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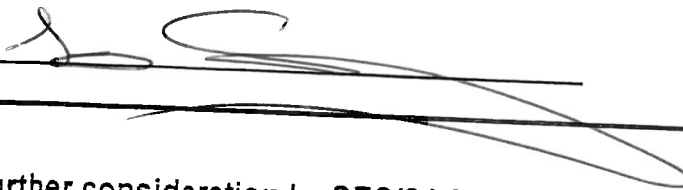
Appeal NO: ABP 322562-25

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Having considered the contents of the submission dated/received 17/6/25
from

Applicant I recommend that section 131 of the Planning and Development Act, 2000

be/not be invoked at this stage for the following reason(s): no in 131

E.O.: 

Date: 19/6/25

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage.

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CORRESPONDENCE FORM

Appeal No: ABP 322562-25

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<u>Applicants response</u>

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Date: <u>18/6/25</u>	Date: <u>18/06/25</u>

Ronan Megannety

Cathy

From: Ronan Dunne <rdunne@mkoireland.ie>
Sent: Tuesday 17 June 2025 15:45
To: Appeals2
Cc: Brandon Taylor
Subject: ABP-322562-25 - Submission on behalf of Castledockrell Wind Group Limited
Attachments: 210847 - Castledockrell RGOA Report F - 2025.06.17.pdf

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Dear An Bord Pleanála,

MKO, on behalf of our client, Castledockrell Wind Group Limited, wish to make a submission under Section 129 of the Planning and Development Act 2000 (as amended) in relation to appeal case ABP-322562-25 (Castledockrell Wind Farm, Co. Wexford).

Could you please confirm receipt of this email and the attached submission?

If you require any further details, please don't hesitate to get in touch.

Best regards,
Ronan

Ronan Dunne
Planner

MKO

Tuam Road, Galway, H91 VW84



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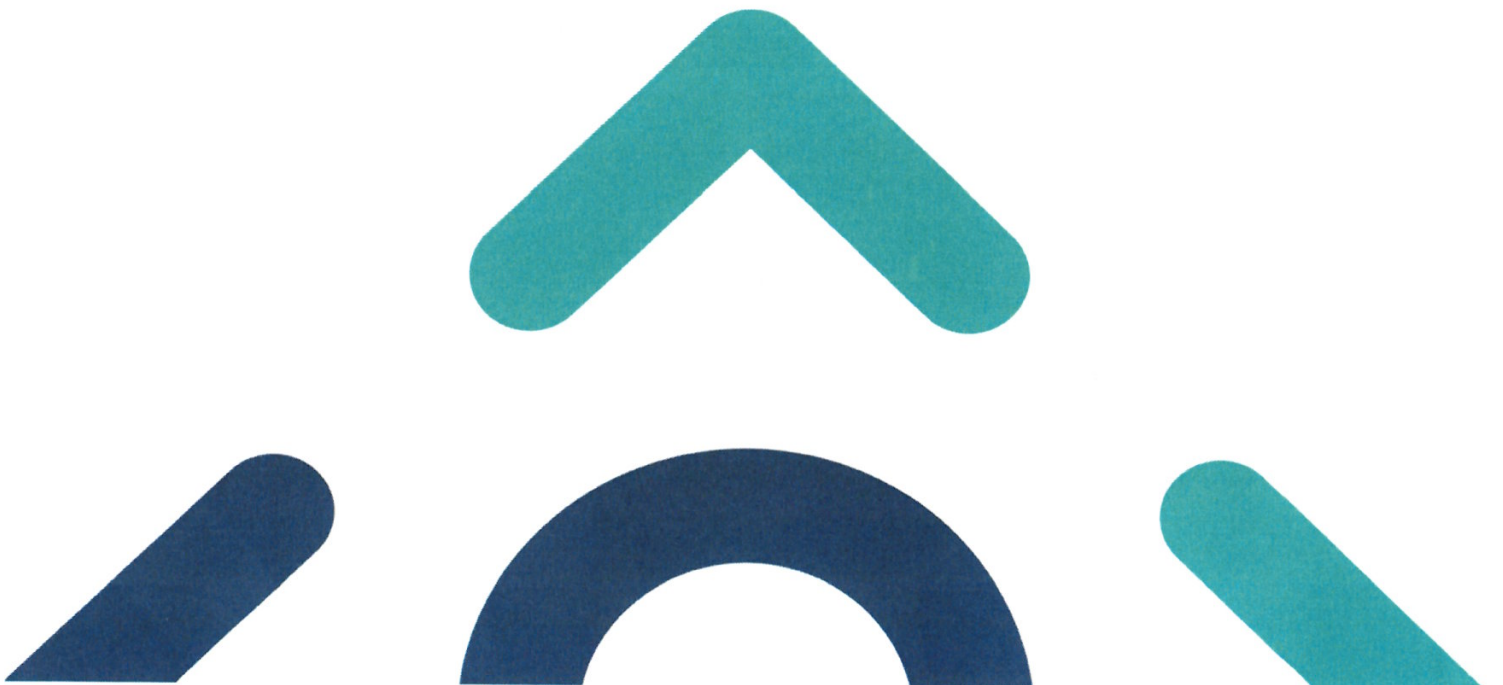
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Response to Third Party Grounds of Appeal

Castledockrell Wind Farm,
Co. Wexford

Wexford Pl. Ref: 20250312





DOCUMENT DETAILS

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Project Title: **Castledockrell Wind Farm, Co. Wexford**

Project Number: **210847**

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1. INTRODUCTION

MKO have been instructed by their client, Castledockrell Wind Group Limited, to respond to a third party appeal in relation to the decision issued by Wexford County Council to grant planning permission for the extension of the operational lifetime of the existing 11 no. turbine Castledockrell Wind Farm ('the Proposed Development'). Wexford County Council granted permission on the 9th of May 2025 (Planning Application Ref: 20250312). The deadline for the submission of this Response to Grounds of Appeal (RGOA) to An Bord Pleanála is the 17th June 2025.

It is submitted that the Planning Authority's decision to grant permission should be upheld, and planning permission should be granted for the Proposed Development. The Proposed Development will directly contribute to the State achieving its target of installing 9GW of onshore wind and reducing greenhouse gas emissions by 80% by 2030, as provided for in the Climate Action Plan 2025. The recently published EPA report *Ireland's Greenhouse Gas Emissions Projections 2024-2055* (May 2025) further highlighted that Ireland is not on track to meet the national target of 51% emissions reduction target by 2030 compared to 2018 under the Climate Action and Low Carbon Development 2015 (as amended), nor is it projected to meet its EU target of 42% emissions reduction compared to 2005 under the Effort Sharing Regulations. It is therefore critical that the Ireland's existing wind energy capacity is maintained where possible through extension of operational lifetime permissions.

This RGOA document sets out the background to the project, the planning policy context relevant to the Proposed Development, an overview of Wexford County Council's findings and decision, and a comprehensive response to the issues raised in the appeal by the third party. The third-party appeal response provides a response and rebuttal to each element of the third party appeal, demonstrating that the Proposed Development is appropriate in terms of proper planning and sustainable development, and therefore Wexford County Council's decision should be upheld, and planning permission granted by An Bord Pleanála. The notification of the grant of permission issued by the Planning Authority is attached to this RGOA document in Appendix 1 for reference.

1.1 Background

A planning application for the extension of the operational lifetime of the Castledockrell Wind Farm was lodged with Wexford County Council on the 19th of March 2025. The application sought to extend the operational lifetime of 2 no. of these applications, namely WCC Ref 2004/4702 and ABP PL26.211725 (11 no. turbines, foundations, hardstands, access roads, internal site cabling and substation, and all ancillary infrastructure), and WCC 2005/3945 (amendment to the substation as permitted under the above application).

The planning application was accompanied by an Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) along with all required statutory planning application documentation.

The existing Castledockrell Wind Farm became operational in 2011 and is connected to the National Grid via the existing 110kV underground grid connection, which runs from the existing onsite 110kV substation to the existing Lodgewood 220kV Substation.

