



### Development

Continued operation of meteorological mast and associated site works. The meteorological mast was installed as exempted development in accordance with Class 20A, Schedule 2, of the Planning and Development Regulations 2001 (as amended)

### Location

Gorteennahilla, County, Laois

### Planning Authority

Laois County Council

### Planning Authority Reg. Ref.

2560465

### Applicant(s)

Cullahill Wind Farm Limited

### Type of Application

Permission

### Planning Authority Decision

Grant Permission + Conditions

### Type of Appeal

Third Party Normal Planning Appeal

### Appellant(s)

Save Our Mountain CLG

### Observer(s)

Catherine Fitzpatrick

Richard Saunders

19/5/26

### Date of Site Inspection

### Inspector

Ronan Murphy

## **1.0 Site Location and Description**

- 1.1. The appeal site is located within the townland of Gorteennahilla which is a rural area on Cullahill Mountain located c. 2.9km to the south-east of Cullahill village in County Laois.
- 1.2. The appeal site which has a stated area of c. 2.37ha and comprises of an agricultural field which is irregular in shape.
- 1.3. In terms of topography the site is on a plateau of Cullahill Mountain and is generally flat within an undulating upland landscape. Access to the site is via a small rural road which is used for local traffic.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the continued operation of the existing 80 metre (m) meteorological mast and associated ancillary infrastructure for a period of up to 5-years.
- 2.2. The purpose of the meteorological mast is to accurately record and predict long-term meteorological conditions and to ensure the optimal technical operation of a potential wind energy development at this location.
- 2.3. The meteorological mast was installed in March 2025 in accordance with Class 20A, Schedule 2, of the Planning and Development Regulations 2001 (as amended). The time period allowed under Class 20A is limited to 15 months in any 24-month period. The meteorological mast was erected in March 2025.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1. By order dated 22/1/26 the Planning Authority decided to grant planning permission, subject to 5 conditions.
- 3.1.2 Condition No. 2 requires that the development hereby permitted shall be permitted for a period of five [5] years only from the date of the grant of this permission and that prior to the end of this period, the mast and all associated plant and equipment shall be removed in their entirety from the application site and the site re-instated in full at the developer's expense to the satisfaction of the Planning Authority.

Condition No.3 requires that No material change of use of the mast shall be made without a prior grant of planning permission.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

3.2.1.1 There are two planning reports on file. The first report dated 25/9/25 states that the application does not include a visual impact assessment. In addition to this, the need for the structure over an extended period of 5 years is queried, especially there is an operational wind farm in the vicinity of the site. Further Information was requested on this basis.

#### 3.2.2. Other Technical Reports

- **Municipal District:** Report dated 12/8/25 outlining no objection and no conditions.
- **Chief Fire Officer:** Report dated 8/8/25 No objection. Advisory that Laois Fire Authority did not assess this application and that the applicant/s be informed that they are required to comply with all relevant Building Regulations and all relevant Building Control Regulations.

### 3.3. **Prescribed Bodies**

3.3.1 No response on file.

#### 3.4 Second planning report

3.4.1 The second planning report on file, dated 21/1/26 s assesses the applicants response to the Further Information request and notes that The landscape and visual impact assessment furnished by the agent is comprehensive and sets out the likely impacts of the proposed development on the receiving environment in this part of south County Laois as well as north-west County Kilkenny

Prescribed Bodies

**Department of Housing, Local Government and Heritage:** Letter dated 27/4/26 outlining no objection, subject to conditions relating to Archaeology.

### 3.4. **Third Party Observations**

3.4.1 A total of 128 objections were received by the Planning Authority. Issues raised included the following:

- visual amenity,
- residential amenity,
- disturbance,
- European Sites,
- biodiversity,
- habitats,
- flora and fauna with specific reference to badger, hare, skylark, pipit etc,
- light pollution,
- EU legislation,
- Development Plan designation,
- tourism,
- archaeology,
- cultural heritage,
- constitutional matters,
- common law,
- statute,
- precedence,
- precursor to a wind energy project,
- water supply,
- planning history,
- enforcement

## 4.0 **Planning History**

- 4.1. There is no pertinent planning history relating to the appeal site. However, it is noted that a Section 5 declaration was sought with the Reference **2025/43**. There is no information on this file.

### *Surrounding area*

**Reg. Ref. 25/60414.** Application for two turbine windfarms between Durrow, County Laois and Ballyragget, County Kilkenny, forming part of an overall project for 8 no. turbines with

the other 6 no. in County Kilkenny. Permission refused. This decision is the subject of a first party appeal to An Coimisiún Pleanála which is currently being considered.

**Reg. Ref. 19/391:** Application for permission to retain building as developed to date. Permission is also sought for completion of building, new domestic garage, septic tank treatment system, and all associated site work. Permission granted, subject to conditions.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The *Laois County Development Plan 2021-2027* is the operative plan for the area. The following policies and objectives are pertinent:

**CM RE 2** - Promote renewable energy development, including hydro, bioenergy, wind, solar, geothermal, and landfill gas, while ensuring compliance with standard planning and environmental criteria in collaboration with statutory and other energy providers.

**CM RE5** - Promote and facilitate wind energy development in accordance with the Guidelines for Planning Authorities on Wind Energy Development from the Department of Housing, Planning and Local Government, including any updates, along with the Appendix 5 Wind Energy Strategy of the Plan, and interim guidelines for planning authorities on statutory plans, renewable energy, and climate change, while ensuring compliance with standard planning and environmental criteria.

**CM RE 7** - Promote the location of wind farms and wind energy infrastructure in the 'preferred areas' as outlined on Map 3.2, to prohibit such infrastructure in areas identified as 'Areas not open for consideration' and to consider, subject to appropriate assessment, the location of wind generating infrastructure in areas 'open for consideration' and as per the Laois Wind Energy Strategy 2021-2027.

**LCA 1** - Ensure that consideration of landscape sensitivity, as indicated in Table 11.6 of the Plan, is an important factor in determining development uses in areas of high landscape sensitivity, the design, type, and the choice of location of proposed development in the landscape will also be critical considerations.

**LCA 2** - Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of

the existing local landscape and conserve valuable habitat including any European and National Designations.

**LCA 5** - Ensure that development will not have a disproportionate visual impact (due to excessive bulk, scale, or inappropriate siting) and will not significantly interfere with or detract from scenic upland vistas, when viewed from areas nearby, scenic routes, viewpoints, and settlements.

