

PLANNING STATEMENT FOR THE PROPOSED DERRYNADARRAGH WIND FARM, CO. KILDARE, OFFALY & LAOIS

Planning Statement

Prepared for:
Dara Energy Limited



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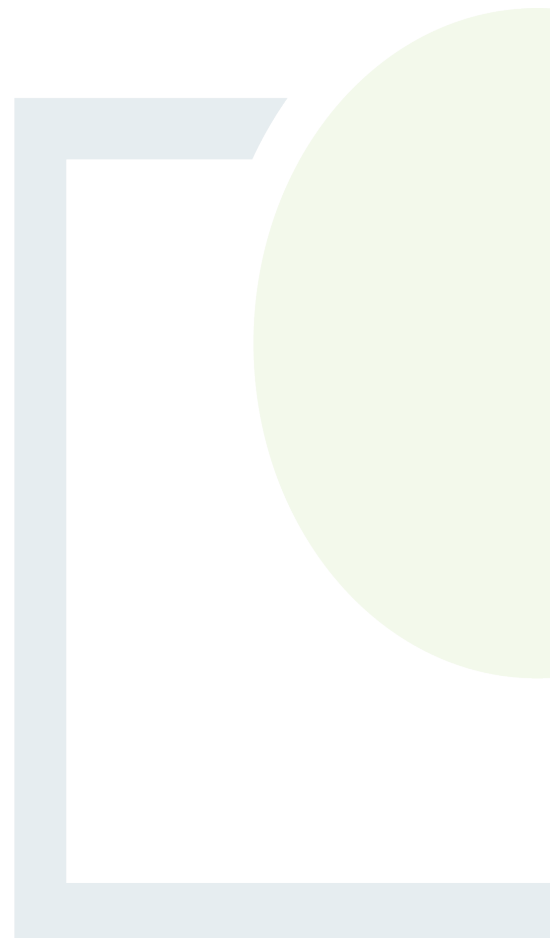


TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	SITE DESCRIPTION	2
2.1	Site Location and Surrounding Context.....	2
2.2	Planning History	3
3.	PROPOSED DEVELOPMENT	5
3.1	Requirement of EIA	5
3.2	Description of Development	5
3.3	Details of Proposed Development	7
3.4	Site Selection Overview.....	11
3.5	Evolution of Layout and Design.....	12
3.6	Pre-Application Consultation	13
4.	PLANNING POLICY AND LEGISLATIVE CONTEXT	14
4.1	Compliance with European and National Energy and Climate Policy	14
4.1.1	Relevant EU Policy	14
4.2	Relevant National Energy Policy and Legislation	16
4.2.2	Assessment	18
4.3	Local Planning Policy	19
4.3.1	Kildare County Development Plan 2023 - 2029	19
4.3.2	Kildare Wind Energy Strategy (Appendix 2 of CDP)	28
4.3.3	Project Response to Kildare CDP	30
4.3.4	Offaly County Development Plan 2021 - 2027	31
4.3.5	Offaly County Wind Energy Strategy	40
4.3.6	Project Response to Offaly CDP	43
4.3.7	Laois County Development Plan 2021 - 2027	44
4.3.8	Project Response to Laois CDP.....	46
5.	PLANNING ASSESSMENT	47
5.1	Principle of Development.....	47
5.2	Design and Layout	49
5.3	Environmental Impact Assessment.....	52
5.4	Appropriate Assessment	52
6.	MATERIAL CONTRAVENTION	54
7.	COMPLETENESS CHECK	58

Appendices

Appendix 1 – Legal Note on Birds Directive

Appendix 2 – Completeness Check

LIST OF FIGURES

	<u>Page</u>
Figure 2-1: Site Location (Planning Boundary outlined in red and Ownership boundary in blue)	2
Figure 3-1: Proposed Turbine Array	8
Figure 3-2: Proposed Turbine Delivery Route Works (Node 46/47)	9
Figure 3-3: Proposed Turbine Delivery Route Works (Node 38)	9
Figure 3-4: Proposed Turbine Delivery Route Works (Node 35-56).....	10
Figure 3-5: Proposed Turbine Delivery Route Works (Node 22)	10
Figure 3-7: Proposed Turbine Delivery Route Works (Node 29/30 - Bridge Crossing at Daingean River) .	11
Figure 4-1: An extract of CDP's Landscape Sensitivity Areas	21
Figure 4-2: An extract of Compatibility of Land uses	22
Figure 4-3: An extract illustrating the CDP Scenic Routes and Viewpoints.....	22
Figure 4-4: Extract of Map 12 - Wind Energy Strategy Map (subject site outlined in red)	30
Figure 4-5: Offaly CDP Strategic Green Infrastructure	32
Figure 4-6: Offaly CDP Landscape Classification	32
Figure 4-7: Offaly CDP Key Scenic Views and Prospects	34
Figure 4-8: Extract from Offaly Wind Energy Strategy - Potential Wind Energy Areas.....	41
Figure 4-9: Extract from Offaly Wind Energy Strategy – Wind Energy Strategy Designations.....	41
Figure 4-10: Extract of Map 3.2 – Wind Energy of the Laois CDP (Site location outlined in red dashed line)	45

LIST OF TABLES

	<u>Page</u>
Table 2-1: Summary of Planning Applications within 500m of the Proposed Development Site.....	3
Table 4-1: Kildare CDP – Relevant Policies and Objectives	23
Table 5-1: The Development as Sustainable Development	47

1. INTRODUCTION

This Planning Statement has been prepared by Fehily Timoney and Company (FT), on behalf of Dara Energy Ltd. (the Applicant), to accompany a Strategic Infrastructure Development (SID) application for a proposed wind energy project known as 'Derrynadarragh Wind Farm', located in the jurisdictions of Kildare County Council, Offaly County Council, and Laois County Council.

Dara Energy Limited (the applicant) is an Irish owned and managed renewable energy company, who specialise in the development of renewable energy projects from pre-planning to operation, and pride themselves on working with integrity and care for the local environment. Dara Energy has a highly skilled and experienced team who are committed to developing projects with successful outcomes for all stakeholders.

This application is made under section 37E of the Planning and Development Act 2000, as amended, to An Coimisiún Pleanála following pre-planning discussions (ACP SID Pre-App Ref: ABP-320137-24). The development is covered by the provisions of the Renewable Energy Directive III (Directive 2023/2413) as transposed by the European Union (Planning and Development) (Renewable Energy) Regulations 2025 (SI No. 274/2025) as amended (the "**Renewable Energy Regulations**"), and subject to Section 37JA of the Planning and Development Act, 2000, as amended.

The Derrynadarragh Wind Farm proposal includes 9 no. turbines and associated ancillary infrastructure including an 110kV onsite substation, connecting into the existing Bracklone 110kV Substation located approximately 11.4km to southwest of wind farm site. The project is of strategic importance, as it exceeds a 50MW capacity, as referenced within the requirements of Sections 37A(2) (a), (b), and (c) of the Planning and Development Act 2000, as amended.

The purpose of this Planning Statement is to assist An Coimisiún Pleanála in their determination of whether the Derrynadarragh Wind Farm proposal has been designed to deliver a sustainable development in accordance with relevant strategic and local planning policies and applicable guidance, appropriately assess the principle of development, and consider all other material considerations.

This report is structured as follows:

- **Section 2 - Site Description:** This section provides a description of the site, its context, and the relevant planning history;
- **Section 3 - Proposed Development:** This section describes all elements of the proposed development;
- **Section 4 - Planning Policy and Legislative Context:** This section outlines the national, regional and local planning policies and guidance relevant to the application site and proposal;
- **Section 5 – Planning Assessment:** This section considers relevant planning policy/guidance and provides an assessment of the principle of development and other relevant considerations;
- **Section 6 – Material Contravention:** This section seeks to address the issue of material contravention.
- **Section 7 - Completeness Check:** List of planning application material in line with Article 16 (2) of RED III; and
- **Section 8 – Conclusion:** This section sets out our summary of the key points set and conclusions.

This Planning Statement forms part of the evidence base submitted as part of the planning application, and should be read in conjunction with the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS).

2. SITE DESCRIPTION

2.1 Site Location and Surrounding Context

The proposed development (comprising Wind Farm site, Grid Connection Route, and Turbine Delivery Route) is a cross boundary proposal located within the jurisdictions of Kildare County Council, Offaly County Council, and Laois County Council. The proposed development site boundary is depicted at Figure 1-1.

The Wind Farm site itself comprises approximately 213.67 hectares of land and includes a total of 9 no. turbines, with the positioning of 4 no. turbines to be located in the jurisdiction of County Kildare (townlands of Aughrin and Derrylea), and 5 no. turbines are to be located in the jurisdiction of County Offaly (townlands of Cushina, Clonsast Lower, and Chevychase or Derrynadarragh). The turbine array is located approximately 1.7km south of Bracknagh, 5.24km north-west of Monastervin and 6.5km north-east of Portarlinton.

Land use within the site is dominated by agriculture, with areas of turbary activities located outside of, but adjacent to, the site boundary to the centre and south (Derrylea Bog). Furthermore, there is an area of forestry land within the northern portion of the site.

The Site is located in an area rural in nature, characterised by sporadic settlement patterns consisting of one-off rural housing fronting onto the road network in a linear rural settlement pattern. There are approximately 208 no. residential and commercial properties within 2km of the site. The closest property to a turbine is located c. 750m distance. This property belongs to an involved landowner. All other residential properties are located greater than 765m from the turbine array.

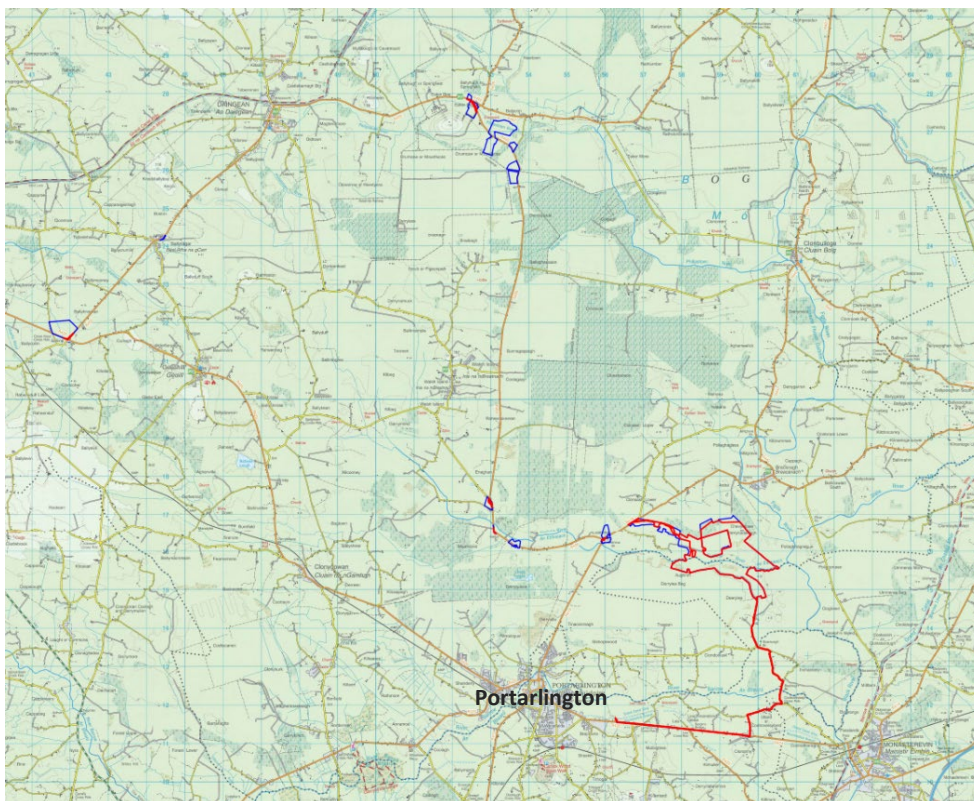


Figure 2-1: Site Location (Planning Boundary outlined in red and Ownership boundary in blue)

2.2 Planning History

A desktop planning history search was carried out using the online planning application portal for each relevant Local Authority (County Kildare, County Offaly, and County Laois). No relevant planning history was available for the subject lands. However, we have also undertaken a review of all planning applications within 500m of the site boundary, which we summarise within the following table.

Table 2.-1: Summary of Planning Applications within 500m of the Proposed Development Site

Application Ref.	Description of Development	Distance from redline boundary of site	Status
2560034	Amendments to the site boundary previously granted under planning reference 011099 and all associated site works.	c.500m to southwest	Granted 02/04/25
19491	Amendments to PL2/17/405, these include permission to amend site boundaries and relocation of sewage treatment system and percolation area. also, retention permission for location of the dwelling and the dwelling as constructed and all associated site works.	c.450 to north	Granted 09/12/19
16324	Domestic garage / shed as constructed and all associated works.	c. 500m to north	Granted 21/11/16
2258	Two storey dwelling house, domestic garage, secondary treatment system and soil polishing filter and all ancillary site works and services.	c. 350m to north	Granted 09/05/22
18345	Existing dwelling house as constructed and effluent treatment system and percolation area and site boundaries.	c. 500m to west	Granted 22/03/19
2560290	Single storey dwelling, garage, entrance, wastewater treatment system with polishing filter; and all associated site works.	c.250m to southwest	Granted 28/08/25
20578	Domestic garage & all associated site works.	c.350m to south	Granted 21/01/21

Application Ref.	Description of Development	Distance from redline boundary of site	Status
2138	Road / junction accommodation works to facilitate turbine deliveries associated with a proposed wind farm development in Co. Kildare. a concurrent planning application is being lodged to Kildare county council in relation to a 10 year planning permission for a wind farm development which consists of 5 no. wind turbines with a tip height of up to 169m and all associated foundations and hardstanding areas; 1 no. on-site electrical substation; 1 no. temporary construction compound; all associated underground electrical and communications cabling connecting the turbines to the proposed on-site electrical substation; provision of new site access tracks and associated drainage; erection of 1 no. permanent meteorological mast of up to 100m in height; and all associated site development works, ancillary works and equipment. an environmental impact assessment report (EIAR) and a natura impact statement (nis) have been prepared in respect of the proposed development.	Bounds red line along R419 to west	Granted 22/12/21
17405	One and a half storey dwelling, entrance, effluent treatment system and polishing filter, garage and all associated site works.	c. 450m to north	Granted 09/03/18

3. PROPOSED DEVELOPMENT

3.1 Requirement of EIA

This Section reviews the Proposed Development against the Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 – “The EIA Directive” and its requirements as transposed into Irish law.

Schedule 5, Part 2 (3)(i) of the Planning and Development Regulations 2001 (as amended) “Planning Regulations” refers to:

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

The Proposed Development includes 9 no. turbines (up to 64.8MW) and therefore falls within a class of development set out in Schedule 5, Part 1 and 2. It therefore meets the requirements for a mandatory EIA in this regard.

Furthermore, a notice has been served by An Coimisiún Pleanála under section 37(B)(4)(a) confirming the development is SID. As such an EIAR is mandatory - section 37E(1) of the Planning Development Act 2000 (as amended) provides as follows:

“(1) An application for permission for development in respect of which a notice has been served under section 37B(4)(a) shall be made to the Board and shall be accompanied by an environmental impact assessment report in respect of the proposed development.”

3.2 Description of Development

The Proposed Development for which consent is being sought will consist of the following:

- A 10-year permission and a 35-year operational life from the date of commissioning of the entire Wind Farm.
- Construction of 9 no. wind turbines – 4 no. turbines will have a tip height of 186m above existing ground level with a hub height of 105m and rotor diameter of 162m, and 5 no. turbines will have a tip height of 187m above existing ground level with a hub height of 106m and rotor diameter of 162m.
- Construction of permanent turbine foundations and crane pad hardstanding areas and associated drainage;
- Construction of 1 no. new main site entrance on Regional Road R419 to serve as construction and operation access, and upgrade works to 1 no. existing site entrance (Derrylea Road) to the south to service for construction only;
- Construction of 9,360m of new internal access tracks and associated drainage infrastructure;
- Upgrading of 550m of existing tracks and associated drainage infrastructure;
- All associated drainage and sediment control including interceptor drains, cross drains, sediment ponds and swales;
- Installation of 1 no. permanent single span bridge crossing Cushina River within the proposed Wind Farm site;

- All associated infrastructure, services and site works including excavation, earthworks, peat and spoil management;
- Creation of dedicated peat and spoil deposition areas for the management of peat and spoil within the site;
- Establishment of 3 no. temporary construction compounds and associated ancillary infrastructure including parking;
- Establishment of 2 no. temporary wheel washing areas during construction only;
- Forestry felling of 6.01ha (60,100 m²) to facilitate construction and operation of the Proposed Development;
- Provision of recreational amenity area comprising 2 no. parking spaces and picnic table;
- Biodiversity enhancement measures within the site boundary;
- Construction of 1 no. IPP Substation and associated compound including:
 - Wind farm Control building with welfare facilities
 - Electrical infrastructure
 - Parking
 - Security Fencing
- Construction of 1 no. permanent onsite 110kV TSO electrical substation and associated compound including:
 - Welfare facilities;
 - TSO control building
 - Electrical infrastructure;
 - Parking;
 - Wastewater holding tank;
 - Rainwater harvesting tank;
 - Security fencing.
- Installation of medium voltage electrical and communication cabling underground between the proposed turbines and the proposed on-site TSO substation and associated ancillary works;
- Installation of 11.4km of permanent high voltage (110kV) and communication cabling underground, primarily within the public roads between the proposed on-site substation and the Bracklone Substation (within the townland of Bracklone in Co. Laois) and associated ancillary works. The proposed grid connection cable works will include trenching, laying of ducting, installing 15 no. joint bays and 5 no. watercourse crossings, pulling cables and the back filling of trenches and reinstatement works, within the townlands of Cushina in County Offaly; Aughrim and Derrylea in County Kildare, and Inchacooly, Coolnaferagh, Ullard or Controversyland, Clonanny, Lea, Loughmansland Glebe, and Bracklone in County Laois. The underground cabling will traverse the following roads; Derrylea Road; L71764; L7176; L71761; R424; and R420 Lea Road;
- Accommodation works required along the Proposed Turbine Delivery Route (TDR) to facilitate turbine component deliveries at the following six locations:
 - Construction of load bearing surface, removal of vegetation and trees, and reprofiling of embankment on R420/R402 Junction within the townland of Ballina, Co. Offaly;
 - Construction of load bearing surface, removal of railing and planters, and reprofiling of road on R402 at junction to L2025 Ballinagar, within the townland of Ballinagar, Co. Offaly;
 - Construction of load bearing surface, removal of vegetation and trees, reprofiling on R400, within the townland of Drumcaw or Mountlucas, Co. Offaly;
 - Installation of 1 no. permanent single span bridge crossing Daingean River at R402/R400 Junction and Philipstown Bridge along Turbine Delivery Route, within the townlands of Esker Beg and Drumcaw or Mountlucas, Co. Offaly;
 - Construction of load bearing surface, removal of vegetation and trees, reprofiling on R400 at junction to L1013 Enaghan, within the townland of Enaghan, Co. Offaly;

- Construction of load bearing surface, removal of vegetation and trees, and reprofiling of embankment on R419 at junction to R400, within the townland of Cushina, Co. Offaly.