The Proposed Development as set out in the public notices is as follows:

The development will consist of:

- i. *The continued operation of the existing 11 no. turbine Castledockrell Wind Farm as permitted by Wexford County Council Planning Ref. 2004/4702, An Bord Pleanála Ref. PL26.211725. A further operational period of 20 years is sought from the date of the expiry of the current planning permission (August 2025).*

- ii. *The permanent continued operation of the existing Castledockrell 110kV Substation, permitted by Wexford County Council Planning Ref. 2004/4702, An Bord Pleanála Ref. PL26.211725, and amended by Wexford County Council Planning Ref. 2005/3945.*

No modifications are proposed to the existing Castledockrell Wind Farm or the existing Castledockrell 110kV Substation which comprises of the following elements:

- i. *11 no. existing 2.3 MW wind turbines with an overall tip height of 120m and associated hardstands;*
- ii. *1 no. existing 110kV Substation including 1 no. single story control building, all associated electrical plant and equipment, security fencing and all ancillary infrastructure;*
- iii. *All existing underground electrical and communication cabling connecting the existing wind turbines to the onsite Castledockrell 110kV Substation;*
- iv. *Existing internal access tracks; and,*
- v. *All existing ancillary infrastructure.*

1.1.1 Submissions / Observations

1 no. submission was made over the course of the public consultation period. The submission was made by the Appellants, Catherine & Philip Hickey, and is responded to in full in section 4 of this RGOA Report.

The following external bodies were notified of the application:

- Dept of Communications Energy & Natural Resources
- An Taisce
- The Irish Aviation Authority
- Inland Fisheries Ireland
- Dept of Housing, Local Gov. & Heritage (Development Applications Unit)
- ESB

Responses were received from the the Irish Aviation Authority (IAA) and the Development Applications Unit (DAU). The IAA raised no issue with the Proposed Development and requested that the obstacle lighting requirements were reconfirmed by the applicant. The DAU submission comprised a recommended condition relating to bat monitoring, should the application be granted.

Reports were also received from internal staff of Wexford County Council, namely the Environment and Roads Section, both of which recommended a grant of permission subject to conditions.

1.1.2 Pre-application Consultation

A pre-planning meeting with Wexford County Council was held and included representatives from the Castledockrell Wind Group Limited, MKO and Wexford County Council Planning Department on the 22nd August 2023.

Following the pre-planning meeting, the applicant engaged further with a representative from the Environmental Section of Wexford County Council. Two meetings took place (17/06/2024 & 30/09/2024) to discuss the noise monitoring approach at the Proposed Development site.

1.2 Policy Overview

The following section provides a summary of the planning, renewable energy and climate policy context relevant to the Proposed Development. A more detailed consideration of the policy context is set out in Chapter 2 of the EIAR submitted with the Application. It is clear that the Proposed

Development is strongly supported in principle by policy at all levels, as the Proposed Development is a critical piece of infrastructure for the provision of renewable energy, recognised as such under European Legislation as being in the overriding public interest such that it should be given "*priority when balancing legal interests*" in the planning process¹, and is consistent with achieving our national renewable electricity targets under the Climate Action Plan 2025. The following section contains a synopsis of the current policies in place and their relevance to the Proposed Development.

The Proposed Development sits within a policy framework characterised by several recent crises, which have significantly influenced policy changes in recent years. These crises have heightened the imperative to transition towards a renewable energy-focused electricity grid and have emphasised the necessity for diversifying our energy sources.



Figure 1-1: Main climate and renewable energy policy drivers

Paris Agreement

On an international level, Ireland is a signatory of the Paris Agreement, a global initiative adopted in 2015 that aims to address climate change by limiting global warming to well below 2 degrees Celsius above pre-industrial levels, with efforts to limit the increase to 1.5 degrees Celsius. Under the Paris Agreement, countries submit Nationally Determined Contributions (NDCs), outlining their individual climate action plans and commitments. Ireland’s contribution comes under the European Union’s (EU) NDCs targets and is based on the European Union’s 2030 emissions reductions targets.

Sustainable Development Goals

Also in 2015, Ireland became a signatory to the United Nations Sustainable Development Goals (SDGs), which frame national agendas and policies to 2030. The SDGs inform the strategic outcomes of Irish policy documents, such as Project Ireland 2040: National Planning Framework. SDG 7 seeks to achieve ‘*Affordable and Clean Energy*’.

¹ Regulation (EU) 2022/2577 of 22 December 2022, ‘Laying down a framework to accelerate the deployment of renewable energy’, Articles 3(1) and (2)

European Green Deal

On a European level, the European Green Deal, initially introduced by the European Commission in December 2019, sets out the ‘blueprint’ for a transformational change of the 27-country bloc from a high-carbon to a carbon-neutral economy. The European Green Deal was adopted in 2023 and provides for a framework of regulation and legislation setting clear overarching targets, e.g. a bloc-wide goal of net zero carbon emissions by 2050 and a 55% cut in emissions by 2030 (compared with 1990 levels). These targets demonstrate the ambition necessary to keep the global temperature increase to well below 2°C and pursue efforts to keep it to 1.5°C as per the Paris Agreement.

The EU Fit for 55

The EU Fit for 55 package was published in late 2021 with the aim of reducing EU emissions by at least 55% by 2030 compared to 1990 levels and making the EU carbon-neutral by 2050. This EU package is a set of laws which, amongst other things, increases the EU target for renewables in the overall energy mix from 32% in 2030 to 42.5%.

REPowerEU, Regulation 2022/2577 & the Renewable Energy Directive

Following the Russian invasion of Ukraine and the EU published the REPowerEU plan in May 2022. REPowerEU aims to make Europe independent from Russian fossil fuels including oil and gas by rapidly transitioning to renewable energy. The plan aims to accelerate the scale up of renewables by speeding up the permitting process. To give effect to these objectives the Council of the European Union adopted Regulation (EU) 2022/2577 on 22 December 2022, which provides that the planning, construction and operation of renewable energy developments and related grid infrastructure are to be presumed to be in the overriding public interest and serving health and safety when balancing legal interests in an individual case for the purposes of the Habitats, Birds and Water Framework Directives. It also provides that such projects are to be afforded priority when balancing legal interests. Regulation 2022/257, which is directly effective without the requirement for national transposition, applies to all applications for renewable energy developments and related grid infrastructure commenced between 30 December 2022 and the 30 June 2025 and therefore the current application.

In November 2023, a revision of the Renewable Energy Directive² (RED III), came into force. RED III increases the EU wide renewable energy target from 32% set under the previous revision of the directive to at 42.5%, with an ambition to reach 45% by 2030. RED III also extended the presumption Renewable energy projects and associated grid infrastructure are ‘*in the overriding public interest*’ until such time as “*climate neutrality is achieved*” and provides a framework for the streamlining of the permit-granting process including setting maximum time periods for the processing and determination of applications.

Climate Action and Low Carbon Development Act 2015 (as amended)

At a national level, the Climate Action and Low Carbon Development Act 2015 (as amended) (the ‘Climate Act’) brought into law for the first time the requirement for the State to reduce its carbon emissions by 51% by 2030 and climate neutrality by 2050. Under Section 15 of the Climate Act, public bodies, including An Bord Pleanála, are required to, in so far as practical, perform their functions in a manner consistent with the Climate Action Plan 2025, the National Energy & Climate Plan 2021 – 2030 and other listed national climate mitigation and adaptation plans.

The obligations on Planning Authorities under Section 15 were recently the subject of a High Court Judgment (*Coolglass Wind Farm Limited v An Bord Pleanála [2025] IEHC 1*) which highlighted the imperative nature of the obligation placed on public bodies to exercise their discretionary powers in

² Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast)

"such a way as to support the outcome favouring climate goals"³ unless precluded by a "mandatory and non-fixable legal requirement" (which it is submitted is not the case here) The Supreme Court has subsequently granted the Board leave to appeal the High Court's decision in the Coolglass case.

Climate Action Plan

Originally published in 2019 and subsequently revised in 2021, 2023, 2024, and 2025 the Climate Action Plan (CAP) underscores the growing imperative to increase the presence of renewable energy generators on the national grid. Under CAP 25, the state has committed to achieving 6 GW of onshore wind energy by 2025 and 9GW by 2030. With regard to Ireland's existing wind farm capacity, CAP 25 states:

'Extending the life of and/or repowering existing renewable electricity projects offers an efficient use of established infrastructure and minimises the risk to the security of electricity supply at a time when increasing numbers of existing windfarms are reaching the end of their life. For onshore wind capacity, lifetime extensions and repowering at existing sites will be critical to ensuring that the 80% renewable electricity target is reached.'