**LCA 7** - Facilitate, where appropriate, developments that have a functional and locational requirement to be situated on steep or elevated sites (e.g., reservoirs telecommunication masts, or wind energy structures) where residual adverse visual impacts are minimised or mitigated.

**LCA 8** - Maintain the visual integrity of areas which have retained a largely undisturbed upland character and respect the remote character and existing low-density development in these areas.

**SV 1:** Protect views from designated scenic routes indicated in Table 11.7 and Map 11.8 (Scenic Views and Prospects in County Laois) of the Plan, by avoiding any development that could disrupt the vistas or disproportionately impact on the landscape character of the area, thereby affecting the scenic and amenity value of the views.

**Appendices:**

**Appendix 5:** Wind Energy Strategy, January 2022 – Including Ministerial Direction changes.

Section 4.5 Landscape Character Types in County Laois

LCT 1: Mountains / Hills and Upland Areas

Table 2: Views and Prospects worthy of Preservation Section 5. Wind Energy Strategy for County Laois - Area Classifications: The Wind Energy Strategy for County Laois identifies four distinct area classifications based on a comprehensive analysis integrating wind data and other key factors like existing and approved wind energy developments.

**Areas Not Open for Consideration:** This category includes regions unsuitable for wind farm development due to their scenic, ecological, or tourism values. Specifically, the Slieve Bloom Mountains, Cullahill Mountain, and "The Seven Hills of Laois" are excluded based on their extensive environmental designations and significant tourism and leisure potential.

**Appendix 6: Landscape Character Assessment-** The site is located in Landscape.

Type 1: Mountain, Hills, and Upland Areas.

**LCA 5:** Ensure that development does not have a disproportionate visual impact (due to excessive bulk, scale, or inappropriate siting) and does not significantly interfere with or detract from scenic upland vistas when viewed from nearby areas, scenic routes, viewpoints, and settlements.

**LCA 7:** Facilitate, where appropriate, developments with a functional and locational requirement to be situated on steep or elevated sites (e.g., reservoirs, telecommunication masts, or wind energy structures) while minimising or mitigating residual adverse visual impacts.

**LCA 8:** Maintain the visual integrity of areas that have retained a largely undisturbed upland character and respect the remote character and existing low-density development in these areas.

**WES 1:** Support the development of wind energy resources in County Laois within appropriate scales and locations, aiming to enhance energy security, reduce dependency on fossil fuels, and align with national and European renewable energy and climate change policies.

**WES 2:** Promote Laois as a low carbon County by 2018 to attract inward investment to the County and the wider Midlands region.

**WES 7:** Areas Not Open for Consideration

These areas are not considered suitable for wind farm development due to their overall sensitivity arising from landscape, ecological, recreational, and/or cultural and built heritage resources as well as their limited wind regime.

**Cultural Heritage**

There are no Recorded Monuments, sites of archaeological interest, Protected Structures, or NIAH features identified within the boundary of the appeal site. The closest features in the surrounding include the following:

- LA035-056 Enclosure

### **Kilkenny County Development Plan**

5.1.2 I make the Coimisiún aware that the appeal site is in proximity to the border of County Kilkenny. The following policies and objective of the *Kilkenny City and County Development Plan 2021-2027* are relevant:

- Section 9.2.12 of the Kilkenny City & County Development Plan 2021-2017 ('Kilkenny CDP') sets out the measures for the management and protection of the landscape. A landscape Character Assessment which was prepared for Kilkenny in 2023 which identified four landscape character types, which are subdivided into 14 landscape character areas, with some areas identified as being of special landscape character value and also identified features and areas of high landscape sensitivity.
- The most proximate landscape character area to the appeal site is 'Upland' area and part of the Slieveardagh Uplands LCA (northern).
- Appendix H sets out the views and prospects, and it is noted that the closest to the appeal site is V14 which are described as *Views north and east on the Johnstown/Gattabaun Road No. LP1805 between junctions with Road nos. LT18054 and LT18056.*

### **Relevant National / Regional Policy / Ministerial Guidelines / European policy**

National Planning Framework – Project Ireland 2040, First revision April 2025

This plan sets out a strategic national planning framework for the entire country. It recognises the need to move toward a low carbon and climate resilient society, and it emphasises that rural areas have a strong role to play in securing a sustainable renewable energy supply. It seeks to harness the country's renewable energy potential, achieve a transition to a competitive, low carbon, climate-resilient and environmentally sustainable

economy by 2050, and promote new energy systems & transmission grids (including on and offshore wind energy).

Table 4 of the First Revision states that the capacity of onshore wind production for the Eastern and Midlands region is proposed to grow from 284MW to 1,966MW.

The following National Policy Objectives (NPOs) are relevant:

NPO 32: Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.

NPO69: Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets.

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

NPO74: Each Regional Assembly must plan, through their Regional Spatial and Economic Strategy, for the delivery of the regional renewable electricity capacity allocations indicated for onshore wind and solar reflected in Table 9.1 and identify allocations for each of the local authorities, based on the best available scientific evidence and in accordance with legislative

requirements, in order to meet the overall national target. Table 9.1: Regional Renewable Electricity Capacity Allocations.

NPO74: Each Regional Assembly must plan, through their Regional Spatial and Economic Strategy, for the delivery of the regional renewable electricity capacity allocations indicated for onshore wind and solar reflected in Table 9.1 below: Eastern and Midlands 1,966MW.

NPO75: Local Authorities shall plan for the delivery of Target Power Capacity (MW) allocations consistent with the relevant Regional Spatial and Economic Strategy, through their City and County Development Plans.

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### *Regional Policy*

Regional Spatial & Economic Strategy – Eastern and Midlands Region.

**RPO 4.84:** Support the rural economy and initiatives in relation to renewable energy so as to sustain the employment opportunities in rural areas.

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**RPO 7.36:** Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to ‘Wind Energy.’

### *Ministerial Guidance*

Climate Action Plan 2025

The Climate Action Plan 2025 for Ireland sets out a roadmap to achieve net-zero emissions by 2050 and halve greenhouse gas emissions by 2030 through sector-specific actions and renewable energy expansion. Key objectives include accelerating the delivery of onshore wind, offshore wind, and solar projects, and dialling up to 9 GW of wind power by 2030. This plan underscores the vital role of wind energy in achieving a low-carbon economy and aligns with the broader goal of transitioning to a more sustainable and resilient energy system.

It is noted that, at the time of writing of this report, the Climate Action Plan 2026 was not published.