Certain minor accommodation works associated with the TDR, not specifically defined within the above description of development, including the provision of passing opportunities along the local road network *are* subject to and have been assessed through this EIA but for which planning consent is not being sought within the current application. These minor works to facilitate the delivery of turbine components and haulage to the Site are detailed further in Table 2.4 *‘Turbine Delivery Route Accommodation Works’* and *include* hedge or tree trimming, temporary relocation of powerlines/poles, lampposts, signage and temporary local road widening. Permission for these minor works will be carried out as necessary through exempted development and under a Road Opening Licence to be sought from Offaly County Council.

3.3 Details of Proposed Development

The proposal consists of a 9 no. turbine wind farm and associated infrastructure including internal access tracks, hard standings, onsite 110kV substation and associated grid connection infrastructure, electrical and communications cabling between turbines and on-site substation (medium voltage) and between on-site substation to Bracklone Substation (high voltage), temporary construction compounds, drainage infrastructure, amenity provision, biodiversity enhancement measures, accommodations works along the Proposed Turbine Delivery Route and all associated works related to the construction of the Proposed Development.

The Wind Farm site is contained within the townlands of Cushina, Clonsast Lower, and Chevychase or Derrynadarragh in County Offaly, and Aughrin and Derrylea in County Kildare. The Site is located within the lowland topography with predominantly flatlands. Red Hill (194m), Dunmurry Hill (234m) and Grange Hill (223m) are located within 10km to the east of the site. The site is located on the Derrylea Bog which is connected to Clonsast Bog to the north, and Derrycastle Bog to the west.

The Turbine Delivery Route will pass through the townlands of Kilbeggan South, Stonehousefarm, Hallsfarm, Rostalla, Pallas, Ballybought, Durrow Demesne, Aghancarnan, Gormagh, Acantha, Ballynasrah or Tinnycross, Ardan, Puttaghan, Cappanur, Cloncollog, Meelaghans, Annagharvey, Ballycollin, Ballina, Ballyknockan, Ballymooney, Ballinagar, Knockballyboy, Clonad, Townparks, Castlebarnagh Big, Killoneen, Killeen, Esker Beg, Ballycon, Drumcaw or Mountlucas, Derrycricket, Ballaghassan, Walshisland, Bunnagappagh, Coolagary, Raheenakeeran, Enaghan, Moanvane, Cushina, and Clonsast Lower.

The Proposed Grid Connection will comprise 11.4km of underground 110kV electrical cabling, which will pass through the townlands of Cushina in County Offaly; Derrylea, and Inchacooly in County Kildare, and Coolnaferagh, Ullard or Controversyland, Clonanny, Lea, Loughmansland Glebe, and Bracklone in County Laois. The Proposed Grid Connection has been identified to supply power from the proposed development to the Irish National Electricity Grid will exit the site to the south and follow the public road to Bracklone Substation (currently under construction).

A 10-year planning permission and 35-year operational life from the date of commissioning of the entire wind farm is being sought (this reflects the lifespan of modern-day turbines), after which it would be decommissioned and the turbines dismantled and removed, unless further consent is secured to operate for an additional time period.

We can confirm that a permanent planning permission is being sought for the Grid Connection and onsite 110 kV substation as these will become an asset of the national grid under the management of EirGrid and will remain in place upon decommissioning of the Proposed Wind Farm.

The Proposed Turbine Array is shown at Figure 3-1, with the Proposed Turbine Delivery Route works evidenced at Figure 3-2 to Figure 3-7.

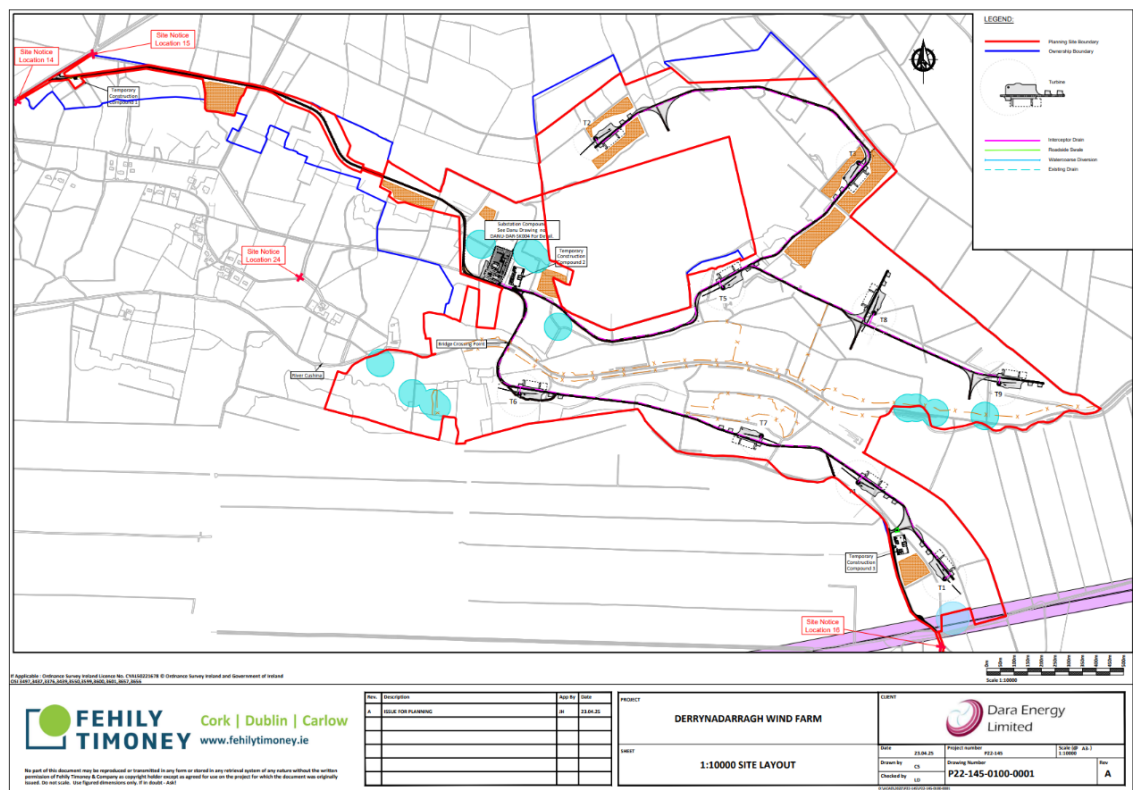


Figure 3-1: Proposed Turbine Array

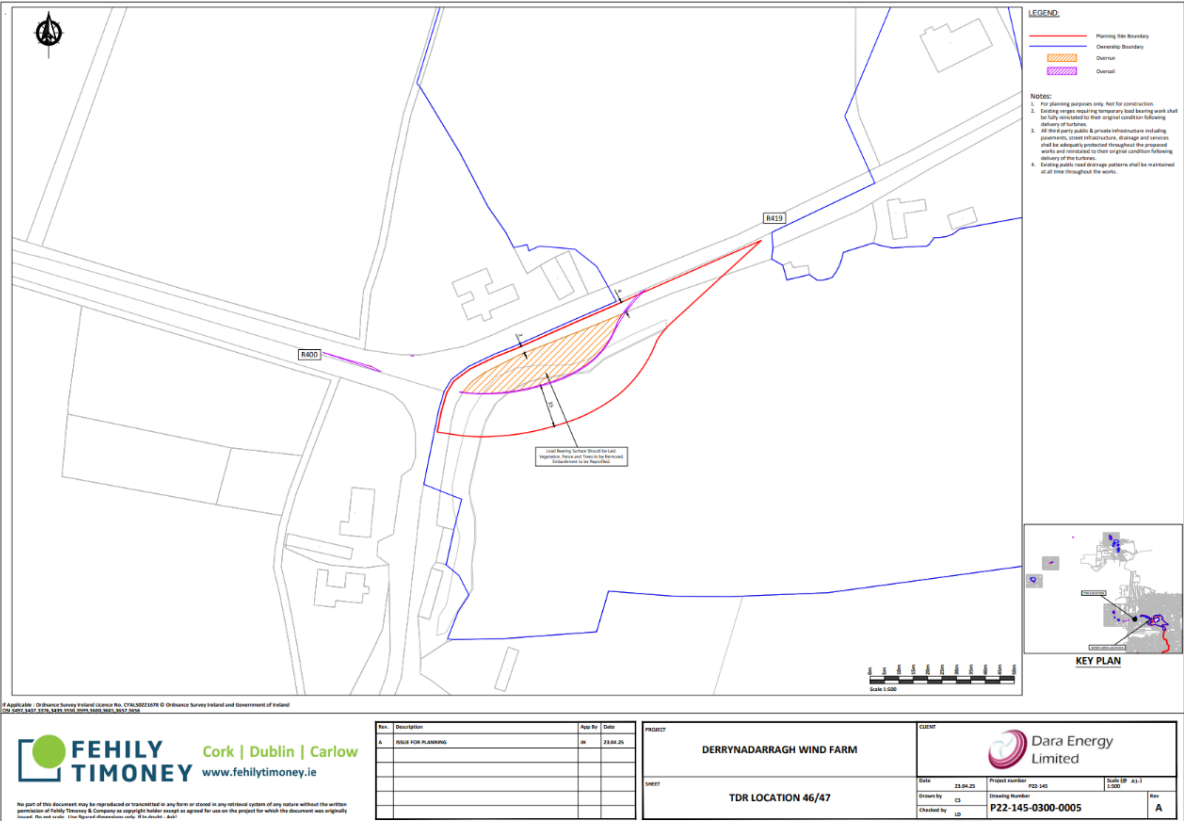


Figure 3-2: Proposed Turbine Delivery Route Works (Node 46/47)

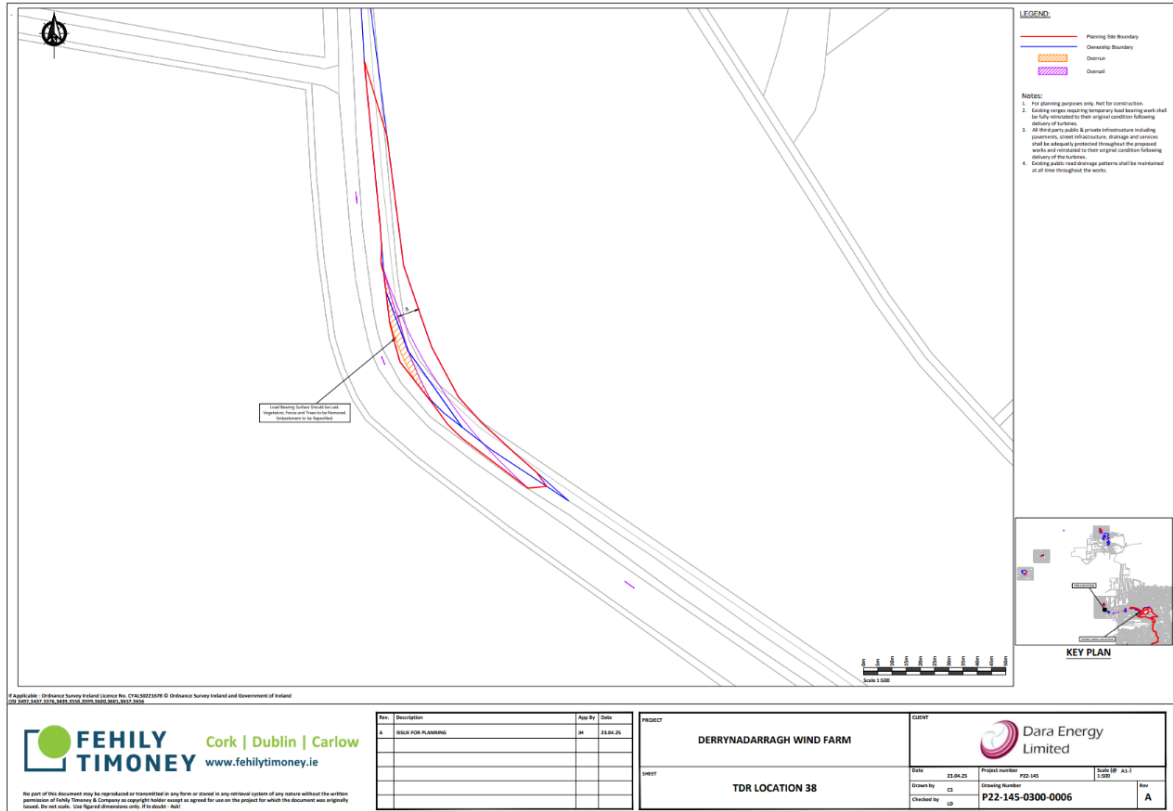


Figure 3-3: Proposed Turbine Delivery Route Works (Node 38)

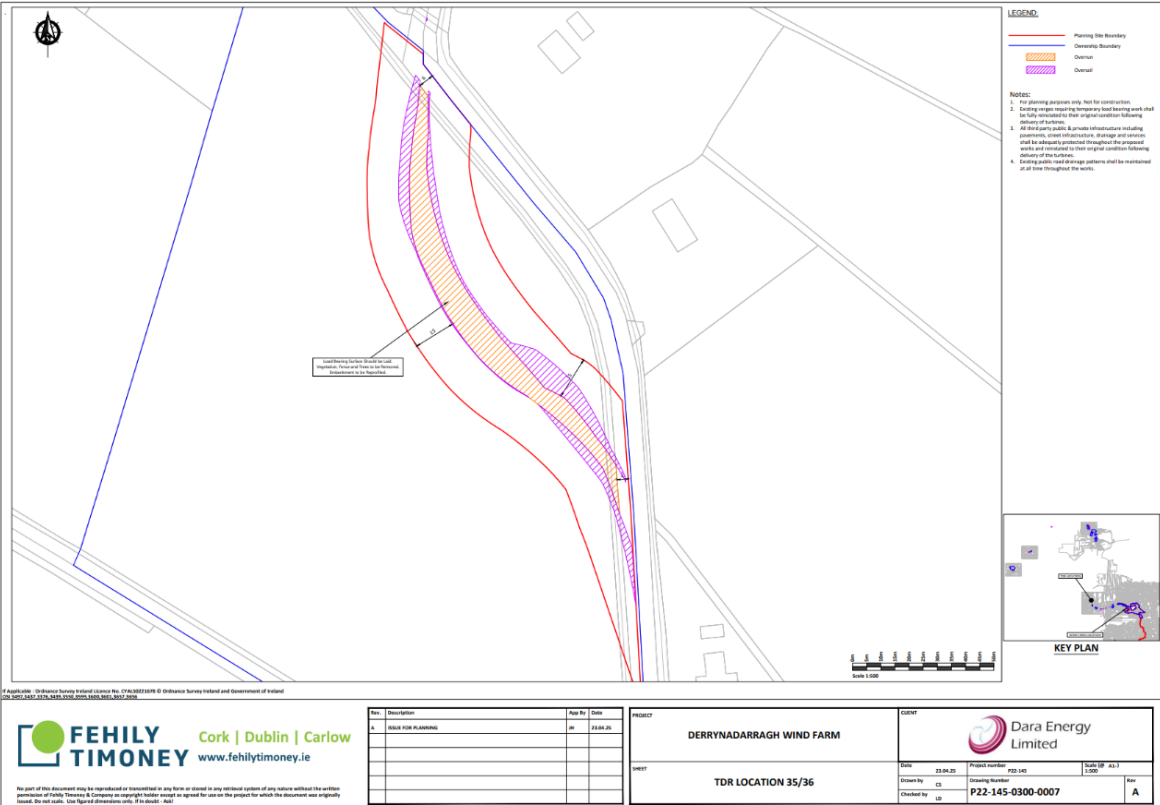


Figure 3-4: Proposed Turbine Delivery Route Works (Node 35-56)

