Our Case Number: ABP-314186-22

An Coimisiún Pleanála

Kilkenny County Council
County Hall
John Street
Kilkenny
Co. Kilkenny

Date: 09 October 2026

Re: Proposed development of 13 no. wind turbines together with all associated works.
Killoshulan and adjacent townlands, Co. Kilkenny.

Dear Sir / Madam,

I have been asked by An Coimisiún Pleanála to refer further to the above-mentioned pre-application consultation. Please be advised that following consideration of the issues raised during the consultation process the Commission is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a) and (2)(b) of the Planning and Development Act 2000, as amended. Accordingly, the Commission decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Act. Any application for permission for the proposed development must therefore be made directly to An Coimisiún Pleanála under section 37E of the Act.

A copy of the documentation submitted to the Commission from the prospective applicant, including a copy of the written record(s) of the pre-application consultation meeting(s) between An Coimisiún Pleanála and the prospective applicant, is available on the Commission's website, for your records, at https://www.pleanala.ie/en-ie/case/314186. A copy of the pre-application consultation file can be made available for public inspection at this stage and must be associated with any application file documentation when such an application is made. In this regard please note that the Commission has directed the prospective applicant to include a statement in the public notices of any planning application indicating that the application will be made available for public inspection at the offices of the local authority (as well as the offices of the Commission) and on a stand alone website. The Commission would therefore be obliged if you could make the necessary arrangements in this regard following receipt of the copies of any application documentation from the prospective applicant. Please note that the public will have the right to make submissions/observations on the application only to An Coimisiún Pleanála and within a time limit which will be specified in the public notices (copies of same will accompany the application documentation) and the public should be alerted to this fact when inspecting the file. It is the Commission's intention that all of the application documentation will remain available for public inspection during the currency of the application.

The Commission will also separately communicate with you when any application is lodged indicating the date by which the planning authority may lodge its report on the application under section 37(E)(4) of the Act.

Teil	**Tel**	(01) 858 8100		
Glao Áitiúil	**LoCall**	1800 275 175		
Láithreán Gréasáin	**Website**	www.pleanala.ie		
Ríomhphost	**Email**	communications@pleanala.ie		
			64 Sráid Maoilbhríde Baile Átha Cliath 1 D01 V902	64 Marlborough Street Dublin 1 D01 V902

Thank you for your co-operation in this matter.

The attachment contains information in relation to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act 2000, as amended.

Judicial review of An Coimisiún Pleanála decisions under the provisions of the Planning and Development Acts (as amended). A person wishing to challenge the validity of a Commission decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Commission.

The validity of a decision taken by the Commission may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Commission. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

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Láithreán Gréasáin	**Website**	www.pleanala.ie	Baile Átha Cliath 1	Dublin 1
Ríomhphost	**Email**	communications@pleanala.ie	D01 V902	D01 V902

If you have any queries in the meantime, please contact the undersigned officer of the Commission or email sids@pleanala.ie quoting the above mentioned An Coimisiún Pleanála reference number in any correspondence with the Commission.

Yours faithfully,

pp Janice O Connor

Honor Caird Marren
Executive Officer
Direct Line: 01-8049315

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