#### National Energy and Climate Plan, 2021-2030

The National Energy and Climate Plan (NECP) was prepared in accordance with Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action. The EU Governance Regulation is effectively the piece of EU legislation under which Ireland is held accountable in meeting its de-carbonisation targets. This Plan outlines Ireland's energy and climate policies in detail for the period from 2021 to 2030 and looks onwards to 2050. The NECP is a consolidated plan which brings together energy and climate planning into a single process for the first time. It envisages a target of at least 55% renewable energy in electricity by 2030, with specific annual targets for delivery of onshore and offshore wind in order to meet the requirements of Article 4 of the Regulation. The minimum target for onshore wind in Ireland by 2025 is a total installed capacity for 5900MW, an increase of approximately 1700MW on 2020.

#### Draft Wind Energy Development Guidelines, 2019

Section 4.6 outlines that planning applications for wind anemometers and measuring masts are generally sought for a limited period only and that permission should be granted for approximately a two-year period to allow wind resource analysis to be carried out. These Guidelines also state that it would be inadvisable for the planning authority to grant permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan.

#### *European policy*

#### Climate and Energy Policy Framework 2030

The 2030 Climate and Energy Framework, outlines EU climate and energy policies for the period from 2020 to 2030. Its objectives include achieving a competitive, secure, and sustainable energy system while addressing climate change. Key targets include at least a 40% reduction in greenhouse gas emissions and a 32% share of renewable energy consumption within the EU by 2030. The framework aims to promote a low-carbon economy, ensure affordable energy for consumers, and enhance energy supply security.

Renewable Energy Directive 2018/2001/EU.

The Directive sets out a new target for share of energy from renewable sources in the EU to at least 32% for 2030, with a review for increasing this target through legislation by 2023. A major shift within the revised Directive is the way in which Member States will contribute to the overall EU goal. Where previously (for 2020 target) member states had an individual national binding target, the 2030 framework is solely based on an EU-level binding target of 32%. It requires Member States to set national contributions to meet the binding target as part of their integrated national energy and climate plans.

#### *EU Commission European Green Deal 2019*

Green Deal aims to transform the EU into a modern, resource-efficient, and competitive economy while addressing climate change and environmental degradation. It responds to citizens' calls for urgent climate action and sets legally binding targets for climate neutrality by 2050 and a 50–55% reduction in greenhouse gas emissions by 2030.

## **5.4 Natural Heritage Designations**

- 5.4.1 The subject site is not located within or adjacent to a European Site. The nearest designated sites are Cullahill Mountain SAC (site code 000831) which is c. 1.5 km to the south-west. The Cullahill Mountain pNHA (Site Code: 000831) is also located c.1.5km to the south-west of the site.

## **5.5 EIA Screening**

- 5.2. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. I refer the Coimisiún to Appendix 1 in this regard.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 7.1.1 A third party appeal has been received from Save Our Mountain Company Limited. I make the Coimisiún aware that this appeal is supported (by signature) of 115 parties submitted at the back of the appeal. In addition to this, I make the Coimisiún aware that this appeal is supported by a number of appendices.

The appeal can be summarised as follows:

*Broad ground of appeal*

1. The structure is not exempt within the intent and purpose of the Act.
2. The structure is part of a wind turbine project that is prohibited by the current County Laois County Development Plan.
3. The structure is prohibited by precedent of decision PLOSE. RL3419 An Bord Pleanála.
4. The further information does not adequately address third party objections or adequately answer the information sought by LCC.
5. The Visual Impact Statement is flawed by the fact that it does not adequately address the impact on residents and visitors in the area, address the effect on the commerce in the area, address the effect on tourism in the area or accurately deal with the impact on visibility.
6. The application is wrongly addressed as “continuation”- should be “retention”.
7. The application is wrongly addressed as a time related matter only.
8. The application is mischievous in its purpose and intent.

*Validity / consultation*

- The heading of the application raises important legislative and statutory questions. The application for planning permission was unlawfully wrongly addressed and should have been an application for retention of the already installed structure.
- Retention Permission is applied for when a physical development has been constructed or installed without or in breach of planning permission.
- Continuance of use is applied for where the use of land or a building has changed, or the intensification of use has occurred without planning permission.
- The applicant should have applied for planning permission for retention of the existing structure, and it is suggested this, renders the planning permission invalid and a ground for refusal by the Coimisiún.

- There was no realistic consultation between the applicant and the community appertaining to this planning matter as is requires by Laois County Council Development Plan and legislation.

*Statutory and planning questions*

- Important statutory and planning questions which in essence queries the intent and meaning of the Act relevant to Exempt Structures.
- Whilst accepting that the current legislation allows wind monitoring masts in the main without restrictive planning requirements, the legislation could not have considered a situation wherein an application would be made for an installation to monitor for an intent and purpose which was prohibited by the receiving planning authority.
- The authors of this legislation could not have made provision for an application of a 400ft high wind monitoring mast, claimed as exempted, in, as examples, the Phoenix Park, St. Stephens Green or Dublin Docklands which, however unlikely, is matched by its' audacity in the application by SOM/GES in seeking to carry out quantitative testing for a wind turbine project in an area where such activity is prohibited.
- This in turn raises a further question as to the status of the request for planning permission being integral to and thus part of a wind turbine development which, in this case is specifically prohibited by the current LCC County Development Plan.
- Under the heading "Areas not open for consideration" p27 Wind Energy Strategy it states: "These are areas identified as particularly unsuitable for windfarm development This category is used for areas which due to their scenic, ecological or tourism values are unable to accommodate development of this type. Along with the Slieve Bloom Mountains and Cullahill Mountain —"These areas enjoy extensive designations while Cullahill Mountain is adjacent an SAC of the same name and also offers major tourism potential."
- The data from the mast forms part of an ongoing for the possible development of a wind farm. Further in the CWF/GES submission of 19/12/25 P.2 2.0 Item 2 "the potential future development of a wind farm at this location".