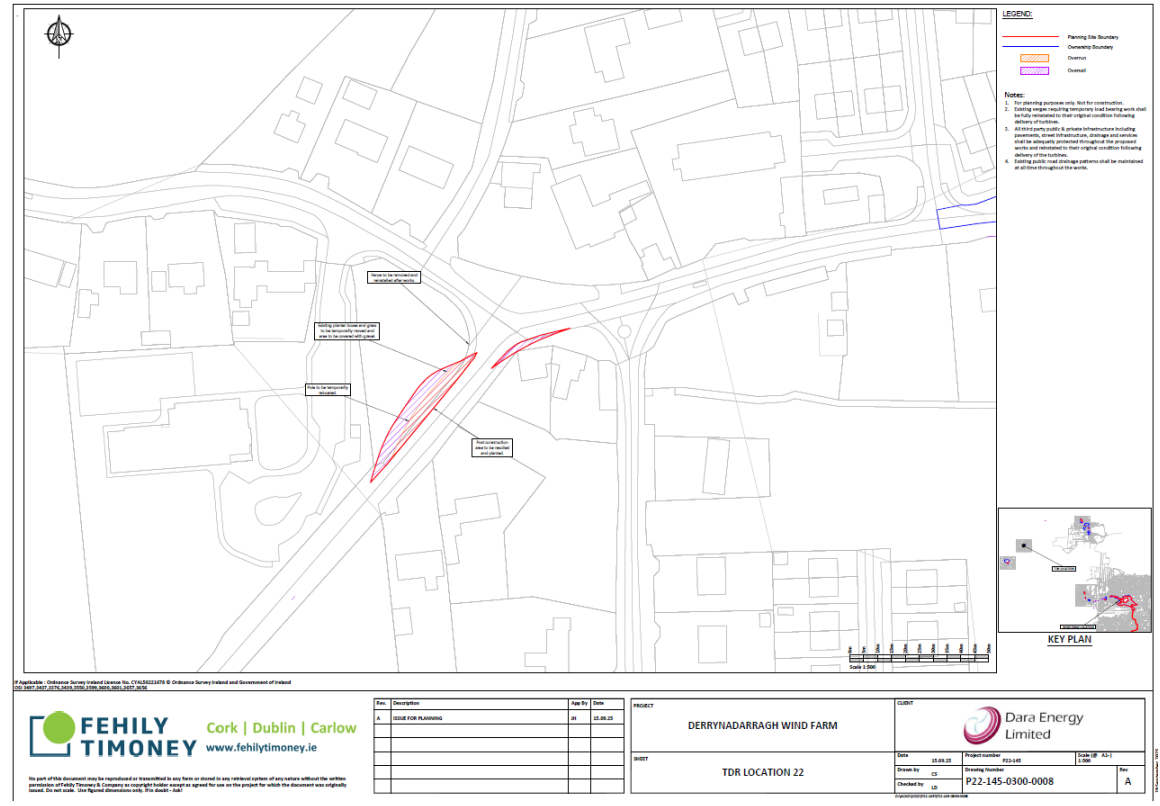


Figure 3-5: Proposed Turbine Delivery Route Works (Node 22)

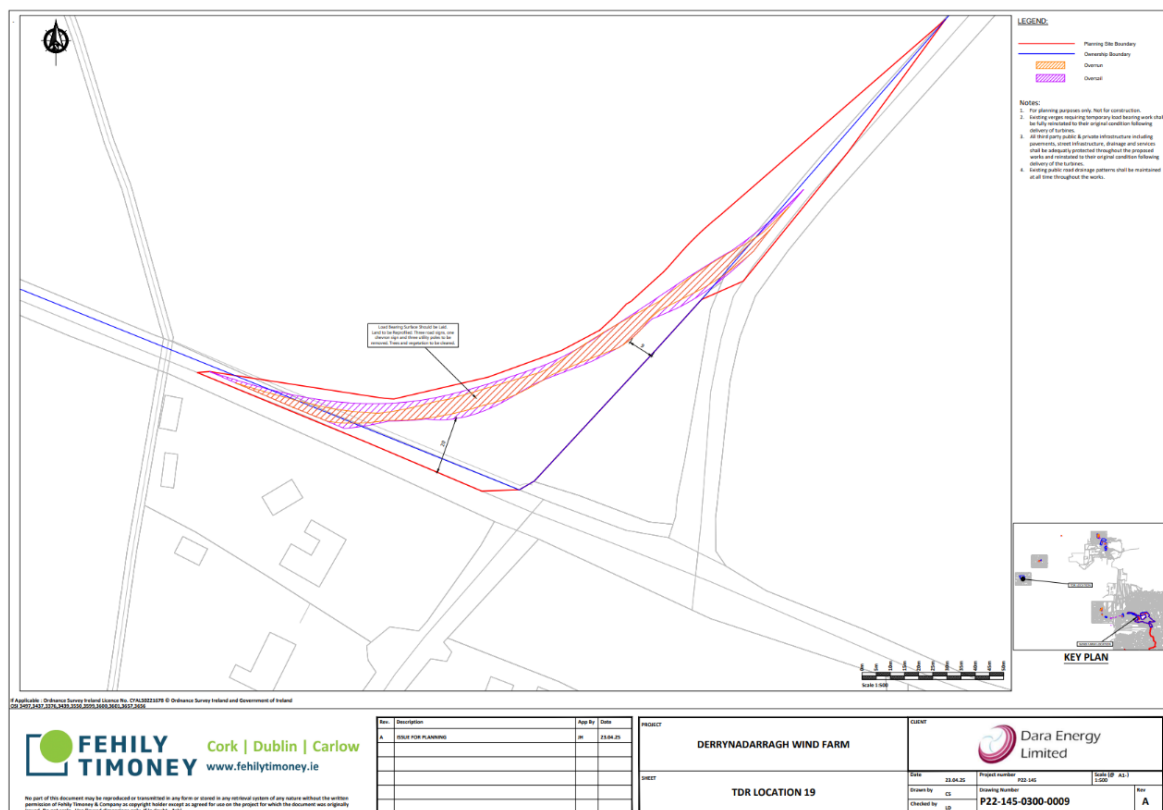


Figure 3.6: Proposed Turbine Delivery Route Works (Node 19)

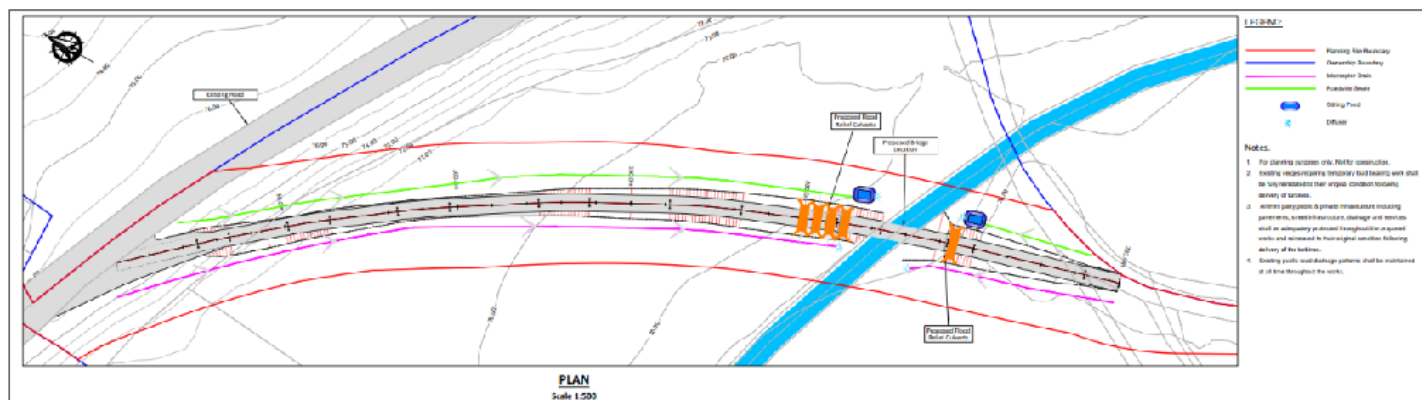


Figure 3-6: Proposed Turbine Delivery Route Works (Node 29/30 - Bridge Crossing at Daingean River)

3.4 Site Selection Overview

Please refer to 'Chapter 3 – Site Selection and Alternatives', Volume 2 of the EIAR, for the full extent of the site selection process and consideration of alternatives. A short synopsis is included below for context.

Prior to the selection of the site for this proposed development, the Applicant undertook a detailed screening exercise using selection criteria and several stages to assess the potential of accommodating a Wind Farm development. The site selection criteria included:

- Compliance with County Development Plan Policies and Designations

- Scale of available land to accommodate a Wind Farm, taking into account turbine spacing requirements
- Natura 2000 sites
- Avoidance of Environmental Designations
- Lands utilized for other wind farm developments
- Separation distance from dwellings
- Level of visual impact
- Amenity, Tourist or Scenic Areas
- Proximity to National Electricity Grid
- Proximity to protected airspace
- Wind Resource
- Potential project scale
- Site accessibility

The site selection process was, by necessity, strategic and desk-based in nature in order to devise a short list of candidate sites. This is considered industry best practice, a rational and appropriate approach and its implementation was underscored by desk study research, local knowledge from Applicant Land Agent(s) in addition to site observations. Alternative locations were eliminated in the early stages of the site selection process due to quantum of land available, as the goal for this project was to deliver a large-scale wind farm of more than 6 no. wind turbines. Following a comprehensive assessment of all criteria, the proposed development site was deemed the most optimal to progress as a potential wind farm location.

3.5 Evolution of Layout and Design

The design has been carried out in accordance with industry guidelines and best practice, namely the Department of Environment, Heritage and Local Government's (DoEHLG) Wind Energy Development Guidelines (2006), The Department of Housing, Planning and Local Government's (DoHPLG), and the Irish Wind Energy Association Best Practice Guidelines (2012). The design process of the Proposed Development has had regard to the Draft Revised Wind Energy Development Guidelines (2019) in the aesthetic considerations in the siting and design of the wind farm and in terms of mitigation by design including increased setback from nearby dwellings and the policy regarding zero shadow flicker.

The design of the Proposed Development was an iterative process which considered a range of alternative designs throughout the evolution of the project, including;

- Set back from houses;
- Set back from village and town cores, designated sites;
- Set back from other constraints such as watercourses and power lines;
- Suitable wind speeds;
- Landscape and visual sensitivity;
- Ecology
- Ornithology;
- Soils and Geology;
- Hydrology;
- Noise; and
- Cultural Heritage.

Constraints and environmental sensitivities were first identified, and buffers applied in order to determine appropriate areas within the site to accommodate development. This constraints exercise resulted in a developable area being defined. Once the viable area is established, the siting requirements of the wind turbines in terms of separation distances etc. are considered and a preliminary layout can be developed for the site.

Following the constraint analysis of the site to determine available development area and following discussions with Turbine suppliers on the potential available turbines and the suitability of turbines for the site it was determined that a rotor diameter of 162m and tip height of 186 was the most suitable and economical for the site, and would seek to maximise the contribution to 2030 targets.

It was through this refinement process, the results of the Landscape Visual Impact Assessment and public consultation, that the Proposed Development came to its final iteration of 9 no. turbines - 4 no. turbines will have a tip height of 186m above existing ground level with a hub height of 105m and rotor diameter of 162m, and 5 no. turbines will have a tip height of 187m above existing ground level with a hub height of 106m and rotor diameter of 162m.

3.6 Pre-Application Consultation

A thorough pre-application consultation process was undertaken by the Applicant and their Design Team. This occurred through the formal SID Pre-Application process with An Coimisiún Pleanála, early engagement with Offaly County Council and Kildare County Council as part of the Local Authority Pre-Application process, and engagement with Laois County Council through the design evolution of the Grid Route options and EIA Scoping process. A detailed EIA Scoping Consultation was undertaken with statutory bodies, as detailed in Volume II, Chapter 5 – EIA Scoping and Consultation of the EIAR which accompanies this planning application.

This planning application has sought to respond to all feedback (both from statutory consultees and general public) received during the pre-application consultation process.

4. PLANNING POLICY AND LEGISLATIVE CONTEXT

This section of the report provides only a high level contextual overview of the relevant planning policies and objectives associated with this Wind Farm proposal. For a detailed planning policy assessment of international, national, regional, and local policies associated with the Derrynadarragh Wind Farm please refer to 'Chapter 4 – Planning Policy', Volume II of the EIAR.

Within this chapter of the Planning Statement, we review the need for the Proposed Development based on an review of the national need to implement legally binding national climate change targets by encouraging appropriate renewable energy development throughout Ireland.

4.1 Compliance with European and National Energy and Climate Policy

4.1.1 Relevant EU Policy

There have been two critical pieces of European legislation which has a significant impact on how the Competent Authority should have regard to National Climate and Energy Policy in the context of assessing this project pursuant to Section 37E of the Planning & Development Act 2000 (as amended).

Council Regulation 2022/2577¹ represents an obligation on EU Member States to accelerate renewable energy projects such as this one as a matter of urgency, the deployment of which is viewed as vitally important to the achievement of the EU's strategic objectives. As per Article 10 of the Regulations the Regulation is "*binding in its entirety and directly applicable in all Member States*".

Significantly, the Regulation incorporates and makes clear that renewable energy projects enjoy a **rebuttable presumption** that they are of overriding public interest and serving public health and safety, in particular, for the purposes of the relevant Union environmental legislation, except where there is clear evidence that these projects have major adverse effects on the environment which cannot be mitigated or compensated for.

The Regulation is of great importance to the Commission's decision. It makes clear that the Commission must take as its starting assumption that Derrynadarragh Wind Farm is of overriding public interest and serves public health and safety. Although the Commission, retains a discretion, the threshold for refusal of a grant of planning permission is therefore extremely high.

Permission can only be refused if the Commission is satisfied that there are significant counter-vailing factors that are sufficient to rebut the presumption.

The Fit for 55 package² included a EU Commission proposal to revise the Renewable Energy Directive (EU) 2018/2001. This proposal was further updated in May 2022 as Part of the REPower EU Plan and subsequently endorsed by EU ambassadors (COREPER) on the 27th September 2023³, and came into force in November 2023.

¹ <https://eur-lex.europa.eu/eli/reg/2022/2577/oj>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0557>

³ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0303_EN.html

RED II⁴ set a binding overall Union target to reach a share of at least 32% of energy from renewable sources in the Union's gross final consumption of energy by 2030. The text that has been adopted by the European Parliament and endorsed by COREPER increases this target to 42.5 %. This target is now captured in RED III Directive.

Additionally, the Directive obliges EU Member States to *“collectively endeavour to increase the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 to 45 %”*⁵

The associated recital (Recital 5) included in the final agreed text provides useful context:

*“The REPowerEU Plan set out in the Commission communication of 18 May 2022 (the ‘REPowerEU Plan’) aims to make the Union independent from Russian fossil fuels well before 2030. That communication provides for the front-loading of wind and solar energy, increasing the average deployment rate of such energy as well as for additional renewable energy capacity by 2030 to accommodate the higher production of renewable fuels of non-biological origin..... In that context, **it is appropriate to increase the overall Union renewable energy target to 42,5% in order to significantly accelerate the current pace of deployment of renewable energy, thereby accelerating the phase-out of the Union's dependence on Russian fossil fuels by increasing the availability of affordable, secure and sustainable energy in the Union. Beyond that mandatory level, Member States should endeavour to collectively achieve an overall Union renewable energy target of 45 % in line with the REPowerEU Plan.**”*

This indicates a significant increase in the mandatory targets for renewable energy in the EU, aiming for a more sustainable and independent energy system, with signals of further increasing ambition through the 45% stretch target. This increased ambition for renewable energy at an EU level must be accommodated and addressed in member states Climate Action Plans.

The Directive also includes specific observations and measures related to the accelerated deployment of renewable energy, storage and grid infrastructure projects across EU member states.

The Directive came into force in November 2023 and was transposed by the Renewable Energy Regulations. The Directive provides further clear policy support at European level. The Directive is highly relevant for three reasons.

- Firstly, it envisages and requires a step-change in terms of the immediacy and ambition for renewable energy development across the Member States, without which the Union's climate neutrality objective simply cannot be achieved.
- Secondly, it identifies the social and environmental benefits of renewable energy development as noted in Recital 2 *“By reducing those greenhouse gas emissions, renewable energy can also contribute to tackling challenges related to the environment, such as the loss of biodiversity, and to reducing pollution”* and which will help to achieve the aim to *“protect, restore and improve the state of the environment by, inter alia, halting and reversing biodiversity loss”* while bringing *“broad socioeconomic benefits, creating new jobs and fostering local industries”*

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001>

⁵ Article 3, paragraph 1.

The proposed development is a ‘renewable energy project’ and comprises ‘renewable energy plant’ for the purposes of the revised Renewable Energy Directive (Directive 2023/2413 amending Directive 2018/2001 – “RED III”). As this application is made after 6 August 2025, S.I. No. 274/2025 - European Union (Planning and Development) (Renewable Energy) Regulations 2025 – also applies to it. The application is for a ‘renewable energy development’ and is subject to Sections 37JA and 37JB of the Planning and Development Act, 2000, as amended by S.I. No. 274/2025 as amended by S.I. 426 of 2025 (“2000 Act”). Whereas S.I. 274/2025 partially transposes RED III with respect to the Appropriate Assessment process under Section 177AA of the 2000 Act, those regulations are of limited effect.

Article 16b of RED III was required to be transposed no later than 1 July 2024. In the absence of formal transposition, aspects of Article 16b when read together with Recital (37) of RED III are sufficiently precise, clear and unconditional to be directly effective as regards permitting decisions to be made by An Coimisiún Pleanála, planning authorities, and the National Parks and Wildlife Service.

In particular, Article 16b of RED III makes it clear that the occasional or incidental killing or significant disturbance of birds by the construction and operation of renewable energy plant shall not be considered to be ‘deliberate’ and therefore prohibited by Article 5 of the Birds Directive. Article 16b has the same effect as regards species protected by Article 12 of the Habitats Directive. This is on condition that the renewable energy project has adopted appropriate and necessary mitigation measures as noted in Chapter 10 of the EIAR. Please see ‘**Appendix 1 – Legal Note on Birds Directive**’ to this Planning Statement which sets out relevant legal provisions and case law.