Project Ireland 2040

'Project Ireland 2040' comprises the National Planning Framework – First Revision (the Revised NPF) and the National Development Plan (NDP) 2021 – 2030, both of which stress the urgency required to decarbonise Irish society. This is reflected in the NPF through National Strategic Outcome 8: "Transition to a low carbon and climate resilient economy". The NDP emphasises the importance of addressing climate change, stating "The next 10 years are critical if we are to address the climate crisis and ensure a safe and bright future for the planet, and all of us on it". The NDP sets out a Renewable Electricity Share (RES-E) target of 80% by 2030, calling for an "unprecedented commitment to the decarbonisation of electricity supplies".

The Revised NPF, published in April 2025, includes national policy objectives that support the accelerated roll-out of the renewable electricity and the development of national electricity grid infrastructure. The Revised NPF also includes regional renewable electricity allocations, for which the southern region has an allocation of installing a further 978MW of onshore wind energy by 2030.

National Energy Security Framework

The National Energy Security Framework (NESF) was adopted in 2022, and implements many of the aims and objectives of REPowerEU on a national level, reinforcing the State's requirement to urgently diversify away from imported fossil fuels and accelerate the roll out of renewables. The NESF is supported by the recently published Energy Security Package 'Energy Security in Ireland to 2030'. The Energy Security Package provides further long-term energy security measures which includes the prioritisation of achieving a renewables-led energy system.

Regional and Economic Spatial Strategy for the Southern Region

On a regional level, the Regional and Economic Spatial Strategy (RSES) for the Southern Region, supports the implementation of the national plans and policies outlined above. The RSES recognises the need for and the benefits of renewable energy for the climate and for the economic development of the region. Regional Policy Objective (RPO) 99 supports the sustainable development of wind energy at appropriate locations.

³ *Coolglass Wind Farm Limited v An Bord Pleanála [2025] IEHC 1 at para. 131*

RPO 99 Renewable Wind Energy: *It is an objective to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines.*

Wexford County Development Plan

The Wexford County Development Plan 2022-2028 (CDP) was adopted by the Elected Members of Wexford County Council on Monday, 13th June 2022 and came into effect on Monday, 25th July 2022.

In Chapter 2 of the CDP, Wexford County Council outlines the council's vision to facilitate a transition to a low carbon economy. **Objective CA01** aims to enable *'the decarbonisation of the county's economy and reduces the county's carbon footprint in support of national targets for climate mitigation and adaptation objectives as well as targets for greenhouse gas emissions reductions'*. It is recognised that renewable energy developments play a key role in the County's transition to a low carbon economy. **Objective CA16** seeks *'to support change across business, public and residential sectors to achieve reduced greenhouse gas emissions in accordance with current and future national targets, improve energy efficiency and increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture'* (emphasis added).

Volume 10 of the current CDP comprises an 'Energy Strategy' which details the policies and objectives for the County relating to renewable energy, including wind, for the period of the Development Plan. It includes an energy expectation for the County to 2027 which includes "A reduction in demand for non-renewable energy sources, such as coal, oil and gas, and an increased demand for electricity from all sectors, leading to cleaner, more sustainable energy usage across the county." Onshore wind is noted as the main source of renewable energy within the County. The Strategy acknowledges the role re-powering will play in meeting targets. The most pertinent objectives are as follows:

- **Objective ES07:** Ensure the security of energy supply by supporting the development of wind energy resources in County Wexford at appropriate scales and in appropriate locations, subject to compliance with normal planning and environmental criteria and the development management standards contained in Section 5.7.
- **Objective ES08:** Aim to achieve the target set out in the Renewable Energy Strategy, to enable County Wexford to make the initial steps toward a low carbon economy by 2027.
- **Objective ES09:** Facilitate wind energy development on appropriate sites in the county and work with the relevant agencies to encourage investment in research and technology associated with wind farms and other renewable energy technology.
- **Objective ES10:** Favourably consider proposals for the development of infrastructure for the production, storage and distribution of electricity through the harnessing of wind energy in appropriate sites and locations, subject to relevant policy, legislation and environmental considerations and the development management standards contained in Section 5.7.
- **Objectives ES15:** Consider the re-powering (by replacing existing wind turbines) and extension of existing wind farms. Applications on such sites will each be assessed on their merits, demonstrate that the equipment is upgraded to the best available technology and will be subject to the development management standards contained in Section 5.7 (see Table 8).

The relevant targets are as follows:

- **RES-E:** The Strategy sets a target of 100% renewable energy by 2031 which is to be met through a combination of renewable energy developments. To achieve this target, it is projected that county Wexford would need to have an installed onshore wind energy capacity of 193.09 MW by 244.22 MW by 2031. As of 2021, the county had an installed capacity of 182.46MW.

The CDP divides the County into the following three areas for the purposes of wind energy development: '*Acceptable in Principle*', '*Open for Consideration*' and '*Not Normally Permissible*'. The Castledockrell Wind Farm site is currently zoned as '*Not Normally Permissible*' under the CDP.

In relation to existing wind farms, the Energy Strategy states that special cognisance has been taken of the existing operational and permitted wind farms and investments made by private developers, the ESB and EirGrid in terms of site access roads, electricity transmission and distribution infrastructure and appropriately sited substations.

With regards to the re-powering and the extension to existing Wind Farms in areas identified as '*Not Normally Permissible*', the Energy Strategy states that applications will be assessed on a '*case-by-case basis*' and will be subject to the development management standards contained in Section 5.7 of the Energy Strategy. Further, the Energy Strategy states that '*any such applications should include details of how best available techniques are to be used to keep noise impacts to a minimum*'. It is demonstrated in Chapter 11 Noise of the EIAR, the Proposed Development is operating in compliance with Condition 8 of planning permission 2004/4702. Additional noise level monitoring, carried out as part of this application at three further receptor locations, specifically considering Amplitude Modulation (AM) concluded that with the inclusion of the applicable AM penalties to the measured overall noise levels from Castledockrell Wind Farm, compliance with the DoEHLG 2006 Guidelines with the methodology described in ETSU-R-97 and the IOA Good Practice Guide (i.e. background +5dB) was still demonstrated. It should also be noted that, as stated in the Planner's Report no complaints have been received by Wexford County Council in relation to noise at this wind farm.

The Energy Strategy also includes development management standards for wind farm developments. Compliance with each development management standard is demonstrated in section 2.5.3 of Chapter 2 of the EIAR.

2. LOCAL PLANNING AUTHORITY DECISION

Wexford County Council issued a Notification of Decision to Grant Permission for the Proposed Development dated 9th May 2025. The following sections provide an overview of the Wexford County Council's findings and conclusion, as set out in their Planner's Report.

2.1.1 Policy Conclusions

Wexford County Council Planner's Report outlines the policies and objectives of the following policy documents and guidelines:

- National Planning Framework – Project 2040
- Regional Spatial and Economic Strategy Southern Region (RSES)
- Climate Action Plan 2024
- Wind Energy Development Guidelines 2006
- Draft Wind Energy Development Guidelines 2019
- Wexford County Development Plan 2022-2028

The Planner's Report identifies the key climate and energy targets within the national, regional and local policy documents listed above. All policies documents are supportive of the principle of development and recognise the fact that wind farms are an essential part of the energy transition and critical for the achievement of climate goals. It is noted that at the time of the decision, the First Revision of the National Planning Framework and the Climate Action Plan 2025 had been published. Both documents, although not referenced in the Planner's Report, include policy support for the Proposed Development in regard to wind energy and extensions to existing wind farms. The Planner's Report acknowledges that a '*special cognisance*' must be taken of existing wind farms, given that significant investment has already been made by the developer, Eirgrid and the ESB.

2.1.2 EIA & AA Conclusions

Wexford County Council's Planners Report and the accompanying EIA, in its assessment of the EIAR submitted as part of the application, as well as the third party submission, makes the following observations.

2.1.2.1 EIA Conclusions

Reasonable Alternatives

The Council were satisfied that '*the information contained in the EIAR with regard to alternatives provides a sufficient justification in environmental terms for the extension chosen and is in accordance with the requirements of the 2014 EIA Directive*'.

Population and Human Health

The Council, while they acknowledged the number of dwellings located within 500m, concluded that that, with appropriate mitigation and implementation of power reduction measures as outlined in the EIAR, the extension of the operational lifetime of the wind farm could be considered. Furthermore, the Planner's Report concluded that '*there will not be a significant impact on Population and Human Health either individually or cumulatively arising from the proposed development*'. No complaints relating to shadow flicker and noise have been received by Wexford County Council.