- It is our submission that it is therefore logical to maintain that the application for permission to continue to use the mast for an application prohibited by the receiving planning authority is outside that intended by the authors of the Act and further is part of a planning permission for a wider use prohibited by LCC.
- For the avoidance of doubt as to what extent a wind monitoring mast is relative to a wind farm project we bring the Coimisiún attention to overwhelming evidence supporting the contention that a wind monitoring mast “is an absolutely essential component of a wind turbine project” and therefore an element of the planning process for such.
- It is our submission that the mast in question is an essential part of the life cycle and a requirement of a wind farm requirement and therefore any planning application inter alia involves the whole rather than a singular element for a project which is specifically prohibited in the current Laois County development plan.
- It is suggested to the Coimisiún that in the event of accepting any of the afore mentioned submissions as being sustainable they can only arrive at one conclusion being that the current position relative to the mast is that the planning permission granted by Laois Council is unsustainable.
- The relevance of this is contained in the LCC request for further wherein the planning authority sought a submission on the relevance of the adjacent Lisdowney Wind Farm in response to our submission of 11/8/15, wherein we stated that under the precedent formed by the judgement of Donal Donnelly in An Bord Pleanála judgement of 26th January 2016.
- We therefore propose to the Board that the relevance of the mentioned An Bord Pleanála judgement PLOSE.RL3419 and the suggested non requirement of the data sought by applicant render the planning permission unsustainable on the basis this judgement clearly sustains the position taken by SOM that multi monitoring in one location is prohibited.
- In response, the applicants choose not to deal with the legalities raised in Mr. Donnelly’s judgement but state that the data required to ascertain the commercial viability of the potential wind farm, clearly prohibited by the Laois County development Plan.

- We submit that this is inaccurate and misleading. It is suggested that this is the primary reasoning promoted by the applicant as to the requirement for planning permission and the very existence of the mast rendering the planning permission grant by LCC as unsustainable.
- The quantum of the site in Laois containing the monitoring mast and the adjoining Lisdowney Windfarm (4 turbines, the boundary of which is 10 metres from the mast in question) producing 9.2 MW), are clearly quantified rendering the requirement for the application unsustainable.
- The applicants make reference to the nearby Seskin development, which has not sought planning permission for a meteorological mast relying on the existing data readily available from statutory and trade bodies. This therefore questions the real motives for this structure.
- It is therefore suggested that there is another rationale behind the application and that is the ensuing planning application for up to 15 turbines will use our arguments against the mast in reverse and will contend that, despite such a planning application contravening the current Development Plan prohibiting such developments, on the basis that in allowing for testing for such a project LCC are interalia obliged to give planning permission for the development for which the testing is required.

*Response to initial objection*

- It our submission that by not dealing with all elements of our objection to the initial application, the applicants are in breach of the requirement of LCC in their schedule for Further Information Required of 25/9/25.
- Not only were these submissions not dealt with by the applicant as required but it is suggested that LCC should not rely on the information solely provided by the respondent to further information but have a statutory obligation to investigate on their own regard. No such unbiased investigation took place and their total (reliance given to the submission of the applicant, particularly by the omission of photographic evidence rendering the response as flawed.

*Zone of theoretical Visibility*

- A fundamental element of any Visual Impact Assessment is the effect that the existing installation has on the residents living in proximity and the multitude \ of visitors most affected by the installation.
- LCC planning department were in breach of the regulations in giving planning permission without adequately taking into regard the effects on residents, visitors, and tourists, rendering the planning permission unsustainable.
- The Department of the Environment, although addressed no input was received as indeed, notable by its absence, was any input sought or received by any other statutory party relative to these activities e.g. Laois Tourism etc.
- The status of Cullahill Mountain as an area of great tourist potential, an area of outstanding natural beauty and a haven for walkers, cyclists and nature lovers in their thousands is noted in the current Laois County Development Plan.
- These visitors, hugely important to the commercial viability of the area, have indicated in their opposition to this planning permission that any form of industrialisation is unwelcome and detrimental to their interests.
- We do not accept that by omitting the photographic effect on residents/visitors that the VIS is in accordance with the recognised industry mythology.
- The applicants submit that the only issue is whether this is justified for a period of five years. It is our submission that this is mischievous and aimed to mislead.
- The board's attention is drawn to the request for additional information by LCC where the applicants were requested to submit a detailed Landscape and Visual Impact Statement, submit a Zone of Theoretical Visibility, a series of photomontages, a rationale of the existing development and to address third party concerns.
- All of the listed matters are planning issues relative to the whole matter and not only relative to the timing issue as claimed by the applicant.
- We suggest that the application is in three parts 1. The continued operation of the existing metrological mast and ancillary structure, 2. for a period of up to five years, 3. on the basis that the meteorological mast was installed in accordance

with Class 2 of the Planning and Development Regulations 2001 as an exempted structure.

- We have expressed our deep concerns as to the validity and legality of each of these which we submit should be dealt with by the Board individually rather than one submission.

#### *Landscape and Visual Assessment*

- We accept that the development is “on the slopes of Cullahill Mountain”.
- We accept the assessment criteria as shown. We do not however accept the conclusions arrived at by the applicants.
- We accept the criteria shown but do not accept that the reference to the visual impact, particularly at a human level, has been adequately or legally addressed.
- We accept the criteria of Sensibility of View but do not accept the conclusions arrived at by the applicants.
- The principal of Cumulative Assessment Criteria is not accepted. The Coimisiún’s attention is brought to the aims of LCC in the current County Development Plan “to protect areas of the status and quality of Cullahill Mountain under the provisions of Laois County Development Plan.”
- The cumulative effect of adding to and thereby compounding an already negative view is unlawful and is in breach of the constitutionally based intents of the Laois County Development Plan.
- The photographic evidence provided by CWF/GES does not reasonably evidence the site is particularly evident from views in and around Cullahill Mountain.
- We concur that the site is in close proximity to the operational Lisdowney Wind Farm. It is however noted that the report does not quantify how close – being 10 meters to the boundary of said installation and 550 metres to the nearest mast.
- Figure 4 is not representative of the protected views appertaining to the site.
- It is not accepted that ZTV mapping is the key tool in the identification of viewpoints. We suggest that the most effective means of identifying visual impact

is by on site visitation referencing known inputs from the County Development Plan and expert opinion.

- We maintain that the listed 1 – 8 viewpoint locations established by ZTV are not in any way representative of the true and accurate realities of the visual impact particularly to homeowners and visitors to the area.
- We strongly suggest and request that attendance of the Coimisiún that an onsite visit is imperative to properly and fairly adjudge the reality of both parties' positions.
- Our expert opines that the landscape impact, taking into account of its rural and character location is high.
- It is of great concern that the listed computer-generated photographs VP 1 -8 are not in any way representative of the true position on the ground thereby rendering the photographic evidence as tainted.
- Paragraph 2 of the cumulative impact introduces new evidence. It is erroneously suggested that as the existing landscapes include a number of farm buildings, none of an unusual character of magnitude.
- Paragraph 3 suggests that the proposed (existing) development will most often be viewed in isolation. No evidence is supplied to support this.
- On 4th February 2026, the Supreme Court upheld a High Court Order quashing a decision to refuse planning permission for a wind farm in Wolfhill, County Laois dismissing an appeal by the Coimisiún stating that its' judgement was insufficient as a matter of law. The effects of this judgement may be far reaching.