4.2 Relevant National Energy Policy and Legislation

Ireland declared a climate emergency on May 9, 2019. This declaration was made through an amendment to a parliamentary motion related to a report on climate action. The amendment, which declared a “*climate and biodiversity emergency*,” was accepted by both the government and opposition parties, making Ireland the second country in the world, after the United Kingdom, to declare a climate emergency formally.

The Emergency was declared against a backdrop of GHG emissions that were described by the Governments’ Climate Change Advisory Council as “*disturbing*” and that Ireland was “*completely off course in terms of its commitments to addressing the challenge of climate change*”.⁶

It was in this context that the Climate Action and Low Carbon Development (Amendment) Act 2021 was adopted. The Climate Action and Low Carbon Development Act 2015 and its subsequent amendments in 2021 serve as the primary legislative framework guiding Ireland's approach to addressing climate change and promoting a sustainable, low-carbon economy.

The 2021 amendment to the 2015 Act significantly enhanced the original 2015 Act in response to increasing global momentum on climate action and a heightened awareness of the urgency to address the climate crisis. In particular the Act includes:

- **Carbon Budgets:** The amendment introduced a system of rolling carbon budgets, which are five-year ceilings on total greenhouse gas emissions in Ireland. These budgets are set for successive periods, and the government must develop a plan to adhere to them.
- **Formal 2030 Target and strengthened 2050 Target on Emissions:** The amendment committed Ireland to halving emissions by 2030 and achieving climate neutrality (net-zero emissions) by 2050.

⁶ Climate Change Advisory Council Annual Report 2018 at pp.ii-iv.

- **Enhanced Role of the Climate Change Advisory Council:** The Council was given a stronger role in recommending carbon budgets and assessing the government's progress.
- **Strengthened Reporting and Accountability:** The amendment introduced stricter requirements for the government to report on its progress and to align its policies with the carbon budgeting framework.
- **Sectoral Emissions Ceilings:** To support the carbon budgets, the amendment required the government to set binding sectoral emissions ceilings, ensuring that different sectors (e.g., transport, agriculture, energy) contribute to meeting the national targets.

Also, critically and importantly for the purposes of the **Commission's (ACP) consideration of this application, it provides that a relevant body, such as the Commission, shall, insofar as practicable, perform its functions in a manner consistent with the mostly recently approved Climate Action Plan and other matters set out in section 15 of the 2015 Act.**

Climate Action Plan

It is within the context of the European Policy and National Policy and legislation that the Climate Action Plan is set. The Climate Action Plan 2023 (CAP23) was the first Plan to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and follows the introduction, of the carbon budgets and legally binding sectoral emissions ceilings.

Since 2023, 2no. revisions of the Plan has been prepared, CAP 24 and CAP 25.

CAP25 underlines the important role the planning regime will play in developing Ireland's renewable energy capacity. The latest Climate Action Plan 2025 (hereafter CAP25) was approved by Government on 15 April 2025. It is the third statutory Climate Action Plan since the Climate Action and Low Carbon Development (Amendment) Act 2021 was passed and the fifth overall. It is the last Climate Action Plan of Ireland's first five-year carbon budget, representing an important half-way mark to 2030. If Ireland is to close the Greenhouse Gas (GHG) emissions gap and make headway towards our 2030 and 2050 emissions reduction targets, we must accelerate progress already made and deliver on the actions in CAP25 as well as rapidly and fully implementing those legacy/delayed actions and policies from CAP23 and CAP24.

CAP25 is to be read in conjunction with CAP24 as an updated and amended plan. All the measures and actions to support the delivery of binding climate targets are set out within the plan. CAP25 has an Annex of Actions which sets out new, high impact actions for 2025 and includes delayed actions from both CAP24 and CAP23 which will be tracked until completion.

A key element of CAP25 is the decarbonization of Ireland's electricity system, primarily through a significant increase in renewable energy generation. The plan reiterates ambitious targets for renewable electricity, aiming for 50% by 2025 and 80% renewable energy by 2030. These goals will be met by accelerating the deployment of:

- Onshore wind: 2 GW by 2025; 9 GW by 2030
- Offshore wind: 5 GW by 2030
- Solar energy: Up to 5 GW by 2025; 8 GW by 2030

Delivery of Climate Change Targets

The targets set out in CAP 24/25 are legally binding by virtue of the Climate Action and Low Carbon Development Act 2015 (as amended), however despite this, multiple assessments, including the Climate Change Advisory Council (CCAC) Annual Review⁷ and the Environmental Protection Agency (EPA) emissions projections⁸, confirm that Ireland is not on track to meet these targets. Significant gaps remain in renewable energy deployment, particularly in grid capacity expansion and wind farm development, while continued reliance on fossil fuels threatens national and EU climate commitments.

As identified in the National Planning Framework First Revision⁹, the Eastern and Midlands Region target requires facilitating a further 1,966MW of renewable power up to 2040. Securing planning permissions for appropriately located and well-designed renewable energy projects, such as the Proposed Development, is essential in order to meet this target.

Derrynadarragh Wind Farm would make a meaningful contribution to the renewable energy targets for the Southern Region as set out in the National Planning Framework First Revision while also supporting the broader national goals set out in CAP 25 and required under Climate legislation. Its approval would make a noteworthy contribution (up to 64MW) towards renewable energy ambitions, and help bridge the widening gap between policy commitments and actual energy infrastructure development.

Implications of approvals with respect to Ireland's climate action targets

The approval of well-planned, appropriately located renewable energy projects, such as the Proposed Development, would support not only Ireland's ability to meet CAP 25 targets but also its legal commitments under national and EU law. CAP 25, the CCAC Annual Reviews for 2023 and 2024, and Ireland's Updated National Energy and Climate Plan (published in July 2024)¹⁰ all highlight the central role of renewable energy targets in addressing climate change.

4.2.2 Assessment

This section of the report clearly sets out Ireland's obligations in addressing Climate Change. Ireland has been mandated by the European Union to set legally binding targets for the reduction in greenhouse gas emissions by over half by 2030 and these provisions are set out in the Climate Act 2021. Sectoral specific targets are set out in the Climate Action Plan 2025 which requires the installation of 9 GW of Onshore Wind Energy by 2030 and 6GW by 2025. Currently there is an installed capacity of c. 4.9MW which demonstrates that there is a significant requirement by all bodies to work together to achieve this target. The enormity of the challenge is recognised in the Climate Action Plan 2024/25 where it is stated *"To achieve the necessary emissions abatement, an approximately eight-times increase of renewable energy deployment to 2.3 GW annually would be needed between 2024 and 2030"*.

The importance of meeting these legally binding targets is recognised by government by setting out clear parameters on how 'relevant Bodies' in this instance The Commission should perform their function. Section 17 of the Act 2021 requires the Board to *"perform its functions in a manner consistent with"* the most recent approved climate action plan, national long term climate action strategy, national adaptation framework and sectoral adaption plans.

⁷<https://www.climatecouncil.ie/councilpublications/annualreviewandreport/CCAC-AR2025-Electricity-FINAL.pdf>

⁸<https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/07875-EPA-GHG-Projections-Report-FINAL.pdf>

⁹ <https://cdn.npf.ie/wp-content/uploads/National-Planning-Framework-First-Revision-April-2025-1.pdf>

¹⁰ <https://assets.gov.ie/static/documents/irelands-integrated-national-energy-and-climate-plan-2021-2030.pdf>

It is respectfully submitted that the Commission in weighing up competing policy objectives as part of their determination, shall consider this overarching, legally binding, emissions reduction objective, and perform their functions in a manner that is consistent with the delivery of the legally binding sectoral emissions ceilings, and associated Climate Action Plan targets.

4.3 Local Planning Policy

Under Section 28 of the Planning & Development Act 2000 (as amended), in making Development Plans a Planning Authorities must have regard to national policy on renewable energy. A County Development Plan (CDP) is required to indicate how the implementation of the Development Plan will contribute to realising overall national targets on renewable energy and climate change mitigation. This applies in particular to wind energy production and the potential wind energy resource.

The planning application boundary of the Proposed Development spans across multiple local authorities' administrative boundaries, namely Kildare County Council and Offaly County Council, with the proposed grid route connection also stretching into Laois County Council.

This section of the chapter provides a high level overview of the relevant local policies and objectives, as set out within the 3 no. Local Authority Development Plan's (Kildare, Offaly, Laois) in turn. The full assessment of the Derrynadarragh Wind Farm site against the key local policies and objectives is set out within 'Chapter 4 – Planning Policy', Volume II of the EIAR.

4.3.1 Kildare County Development Plan 2023 - 2029

The Kildare County Development Plan (CDP) 2023-2029, which took effect on 28th January 2023, sets out the strategic framework for land use planning in the county over the plan period up to 2029. The 'Strategic Vision for the County, as set out within Chapter 1 – Introduction and Strategic Context of the Kildare CDP, is as follows:

'To build on the strengths of the county in order to improve the quality of life of all residents, through the creation of high-quality job opportunities, by the provision of high-quality residential development supported by high quality community and social infrastructure, through the provision of a high-quality sustainable transport network, by healthy placemaking and transformational regeneration. The vision for County Kildare also supports the transition to a low carbon climate resilient environment, by embracing inclusiveness, enhancing our built environment and enshrining the importance of conserving, restoring and protecting Kildare's biodiversity for future generations.'

One of the key principles within the Kildare CDP (see Paragraph 1.8.1 of Chapter 1) is focused on climate change, *'To develop a county that is resilient to climate change, plans for and adapts to climate change and flood risk, facilitates a low carbon future, supports energy efficiency and conservation, and enables the decarbonisation of our lifestyles and economy.'*

Furthermore, with regards to biodiversity a key principle (see Paragraph 1.8.1 of Chapter 1) of the Council's is, *"To promote co-ordinated spatial planning to conserve and enhance the biodiversity of our protected habitats and species including landscape and heritage protection."*

Core Strategy objective 'CS O2', set out at Page 35 and 36 of 'Chapter 2 – Core Strategy Settlement Strategy', emphasises the Council's aim to reduce carbon footprint and support national climate targets, *"Ensure that the future growth and spatial development of County Kildare provides for a county that is resilient to climate change, enables the decarbonisation of the county's economy and reduces the county's carbon footprint in support of national targets for climate mitigation and adaption objectives as well as targets for greenhouse gas emissions reductions."*

The Council have prepared a Climate Change Adaptation Plan which Core Strategy 'CS O8' (set out at Page 36 of 'Chapter 2 – Core Strategy Settlement Strategy') highlights, *"Support the implementation of Kildare's Climate Change Adaptation Plan in conjunction with all relevant stakeholders."*

A review of all relevant CDP policies and objectives relating to Climate Change, Renewable Energy, Biodiversity and Landscape and Visual Impact, and associated development management standards is set out in turn. Table 4-1 of this Planning Statement outlines the relevant CDP Policies and Objectives associated with this proposal.

As set out within 'Chapter 7 - Energy Communications' the Council aims, "To encourage and support energy and communications efficiency and to achieve a reasonable balance between responding to EU and National Policies on climate change, renewable energy and communications and enabling resources to be harnessed in a manner consistent with the proper planning and sustainable development of the county"

This aim underpins the key policy related to the Proposed Development contained in the County Development Plan. In line with the Climate Action Plan 2021, the Council set a target through 'EC T1' of doubling of existing on-shore wind energy from circa 4GW (today) to 8GW by 2030. This chapter also makes reference to the Wind Energy Strategy, which forms part of the Kildare CDP.

'Chapter 12 – Biodiversity and Green Infrastructure' seeks to, *"protect, manage and enhance the County's biodiversity for future generations, including sites designated at national and EU level, protected species and habitats outside of designated sites and to promote the development of an integrated Green Infrastructure network in order to improve our resilience to climate change and to enable the role of Green Infrastructure in delivering sustainable communities."*

From a biodiversity perspective the Council seek for proposed developments to protect and enhance biodiversity and landscape features, encouraging opportunities for biodiversity net gain.

'Chapter 13 – Landscape, Recreation & Amenity' seeks to, *"provide for the protection, management, and enhancement of the landscape of Kildare to ensure that development does not disproportionately impact on the unique landscape character areas, scenic routes or protected views; and to support the provision of high quality and accessible recreational facilities, amenities and open spaces for residents and visitors to the County, in recognition of the contribution of all forms of recreation to quality of life, personal health and wellbeing."*

The proposed development falls within the 'Southern Lowlands' Landscape Character Area and within a 'Class 1 – Low Sensitivity Area' – see Figure 4-1. Based on this, the CDP highlights that such areas have the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area, as demonstrated at Figure 4-2.

In terms of 'Scenic Routes and Protected Views', the Derrynadarragh Wind Farm site sits within proximity to the following 3 no. Viewpoints, as shown within Figure 4-3:

- RB08 – Viewpoint of River Barrow from Baylough Bridge;
- GC01 – Views to Macartneys Bridge; and
- GC26 – Views to Ummeras Bridge.

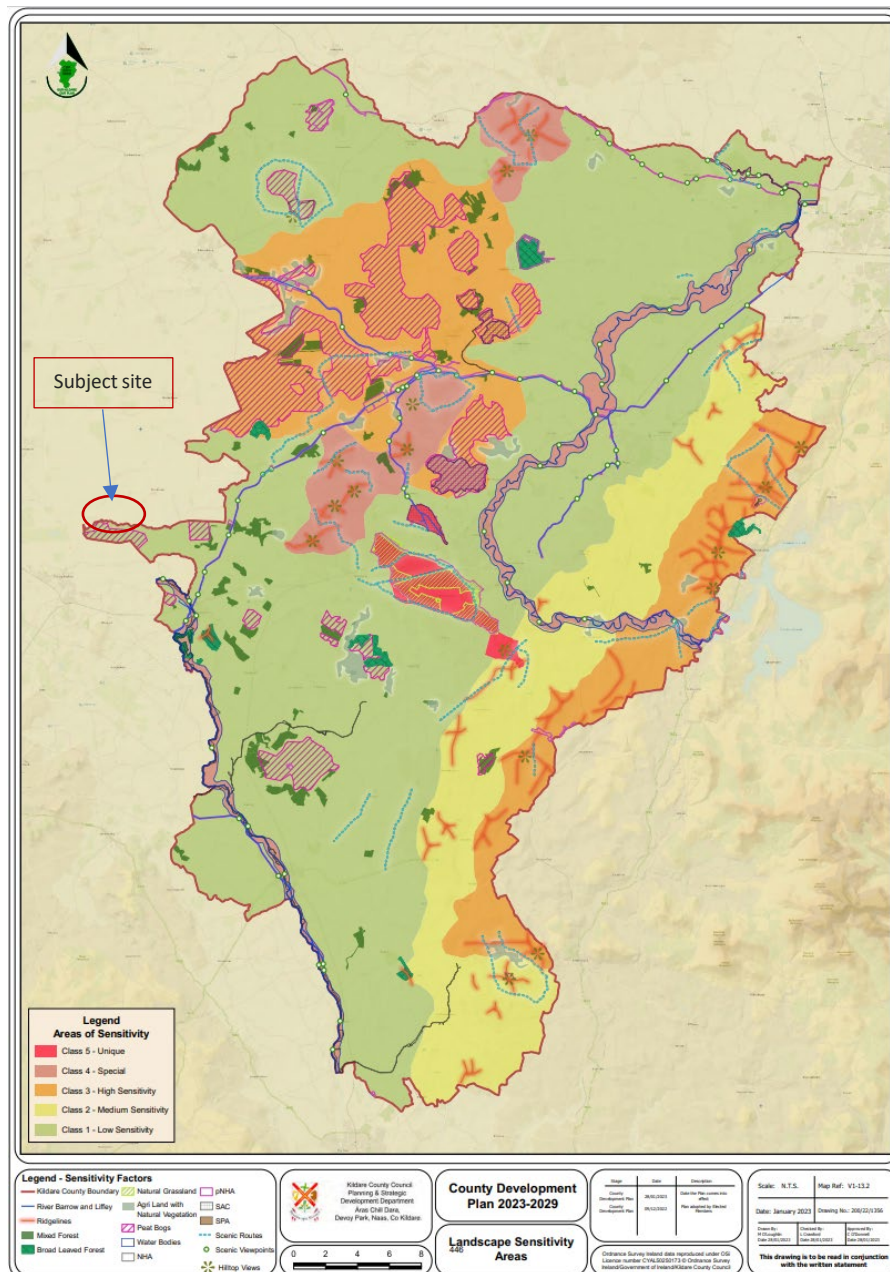


Figure 4-1: An extract of CDP's Landscape Sensitivity Areas

5 - Likely to be very compatible in most circumstances.	Agriculture and Forestry		Housing		Urbanisation			infrastructure		Extraction		Energy	
4 - Likely to be compatible with reasonable care.													
3 - Likely to be compatible with great care.													
2 - Compatible only in certain circumstances.													
1 - Compatible only in exceptional circumstances.													
0 - Very unlikely to be compatible.													
Proximity within 300m of Principal Landscape Sensitivity Factors.	Agriculture	Forestry	Rural Housing	Urban Expansion	Industrial Projects	Tourism Projects	Major Powerlines	Sand and Gravel	Rock	Windfarm	Solar		
Major Rivers and Water bodies	5	5	2	2	2	3	2	1	0	1	0		
Canals	5	5	2	2	2	3	2	1	0	1	1		
Ridgelines	5	5	1	1	1	1	1	0	0	2	0		
Green Urban Areas	4	5	2	0	0	4	3	3	3	2	2		
Broad-Leaved Forestry	3	5	2	2	2	4	3	2	3	1	2		
Mixed Forestry	3	5	2	2	2	4	3	2	3	1	2		
Natural Grasslands	5	2	2	1	1	4	2	1	1	2	2		
Moors and Heathlands	2	2	1	0	0	1	2	1	0	2	1		
Agricultural Land with Natural Vegetation	5	5	2	2	2	3	3	3	3	4	2		
Peat Bogs	0	0	0	0	0	3	2	0	0	2	1		
Scenic View	5	5	2	1	1	5	1	3	0	0	2		
Scenic Route	5	5	2	1	1	5	1	3	0	0	2		

Table 13.4 - Likely compatibility between a range of land-uses and proximity to Principal Landscape Sensitivity Factors.