Biodiversity

The Planner's Report, having reviewed the potential impacts of the Proposed Development on habitats, flora and fauna, considered that *'there will not be a significant impact on biodiversity either individually or cumulatively arising from the proposed development'*. The Planner's Report considered that it is appropriate to include the bat monitoring conditions as recommended by the Department of Housing, Local Government and Heritage.

Birds

The Planner's Report, having reviewed the potential impacts of the Proposed Development on birds, considered that *'there will not be a significant impact on Birds, either individually or cumulatively arising from the proposed development'*.

Land, Soils, and Geology

The Planner's Report, having reviewed the potential impacts of the Proposed Development on land, soils and geology, considered that *'there will not be a significant impact on land, soils and geology, either individually or cumulatively arising from the proposed development'*.

Water

The Planner's Report, having reviewed the potential impacts of the Proposed Development on hydrology and hydrogeology, considered that *'there will not be a significant impact on water, either individually or cumulatively arising from the proposed development'*.

Air Quality & Climate

The Planner's Report, having reviewed the potential impacts of the Proposed Development on air quality and climate, considered that *'there will not be a significant impact on air quality and climate, either individually or cumulatively arising from the proposed development'*.

Noise & Vibration

The Council acknowledge that there are a number of dwellings within the 500m separation distance as specified in the Wind Energy Guidelines 2006 and the CDP's Energy Strategy. The Council stated that they *'acknowledge that the Proposed Development pre-dates the 2006 Guidelines, and with appropriate compliance with the Wind Energy Guidelines Standards as recommended by the Senior Executive Scientist it is considered that the extension of operational life of the Proposed Development by 20 years can be considered.'* The Planner's Report also notes that no noise complaints have been reported.

Cultural Heritage

The Planner's Report states that *'no impacts on architectural or archaeological nature will accrue as a result of the continued operation of the development within the site, and significant impacts would not arise either individually or cumulatively or on decommissioning'*.

Landscape and Visual

The Council note the current landscape policy as set out by the CDP. The Proposed Development is located in an Uplands Character Area which is classified as 'High Sensitivity'. The Council also acknowledges that there are a number of dwellings within the 500m separation distance as specified in the Wind Energy Guidelines 2006 and the CDP's Energy Strategy. However, cognisance is given to the

fact that the Proposed Development pre-dates these policy documents and that the wind farm currently forms part of the surrounding landscape since its construction in 2010.

The Council is satisfied that the visual impact of the turbines are accurately described in the EIAR and state *'that there will not be a significant impact on Landscape and Visual either individually or cumulatively arising from the Proposed Development'*

Material Assets

The Planner's Report, having reviewed the potential impacts of the proposed development on traffic, telecommunications and aviation, states that *'there will not be a significant impact on transportation infrastructure, telecommunications, and aviation arising from the proposal'*.

Interactions

The Council note that any potential interactive negative impacts have been identified within the EIAR and a full suite of appropriate mitigation measures have been provided. The implementation of appropriate mitigation measures will mean no significant effects are likely to occur.

2.1.2.2 EIA Summary Conclusion

The Council concludes that the *'EIAR submitted is considered to be sufficiently detailed to comply with the requirements of the European Directive 2014/52/EU'* and that the *'EIAR provides comprehensive, up to date and reasonable outline of the issues arising within the areas above required to be considered.'*

Further to all of the conclusions drawn above, the Planner's Report states, *'I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment'*.

2.1.2.3 NIS/AA Conclusions

Having carried out its Appropriate Assessment, the Council agreed with the conclusions in the NIS, that the Proposed Development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European site.

2.1.3 Overall Conclusion

Wexford County Council's overall conclusion on the application is reproduced below:

'The Castledockrell wind farm is well established and pre-dates the 2006 Wind Energy Guidelines, and with appropriate compliance to shadow flicker and noise requirements it is considered that the extension of the operational period of the wind farm by 20 years can be considered.'

'It is considered that the proposed development would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an unacceptable impact on the character of the landscape or on the cultural or archaeological heritage, would not have a significant adverse impact on ecology and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.'

3. AN BORD PLEANÁLA'S LEGAL OBLIGATIONS

An Bord Pleanála will be aware of certain legal obligations in respect of the processing of certain planning applications and appeals for renewable energy developments, in particular:

- The obligations under the Climate Action and Low Carbon Development Act 2015 (as amended) (the "Climate Act") imposed on An Bord Pleanála (the "Board") when exercising its decision-making functions in relation to planning applications for renewable energy infrastructure.
- Certain discretionary powers under the Planning and Development Act 2000 (as amended) (the "Planning Act") which must be exercised in accordance with the mandatory obligations set out in the Climate Act when the Board is exercising its decision-making functions in relation to planning applications for renewable energy infrastructure.
- The presumption that the development of renewable energy generation and the related grid infrastructure is in the "*overriding public interest and serving public health and safety*" such that it must be given "*priority when balancing legal interests in the individual case*" prescribed under Article 3 of Regulation (EU) 2022/2577 and RED III.

The Government's Climate Action Plan 2025 requires an increase in the proportion of renewable electricity in Ireland to 80% by 2030. For onshore wind energy, a target of 6GW – from the current installed capacity of 5 GW – has been set for 2025, and a target of 9GW for 2030. More broadly, Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions emphasises the importance of decarbonising the electricity sector by taking advantage of Ireland's significant renewable energy resources while ensuring affordability and security in the national energy supply. The Climate Change Advisory Council (CCAC), in their 2024 Annual Report, conclude that '*progress to reduce emissions is not sufficient for Ireland to meet its national and EU climate obligations*⁴.' To achieve these climate targets, the Ireland's existing wind energy capacity must be retained wherever possible.

Obligations under the Climate Act and the Planning Act

When exercising its decision-making powers under the Planning Act, An Bord Pleanála is obliged to perform its decision-making function (in so far as practicable) in a manner consistent with:

- a) the most recent approved climate action plan,
- b) the most recent approved national long term climate action strategy,
- c) the most recent approved national adaptation framework and approved sectoral adaptation plans,
- d) the furtherance of the national climate objective, and
- e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

Specifically, Section 15(1) of the Climate Act provides that:

"A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- *the most recent approved climate action plan,*
- *the most recent approved national long term climate action strategy,*
- *the most recent approved national adaptation framework and approved sectoral adaptation plans,*

⁴ Climate Change Advisory Council (2024), Summary for All: Annual Review 2024 <https://www.climatecouncil.ie/councilpublications/>

- *the furtherance of the national climate objective, and*
- *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.” (the “National Climate Policies and Objectives”)*

The above requirement is a mandatory obligation.

The National Climate Policies and Objectives listed in section 15, with which An Bord Pleanála must comply, all support the development of wind energy projects and associated grid connections in accordance with proper planning and sustainable development.

The recent judgement of the High Court delivered on 10th January 2025 provides clarity on the obligations imposed on public bodies under section 15 of the Climate Act (*Coolglass Wind Farm Limited v An Bord Pleanála [2025] IEHC 1*). Mr Justice Humphreys undertook a detailed consideration of the interpretation of section 15 of the Climate Act and concluded that, when deciding upon an application relevant to the achievement of climate plans and objectives under S.15 of the 2015 Act, relevant bodies, in this case An Bord Pleanála, is required to:

1. Consider which option available to it as the decision maker, grant or refuse permission, would contribute to achieving Ireland's climate targets and the wider objectives of section 15 – which Mr Justice Humphreys went on to conclude "*in the case of renewable energy projects, the answer the answer to that will almost always be a grant of permission*".
2. Consider whether granting permission is "*precluded by a mandatory and non-fixable legal requirement*" that does not grant the decision maker any discretion or evaluative judgment in reaching an outcome favouring climate goals, i.e. a grant of permission.
3. If the decision maker is not precluded from granting permission, then how can the planning authority use its evaluative judgement and discretion to reach an outcome favouring these policy goals.

In the specific case of the Proposed Development subject of this appeal, the Proposed Development is an existing renewable energy development, with a total rated capacity of 25.3MW. For this reason, it is clear that the proposed development, if granted, would contribute to climate targets.