## **6.2. Applicant Response in the case of a 3<sup>rd</sup> Party Appeal**

6.2.1 A first party appeal response was received but was deemed invalid and therefore has not been considered.

## **6.3. Planning Authority Response**

6.3.1 No Planning Authority response has been received.

## **6.4. Observations**

6.4.1 Two observations were received from 1. Richard Saunders and 2. Catherine Fitzpatrick. The observations can be summarised as follows:

*Richard Saunders*

- Concerned by the advent of a 40ft high wind monitoring mast which is clearly a precursor to a windfarm development.
- This a matter of pure logic as it is of little doubt that there is no other reason why a company called Cullahill Windfarm Limited would erect such a structure.
- Laois County Council erred in their approval of planning permission to Cullahill Windfarm Limited for a period of five years purely on the common-sense argument that it is totally illogical to allow a body to test for something which is not allowed.
- The decision of the Supreme Court in the matter of Coolglass Wind Farm Limited wherein the judgement of the Court was that your good selves {i.e. The Coimisiún-**my addition**} erred in your judgement in saying that this development should not be granted planning permission on the grounds that it contravened the current Laois County Development Plan as the Coimisiún had not considered whether the application was in accordance with the 2015 Climate Action and Low Carbon Development Act thereby maintaining that national interest outweighed that of local interests.
- Using this decision as a precedent we submit that Cullahill Mountain, perhaps uniquely amongst all locations where wind turbine development is contemplated, is a place of national importance and therefore interest.
- Implied absolute need to maintain and improve its existing pristine natural qualities.
- Tourism is of great importance to the Irish economy amounting to €9 billion and 20.4 % of GDP.
- The strategic ambition of County Laois alone to add 60,000 extra bed nights, 25,000 domestic tourists, 500 overseas tourists, 300 new jobs and 1% increased accommodation capacity across the county.
- This tourism falls into three main categories being:
  - a. General Interest- these tourists, both national and international, are drawn to the high level of beauty, sites, monuments, and history of Ireland of which we are duly

proud. Cullough Mountain is recognised as a place of outstanding natural beauty containing 5 registered views and prospects-more than any other in Laois.

- b. Sport and Leisure Tourism. is a highly important and fast-growing element of Irish national and international tourism. Cullough Mountain with its two famous registered walks attracts thousands of tourists to avail of the incredible vistas and lush mountain greenery. considerable numbers of cyclists together with the huge growth area of off-road mountain biking for which Ireland and Cullough Mountain in particular is becoming internationally recognised.
  - c. Nature Tourism. - Cullough Mountain is high in its attraction with its Special Area of Conservation containing a multitude of rare and protected wildlife and fauna. It is strongly suggested that any suggested benefit from the intervention of green energy is counteracted many times over by the resulting huge loss in revenue and jobs to the national economy. Contradiction that any intrusion of industrialisation through masts and/or wind turbines would be detrimental to this place of outstanding natural beauty.
- National importance outweighs all others; we suggest that you have no alternative by the precedent set down by the highest Court in this land but to override the planning decision of Laois County Council.

*Catherine Fitzpatrick*

- In the first instance I make the Coimisiún aware that there are two copies of the same observation on file. The observation can be summarised as follows:
- Letter of Laois Co Co decision showed address of company between application and the granting of permission had changed from Galetech agent to Cullahill windfarm in Co Cavan.
- Given a scenario where a windfarm becomes derelict how much taxes will the farmer need to pay. Or will there be any attempt to keep record of owner operator of wind farm. Will the Co Co be required to record the payee for compensation payments in Cullahill in Co Cavan.
- Met Eireann have applied to erect a 40mtr mast, in Kilkenny. Why is a larger met mast planned when Met Eireann can suffice with 40m?.

- Gridworks granted as part of Farrenrory planning is probably flooded and the workers trying to stave off pneumonia. These past few weeks, Working through the night due to closures of narrow roads.
- To complete this type of planning is in contravention of the GDPR, via Google maps, ArcGIS, approaches made to landowners to get their renewable energy to grid, uninvited approaches, with personal information. These consequences not in the national climate action plan. Neighbours' privacy and boundaries are measured, in advance due to scale of project.
- Application due to scale is industrial. Hedgerows and trees cut in anticipation of grid routes over and in ground this is not in compliance with biodiversity regulation or my understanding of them.
- The windfarm strategy was based on trip to South Africa by the epa decades ago.
- Our 80m Cullahill mast now has a national, European, and global consequence because of supreme Court ruling and the timing of this application. It has opened the floodgates on opinions on supreme Court ruling for all planning objections.

## 6.5. Further Responses

6.5.1 There are no further responses on file.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the planning authority and having inspected the site, and having regard to relevant local, regional and national and European policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of the Development
- Precedent
- Visual Impact
- Impact on other sectors
- **Flooding**

- Appropriate Assessment (AA) Screening
- Water Framework Directive
- Other matters

7.1.1 I make the Coimisiún aware that a number of concerns are raised within the grounds of appeal and within the observations with regards to the proposed development being a precursor to future windfarm application.

7.1.2 The mast was erected in March 2025 in accordance with Class 20A, Schedule 2, of the Planning and Development Regulations 2001 as amended. That is the exempted development class for meteorological masts. The time period allowed under Class 20A is limited to 15 months in any 24-month period. Given that, at the time of writing of this report is May 2026, I note that the time limitation for the exemption under Class 20A, Schedule 2, of the Planning and Development Regulations 2001 as amended has almost expired and the developer would be required to make a planning application to allow for the continuance of use for the mast.

7.1.3 I note concerns that the application should be treated as a Retention application, however, in my view, the current structure was erected under exempted development and therefore no permission was required to erect the structure. I am satisfied that the proposal would not be accurately described as 'retention' and that permission for the continuance of the use is the appropriate consent mechanism.

7.1.4 I recognise the concerns of the third parties that the proposal would be a precursor to an application for a wind farm development. This has been acknowledged by the applicant in their cover letter submitted at planning application stage. Notwithstanding this, the subject application before the Coimisiún relates to the continued operation of the existing 80 metre meteorological mast and all ancillary infrastructure for a period of up to five years on the appeal site and therefore any assessment as to whether or not the subject site or the areas surrounding the subject site is suitable for a windfarm development is premature. The purpose of this development seeks to continue the operation of an existing 80 metre meteorological mast and all ancillary infrastructure to measure local climate conditions to determine whether the site might be suitable for a windfarm development at some later date.