Subject site falls within 'Category 4 – Likely to be compatible with reasonable care' for Wind Farm Development.

Figure 4-2: An extract of Compatibility of Land uses

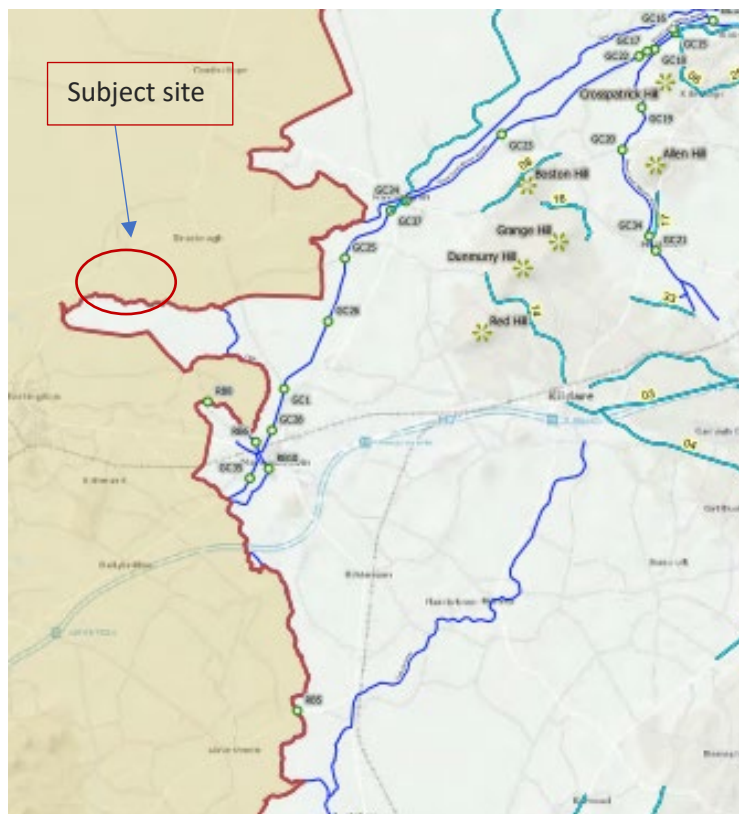


Figure 4-3: An extract illustrating the CDP Scenic Routes and Viewpoints

Within 'Chapter 15 – Development Management Standards' it states that when assessing planning applications for wind energy developments the Council will have regard to Section 6 of the Kildare Wind Energy Strategy contained within Appendix 2 of the CDP. It is noted that, *"....the spacing between turbines should be kept to a minimum in order to reduce the visual impact and footprint of the development on the landscape, and where possible the distance between turbines should not be greater than the distance between a dwelling house and a turbine, subject to technical considerations and site conditions."*

A comprehensive overview of all relevant policies within the Kildare CDP has been undertaken, and set out within Table 4-1 below.

Table 4-1: Kildare CDP – Relevant Policies and Objectives

Policy / Objective Reference	Description
EC P1	Reduce our carbon footprint in line with national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emission reductions.
EC P2	Promote renewable energy use generation and associated electricity grid infrastructure at appropriate locations within the built environment and open countryside to meet national objectives towards achieving a net zero carbon economy by 2050.
EC P3	Support the roll-out of the Smart Grids and Smart Cities Action Plan enabling new connections, grid balancing, energy management and micro grid development
EC P4	Have regard to the Department of the Environment, Heritage and Local Government's 'Guidelines for Planning Authorities on Wind Energy Development' (or any subsequent updates) and the Kildare County Council Wind Energy Strategy when assessing planning applications for wind farms.
EC O11	Encourage wind energy developments in suitable locations in an environmentally sustainable manner whilst having regard to Government policy and the County Wind Energy Strategy, while being sensitive to the EU and national target of 30% of land for biodiversity. Subject to AA screening and where applicable, Stage 2 AA so as to ensure and protect the favourable status of European sites and their hydrological connections. Such developments will have regard for protected species and provide mitigation and monitoring where applicable.
EC O14	Support the establishment of a local Community Benefit Fund as part of any significant wind energy development application, which supports the development of local recreation amenities, provides additional community project funding or community owned Renewable Energy projects.
EC O15	Require applicants to submit a report addressing the issues contained in Section 6 of the County Wind Energy Strategy 'Considerations for Wind Farm Development Planning Applications' at application stage. Decommissioning and site rehabilitation plans shall also be submitted at application stage and shall identify sustainable waste management solutions for wind turbine components (battery storage, blades etc.) at end-of-life in accordance with the waste management hierarchy. The disposal of same to landfill will not generally be permitted.

Policy / Objective Reference	Description
EC O16	Require comprehensive winter and summer bird and wildlife surveys for all proposed wind farms sites in accordance with EIA, EU Habitats and Species Directives and all other relevant environmental legislation, so that impacts on wildlife can be fully assessed and evaluated and so that appropriate mitigation and adaptation measures can be considered. Turbine design and adaptation should use the best available technology to minimise harm to birds and other wildlife.
EC O66	Facilitate the delivery of necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.
EC O72	Require that in all new developments, local services such as electricity shall be located underground. Multiple services shall be accommodated in shared strips underground and access covers shall be shared, where possible."
EC O73	Consider the removal of trees (singular or in stands) and hedgerows (in part or in whole) only in circumstances where it can be clearly demonstrated that the removal of hedgerow material and or tree(s) is essential for the provision of energy and cannot be designed out. Where proven, the vegetation is to be replaced with equivalent number, species, variety and size as was in situ. Where non-native species are removed, they will be required to be replaced with native species. In all cases, plants of local provenance are to be planted within 1 year of removal and maintained to establishment to negate the habitat and biodiversity loss within 3 years. Existing vegetative or 'stepping-stone' linkages are to be maintained and improved upon to increase wildlife corridors. Opportunities should be sought to translocate existing species rich hedgerows, where possible, and subject to proper biosecurity protocols.
EC P11	Support Ireland's renewable energy commitments outlined in national policy.
EC T1	Support the target in the Climate Action Plan 2021 for a doubling of existing on-shore wind energy from circa 4GW (today) to 8GW by 2030.
EC P1	Reduce our carbon footprint in line with national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emission reductions.
EC P2	Promote renewable energy use generation and associated electricity grid infrastructure at appropriate locations within the built environment and open countryside to meet national objectives towards achieving a net zero carbon economy by 2050.
EC O54	Require an Ecological Impact Assessment to be carried out and submitted with any planning application for energy infrastructure projects (e.g., wind and solar developments).

Policy / Objective Reference	Description
EC O57	Ensure that renewable energy projects located on or near peatlands do not negatively impact on any rehabilitation measures including enhanced rehabilitation measures (i.e. blocking and re-wetting).
TM O95	<p>Restrict new access onto regional roads where the 80km per hour speed limit currently applies, except in the following exceptional circumstances:</p> <ul style="list-style-type: none"> • Developments of strategic, local, regional or national importance, where there is a significant gain to the county through employment creation or other economic benefit. • Where applicants comply with Schedule of Local Need Criteria (see Chapter 3), are proposing to build a home on their family landholding and cannot provide access onto a nearby county road. In this instance, applicants will only be permitted to maximise the potential of existing entrances. The onus will be on the applicant(s) to demonstrate that there are no other accesses or suitable sites within the family landholding. <p>Where it is proposed to demolish an existing dwelling and replace with a new dwelling, where there is an existing entrance onto the regional road.</p>
TM O102	Minimise the extent of hedgerow removal in order to achieve adequate sightlines. However, where it has been satisfactorily demonstrated that there is no other suitable development site (for planning reasons) any removed hedgerow shall be replaced with native hedgerow species. Opportunities should be sought to translocate existing species rich hedgerows, where possible, and subject to proper biosecurity protocols.
RD O7	Support the development of renewable energy production in rural areas where appropriate.
AH O4	Ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing and to ensure that such proposed developments are subject to an archaeological assessment prepared by a suitably qualified archaeologist. Such an assessment will seek to ensure that the development can be sited and designed in such a way as to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features, objects and areas of underwater archaeological heritage.
LR P1	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.
LR O2	<p>Require a Landscape/Visual Impact Assessment to accompany proposals that are likely to significantly affect:</p> <ul style="list-style-type: none"> • Landscape Sensitivity Factors; • A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);

Policy / Objective Reference	Description
	<ul style="list-style-type: none"> A route or view identified in Map V1 - 13.3 (i.e. within 500m of the site boundary). All Wind Farm development applications irrespective of location, shall be required to be accompanied by a detailed Landscape/Visual Impact Assessment including a series of photomontages at locations to be agreed with the Planning Authority, including from scenic routes and views identified in Chapter 13.
LR O26	Contribute towards the protection of waterbodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, from inappropriate development. This will include buffers free of development in riverine and wetland areas, as per Chapter 12.
LR P3	Protect, sustain and enhance the established appearance and character of all important views and prospects.
LR O32	Avoid any development that could disrupt the vistas or have a disproportionate impact on the landscape character of the area, particularly upland views, river views, canal views, views across the Curragh, views of historical or cultural significance (including buildings and townscapes), views of natural beauty and specifically those views listed in Tables 13.5 – 13.7 of this plan.
BI P1	Integrate in the development management process the protection and enhancement of biodiversity and landscape features by applying the mitigation hierarchy to potential adverse impacts on important ecological features (whether designated or not), i.e. avoiding impacts where possible, minimising adverse impacts, and if significant effects are unavoidable by including mitigation and/or compensation measures, as appropriate. Opportunities for biodiversity net gain are encouraged.
BI O5	Move towards no net loss of biodiversity through strategies, plan, mitigation measures, appropriate offsetting and/or investment in Blue/Green infrastructure.
BI O6	Apply the precautionary principle in relation to proposed developments in environmentally sensitive areas to ensure that all potential adverse impacts on a designated NHA or Natura 2000 Site arising from any proposed development or land use activity are avoided, remedied, or mitigated.
BI O9	Avoid development that would adversely affect the integrity of any Natura 2000 site and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive, to support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

Policy / Objective Reference	Description
BI O10	Ensure an Appropriate Assessment Screening, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, Section 177A of the Planning and Development Act (2001-2022) or any superseding legislation and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.
BI O15	Ensure that any new development proposal does not have a significant adverse impact on rare and threatened species, including those protected under the Wildlife Acts 1976 and 2012, the Birds Directive 1979 the Habitats Directive 1992 and the Flora Protection Order species and any species listed under the national red lists or that could be listed on a national red list.
BI O16	Ensure appropriate species and habitat avoidance and mitigation measures are incorporated into all new development proposals.
BI O18	Require all applications for new developments to identify, protect and sensitively enhance the most important ecological features and habitats, and incorporate these into the overall open space network, keeping free from development and to provide links to the wider Green Infrastructure network as an essential part of the design process and by making provision for local biodiversity (e.g. through provision of swift boxes or towers, bat roost sites, hedgehog highways, green roofs, etc.).
BI O29	Require the undertaking of a comprehensive tree survey carried out by a suitably qualified arborist where development proposals require felling of mature trees; the tree survey shall assess the condition, ecological and amenity value of the tree stock proposed for removal as well as mitigation planting and a management scheme. It should be noted that rotting and decaying trees are an integral part of a woodland ecosystem and can host a range of fungi and invertebrates, important for biodiversity. While single or avenue trees that are decaying may be removed, others that are part of group or cluster may be subject to retention.
BI P7	Recognise and promote inland waters, natural environmental assets and to protect rivers, streams and other watercourses and, wherever possible, maintain them in an open state capable of providing suitable habitats for fauna and flora while discouraging culverting or realignment
BI O37	Ensure the protection of rivers, streams and other watercourses and, wherever possible, maintain them in an open state capable of providing suitable habitats for fauna and flora while discouraging culverting or realignment. Endeavour to re-open previously culverted streams and watercourses through any future development/redevelopment proposals.

Policy / Objective Reference	Description
BI O41	Maintain riparian buffer zones and potential uses as identified in Table 12.4 when considering potential development and proposed development layouts within or adjacent to waterways
BI O45	Ensure that any runoff from developed areas does not result in any deterioration of downstream watercourses or habitats and require that pollution generated by a development is treated within the development area prior to discharge to local watercourses.
BI P8	Ensure that Kildare's wetlands and watercourses are retained for their biodiversity, climate change mitigation properties and flood protection values and at a minimum to achieve and maintain at least good ecological status for all wetlands and watercourses in the county by, at the latest, 2027 in line with the Water Framework Directive and Ramsar Convention.

4.3.2 Kildare Wind Energy Strategy (Appendix 2 of CDP)

The Wind Energy Strategy forms Appendix 2 of the current Kildare County Development Plan 2023 - 2029.

The Wind Energy Strategy recognises how important of a resource wind energy is to Ireland having one of the most advantageous wind regimes in Europe. The report describes how we are at a "cross-roads" in terms of planning the development of our future energy markets. It is acknowledged that relying on the old ways of imported fossil fuels creates problems associated with climate change as well as volatile fuel markets. Wind Energy, on the other hand, would offer a low-carbon, indigenous energy supply which would allow us to have better control over the pricing of energy in the country. Such an indigenous supply would be insulated from the volatile pricing associated with fossil fuels which fluctuates according to geopolitical event, global health scares such as the COVID-19 pandemic, and global supply-and-demand trends.

The Wind Energy Strategy takes a stepwise approach to assigning "strategy zones" across the county of Kildare. The strategy zones are:

- Zone 1 - Acceptable in principle
- Zone 2 - Open to consideration
- Zone 3 - Not normally permissible

Strategic Area	Description and Guidance
Acceptable in Principle	This is the preferred area for wind energy development characterised by a robust landscape ⁶ , a low housing density, adequate windspeeds and proximity to the existing electricity transmission and distribution grid, while having no significant conflicts with natural heritage designations. Wind farm developments will be facilitated in this area subject to compliance with normal planning and environmental criteria outlined in Section 5 of this report and the development management standards in the County Development Plan.
Open for Consideration	This area is characterised by medium landscape sensitivity ⁷ which is a less robust category of landscape sensitivity. It has the potential to accommodate wind farm development subject to a detailed assessment on the visual impact of the proposal on the landscape in particular, and cumulative visual impacts with existing and permitted wind farms. Wind farm developments will be facilitated in this area subject to compliance with normal planning and environmental criteria outlined in Section 5 of this report and the development management standards in the County Development Plan. Wind farm proposals in this area will be required to demonstrate potential for cumulative visual impacts at application stage.
Not Normally Permissible	This area is considered to be generally unsuitable for wind farm development as it is defined by highly sensitive landscapes ⁸ , settlements ⁹ , designated sites ¹⁰ , areas of aviation significance ¹¹ and/or low windspeeds ¹² . Individual small-scale turbines and community led initiatives may be considered on a case-by-case basis. Any development in this area will be subject to compliance with planning and environmental criteria outlined in Section 5 of this report and the development management standards in the County Development Plan.

The 4 no. southernmost turbines within the Derrynadarragh Wind Farm site (within the jurisdiction of County Kildare) fall within an area of 'Acceptable in Principle', which is noted in the CDP as a zone which *'is predominantly flat, rural and well serviced by the existing electricity transmission grid. It contains the North Western Lowlands, the Northern Lowlands, the Central Undulating Lands and the Southern Lowlands'*.

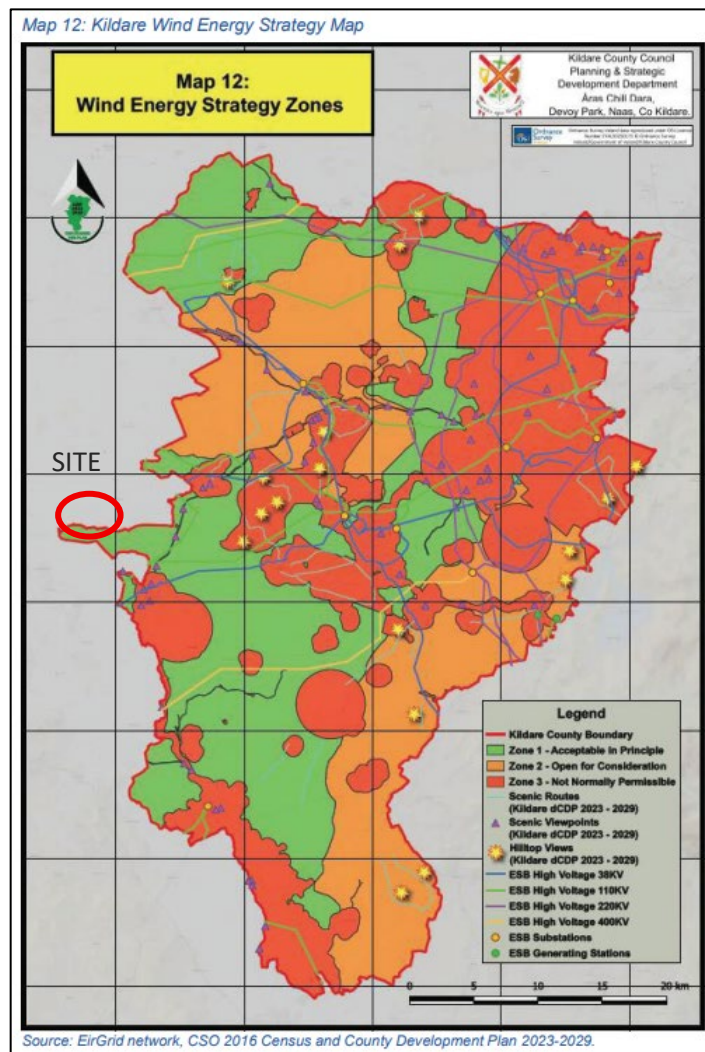


Figure 4-4: Extract of Map 12 - Wind Energy Strategy Map (subject site outlined in red)

4.3.3 Project Response to Kildare CDP

In summary, the Proposed Development is appropriately sited for wind development, falling within 'Zone 1 - Acceptable in Principle' of the Kildare CDP and is compliant with the relevant Development Plan standards. The Development Plan calculates that the county should have 280 MW of installed wind energy, but states that a more realistic 2030 target at this stage is 107 MW. There is currently 53.5 MW of permitted wind energy development within the county. It is clear that the County has a long way to go to make up the target of 107 MW, or even ambitiously achieve 280 MW by 2030. The Proposed Development is critical in seeking to meet such targets.

