm (ABP-309306-21). Modifications proposed: • Amend the onsite 110kV substation footprint and inner components in line with current EirGrid specifications for 110kV substations and to slightly alter the orientation of the permitted substation; and • Add a turbine type to the list already permitted, comprising a turbine with dimensions of a tip height of 185 metres, a hub height of 110 metres and a rotor diameter of 150 metres.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	N/A	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

EIA – Screening Determination

5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Updated/ Addendum NIS and Environment Report submitted with the application	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The project proposed is minor alterations to an approved wind farm. The amendments are minor in nature and not considered material. The proposed alterations do not require the re-siting or relocation of any of the wind turbines or ancillary infrastructure as assessed in the EIAR approved under the permitted development. Construction phase activities will be identical to those approved under the permitted development. No likely significant impacts are predicted at any phase of the development.	No
1.2 Will construction, operation, decommissioning or demolition works cause	No	There will be physical changes to the environment with the construction of Castlebanny	No

EIA – Screening Determination

physical changes to the locality (topography, land use, waterbodies)?		Wind Farm. However, the alterations are minor in nature and if built in accordance with the EIAR and documentation submitted with the original application will have no significant likely effect on the environment.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	The alterations proposed will not alter the footprint of the permitted development to any extent. All construction works and mitigation works will be carried out in accordance with the original EIAR for the permitted development. No significant negative impact in relation to land, soil, water, materials/minerals or energy predicted for any phase of the development. No significant effects on natural resources are likely to arise.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Following the implementation of mitigation measures for the protection of water quality as set out in the EIAR, no significant impacts predicted, during any phase of the development.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	No, the wind farm will not produce solid waste or release pollutants or any hazardous/toxic/noxious substances. No significant emissions, or waste are likely to be generated from the proposed alteration.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	Following the implementation of mitigation measures for the protection of water quality as set out in the EIAR, no significant impacts predicted during any phase of development.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	The alterations proposed related to the minor amendments to the permitted substation and an additional wind turbine type. Following implementation of mitigation measures set out in the EIAR for the permitted development, no significant noise or vibration impacts are predicted during the construction phase.	No

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		The wind farm will be required to comply with the operational phase noise limits set out in Condition No.6 of ABP-309306-21, regardless of the final wind turbine model erected on the site. Predicted noise limits will therefore be below the prescribed limits at noise sensitive receptors during the operational phase. No significant vibration impacts expected during any phase of the development.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	No, following the implementation of mitigation measures for the protection of water quality as set out in the EIAR, no significant impacts predicted during any phase of development. No significant air quality or climate effects are likely.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	Due to the nature of the proposed alterations, no risk of major accidents expected following implementation of mitigation measures and adherence to best practice during construction phase.	No
1.10 Will the project affect the social environment (population, employment)?	No	Construction and Operational phase activities will be identical to those approved under the permitted development. No likely significant impacts on the social environment are predicted at any phase of the development over what has already been approved.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The proposed alterations will be constructed concurrently with the permitted Castlebanny Wind Farm. No cumulative impacts are expected due to the minor nature of the alterations. Following implementation of the mitigation measures as described in the permitted NIS and EIAR, cumulative impacts are unlikely to arise.	No

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2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No	The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection. Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The site is not under any wildlife or conservation designation. A Biodiversity Assessment accompanies the alteration application. I note that further site visits were conducted on 10th and 11th March 2025 which confirmed there were no significant changes to the baseline conditions within the permitted development site that would significantly alter bird flight line behaviours or the avian and bat assemblages assessed in the EIAR. I note the amendments proposed in this application are within the parameters of those already assessed and consented as part of the original EIAR with regards to ornithology and bats. I am satisfied that the proposed alterations do not have the potential to affect any ecological receptor beyond those already assessed in the permitted development either alone or in combination with any other plans or project.	No

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2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	Significant effects on features of archaeological or cultural importance are not assessed as likely to arise under the permitted development. The proposed alterations are minor in nature and will not affect this conclusion. Accordingly, I do not consider this aspect of the project likely to result in a significant negative effect on the environment in terms of archaeology and cultural heritage.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	Due to the minor nature of the alterations proposed, I consider there will be no impact on high quality or scarce resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The proposed alterations relate to slight amendments to the substation and an additional turbine type, and all construction will be as described in the permitted development. Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of water following implementation of mitigation measures set out in the EIAR and compliance with planning conditions.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	All potential routes which may be utilised in the delivery of the wind turbine infrastructure have been assessed in the permitted EIAR as being capable of accommodating turbine components of the dimensions as described.	No

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2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no sensitive community facilities, such as hospitals or schools, in proximity to the site and/ or that could be significantly affected by the project.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	The proposed alteration will be constructed concurrently with the permitted Castlebanny Wind Farm. No cumulative significant effects on the area are reasonably anticipated following implementation of mitigation measures described in the permitted EIAR and NIS. Cumulative effects with other wind farms are assessed as unlikely due to mitigation measures to be implemented for the respective projects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	☒	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	

EIA – Screening Determination

D. MAIN REASONS AND CONSIDERATIONS

Having regard to:

- The parent permission granted under ABP-309306-21, which the subject alterations seek to amend,
- The modest nature and scale of the proposed alterations,
- The location of the proposed alterations, within the footprint of the permitted development site,
- The pattern of development in the surrounding area,
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised,
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date 2nd September 2026

Approved (DP/ADP) _____

Date _____