7.1.5 The Coimisiún should note that if it is minded granting planning permission for a mast at this location it does not imply consent for any future potential windfarm development. Any further developments would be required to be assessed on their own merits.

## **7.2 Principle of Development**

7.2.1 Notwithstanding the above, there is still a requirement to establish whether the location of the meteorological mast would be acceptable in principle due to its purpose of measuring local climate conditions for a windfarm development. I note that the Wind Energy Development Guidelines, Guidelines for Planning Authorities 2006, states that it would be inadvisable to grant permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan.

7.2.2 The appeal site is within an area in which Wind Energy is Not Open for Consideration, in this regard, I refer the Coimisiún to Map 3.2 of the *Laois County Development Plan 2021-2027*. Section 5 of Appendix 5 of the *Laois County Development Plan 2021-2027* outlines four classifications for wind energy generation suitability. Areas Not open for Consideration are identified as particularly unsuitable for windfarm development. This category is used for areas which due to their scenic, ecological or tourism values are unable to accommodate development of this type. I note that Cullahill Mountain is specifically mentioned within the Areas Not open for Consideration category.

7.2.3 While I note the above, the Irish Government has signed up to the European Wind Charter which seeks to develop and improve the conditions necessary for the delivery of wind energy targets including both onshore and offshore energy production. The pledge's indicative targets for onshore generation of 9GW by 2030. The most recent Climate Action Plan for Ireland (2025) seeks a total of 6 GW of onshore wind capacity to be generated by Ireland. In addition to that NPO74 and Table 9.1 of the First Revision of the National Planning Framework April 2025 increases the capacity for onshore wind generation from the Eastern and Midland region from 284MW to 1,966MW. In this regard I refer the Coimisiún to Policy CA1 of the *Laois County Development Plan 2021-2027* which seeks to Support and facilitate European and national objectives for climate adaptation and mitigation as detailed (inter alia) in the Climate Action Plan (2019 and any subsequent versions).

7.2.4 The proposal does not specifically relate to a wind farm development *per se*, it could be considered to be a first step in the process for a future potential wind farm application. In

this regard, I note that any wind farm development would be subject to a potential future planning application which would be subject to a full, separate, and in-depth planning process, which is not the subject of this application. In this regard, I note that there are substantial and robust international, national regional and local policy frameworks which support the development of renewable energy, including onshore wind. Given this direction, I am satisfied that the proposed development is acceptable in principle, subject to a full assessment.

### **7.3 Precedent**

7.3.1 It is noted that third parties have raised concerns that the structure is prohibited by precedent of decision RL3419 by An Bord Pleanála. The objectors state that the outcome of this case is that multi monitoring in one location is prohibited.

7.3.1 I make the Coimisiún aware that case RL3419 relates to a Section 5 referral in Co. Donegal which asked the question '*Whether the erection of 2 no. wind monitoring masts is or is not exempted development*'.

7.3.2 In this case, the Board found that the erection of a mast for mapping meteorological conditions is exempted development subject to the Conditions and Limitations specified under Column 2 of Class 20A of Part 1 of Schedule 2 and Class 19 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

7.3.3 However, this case related to the erection of 2 meteorological masts within the same site boundary, and it was found that the erection of a second mast within the site boundary is not exempted development.

7.3.4 I note the concerns of the third party that multi monitoring in one location is prohibited. In addition to this, I make the Coimisiún aware that the Lisdowney Wind Farm is c. 2km to the southeast of the proposed development and comprises 4 no. wind turbines with an overall (tip) height of 121.5m. Further to this, I make the Coimisiún aware that the Seskin Wind Farm which is currently being considered is located c. 5.5km to the northeast of the appeal site. The Seskin Wind Farm is proposed to have 8 no. wind turbines with an overall (tip) height of 175m.

7.3.5 However, having read the inspectors report and Board Direction with respect to RL3419, it is my view that this case does not consider multi monitoring in one location, it considers whether two masts within the same red-line site boundary could be considered

exempted development having regard to the provisions of Class 20 (a) of Part 1 of Schedule 2 of the Planning and Development Regulations (as amended).

7.3.6 While I note the concerns of the third parties in this regard, I am of the opinion that the findings in case RL3419 are not directly applicable to the case currently being considered and a precedent is not set for the proposed development. I have come to this conclusion having regard to the fact that this application seeks permission for the continuation of the use of a single mast within a specified red line boundary and that the Lisdowney Wind Farm which is adjacent is on a completely separate site and therefore functionally separate to the proposal being considered.

7.3.7 Having considered the foregoing, I am satisfied that the proposal comprises of a development type which has not previously been prohibited by An Bord Pleanála.

## **7.4 Visual Impact**

7.4.1 I note that the appellant and observers have raised concerns with the impact of the development on the visual amenity of the area for residents, visitors, and tourists.

### *Landscape Character*

7.4.2 Map 11.7 of the *Laois County Development Plan 2021-2027* identifies the appeal site within the Mountains, Hills, and Upland Character area. Table 11.6 of Chapter 11 outlines a level of sensitivity to each of the character area.

7.4.3 The Mountain Areas are described as being of High sensitivity. Medium sensitivity which have a reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors or special sensitivity factors.

7.4.4 I refer the Coimisiún to Policies LCA 5 TO LCA 11 which relate to Hills and Uplands Areas and Mountain Areas and broadly seek to ensure that development in these areas is appropriate and does not have an undue impact on scenic upland vistas. Notwithstanding this, policy LCA7 does envisage that certain developments such as wind farm structures could be facilitated in these areas.

7.4.5 In addition to this, having regard to Map 11.8 of the Laois County Development Plan, I note that View 004 (View from Road No. L5753 in the townland of Cullahill towards Knockmannon Hill), View 014: (View from R639 in the townland of Cullahill towards Capponellan Hill) and

View 21 (View from Road No. L5757 in the townland of Cullahill of Cullahill Castle and Knockmannon Hill.)

- 7.4.6 Having inspected the site and surrounding area, I noted that the subject site represents an elevated and exposed site within a rural area. The lands to the north of the site are low lying and flat, while lands to the south and east are more upland in character before reducing into flat land within the County of Kilkenny.
- 7.4.7 In addition to this, I note that there is an existing wind farm in proximity to the appeal site which is clearly visible in the local area to the south / east and west.