The Proposed Development has ensured the protection of watercourses in the vicinity of the redline boundary of the site. This has been achieved through, *inter alia*, extensive surveying and assessment to develop an understanding of the areas' hydrology and to provide detailed information to facilitate the competent authority in conducting its assessment, implementation of Riparian Buffer Zones around waterbodies (rivers, streams, etc), and identification of potential impacts and proposing mitigation measures as necessary to avoid such impacts. These measures are evidenced throughout the drawings and documentation accompanying this Planning Application.

The Proposed Development has had due regard to any wetland or watercourses through conducting detailed surveying and assessments of such resources in the vicinity of the project, identifying any potential significant impacts and proposing various mitigation measures. Please refer to EIAR Chapter 11: Soils, Geology and Hydrogeology and EIAR Chapter 12: Hydrology and Water Quality for further information.

Full and due regard has been had to the Kildare Wind Energy Strategy (WES) and the obligations therein, as required by Policy EC P4. Policy EC P4 of the Kildare CDP 2023-2029 includes a requirement to “*Have regard to the Department of the Environment, Heritage and Local Government’s Guidelines for Planning Authorities on Wind Energy Development’ (or any subsequent updates) and the Kildare County Council Wind Energy Strategy when assessing planning applications for wind farms.*”

The Proposed Development fully complies with the WES, except with regards to Noise. The contravention of the noise limits as set out in the Kildare WES is described in detail at Section 6 of this Planning Statement. Justification for a grant of permission in material contravention of those noise limits is provided in detail at Section 6 of the Planning Statement.

4.3.4 Offaly County Development Plan 2021 - 2027

The Offaly County Development Plan (CDP) 2023-2029, adopted on 10th September 2021, sets out the strategic framework for land use planning across Offaly. The ‘Strategic Vision for the County’, as set out within the CDP, is as follows:

“To create a sustainable and competitive county that supports the health and wellbeing of our people and places, from urban to rural, with access to employment opportunities supported by high quality housing and physical, social and community infrastructure for all, in a climate resilient manner and with respect for our biodiversity.”

The 3 no. key strategic outcomes of the Offaly CDP reflect the key principles of the RSES:

- Healthy Placemaking is focused on promoting people’s quality of life through the creation of healthy and attractive places to live, work, visit and study in.
- Climate Action recognises the need to enhance climate resilience and to accelerate a transition to a low carbon economy recognising the role of natural capital and ecosystem services in achieving this.
- Economic Opportunity develops from creating the right conditions and opportunities for the county to realise sustained economic growth and employment that ensures good living standards for all.

‘Chapter 3 – Climate Action and Energy’ of the CDP notes that a County Wind Energy Strategy forms part of this Development Plan. The Strategy constitutes a plan led approach to wind energy development in County Offaly and sets out areas ‘open for consideration’ for wind energy developments and considerations for the evaluation of wind energy planning applications. Table 3.1 demonstrates County Offaly’s contribution to realising overall national targets (under the Climate Action Plan 2019) on renewable energy and climate change mitigation, and in particular wind energy target of 466.3MW by end of plan period (up to 2027).

Table 3.1 Renewable Energy Targets for County Development Plan period

Wind Energy Target by end of Plan Period: 466.3 MW
Solar Energy Target by end of Plan Period: 145 MW
Battery Storage Target by end of Plan Period: 445 MW

The CDP emphasise that Offaly has rich biodiversity, as assessed through 'Chapter 4 – Biodiversity and Landscape'. As shown at Figure 4-5, the Derrynadarragh Wind Farm site falls outside of any designated sites, however it falls adjacent to peatlands. The Wind Farm site is located within a landscape classification of 'low landscape sensitivity' adjacent to 'medium landscape sensitivity' of the identified peatland – see Figure 4-6.

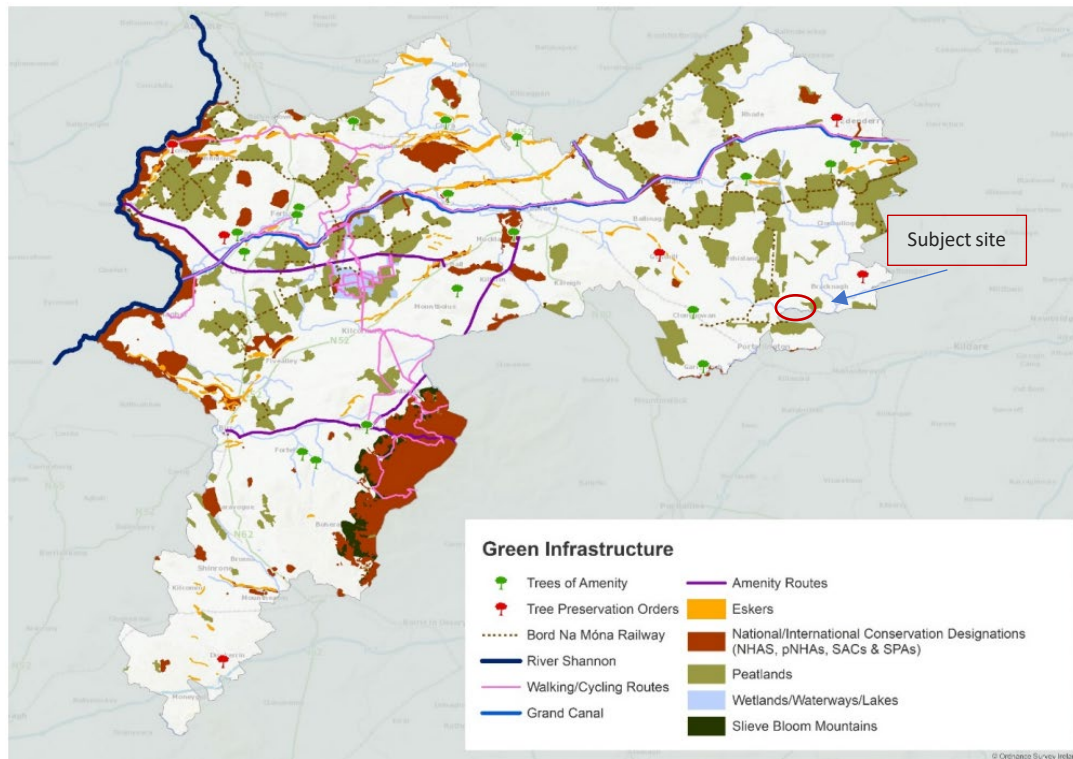


Figure 4-5: Offaly CDP Strategic Green Infrastructure

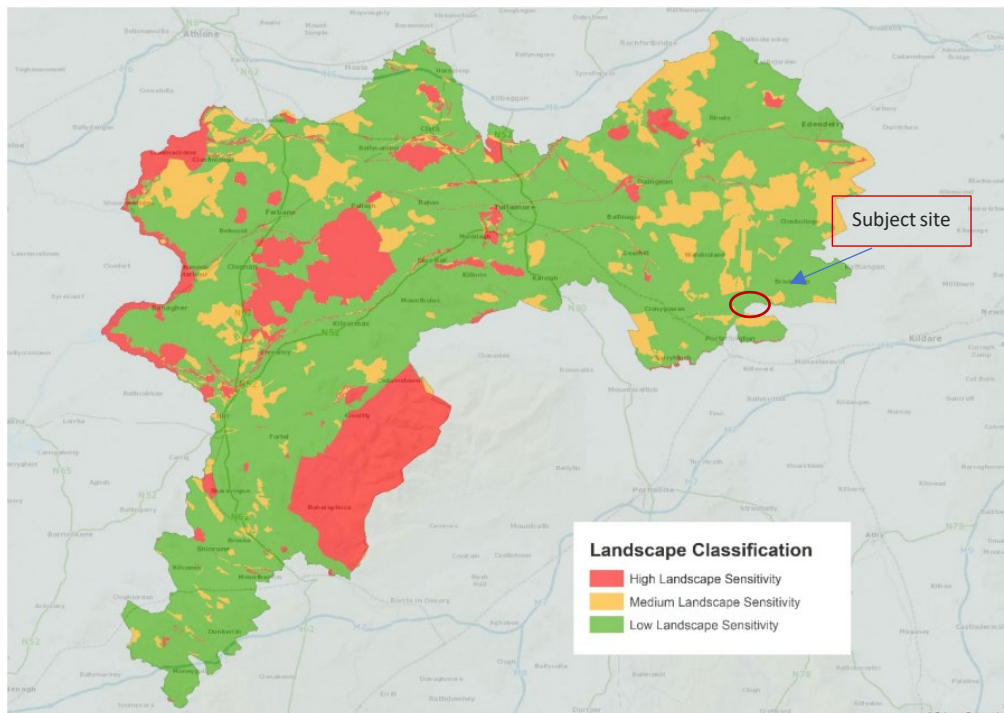


Figure 4-6: Offaly CDP Landscape Classification

LOW SENSITIVITY AREAS

Low sensitivity areas are robust landscapes which are tolerant to change, such as the county's main urban and farming areas, which have the ability to accommodate development.

Characteristics:

County Offaly is largely a rural county which comprises of a predominantly flat and undulating agricultural landscape coupled with a peatland landscape. Field boundaries, particularly along roadside verges which are primarily composed of mature hedgerows typify the county's rural landscape.

Sensitivities:

- These areas in general can absorb quite effectively, appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations, afforestation and agricultural structures).
- Within the rural areas, development shall be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible.
- New housing proposed in rural areas should respect Offaly County Councils Rural Housing Design Guidelines, together with conformity with development standards.

Acceptability of Development for consideration: A wide range of development subject to appropriateness / conditions

Need for Landscaping and Appropriate Design: High.

MODERATE SENSITIVITY AREAS

Moderate sensitivity areas can accommodate development pressure but with limitations in the scale and magnitude. In this category of sensitivity, elements of the landscape can accept some changes while others are more vulnerable to change.

Characteristics:

Cutaway bogs cover a large part of the landscape of Offaly and in their entirety, are approximately 42,000 hectares. Generally, there are a number of land uses suitable for cutaway bog, not included in High Sensitivity Areas, which include wilderness, grassland, forestry and recreation. Some cutaway bog landscapes are more robust and may be considered for other uses.

Sensitivities:

- The development of Lough Boora (albeit designated as high sensitivity) acts as a prototype in the creation of parkland character.

- However, some of these cutaway bogs may be appropriate for other sensitively designed and located developments including renewable energy (wind farms, biomass crops) and/or industrial use.

The Council recognises the need for a land use framework plan for the future development and utilisation of large areas of cutaway bog within Offaly.

Acceptability of Development for consideration: Some form of development subject to appropriateness / conditions.

Need for Landscaping and Appropriate Design: Very High.

The majority of the Derrynadarragh Wind Farm falls within the 'Low Sensitivity Area' which has the ability to accommodate a wide range of development, subject to appropriateness. One turbine sits on the edge to 'Moderate Sensitivity Areas' which, as noted within the above CDP extract, can accommodate '*some form of development subject to appropriateness*'.

There are no scenic views and prospects within the surrounding area of the site, as shown on Figure 4-7.

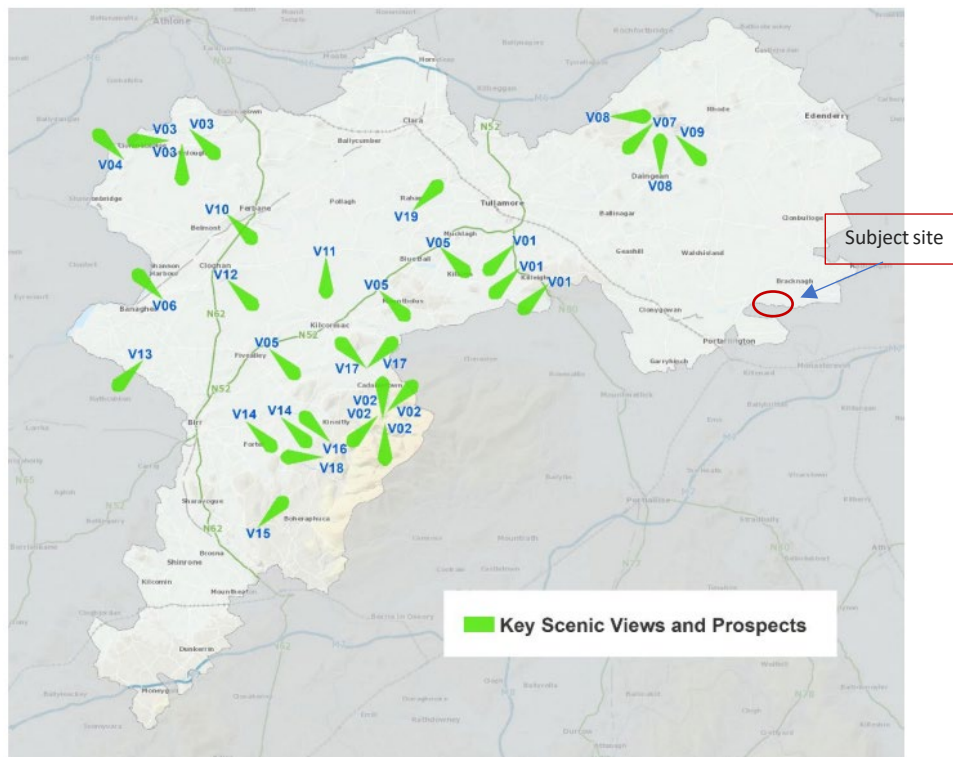


Figure 4-7: Offaly CDP Key Scenic Views and Prospects

The comprehensive overview of the most pertinent policies and objective within the Offaly County Development Plan 2021-2027 are set out in turn below.

Policy / Objective	Description
CAEP-01	It is Council policy to support and facilitate the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid, including the development of new lines, pylons and substations as required to provide for the future physical and economic development of Offaly.
CAEP-03	It is Council policy that proposals for new electricity distribution lines 38 kV or above along with transmission lines 110 kV or above will be considered subject to the protection of Designated and Non Designated Sites as outlined in Objectives BLO-02 to BLO-06 and landscape considerations as outlined in objectives BLO-22 Areas of High Amenity, BLO-24 Landscape and BLO 26 and BLO-27 Protection of Key Scenic Views, Prospects and Key Amenity Routes.
CAEP-07	It is Council policy to support and facilitate European and national objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage); <ul style="list-style-type: none"> Climate Action Plan (2019 and any subsequent versions); National Mitigation Plan 2017 (or subsequent editions);

Policy / Objective	Description
	<ul style="list-style-type: none"> National Climate Change Adaptation Framework (2018 and any subsequent versions); Relevant provisions of any Sectoral Adaptation Plans prepared to comply with the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050; and Offaly Climate Change Adaptation Strategy.
CAEP-10	It is Council policy to support local, regional, national and international initiatives for climate adaptation and mitigation and to limit emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of all natural resources, including publicly owned lands, in an environmentally acceptable manner.
CAEP-11	It is Council policy to support the transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, by way of reducing greenhouse gases, increasing renewable energy, and improving energy efficiency.
CAEP-23	It is Council policy to require that environmental assessments should address reasonable alternatives for the location of new energy developments, and where existing infrastructural assets such as sub-stations, power lines and roads already exist within the proposed development areas, then such assets should be considered for sustainable use by the proposed development where the assets have capacity to absorb the new development.
CAEP-25	It is Council policy to encourage and facilitate the production of energy from renewable sources, such as from bioenergy, waste material, solar, hydro, geothermal and wind energy, subject to proper planning and environmental considerations.
CAEP-26	It is Council policy to encourage developers of proposed large scale renewable energy projects to carry out community consultation in accordance with best practice and to commence the consultation at the commencement of project planning.
CAEP-27	It is Council policy to ensure that whenever possible, community benefits are derived from all renewable energy development in the county such as near-neighbour benefit funds and general community benefit funds, which may take the form of contributions in kind to local projects, assets and facilities such as public amenities on the renewable energy site, measures to promote energy efficiency or a local energy discount scheme.
CAEP-28	It is Council policy to co-operate if required with the Eastern and Midland Regional Assembly in identifying Strategic Energy Zones as areas suitable for larger energy generating projects, community and micro energy production, whilst ensuring environmental constraints and a regional landscape strategy are considered.
CAEP-37	It is Council policy to recognise the importance of wind energy as a renewable energy source which can play a vital role in achieving national targets in relation to reductions in fossil fuel dependency and therefore greenhouse gas emissions.