There are no mandatory and non-fixable legal requirements that prevent the Board from reaching an outcome, in relation to the proposed development, that favours policy goals, i.e. granting permission. The Proposed Development is supported by local, regional and national policy and was constructed in accordance with national guidance and best practice. It has also been demonstrated, in the EIAR and NIS, that the Proposed Development will not give rise to any significant effect on the environment or have an adverse effect on the integrity of European Sites. With these matters considered, it is respectfully submitted that the Board is obliged to exercise their evaluative judgement to reach an outcome favouring policy goals, in accordance with their obligation under S.15 of the Climate Act and grant permission.

On the 20th May 2025, the Supreme Court granted leave to appeal to An Bord Pleanála to appeal the High Court's decision in the Coolglass case.

4. THIRD PARTY GROUNDS OF APPEAL

4.1 Introduction

The third party appeal made by Catherine & Phillip Hickey includes a cover letter and their submission on the planning application (Pl. Ref: 20250312). The following issues are raised by the Appellant in the submission on the planning application:

- That the Castledockrell and Bola More Wind Farms are a split development and should be considered a singular wind energy development
- Alleged issues with the EIAR
- Alleged issues with the planning particulars and planning policy

In the Appellants cover letter, the Appellants position and issues raised in the submission are reiterated.

4.2 Grounds of Appeal No. 1

The Appellant submits that the Proposed Development subject of this application, Pl. Ref: 20250312, is a part of a singular wind farm development encompassing 18 no. wind turbines. It is suggested that the Castledockrell Wind Farm and the Bola More Wind Farm are a singular wind farm development due to the connection of the Bola More Wind Farm to the Castledockrell 110kV substation. This assertion forms the basis of the appeal and underscores the Appellant's rationale for raising issues relating to the Bola More Farm.

4.2.1 Response to Grounds of Appeal No. 1

For clarity, the Proposed Development subject of this planning application relates to the extension of the operational life of 11. no wind turbines and ancillary infrastructure granted under Pl Ref: 20044702 and the 110kV Castledockrell Substation granted under Pl Ref: 20053945. The planning application does not include the additional turbine at Kilcullen granted under Pl. Ref: 20080335. The Planning application also does not include the 6 no. wind turbines and ancillary infrastructure at the Bola More Wind Farm granted under Pl. Ref: 20070008 and 20110926. No modifications are proposed to the existing Castledockrell Wind Farm or the existing Castledockrell 110kV Substation are proposed.

The applicant rejects the Appellants claim that the Castledockrell Wind Farm and the Bola More Wind Farm are a singular wind energy development. The Bola More Wind Farm is located on a separate site from the Castledockrell Wind Farm. At its closest point, the Bola More turbines are located c. 2.8km from the wind turbine subject of this application. The Bola More Wind Farm is subject to a separate planning application, Pl Ref: 20070008, which was granted on the 5th of April 2007. The Bola More Wind Farm is subject to a 20-year operational lifetime, as stipulated by condition no. 14 of Pl. Ref: 20070008. At the end of the 20-year period, any application to extend its operational life will be assessed on its individual merits.

The Appellant contends that the Castledockrell Wind Farm and the Bola More Wind Farm constitute a single wind energy development by virtue of the Bola More Wind Farm's connection to the national grid via the Castledockrell 110kV substation. However, this grid connection does not establish that the two wind farms form a single development. It is standard practice for wind energy projects to connect to the nearest grid node with available capacity, which is often located at a substation situated within the site of a separate wind energy development.

The view of the applicant is shared by Wexford County Council, who state within the Planner's Report that the 6 no. turbines at the Bola More Wind Farm were '*permitted under 20070008 on a separate site*'. The Planner's Report also notes that the '*issues experienced*' by the Appellants '*are more directed*

toward the Bola More Wind Farm' and that 'the subject property is located 3km from the nearest turbine subject to this application'.

The Bola More Wind Farm was assessed cumulatively with the Proposed Development in the EIAR submitted as part of this application and it was concluded that there are no significant residual effects on the environment, which is described in further detail in Section 4.3.1 below.

In conclusion, the Appellants claims are strongly refuted, and it is reiterated that the Castledockrell Wind Farm and the Bola More Wind Farm are separate developments which were subject to separate planning permissions.

4.3 Grounds of Appeal No. 2

The Appellants raise a number of issues in relation to the EIAR submitted with the planning application. The issues raised are outlined below and comprehensively responded to in the following section.

- The Local Authority have not factored in that the original primary basis of acceptance for this development was the original EIAR submitted under Pl. Ref: 20044702
- Inaccuracies existed in the original EIAR submitted under Pl. Ref: 20044702
- The EIAR submitted as part of this application, Pl. Ref: 20250312, does not include the whole area of both the Castledockrell and Bola More Wind Farms.
- Noise and Shadow Flicker impacts
- The impact on local water supply
- The cumulative visual impact of turbines in the area
- Negative impacts of wind energy are not addressed in the EIAR

4.3.1 Response to Grounds of Appeal No. 2

Original Environmental Impact Statement

The Proposed Development encompasses the extension of operational life for the 11 no. turbines at the Castledockrell Wind Farm (WCC Ref 04/4702 and ABP PL26.211725), for which an Environmental Impact Statement (EIS) was prepared to accompany the original application, and the permanent extension of the existing substation (WCC 2005/3945). An Environmental Impact Assessment (EIA) was carried out in respect of the original development in the context of the original application as required. ABP's Inspector's Report (ABP PL26.211725) notes that the submitted EIS was of a reasonable standard in that it adequately describes the development, the local environment, baseline conditions and properly identifies and evaluates key impacts.

As part of the planning application for the Proposed Development, an Environmental Impact Assessment Report (EIAR) was submitted, which was prepared in accordance with the requirements of the European Union Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (the 'EIA Directive') as amended by Directive 2014/52/EU.

The EIA of the Proposed Development was undertaken by Wexford County Council as the competent authority, who, as outlined above in Section 2.1.2.2 of this response, note that the submitted EIAR is comprehensive, up to date and are satisfied that the Proposed Development would not have any unacceptable direct or indirect effects on the environment. The original and Proposed Development has, therefore, been assessed in accordance with the requirements of the EIA Directive and the Appellants have not identified any flaw in either assessment.

Study Area of Castledockrell Wind Farm and Bola More Wind Farm

As detailed above in Section 4.2.1 of this response, the Bola More Wind Farm was subject to a separate application (PI Ref: 20070008) and does not form part of this planning application for the extension to the operational life of the existing Castledockrell Wind Farm. As a result, the EIAR site boundary for the Proposed Development does not include the 6 no. turbines or ancillary infrastructure at the Bola More Wind Farm. The nearest turbine is located approx. 2.8km west of the Proposed Development turbines, which is shown in Figure 4-1 below.

Both the Castledockrell Wind Farm T12 (PL Ref: WCC 20080335) and the Bola More Wind Farm (PI Ref: 20070008) were assessed cumulatively with the Proposed Development. On the basis of this robust assessment detailed in the submitted EIAR, it was concluded that there are no significant residual effects on the environment. The Local Authority adopted the conclusions in the submitted EIAR having carried out an EIA, as summarised in Section 2.1.2.1 of this response above.





Shadow Flicker and Noise Impacts

Shadow Flicker and Noise & Vibration effects of the Proposed Development were assessed in detail within Chapters 5 and 11 of the submitted EIAR respectively. As outlined in Section 5.8.7 of the submitted EIAR, for the assessment of cumulative shadow flicker, any other existing, permitted or proposed wind farms are considered where the project's ten times rotor diameter shadow flicker study area are located within the Shadow Flicker Study Area of ten times the rotor diameter for the Proposed Development, as per the 2006 DoEHLG Guidelines. In this case, the closest wind farms are the existing Turbine 12 of Castledockrell Wind Farm located approx. 330m northeast of the Proposed Development, at its closest point. The Shadow Flicker Study Area of the Proposed Development (710m) and the Bola More Wind Farm (820m) do not overlap as shown in Figure 4-1 below. On this basis, there is no potential for cumulative shadow flicker effects on sensitive receptors between the Proposed Development and the Bola More Wind Farm.

As noted in Section 11.12 of the submitted EIAR, cumulative noise impact assessments are required should the Proposed Development produce within 10dB of any existing wind farm(s) at the same receptor location as per the IOA Good Practice Guidance, which typically equates to a wind farm being located within 2km of the Proposed Development. As the nearest Bola More turbine is approx. 2.8km from the Proposed Development, there is no potential for cumulative effects on noise between the Proposed Development and Bola More Wind Farm.