#### *Visual Impact*

- 7.4.8 The applicant's response to the Further Information request included a Landscape & Visual Impact Assessment prepared by Galetch Energy Services. The report concludes that the proposed development will have a moderate-slight in terms of landscape effect and a slight impact in terms of visual impact. In terms of in combination effects, it is stated that that the impact would be negligible.
- 7.4.9 In the first instance, I note that third parties, have outlined concerns that the Zone of Theoretical Visibility (ZTV) mapping has been the key tool in the identification of viewpoints. It is suggested that the most effective means of identifying visual impact is by on site visitation referencing known inputs from the County Development Plan and expert opinion. Concerns are also outlined that the listed 1 – 8 viewpoint locations established by ZTV are not in any way representative of the true and accurate realities of the visual impact particularly to homeowners and visitors to the area.
- 7.4.10 I make the Coimisiún aware that the Landscape and Visual Impact Assessment states that a computer-generated appraisal of ZTV was carried out to identify the theoretical extent and degree of visibility of the proposed development within the study area. The use of the purpose of a ZTV is to illustrate where a proposed development may be visible and generally speaking is a screening tool to inform more detailed, field-based visual assessments. In this regard, I note that the Landscape & Visual Impact Assessment states that the ZTV mapping has helped establish the areas within the study area that the proposed development is likely to be visible from. It is noted that on site observations and reviews of the Development Plans for Laois and Kilkenny also led to the establishment of viewpoints.

7.4.11 Having considered the foregoing, I am satisfied that while the ZTV was used in the identification of viewpoints, it was not the only factor used and that on-site observations and reviews of the development plans for both Laois and Kilkenny were used to identify suitable viewpoints.

7.4.12 The following 8 No. viewpoints were considered:

- **View 1:** L5758 (local road), Cullahill Mountain, Co. Laois.
- **View 2:** L5757 (local road), Ballygowney, Co. Kilkenny.
- **View 3:** L5757 (local road), Galesquarter, Cullahill, Co. Laois.
- **View 4:** L5758 (local road), Cullahill Mountain, Co. Laois.
- **View 5:** L17561 (local road), Ballykealy, Co. Laois.
- **View 6:** Motorway (M8), Oldglass, Co. Laois.
- **View 7:** Regional Road (R432), Moatpark, Ballyragget, Co. Kilkenny.
- **View 8:** Regional Road (R693), Clashacrow, Co. Kilkenny.

7.4.13 Having considered the Landscape and Visual Impact Assessment and the photomontages submitted by the applicant's at Further Information stage (for the information of the Coimisiún Appendix T of the third party appeal includes a hard copy of the photomontages) I am of the opinion that, while the mast would be visible from views in the area (especially in views 1,4 and 7), the mast would not be so visually intrusive so as to have an undue impact on the amenity of the area. The most prominent man-made view in the area remains the wind farm which has a much more pronounced impact on the visual character of the area. I am satisfied that the Landscape and Visual Impact Assessment and the photomontages submitted by the applicants at Further Information stage provides a comprehensive visual assessment of the proposal in the landscape.

7.4.14 I have considered the *Laois County Development Plan 2021-2027* and I am satisfied that the proposal would comply policies LCA 5 and LCA 7 which seeks to ensure that development will not have a disproportionate visual impact and will not significantly interfere with or detract from scenic upland vistas, while also seeking to facilitate, where appropriate, developments that have a functional and locational requirement to be situated on steep or elevated sites (e.g., reservoirs telecommunication masts, or wind energy structures).

7.4.14 I have come to these conclusions having regard to the design of the mast which comprises of a narrow-latticed structure to a width of 0.660 metres which I consider would not be particularly overbearing or prominent when viewed from public vantage points in the area and from existing residential / farming properties in the area. Additionally, whilst I note that the support cables extend out from the structure by 30 metres, they are very slender and would not be substantially visible from vantage points. The proposal is therefore acceptable in this regard.

## **7.5 Impact on other sectors**

7.5.1 The third-party appellant and the observers have outlined concerns that the planning Authority did not adequately taking into regard the effects on residents, visitors, and tourists of the proposed development.

7.5.2 This application was referred to the Department of Environment, Climate and Communication and the Irish Aviation Authority, who did respond to the referral. In addition to this, I make the Coimisiún aware that An Coimisiún Pleanála referred the application to the Department of Housing, Local Government and Heritage who did respond by way of letter dated 27 / 4 26 outlining no concerns subject to conditions relating to archaeological matters.

7.5.3 I note that one of the areas for concern from the third parties was in relation to the impact of the development on tourism. In this regard, I note that view 1 includes impacts on the Public Tourism/Recreation Trail (Cullahill Mountain Walk/Loop). I am satisfied that any impact on tourism in the immediate vicinity (Cullahill Mountain Walk/Loop) has been considered. While it is noted that the sensitivity of the receptor is high, the magnitude of impact is recorded as low with a moderate-slight impact. I have considered Viewpoint 1 in light of the foregoing, and I have visited the site, and I am satisfied that while the structure is visible from this view, the structure is not so onerous to impact on the character or the area as previously discussed. I would also proffer that mast is unlikely to have an impact on tourism, given that it has a limited impact on views on the area, given its slender design. I note that while the development would be visible from tourist infrastructure such as the Cullahill Mountain walk, it is set back and the slender design would mean it would not have an undue impact on views in the area.

7.5.4 With regard to historical / archaeological features, it is noted that views 1, 3, 5 and 6 all include representative views from various historical features including ringforts, enclosures,

Church / Graveyard, Castle, Bawn and Well. I am satisfied that the proposal has sufficiently provided adequate information for any impacts on historical features in the area. In addition to this, I note that the Department of Housing, Local Government and Heritage has responded with no objection to the proposal.

7.5.5 In addition to this above, I note that the area surrounding the mast is generally sparsely populated, in this regard, the area planner notes that the nearest structure is a non-residential farmyard c. 90 metres due south-west. Having been on site, I can confirm that there are no dwellings within the vicinity of the appeal site and therefore the proposal would not have an undue impact on residential amenity in the area.

7.5.6 Having regard to the above and to the application / appeal material available to me, I am satisfied that due regard has been given to the impacts of the development on residents, visitors, and tourists.

## **7.6 Flooding**

7.6.1 I have consulted the flood mapping system ([www.floodinfo.ie](http://www.floodinfo.ie)) and I note that the subject land is within Flood Zone 'C.'