Policy / Objective	Description
CAEP-38	<p>It is Council policy that in assessing planning applications for wind farms, the Council shall:</p> <p>(a) have regard to the provisions of the Wind Energy Development Guidelines 2006, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017 and the Draft revised Wind Energy Guidelines 2019 which are expected to be finalised in the near future;</p> <p>(b) have regard to 'Areas Open for Consideration for Wind Energy Developments' in the Wind Energy Strategy Designations Map from the County Wind Energy Strategy;</p> <p>(c) the impact of the proposed wind farm development on proposed Wilderness Corridors as detailed in Objective BLO-28 of Chapter 4;</p> <p>(d) have regard to Development Management Standard 109 on wind farms contained in Chapter 13 of this Plan; and</p> <p>(e) have regard to existing and future international, European, national and regional policy, directives and legislation.</p>
CAEP-53	<p>It is Council policy to support, in co-operation with the OPW, the implementation of the EU Flood Risk Directive, the Flood Risk Regulations (S.I. No. 122 of 2010) and the 'The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and Department Circular PL2/2014 or any updated / superseding version.</p>
CAEP 54	<p>It is Council policy to protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate Flood Zone in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any superseding document) and the guidance contained in Development Management Standard DMS-106. Where a development/land use is proposed that is inappropriate within the Flood Zone, then the development proposal will need to be accompanied by a Development Management Justification Test and site specific Flood Risk Assessment in accordance with the criteria set out under with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and Circular PL2/2014 (as updated/superseded). In Flood Zone C, (See DMS-106 where the probability of flooding is low (less than 0.1%, Flood Zone C), site-specific Flood Risk Assessment may be required, and the developer should satisfy themselves that the probability of flooding is appropriate to the development being proposed. The County Plan SFRA datasets (including Benefitting Lands mapping), emerging CFRAMS mapping (including National Indicative Fluvial mapping), and the most up to date CFRAM Programme climate scenario mapping should be consulted by prospective planning applicants and the planning authority in determining planning applications.</p>

Policy / Objective	Description
CAEP 55	It is Council policy to require a Site-specific Flood Risk Assessment (FRA) for all planning applications in areas at risk of flooding (fluvial, pluvial or groundwater), even for developments deemed appropriate in principle to the particular Flood Zone. The detail of these site-specific FRAs will depend on the level of risk and scale of development. A detailed site-specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The assessments shall consider and provide information on the implications of climate change with regard to flood risk in relevant locations. The 2009 OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management (or any superseding document) and available information from the CFRAM Studies shall be consulted with to this effect.
CAEP-57	It is Council policy to work with other bodies and organisations, as appropriate, to help protect critical infrastructure, including water and wastewater, within the county, from risk of flooding. Any potential future variations to the Plan shall consider, as appropriate any new and/or emerging data, including, when available, any relevant information contained in the CFRAMS Flood Risk Management Plans and as recommended in the SFRA for the Plan.
CAEP-58	It is Council policy to have regard to the findings and recommendations of the current Strategic Flood Risk Assessment prepared as part of the County Development Plan.
CAEP-59	It is Council policy to consult with the Office of Public Works (OPW) in relation to proposed developments in the vicinity of drainage channels and rivers for which the OPW are responsible, and the Council will retain a strip of 10 metres on either side of such channel where required, to facilitate access thereto.
CAEP-62	It is Council policy that where resources are available and subject to compliance with the Habitats and Birds Directives, the Council will contribute towards the improvement and / or restoration of the natural flood risk management functions of flood plains.
CAEP-67	It is Council policy to minimise and limit the extent of hard surfacing and paving and require the use of sustainable urban drainage systems (SuDs) where appropriate, for new developments or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.
CAEO-03	It is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner.
CAEO-04	It is an objective of the Council to ensure the security of energy supply by supporting the potential of the wind energy (and other renewable) resources of the County in a manner that is consistent with proper planning and sustainable development of the area.
CAEO-05	It is an objective of the Council to implement the Council's Wind Energy Strategy as follows: 1. In 'Areas Deemed Open for Consideration for Wind Energy Development' as identified in Map No. 10 'Wind Energy Strategy Designations', the development of windfarms and smaller wind energy projects will be considered;

Policy / Objective	Description
	<p>2. In all other areas, wind energy developments shall not normally be permitted – except as provided for under relevant exemption provisions in the Planning and Development Regulations 2001 (as amended); and</p> <p>3. Applications for re-powering (by replacing existing wind turbines) and extension of existing and permitted wind farms will be assessed on a case by case basis and will be subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Ministerial Wind Energy Development Guidelines.</p>
BLP-01	It is Council policy to protect, conserve, and seek to enhance the county's biodiversity and ecological connectivity.
BLP-02	It is Council policy to conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 (as amended) and the Flora Protection Orders.
BLP-24	It is Council policy to support the protection and management of existing networks of woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character, and to strengthen local networks.
BLP-25	It is Council policy to encourage the planting of native species in all new residential developments (individual and multiple units) and as part of landscaping for commercial and industrial developments.
BLP-38	It is Council policy to protect and enhance the county's landscape, by ensuring that development retains, protects and where necessary, enhances the appearance and character of the county's existing landscape.
BLO-02	It is an objective of the Council that no plans, programmes or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects ¹¹).
BLO-12	It is an objective of the Council to maintain a riparian zone for larger and smaller river channels based on the Inland Fisheries Ireland updated guideline document, 'Planning for Watercourses in the Urban Environment, a Guide to the Protection of Watercourses through the use of Buffer Zones, Sustainable Drainage Systems, Instream Rehabilitation, Climate / Flood Risk and Recreational Planning'.
BLO-16	It is an objective of the Council to encourage the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, not listed in Table 4.13 and 4.14;

¹¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. there must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the project to proceed, and c) Adequate compensatory measures in place

Policy / Objective	Description
	<p>(a) in particular on the grounds of Country Houses, Gardens and Demesnes and on approaches to settlements in the county; and</p> <p>(b) as part of the development management process, require the planting of native, deciduous, pollinator friendly trees in all new developments where possible.</p>
BLO-18	It is an objective of the Council to encourage the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the county. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).
BLO-19	It is an objective of the Council to require all new developments to identify, protect and enhance ecological features by making provision for local biodiversity (for example, through provision of swift boxes or towers, bat roost sites, green roofs, etc.) and provide ecological links to the wider Green Infrastructure network as an essential part of the design process.
BLO-24	It is an objective of the Council to have regard to the Landscape Sensitivity Areas in Tables 4.18, 4.19 and 4.20 in the consideration of planning applications.

Within 'Chapter 13 – Development Management Standards', DMS-109 looks specifically at Wind Farms:

“When assessing planning applications for wind energy developments the Council will have regard to;

- the Wind Energy Development Guidelines for Planning Authorities, DoEHLG, (2006) and any amendments to the Guidelines which may be made; and*
- the Wind Energy Strategy Designations Map from the County Wind Energy Strategy showing areas identified as ‘Areas Open for Consideration for Wind Energy Developments’ and ‘Areas not deemed suitable for Wind Energy Developments’, and specific policy for wind development in these areas as outlined in Section 8 of the County Wind Energy Strategy;*

In addition to the above, the following local considerations will be taken into account by the Council in relation to any planning application;

- Impact on the visual amenities of the area;*
- Impact on the residential amenities of the area;*
- Scale and layout of the project, any cumulative effects due to other projects and the extent to which the impacts are visible across the local landscape;*
- Visual impact of the proposal with respect to protected views, scenic routes and designated scenic landscapes and proposed Wilderness Areas as detailed in Chapter 4 of this Plan;*

- *Impact on nature conservation, ecology, soil, hydrology, groundwater, archaeology, built heritage and public rights of way;*
- *Impact on ground conditions and geology;*
- *Consideration of falling distance plus an additional flashover distance from wind turbines to overhead transmission lines;*
- *Impact of development on the road network in the area;*
- *Impact of the development on radio observatories and broadcast communications in the area; and*
- *Impact on human health in relation to noise disturbance (including consistency with the World Health Organisations 2018 Environmental Noise Guidelines for the European Region), shadow flicker and air quality.*

This list is not exhaustive and the Council may consider other requirements contained in the chapter on a case by case basis with planning applications should the need arise. Where impacts are predicted to arise as a result of the development proposed, suitably detailed mitigation measures shall be proposed."

4.3.5 Offaly County Wind Energy Strategy

The Wind Energy Strategy forms part of the Offaly CDP, which sets out the mapping analysis undertaken by the Council to identify suitable locations for wind energy development areas within the County. This included assessment of wind speeds and accessibility to the grid, and evaluation of the landscape and sensitivity areas (scenic views and prospects). Figure 4-8 is an extract from the Offaly Wind Energy Strategy which demonstrates the areas of potential for wind energy development in blue. The Derrynadarragh Wind Farm site falls within 'Potential Area 2' which is deemed as an area 'Open for consideration for Wind Energy Development' in principle':

"2. Area generally from Cloneygowan to Clonbullogue

This area is characterised by a predominantly flat and in places slightly undulating landscape with a number of significant tracts of peatlands and transitional woodlands and coniferous forestry, in particular in areas around Walsh Island, Bracknagh and Clonbulloge, along with improved agricultural land, large landholdings and a dispersed pattern of rural housing. The extensive tracts of flat peatlands in this area offer potential to accommodate a wind farm layout with depth, comprising a grid formation giving a better sense of balance and visual cohesion. In addition, there exists a precedent of windfarm and renewable energy projects developed in the area such as Mount Lucas windfarm while other projects have been deemed suitable and are awaiting commencement of development. There exists both good wind speeds and electricity infrastructure in the area.

A potential constraint in this area is the objective in Chapter 4 to examine the feasibility of developing Wilderness Corridors at bogs at Cavemount, Esker, Ballycon, Derrycricket, Clonsast North, Clonsast and Derrycastle. The Council will not be in favour of any developments proposed on these bogs with the potential to impact upon the character, uniqueness and wilderness potential of these areas. The impact on a potential Wilderness Corridor from any wind farm development will be assessed at project level by the Council."

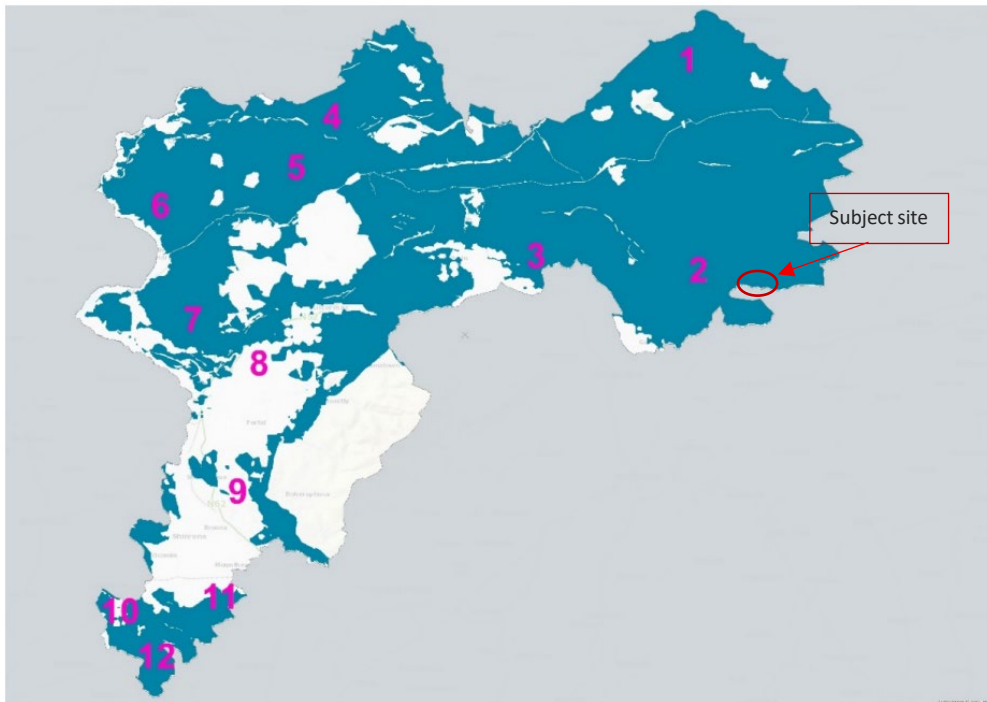


Figure 4-8: Extract from Offaly Wind Energy Strategy - Potential Wind Energy Areas

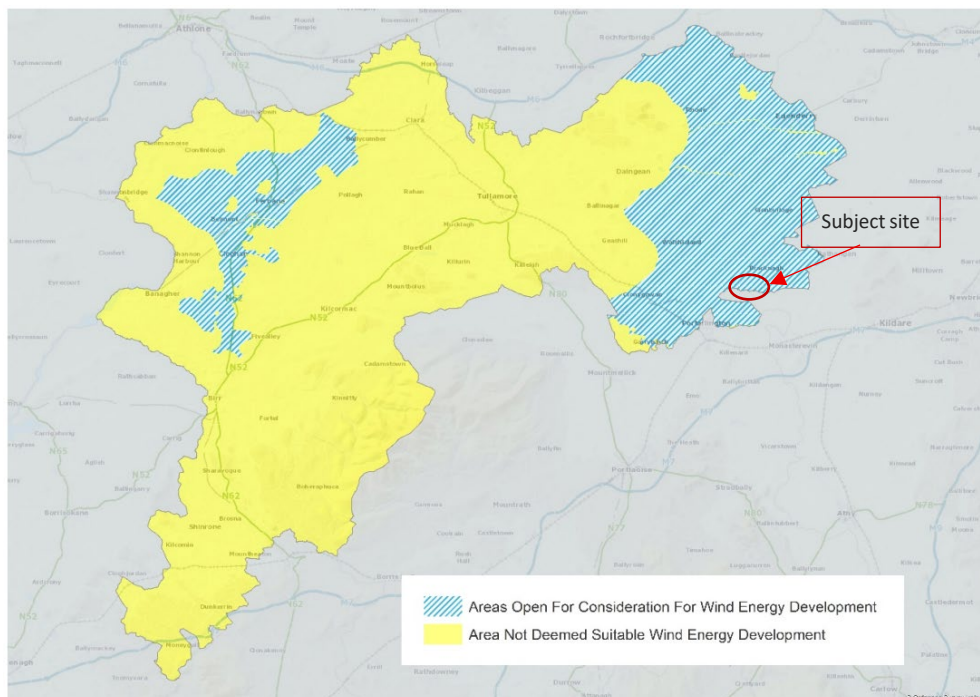


Figure 4-9: Extract from Offaly Wind Energy Strategy – Wind Energy Strategy Designations

Section 8 of the Wind Energy Strategy includes the ‘Wind Energy Development Policy’ which states that,

“It is the policy of the Council to assess proposals for new wind energy developments in accordance with Map No. 10 ‘Wind Energy Strategy Designations’, Climate Action Energy Objective CAEO-05 (Chapter 3 Climate Action and Energy) and the following parameters:

Areas Deemed Open for Consideration for Wind Energy Developments

These areas are open for consideration for wind energy development as these areas are characterised by low housing densities, do not conflict with European or National designated sites and have the ability by virtue of their landscape characteristics to absorb wind farm developments. Notwithstanding this designation, wind farm developments in these areas will be evaluated on a case by case basis subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Wind Energy Development Guidelines.....”

Section 9 of the Wind Energy Strategy looks at the consistency between Offaly County Council Wind Energy Strategy. and the adjacent Local Authorities Wind Energy Strategies. Relevant to the Derrynadarragh Wind Farm proposal is Kildare County Council and Laois County Council, since preparation of the Offaly CDP, the Kildare CDP 2023-2029 now includes a Wind Energy Strategy, as detailed at Section 4.3.2 of this Planning Statement. The subject lands are still considered as an area ‘open for consideration’ for wind farm development.

County	Plans and Strategies	Wind Energy Map	Level of consistency with Offaly County Wind Strategy in relation to shared borders
Kildare	Kildare County Development Plan 2017-2023 – Chapter 8: Energy and Communications, Section 8.5 Wind Energy.	No	High consistency relating to policies in County Development Plans. Kildare County Council has not prepared a County Wind Energy Strategy to date instead including a number of wind energy policies of which the policies within Chapter 3: Climate Action and Energy of Volume 1 of this County Development Plan are consistent with.
Laois	Laois County Development Plan 2017 – 2023 - Appendix 5: Wind Energy Strategy and Ministerial Direction 2017.	Yes	Low consistency between County Wind Energy Strategies. It is noted that the inclusion of an area ‘open for consideration’ for wind farm development south of the shared border on the Laois side of the two counties will impact upon the ‘Protected View’ Ref. Number V1 in Table 4.21 ‘Key Scenic Views and Prospects’ from Chapter 4: Biodiversity and Landscape of the Offaly County Development Plan of the Slieve Bloom Mountains from the N80 in the townlands of Ballynasragh, Pigeonhouse, Killeigh, Derryclure, Derrybeg and Cloncon. The Offaly Wind Energy Strategy deems this area not suitable for wind energy developments.

4.3.6 Project Response to Offaly CDP

The subject lands fall within an 'Area Open for Consideration for Wind Energy Development' within the Offaly Wind Energy Strategy. From a landscape sensitivity perspective, a total of 3 no. turbines within the Derrynadarragh Wind Farm falls within the Low Sensitivity Area which has the ability to accommodate a wide range of development, with 1 no. turbine located on the edge between the Low and Medium Sensitivity Areas which the CDP confirms can accommodate some form of development subject to appropriateness. There are no scenic views or prospects within the site and surrounding landscape, as demonstrated at Figure 1.14 above.

In accordance with 'CAEP-55' of the CDP, a Site-Specific Flood Risk Assessment has been prepared by Fehily Timoney and forms part of the evidence material for this planning application, see Appendix 12.1 Chapter 12 - Flooding, Hydrology, and Water Quality. The study indicates that the proposed development, including a section of the TDR, is susceptible to fluvial flooding during 1-in-100-year (Flood Zone A) flood events, as identified in Stage 1 – Flood Risk Identification and further analysed in Stage 2 – Initial Flood Risk Assessment. It was also established that the site is affected by pluvial flooding, as evidenced by historical records.