Map Legend

-  EIAR Boundary
-  Proposed Development Turbines
-  710m Proposed Development 10-times Rotor Diameter Buffer
-  Bola More Wind Farm 820m Bola More 10-times Rotor Diameter Buffer

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Drawn By	BT	Checked by	BT
Project No.	210847	Drawing No.	Figure 4-1
Scale	1:27,500	Date	2025-06-16

Cumulative Shadow Flicker

Project Title
Castledockreil Wind Farm Extension of Operational Life



MKO
Planning and Environmental Consultants
Tuam Road, Galway
Ireland, (0) 91 232111
email: info@mkoland.ie
Website: www.mkoland.ie

Impact on Local Water Supply

The impacts of the Proposed Development on water sources in the locality of the existing Castledockrell Wind Farm are assessed in detail within Chapter 9 of the submitted EIAR. As noted in Section 9.3.7, the Geological Survey of Ireland (GSI) well database was used to identify wells in the vicinity of the Proposed Development, however it is likely that other private wells exist within the vicinity. Based on the absence of construction activity and limited maintenance work proposed during the operational phase of the Proposed Development, the submitted EIAR concludes that no significant effects on water environments or supply are envisaged. This conclusion is adopted by the Local Authority as summarised in Section 2.1.2.1 of this response.

Cumulative Visual Impacts

The cumulative impacts of the Proposed Development on Landscape and Visual are assessed in detail within Chapter 13 of the submitted EIAR. As noted in Section 13.7.3.3.2, no significant cumulative visual effects were deemed to arise at any of the 5 no. viewpoints presented and assessed within the submitted EIAR. As outlined in Section 2.1.2.1 of this response, the Local Authority is satisfied with the visual impact described and considers that there will not be a significant impact on Landscape and Visual either individually or cumulatively arising from the proposed development to a significant degree from that already existing and accepted.

Negative Impacts of Wind Energy

Any negative impacts of the proposed Castledockrell Wind Farm Extension of Operational Life are assessed in Chapters 5-16 of the submitted EIAR. The structure of these impact assessment chapters are in line with the *Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR)* (EPA, 2022) and *Guidance on the preparation of the Environmental Impact Assessment Report* (European Commission, 2017). Each chapter therefore presents the likely significant effects of the Proposed Development and associated mitigation measures are outlined. The pre-mitigation impacts are detailed for the operational phase of the Proposed Development, as there is no construction phase proposed, which outlines the significance of the effects prior to implementing any mitigation measures, which can be found to have negative effects. Mitigation measures are then outlined to address the identified effects. Following the implementation of the described mitigation measures, the residual effects are outlined which are then concluded not to be significant. As summarised in Section 2.1.2.2 of this response, the Local Authority is satisfied with the conclusions reached within the submitted EIAR.

In conclusion, the Appellants claims are strongly refuted, and it is reiterated that the extension Castledockrell Wind Farm Extension of Operational Life will have no significant effects on the environment.

4.4

Grounds of Appeal No. 3

The Appellant raised a number of planning policy and procedural matters in their third party appeal. The issues raised are outlined below and comprehensively responded to in the following section.

- The development description as per the statutory notices is ambiguous
- The Proposed Development is contrary to the Wexford County Development Plan 2022 – 2028.

4.4.1

Response to Grounds of Appeal No. 3

The Appellant suggests that the development description, as included on the site and newspaper notice, includes 'ambiguous wording'. The line from the notice in question is line v. which is as follows 'v. All

existing ancillary infrastructure’ not as *‘all existing ancillary structure’* as quoted in the appeal. It is the applicants view that the notice provides a brief description of the nature and extent of the development and is in accordance with Article 18 of the Planning and Development Regulations 2001, as amended. All infrastructure subject of the application is clearly shown within the planning application on the planning drawings. Wexford County Council deemed the site notice to be in accordance with the Planning and Development Regulations 2001, as amended, on a site inspection on the 15th April 2025.

The Appellant considers that the Proposed Development is contrary to the CDP. The first policy identified by the Appellant is the wind energy zoning classification for the Proposed Development site, which is classified as *‘Not Normally Permissible’*.

Firstly, it should be noted that the *‘Not Normally Permissible’* wind energy zoning did not exist at the time of the original application, Pl. Ref: 20044702.

Wexford’s Energy Strategy includes the following reasoning for zoning the north-west of the county as *‘Not Normally Permissible’*:

*“**due to the number of existing wind farms**, and having regard to the areas open for consideration for wind farm development in adjoining counties, it is considered that the north-west of the county has reached capacity in terms of wind farm development. **Further** wind farm development in this area may have potential adverse cumulative impacts. This area is also designated as ‘Uplands’ in the Landscape Character Assessment and is identified as having limited capacity to absorb development. The north-east of the county is also mainly designated as ‘Uplands’ and there are a number of settlements in this area which make it less suitable for wind farm development. The north of the county has therefore been included in the Not Normally Permissible area”. [Emphasis added]*

When assessing repowering or extension wind energy applications against the development management standards, the Energy Strategy states that the Planning Authority will have *‘particular regard to the reasons why the area was identified as ‘Not Normally Permissible’*. As outlined in the above, the main reason for the *‘Not Normally Permissible’* zoning designation is the fact that the north-west of the county is deemed to have reached capacity in terms of wind farm development. As an existing wind farm, it is therefore submitted that the extension of operational life of the Castledockrell Wind Farm does not conflict with the *‘Not Normally Permissible’* wind energy zoning designation and associated policy.

With regards to the re-powering and the extension to existing wind farms in areas identified as *‘Not Normally Permissible’*, the Energy Strategy states that applications will be assessed on a *‘case-by-case basis’* and will be subject to the development management standards contained in Section 5.7 of the Energy Strategy, compliance with which is demonstrated in Chapter 2 Background of the EIAR.

As noted in the Planner’s Report, Wexford’s Energy Strategy states that special cognisance has been taken of the existing operational and permitted wind farms and investments made by private developers, the ESB and EirGrid in terms of site access roads, electricity transmission and distribution infrastructure and appropriately sited substations.

The second alleged conflict with the CDP is the requirement for a 500m turbine set back from dwellings under the Wind Farm Development Management Standards in Section 5.7 of the Energy Strategy. This set back requirement is also in the Wind Energy Development Guidelines 2006. It should be noted that the Wind Energy Development Guidelines 2006 and the Wexford CDP’s Wind Farm Development Management Standards were not in place at the time of the original application, Pl Ref: 20044702.

While it is acknowledged that there are dwellings located within 500m of a turbine, letters of support are provided from all residents within 500m (with the exception of 1 property in probate at the time of application). The letters of support are provided in Appendix 2-2 of the EIAR, the Community



Engagement Report, and as an appendix to the cover letter which accompanies the planning application.

The inclusion of the 500m set back requirement in the CDP is *'in the interests of protecting residential amenity'*. It should be noted in this regard that the Planner's Report concludes that the Proposed Development's impact of noise and shadow flicker are considered acceptable. The Planner's Report states:

"The Castledockrell wind farm is well established and pre-dates the 2006 Wind Energy Guidelines, and with appropriate compliance to shadow flicker and noise requirements it is considered that the extension of the operational period of the wind farm by 20 years can be considered."

It is therefore submitted that the Proposed Development is not contrary to the policies and objectives of the Wexford CDP and is in accordance with the with the proper planning and sustainable development of the area.

5.

CONCLUSION

This RGOA document is submitted to An Bord Pleanála in respect of the third party appeal against the decision issued by Wexford County Council to grant planning permission under Pl. Ref. 20250312. This RGOA document has set out the decision made by Wexford County Council's grant of permission and provided a summary of their assessment of the Proposed Development; An Bord Pleanála's obligations and a detailed Response to the Third Party Grounds of Appeal.

The continued operation of the Castledockrell Wind Farm is strongly supported by European, National, Regional and local policies aimed at achieving the transition to a climate neutral economy, increasing renewable energy generation, and enhancing energy security. Specifically, the Proposed Development will continue to contribute to achieving the State's target of installing 9GW of electricity from onshore wind and reducing greenhouse gas emissions by 80% by 2030 as set out in the CAP 25. As Ireland is currently not on track to reach its national and EU targets for emissions reductions by 2030, the Proposed Development is therefore critical for Ireland to maintain its existing wind energy capacity where possible through extension of operational lifetime permissions and continue to its contribution towards these targets.