7.6.2 Having considered all the foregoing; I consider the proposed development would not result in an increase in the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

## **8. AA Screening**

8.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a rural area of County Laois and comprises of a single storey dwelling, separate garage, and wastewater treatment facility.

8.1 The subject site is not located within or adjacent to a European Site. The nearest designated sites are Cullahill Mountain SAC (site code 000831) which is c. 1.5 km to the south-west. The Cullahill Mountain pNHA (Site Code: 000831) is also located c.1.5km to the south-west of the site.

8.2 There is no hydrological link between the subject site and the European sites.

8.3 Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

8.4 This determination is based on:

- Distance from European sites and
- Lack of any hydrological pathway.

## **9. Water Framework Directive**

9.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

9.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.

9.3 The ERKINA\_050 (IE\_SE\_15E010550) is c.730m to the south of the site. This waterbody is classified as at-risk ecological status. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>).

9.4 An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

9.5 Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

- 9.6 In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 9.7 Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## 10 Other Matters

### *GDPR*

- 10.1 Concerns have been raised with respect to GDPR, specifically that approaches are being made to landowners to get their renewable energy to grid, including uninvited approaches with personal information.
- 10.2 I note these concerns, however GDPR is not a planning issue and is dealt with under different legislation.

### *Removal of hedgerows and trees*

- 10.3 Concerns are raised that hedgerows and trees being cut in anticipation of grid routes over and in ground which is not in compliance with biodiversity regulations.
- 10.4 I note that the appeal currently being considered does not include any hedgerow or tree removal and therefore is outside what the Coimisiún can consider.

### *Derelict wind farms and taxes*

- 10.5 Concerns are raised with respect to what happens if a windfarm becomes derelict how much taxes will the farmer need to pay.
- 10.6 The appeal being considered is not for a wind farm, in any case, I am satisfied that any planning permission for a wind farm could include a condition requiring removal of wind farm infrastructure and reinstatement of the land at a time when the wind farm is no longer in operation (or something to that effect).
- 10.7 With regard to tax, this is not a planning matter and outside what the Coimisiún can consider.

## 11 Recommendation

- 11.1 It is my recommendation that permission be granted, subject to conditions. I make the Coimisiún aware that I **have not** attached a financial contribution as part of its notification to grant, having regard to Section 12.8 of the *Laois County Council Development Contribution Scheme 2023-2029*, which provides an exemption for *Development consisting of renewable*

*energy projects not exceeding 0.5 MW output.* The Coimisiún may take a separate view to this, in which case, I would recommend that a condition requiring a development contribution is included.

## 12 **Reasons and Considerations**

12.1 Having regard to the location of the proposed development within an upland, rural area, to the purpose of the development to measure local climate conditions, to the siting and design of the development together with its temporary nature, it is considered that subject to conditions set out below, the proposed development would not seriously injure the visual amenities of the area including on any high amenity value views, would not seriously injure residential amenities of property in the area, would be acceptable in terms of traffic safety, would not result in an adverse impact on biodiversity and would not be prejudicial to public health. It is considered that the proposed development would be consistent with the Climate Action Plan 2025, would be in accordance with policies LCA 5 and LCA 7 of the *Laois County Development Plan 2021-2027* and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13 **Conditions**

1. The development shall be carried out in accordance with plans and particulars received by the Planning Authority on 01/08/25 as amended by revised plans and particulars submitted on 19/12/25 except where conditions hereunder specify otherwise.

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

2. This permission shall apply for a period of 5 years from the date of this Order. The meteorological mast and ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

**Reason:** To enable the impact of the development to be reassessed, having regard to changes in technology and design during the specified period.

3 a) The site shall be reinstated on removal of the meteorological mast and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

(b) In the event of the meteorological mast becoming obsolete and being decommissioned, the developers shall at their own expense, remove the structure and restore the site to its original condition.

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

4. The developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement, including all necessary demolition and removal. The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site.

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.”

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Ronan Murphy  
Planning Inspector

20 May 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	<b>PL-500836-LS-26</b>
<b>Proposed Development Summary</b>	Continued operation of meteorological mast and associated site works. The meteorological mast was installed as exempted development in accordance with Class 20A, Schedule 2, of the Planning and Development Regulations 2001 (as amended)
<b>Development Address</b>	Gorteennahilla, County Laois
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input type="checkbox"/> Yes, it is a 'Project.' Proceed to Q.2.
	<input checked="" type="checkbox"/> No, no further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	

<input type="checkbox"/> 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. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	
<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Standard AA Screening Determination

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Case Reference Number: PL-500836-LS-26</b>	
<b>Step 1: Description of the project and local site characteristics</b> The proposal comprises of the continuation of the operation of a meteorological mast and associated site works	
<b>Brief description of project</b>	The mast has a height of 80 m narrow-latticed structure to a width of 0.660 metres. In addition to this, the development includes support cables which extend out from the structure by 30 metres.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The site is an undeveloped rural field to the upper side of Cullahill Mountain on the Laois / Kilkenny border. The site is bounded by agricultural fields.
<b>Screening report</b>	No.
<b>Natura Impact Statement</b>	No.
<b>Relevant submissions</b>	No third-party submissions raised specific concerns in terms of impacts on the European Sites.
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>	

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Cullahill Mountain SAC (site code 000831)	<p><i>Qualifying Interests:</i></p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210]</p> <p><i>Conservation Objectives</i></p> <p>To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) in Cullahill Mountain SAC,</p>	1.5km to the south-west	<p>The development does not directly affect any land within the SAC and there are no hydrological pathways.</p> <p>Distance and location preclude any direct impacts from the proposed works and so is deemed outside the zone of influence</p>	<b>No</b>

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

The proposed development is not located within a designated European Site but and is c.1.5km to the south-west of the Cullahill Mountain SAC (site code 000831) as there is no pathway for connectivity. I am satisfied that there are no direct impacts on the SAC.

**Step 4: Conclude if the proposed development could result in likely significant effects on a European site**

Based on the information provided with the application and appeal, having conducted a site visit, having reviewed the conservation objectives and supporting documents, I consider that the proposed development does not have any potential to result in any effects on the Cullahill Mountain SAC (site code 000831)

**Screening Determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

This determination is based on:

- The nature and extent of the proposal,
- The conservation objectives of the Cullahill Mountain SAC (site code 000831)
- Distance from European sites and
- Lack of any hydrological pathway.