In summary, the Proposed Development is strongly supported by the following:

European & National Energy and planning policy, guidance and legislation, including

- REPowerEU, Regulation (EU) 2022/2577 and Renewable Energy Directive III,
- The National Planning Framework - First Revision - Project Ireland 2040
- National climate and energy policy including the CAP 25, with regard to the acceleration of renewable energy roll-out and greenhouse gas emissions reductions,
- The Climate Act, in particular Section 15, which requires public bodies to carry out their functions in accordance with the national climate policies and objectives,
- The provisions of the Wind Energy Development Guidelines, Guidelines for Planning Authorities issued in 2006, and the Draft Wind Energy Guidelines issued in 2019,
- The National Energy Security Framework and Energy Security in Ireland to 2030 – Energy Security Package.

Regional and Local Level Policy, including:

- The Regional Spatial and Economic Strategy,
- The policies of the planning authority as set out in the Wexford County Development Plan 2022-2028 in relation to the climate action and reaching renewable energy targets.

In response to the grounds of appeal made by the third party, it is demonstrated above that the Proposed Development is a separate wind energy development to the existing Bola More Wind Farm. The Bola More Wind Farm is subject to a separate planning application with its own conditions and operational lifetime and therefore does not form part of the Proposed Development. The Bola More Wind Farm will be subject to a new planning application should an extension of operational lifetime be sought at the end of its operational period. As stated by the Appellant in their appeal, the majority of the issues raised concern the impact of the Bola More Wind Farm. The Bola More Wind Farm has been cumulatively assessed in the EIAR, and it is clearly concluded to have no cumulative shadow flicker or noise effects in conjunction with the Proposed Development as outlined in Section 4.3.1 above, and no significant cumulative visual impacts were deemed to arise. The submitted EIAR is considered comprehensive, robust and up to date and in accordance with the EIA Directive and relevant guidance for the purposes of the assessment of the Proposed Development. In relation to the alleged, policy conflicts with the CDP, the CDP states that decisions on applications relating to the

extension or repowering of wind farms will be made on a *'case-by-case basis'* and that a *'special cognisance'* of the investment already made in existing wind energy developments. Wexford County Council have come to a decision to grant permission on this basis and the fact that the Proposed Development would not have any unacceptable direct or indirect effects on the environment. It is submitted that An Bord Pleanála should reach the same decision, particularly in light of its section 15 obligations as interpreted by the High Court in the recent *Coolglass* decision.

A recent study published by Wind Energy Ireland and MKO found that the by 2030 over 850 MW of installed wind capacity will have to be decommissioned unless repowering or extension of operational life permissions are granted. A further 2,488 MW are at risk of decommissioning by 2040. If Ireland is to reach its climate targets, as we are required to do so by law, Ireland's existing capacity must be retained wherever possible. Extending the operational lifetime of the Castledockrell Wind Farm presents an opportunity to retain 25.3MW of installed capacity. As demonstrated by the ELAR and NIS submitted and as concluded by Wexford County Council, the Proposed Development would not have any unacceptable direct or indirect effects on the environment. The Proposed Development has support from those who live within 500m, as demonstrated by the letters of support included in the planning application. It is for these reasons, it is submitted that the decision of the Local Authority, Wexford County Council should be upheld.

In the context of the Proposed Development, the Board's obligations under the Climate Action and Low Carbon Development 2015 (as amended), to carry out its functions, in so far as practicable, in a "manner consistent with" the latest Climate Action Plan (CAP 25), the National Adaptation Framework and its associated Electricity and Gas Networks Sectoral Adaptation Plan, and the furtherance of the national climate objective is pertinent. So too are the obligations imposed by Regulation (EU) 2022/2577 and RED III and in exercising its evaluative judgment and discretion, the Board must do so consistent with CAP 25 and all other climate related policy, in so far as practicable. It is submitted that, on the basis that granting permission is not in this case precluded by a "*mandatory and non-fixable legal requirement that confers no discretion or evaluative judgment*" on the Board, the Board should exercise its discretion to grant permission, given that such a decision clearly supports the State's climate goals.

Ultimately, it is considered that this Proposed Development is in accordance with the provisions of proper planning and sustainable development and should be granted planning permission due to the overwhelming policy support for the retention of the Ireland's installed wind energy capacity. It has been comprehensively demonstrated in the planning application, including the ELAR and NIS and within this RGOA, that the Proposed Development will not give rise to any significant adverse effects on the environment.

Therefore, it is respectfully requested that the Board uphold the decision made by Wexford County Council and grant planning permission for the Proposed Development in accordance with the provisions of proper planning and sustainable development.



APPENDIX 1

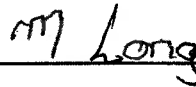
**WEXFORD COUNTY COUNCIL
NOTIFICATION OF DECISION TO
GRANT PERMISSION**

WEXFORD COUNTY COUNCIL PLANNING AUTHORITY
PLANNING AND DEVELOPMENT ACT 2000 (as amended)

NOTIFICATION OF DECISION ON PLANNING APPLICATION

The Decision of Wexford County Council on the application described in the Schedule to this Notice is as shown therein. Please be advised that in making this Decision, Wexford County Council has taken into account any observations or submissions received. Please read the notes supplied with this Notice.

Signed on behalf of Wexford County Council



Date 9 May 2025

SCHEDULE

PARTICULARS OF PLANNING APPLICATION

PLANNING REG NO: 20250312

DATE OF APPLICATION: 19 March 2025

APPLICANT: Castledockrell Wind Group Limited

TYPE OF APPLICATION: Permission

PROPOSED DEVELOPMENT: Permission for development at a site (the Castledockrell Wind Farm) located in the townlands of Kilcullen, Sroughmore, Tomatee, Ballynelahillan, Knockduff and Carranroe, Enniscorthy, Co. Wexford. The development will consist of: i) the continued operation of the existing 11 no. turbine Castledockrell Wind Farm as permitted by Wexford County Council Planning Ref. 20044702, An Bord Pleanala Ref. PL26.211725. A further operational period of 20 years is sought from the date of the expiry of the current planning permission (August 2025). ii) The permanent continued operation of the existing Castledockrell 110kV substation, permitted by Wexford County Council Planning Ref. 20044702, An Bord Pleanala Ref. PL26.211725, and amended by Wexford County Council Planning Ref. 20053945. No modifications are proposed to the existing Castledockrell Wind Farm or the existing Castledockrell 110kV substation which comprises of the following elements: i) 11 no. existing 2.3 MW wind turbines with an overall tip height of 120m and associated hardstands; ii) 1 no. existing 110kV substation including 1 no. single storey control building, all associated electrical plant and equipment, security fencing and all ancillary infrastructure; iii) All existing underground electrical and communication cabling connecting the existing wind turbines to the onsite Castledockrell 110kV substation;

Having regard to provisions of the Wexford County Development Plan 2022-2028, the referral responses received and all other material considerations, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS AND REASONS THEREFOR

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the planning application, and the particulars and conditions of the governing permission Wexford County Council Planning Ref. 20044702, An Bord Pleanála Ref. PL26.211725. Except as otherwise required by the conditions of this permission.

REASON:

To ensure the proposed development accords with the permission and that effective control is maintained.

2. All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) shall be implemented in full within the timescales listed in the EIAR and the NIS.

REASON:

In the interest of environmental protection.

3. This permission is for a temporary period of 20 years from the date of the grant of permission after which time the use shall cease and the structures shall be removed from the site, unless a separate grant of planning permission has first been made for the continuation of the use and maintenance of the associated structures.

REASON:

To define the terms of the permission and to cater for orderly development of the area and to permit the planning authority to re-assess the situation in light of the circumstances at this time.

4. The developer shall submit a fully detailed scheme for the decommissioning and restoration of the site for the written agreement of the Planning Authority. The decommissioning and site restoration plan shall be implemented in full during the lifetime of the development.

REASON:

In the interest of visual amenity and the protection of the landscape.

5. On decommissioning of the windfarm, or if the windfarm ceases to operate; the turbine(s) and all associated ancillary equipment shall be dismantled and removed from the site and the site restored in accordance with the agreed Site Restoration Plan.

REASON:

In the interest of visual amenity and the protection of the landscape.

6. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of the public roads in the functional area of the Planning Authority. The contribution shall be payable at the time of commencement of development and the amount shall be as stated in Appendix 1 of this document.

REASON:

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Act 2000 (as amended).

7. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of community facilities in the functional area of the Planning Authority. The contribution shall be payable at the time of commencement of development and the amount shall be as stated in Appendix 1 of this document.

REASON:

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Act 2000 (as amended).

8. Effluent or soiled water shall not be caused or permitted to flow onto adjoining property or to enter any stream, drain, ditch or other watercourse.

REASON:

In the interest of pollution control and the proper planning and sustainable development of the area.

9. a) Any used oils for turbine lubrication shall be recycled where possible.

b) All wastes and materials from the site shall be disposed of/recycled taking cognisance of relevant waste legislation.

REASON:

In the interest of pollution control and the proper planning and sustainable development of the area.

10. The rating level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty and amplitude modulation (AM) penalty, shall not exceed the cumulative values as per Wind Energy Development Guidelines of 2006 for the relevant wind speeds set out.

REASON:

In the interest of pollution control and the proper planning and sustainable development of the area.

11. The applicant shall on complaint from a dwelling within 500 metres of the nearest turbine, carry out remedial measures to ensure that shadow flicker levels do not exceed the recommended shadow flicker levels as set out in the Wind Energy Development Guidelines of 2006.

REASON:

In the interest of residential amenity, pollution control and the proper planning and sustainable development of the area.

12. a) Sightlines shall be maintained at all times.
b) Any damage or interference with the roadside drainage shall be made good at the developer's expense, to the satisfaction of the Local Authority.
c) All surface water generated within the boundaries shall be collected and disposed of within the curtilage of the site in accordance with SUDs guidelines.
d) An interceptor drainage grating shall be provided across the full width of the entrance gates and piped to a satisfactory outfall. Surface water shall not discharge onto the public road from the proposed development and on the contrary surface water shall not discharge from the public road onto the proposed development.
e) Public roads shall be kept clean and clear from mud and debris during maintenance, operation and decommissioning of the turbines.

REASON:

In the interests of traffic safety.

13. A monitoring programme shall be carried out to review usage by birds of the wind farm to document bird casualties. The programme shall cover the entire operational period of the windfarm. In the event that the monitoring programme shows that any turbine may have a detrimental impact, mitigating measures shall be submitted to the Planning Authority for their agreement. A copy of the monitoring report shall be submitted for the agreement of the Planning Authority.

REASON:

To ensure the satisfactory operation of windfarm in relation to the protection of birds.

14. a) Bat monitoring shall be continued on site for at least five years.
b) No reduction in the proposed feathering and curtailment regime shall occur until after year three. It may be modified depending on collision monitoring results (on submission of an interim monitoring report and by agreement with Wexford County Council). Consideration might be given to increasing the frequency of carcass searches to twice monthly during Year One; the frequency in subsequent years to be determined in the light of results from the first year.
c) Local landscaping planting shall be provided to encourage bats to use flight lines away from the direction of Turbine No 11.
d) The applicant shall submit amended details to confirm the requirements set out above (a-c) have been met.

REASON:

To ensure the satisfactory operation of windfarm in relation to the protection of bats.

END OF SCHEDULE

Please note you are now required to remove your site notice(s) immediately

Advice Notes

AN 01

Section 34 (13) of the Planning & Development Act 2000 (as amended) reads "A person shall not be entitled solely by reason of a Permission under this Section to carry out any development." This is referred to in the context of the need to avoid infringing in any way the rights of adjoining property owners.

AN 04

All works to the public road or footpaths, including temporary works, will require consent from the Roads Section of Wexford County Council.

APPENDIX 1: DEVELOPMENT CONTRIBUTIONS PAYABLE

Planning No: 20250312

Applicant Name: Castledockrell Wind Group Limited

Location: Kilcullen/Tomatee/Sroughmore/Knockduff
(Ballindaggin)/Ballynelahillan/Carranroe, Ballindaggin/ Castledockrell

Proposal: Permission for development at a site (the Castledockrell Wind Farm) located in the townlands of Kilcullen, Sroughmore, Tomatee, Ballynelahillan, Knockduff and Carranroe, Enniscorthy, Co. Wexford. The development will consist of: i) the continued operation of the existing 11 no. turbine Castledockrell Wind Farm as permitted by Wexford County Council Planning Ref. 20044702, An Bord Pleanala Ref. PL26.211725. A further operational period of 20 years is sought from the date of the expiry of the current planning permission (August 2025). ii) The permanent continued operation of the existing Castledockrell 110kV substation, permitted by Wexford County Council Planning Ref. 20044702, An Bord Pleanala Ref. PL26.211725, and amended by Wexford County Council Planning Ref. 20053945. No modifications are proposed to the existing Castledockrell Wind Farm or the existing Castledockrell 110kV substation which comprises of the following elements: i) 11 no. existing 2.3 MW wind turbines with an overall tip height of 120m and associated hardstands; ii) 1 no. existing 110kV substation including 1 no. single storey control building, all associated electrical plant and equipment, security fencing and all ancillary infrastructure; iii) All existing underground electrical and communication cabling connecting the existing wind turbines to the onsite Castledockrell 110kV substation; iv) Existing internal access tracks; and v) All existing ancillary infrastructure. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) has been prepared and will be submitted to the Planning Authority with the application

Decision Date: 9 May 2025

The following are the Development Contributions due in respect of the above Planning Permission:

Infrastructure Type	Calculation Type	Amount Payable
Roads	Energy including Renewables	€20, 240.00
Community	Energy including Renewables	€30, 360.00
Total Payable		€50,600.00

Please note that the planning contributions are due at time of commencement. Failure to pay these will result in legal action for the collection of same, interest due and any other legal cost incurred.

**For any queries in relation to the payment of Development Contributions, please contact the Development Contributions Debtor Unit, Finance Department, Wexford County Council, Carricklawn, Wexford
Telephone: 053 9196476 / 053 9196509 / 053 9196626
or e-mail: debtorunit@wexfordcoco.ie**

DEVELOPMENT CONTRIBUTIONS METHODS OF PAYMENT

- **By Bank Transfer** – Payment can be made directly to:

BANK OF IRELAND, CUSTOM HOUSE QUAY, WEXFORD

BANK ACCOUNT NUMBER: 11934511

IBAN NUMBER: IE87 BOFI 9067 1811 9345 11

BANK SORT CODE: 90-67-18

BIC/SWIFT NUMBER: BOFII2D

***** Quote your Customer Number or Planning Permission Number when making the transfer *****

- **By Phone** – please contact the telephone numbers below and quote your Customer Account No. and/or Planning Register No. and your credit/debit card details.

Please be advised that you are not in compliance with your Planning Permission until your Development Contributions as conditioned are paid in full.

Failure to pay these will result in legal action for the collection of same, interest due and any other legal costs incurred.

Development Contributions Debtor Unit
Finance Department
Wexford County Council
Carricklawn
Wexford
Tel: 053 9196626
053 9196509
053 9196476
Email: dcdebtorunit@wexfordcoco.ie

Information Note - Public Water and Waste Water Networks Connections

On the 1st of January 2014 Irish Water became the statutory body with the responsibility for all water services, both water and waste water. The provision of a water services connection will be carried out by Irish Water in partnership with each Local Authority.

Any persons seeking a connection to any of Irish Water's networks should make an application in the first instance to their Local Authority who will act on behalf of Irish Water in processing the application.

A Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Since the 1st of January 2014 Irish Water has been applying Interim New Connection Charges (Infrastructure Fee and Connection Fee) that are the equivalent of both the water and waste water portion of Development Levies and Connection Fees previously charged by the Local Authorities.

The previous Local Authority Development Levy is now called an Infrastructure Fee and the previous Local Authority Connection Fee is now called a Works Fee. Both these fees are charged by Irish Water as they were in the Local Authorities on the 31st of December 2013.

Where planning permission was granted prior to the 1st of January 2014, Local Authorities will continue to bill and collect the water and waste water portion of Development Levies (Infrastructure Fee) as previously and subsequently transfer this to Irish Water. Irish Water will charge a Works Fee equivalent to the Connection Fees as they were in the Local Authorities on the 31st of December 2013.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Irish Water.

Similarly under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premise to the public waste water collection network, either directly or indirectly, without the agreement of Irish Water.