The proposed wind farm has been designed so that critical or essential infrastructure, such as the substation and the joint bays along the grid connection route, are located outside of flood zones. However, other elements of the development, such as some turbines and access tracks, are situated within flood-prone areas. In these cases, turbine plinths have been elevated above the 1-in-100-year flood level, accounting for the effects of climate change and incorporating a freeboard (clearance) of 500 mm. This design ensures that floodwaters will not impact the electrical or mechanical components of the turbines.

Access tracks have not been raised above flood levels in order to avoid obstructing the floodplain and to preserve its storage capacity. Since these tracks will primarily be used for maintenance rather than emergency access, and during known weather conditions, this approach has been deemed acceptable. The FRA concluded that the proposed wind farm will slightly increase the water levels locally and within acceptable levels (<150 mm afflux as per OPW requirements) and the proposed TDR watercourse crossing will have a negligible impact on flood levels. Accordingly, the proposed development is considered to comply with the core principles of the Planning System and Flood Risk Management Guidelines.

The Proposed Development aligns with the Offaly CDP in relation to making provision for local biodiversity, through the inclusion of a number of positive measures and an overall biodiversity net gain, as outlined under each objective above with further detail please refer to Chapter 9 and Appendix 2.2. Biodiversity Enhancement Management Plan (BEMP).

Full and due regard has been had to the Offaly CDP Policies and objectives, and the Offaly WES and the obligations therein. Development Management Standard 'DMS-109: Wind Farms' contains a bullet point which seeks proposals to consider noise disturbance including '*consistency with the World Health Organisations 2018 Environmental Noise Guidelines for the European Region*), shadow flicker and air quality. Given the technical errors, ambiguities and inconsistencies contained in the 2019 Draft WEDGs discussed in Section 8.4.3.2.1, full compliance with the development management standard for wind farms is not possible, and for this reason would be considered a material contravention.

The Proposed Development complies with the Offaly CDP, except with regards to Noise. The contravention of 'DMS-109' due to reference of consistency with the WHO Guidelines, means that justification for a grant of permission in material contravention of those noise limits is provided in detail at Section 6 of the Planning Statement.

4.3.7 Laois County Development Plan 2021 - 2027

The Laois County Development Plan 2021-2027 came into effect on 8th March 2022. The proposed wind farm site itself falls within the administrative boundaries of Kildare and Offaly, however the proposed grid connection route runs from the site, through the administrative boundary of Laois County Council, to Bracklone Substation located on the outskirts of Portarlinton. Due regard has therefore been given to the relevant policies within the Laois County Development Plan 2021 - 2027.

Policy / Objective	Description
Objective CM RE 2	Promote and encourage the development of energy from renewable sources such as hydro, bio-energy, wind, solar, geothermal and landfill gas subject to compliance with normal planning and environmental criteria in co-operation with statutory and other energy providers.
Objective CM RE 5	Promote and facilitate wind energy development in accordance with the Guidelines for Planning Authorities on Wind Energy Development (Department of Housing, Planning and Local Government) and any update thereof and the Appendix 5 Wind Energy Strategy of this Plan, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change, and subject to compliance with normal planning and environmental criteria.
Objective CM RE 6	Ensure a setback distance for Wind turbines from schools, dwellings, community centres and all public roads in all areas open for consideration for wind farm development as per the Guidelines for Planning Authorities on Wind Energy Development (Department of Housing, Planning and Local Government).
Objective 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.
NRE 4	Facilitate the provision of and improvements to energy networks in principle, provided that it can be demonstrated that: <ul style="list-style-type: none"> i. The development is required in order to facilitate the provision or retention of significant economic or social infrastructure; ii. The route proposed has been identified with due consideration for social, environmental and cultural impacts; iii. The design is such that will achieve least environmental impact consistent with not incurring excessive cost; iv. Where impacts are inevitable mitigation features have been included; v. Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive; vi. Ensure that the ability of the area to absorb overhead transmission lines is considered with reference to the National Landscape Strategy 2015; vii. Cognisance will be taken of the Code of Practice between the DoECLG and Eirgrid (2009). Ensure that landscape and visual assessment of planning application shall focus on the potential to impact upon landscape designations and important designated sites.

Section 6.13 of the Wind Energy Strategy Plan contained at Appendix 5 of the Laois Development Plan, outlines details pertaining to Grid Connections. It states the following key points:

"While the grid provider is responsible for grid connections, details of likely routes shall be included with the planning application. Connections within the wind farm will be laid underground..."

Separate to the grid connection, the transport of electricity from the turbines to a substation, which connects to the grid, will usually require the establishment of ancillary infrastructure which may cause separate additional visual impact although undergrounding of services, albeit more costly, usually lessens this impact."

The Laois CDP includes 'Map 3.2 – Wind Energy' which sets out the 'preferred areas' for wind energy development, those 'areas open for consideration', and 'areas not open to consideration'. The Derrynadarragh Wind Farm site itself falls outside of the Laois Administrative boundary, however sections of the grid connection route traverse Laois as it connects into Bracklone Substation.

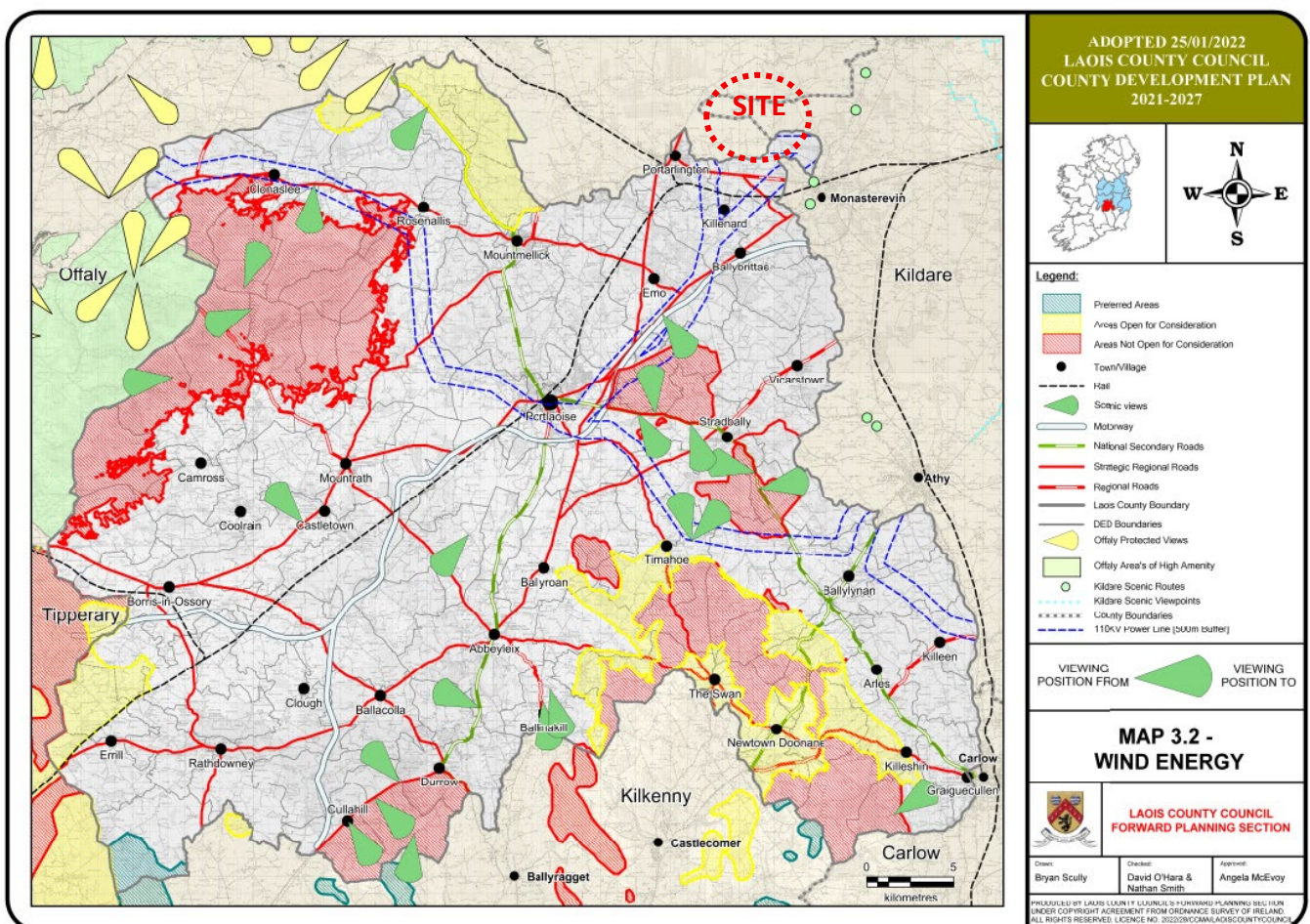


Figure 4-10: Extract of Map 3.2 – Wind Energy of the Laois CDP (Site location outlined in red dashed line)

4.3.8 Project Response to Laois CDP

The Grid Connection Route element of the Derrynadarragh Wind Farm project is the only portion of the scheme which falls within the jurisdiction of Laois County Council. It is considered that the proposal aligns with the policy and objectives contained within the Laois CDP, namely 'NRE 4'.

5. PLANNING ASSESSMENT

Having considered the site context and development proposals in line with prevailing planning policy and guidance set out within the previous sections of this report, we consider each of these matters in turn below.

5.1 Principle of Development

It is clear from the European, National and Local Climate and Energy policy review as set out in Section 4 that Derrynadarragh Wind Farm is compatible with National and Local policy designations relating to Wind Energy Development ('Acceptable in Principle' within the Kildare CDP and 'Area Open for Consideration' within Offaly CDP), and therefore the proposed development should be considered to accord with the proper planning and sustainable development of the area, subject to normal planning and environmental considerations. We note for completeness, that as only the grid connection is located in Laois then the wind energy classification areas within the Laois CDP are not relevant, and the proposal is in accordance with Policy 'NRE 4' which focuses on infrastructure.

Planning applications must be determined upon their individual merits with due consideration given to proper planning and sustainable development as well as State, Ministerial and Local policies and objectives. However, the Irish Government has made it clear that weight should be placed on the need to support climate recovery through the planning system and related consent regimes. The National Planning Policy Framework (NPPF) sets out that sustainable development is pursued in a positive way except where this would compromise the key sustainable development principles: economic, social and environmental. The Proposed Development meets each of the three principles of sustainable development as demonstrated in Table 5-1 below.

Table 5-1: The Development as Sustainable Development

Sustainable Development Principle	Accordance by the Proposed Development
Economic Role	<p>In addition to the benefits of energy generation carbon savings, the Proposed Development will generate wider benefits including job creation and wider socioeconomic benefits.</p> <p>The overall capital investment associated with the Proposed Development is expected to generate positive economic impacts. Additionally, there will be beneficial effects for both the local and international supply chain, contributing to wider renewable energy sector growth.</p> <p>It is considered that the construction phase will have a beneficial effect on the local economy and employment in the area through the creation of jobs, investment in local infrastructure and electrical systems, and a significant contribution of rates to the County Council over the project's lifetime.</p>

Sustainable Development Principle	Accordance by the Proposed Development
	<p>In line with Community Benefit Fund Guidelines, as governed by the Sustainable Energy Authority of Ireland (SEAI), and based on the current project scope, Dara Energy Ltd will generate a <i>Community Benefit Fund</i> estimated at over €3.9 million over the lifetime of the project, estimated at c. €260,000 per annum. The actual fund will vary around this average from year to year, depending on each year's wind conditions. 40% of the fund, totalling c. €104,000, will be allocated to initiatives and projects that support Sustainable Development goals within the area, with 50% of the fund, c. €130,000, allocated to local clubs, societies and near neighbours.</p> <p>If consented, the Proposed Development will provide sustainable, low carbon energy generation infrastructure in County Kildare, Offaly and Laois to meet Ireland's growing demand. The development benefits to the local community would include significant investment in local infrastructure and electrical systems, local job creation over the project lifetime of 35 years.</p>
Social Role	<p>Onshore wind development is recognised as a key technology in the energy mix which will contribute to Ireland's low carbon future as set out in the National Planning Framework (NPF). The Proposed Development would contribute to the renewable electricity and energy targets as set out in NPF and to longer term Government policy objectives and targets. The Derrynadarragh Wind Farm project would also produce enough renewable electricity to power over 35,000 Irish homes every year.</p> <p>The Proposed Development will create an opportunity to further develop the local renewable energy industry knowledge and skills base.</p> <p>During the operation of the Proposed Development, the Developer will focus on the provision of funding for community projects. This will focus on not-for-profit community enterprises, with an emphasis on low-carbon initiatives, but also local clubs, societies and other initiatives that will aim to build upon and improve economic, environmental and social requirements of local residents. The Applicant will work with the local community to gain feedback on their priorities and deliver projects that will help to support a strong, vibrant and healthy community.</p> <p>The Proposed Development has fostered an ethos of presenting a well-designed and safe built environment for the local community.</p>
Environmental Role	<p>The proposed layout and design approach aims to function well, making effective use of land and adding to the overall environmental quality of the area in the long term. The accompanying EIAR demonstrates that the Proposed Development fully respects the local character and identity of the environment while supporting adaptation to climate change and moving towards a low carbon economy.</p> <p>The Proposed Development is located within an area 'Acceptable in Principle' for Wind Energy Development within the Kildare CDP, and within an 'Area Open for Consideration' within the Offaly CDP.</p>

Sustainable Development Principle	Accordance by the Proposed Development
	Full and due regards has been had to both the Kildare and Offaly CDPs and the obligations therein, and the proposal fully complies save in respect of noise limits. As Policy 'EC P4' and the WES of the Kildare CDP, and 'DMS-109' of the Offaly CDP make reference to consideration of the Draft WEDGs 2019 and WHO Guidelines the proposal in contravention of both Development Plans as it does not accord with the noise limits as set out in the Draft WEDGs 2019 and WHO Guidelines.

The Political Declaration recently adopted at the United Nations Sustainable Development Summit in New York (September 2023) reaffirmed that "climate change is one of the greatest challenges of our time". The Declaration included the following statement:

"We stress the urgency of enhancing ambition for climate action in the implementation of the UNFCCC and the Paris Agreement in relation to climate mitigation, adaptation and the provision of the means of implementation, especially finance to developing countries. We urge the implementation of the decisions adopted at COP 27 held in Sharm El-Sheikh. We will take concrete steps toward the operationalization of the new funding arrangements for responding to loss and damage by COP 28. We commit to continuing our work to accelerate our action to address climate change. In this regard, we also look forward to the first global stock take of the Paris Agreement to take place at COP 28".

The current failings to rise up to the climate challenge are recognised and the need for urgent action has been embedded in the Political Declaration of the United Nations, of which Ireland is a member. The requirement to enhance the ambition for climate action is a significant material matter for consideration when considering the weight that should be attributed to the substantial climate resilience benefits of the Proposed Development in determining the consent application.

Policy EC P4 of the Kildare CDP 2023-2029 includes a requirement to *"Have regard to the Department of the Environment, Heritage and Local Government's Guidelines for Planning Authorities on Wind Energy Development' (or any subsequent updates) and the Kildare County Council Wind Energy Strategy when assessing planning applications for wind farms."*

Full and due regard has been had to the Offaly County Development Plan and the Kildare Wind Energy Strategy (WES) and the obligations therein, as required by Policy EC P4. The Proposed Development fully accords with the WES, except in respect to noise compliance and associated guidance relating to same. The material contravention in this case relates solely to noise considerations, set out within the Kildare County Development Plan 2023-2029 and Offaly County Development Plan 2021-2027, and the justification for this material contravention is covered within Section 6 of this Planning Statement.

5.2 Design and Layout

The approach to the consideration of alternatives and to the design of the Proposed Development has been to avoid, reduce or mitigate likely significant adverse effects in order that the Proposed Development does not impose disproportionate effects on the community and environment.

The Proposed Development has been sited and designed sympathetically to reduce potential significant effects on the environment and community. The development process adopted by the Applicant has represented a best practice approach to the responsible development of a renewable energy project, minimising the potential environmental impact by utilising existing internal access road infrastructure and through multiple design iterations and modifications to minimise the impact on the receiving environment, particularly visual effects, and ensure compliance with planning policy. The current low intensity agriculture land use, with areas of turbary activities located outside of, but adjacent to, the site boundary to the centre and south (Derrylea Bog), can be retained and can continue in unison with Proposed Development. The layout and siting of the Proposed Development presented in this Planning Application, and accompanying EIAR, represents the optimum fit with the technical and environmental parameters of this project. A detailed Assessment of the proposed development is enclosed within Volume II & III of the EIAR.

Again, for completeness, as only the grid connection is located in Laois then the wind energy and landscape classification areas within the Laois CDP are not relevant.

5.2.1.1 *Landscape and Visual Considerations*

Chapter 16 of the accompanying EIAR presents the findings of the 'Landscape and Visual Impact Assessment', prepared by Macroworks. The EIAR assesses the capacity of the area to visually absorb the Proposed Development considering the local and wider visual amenity value and landscape sensitivity; having regard to the scale of the Proposed Development and suitability of the site layout relative to its landscape context; and considering the degree to which the Proposed Development will alter the existing landscape in the context of natural visual screening.

The Wind Energy Development Guidelines (2006 & 2019 revision) provides guidance on wind farm siting and design criteria for a number of different landscapes types. The receiving landscape of the proposed wind farm development is consistent with both the 'Flat Peatland' and 'Hilly and Flat Farmland' landscape types from the Wind Energy Development Guidelines.

The northernmost 5 no. of the proposed turbines (T2, T3, T5, T8 & T9) within the Derrynadarragh Wind Farm are located within the jurisdiction of County Offaly. Four turbines (T2, T5, T8 & T9) within Derrynadarragh Wind Farm falls within the 'Low Sensitivity Area' which has the ability to accommodate a wide range of development, subject to appropriateness. Only 1 no. turbine (T3) falls within the area of 'medium landscape sensitivity', and it is important to note that through the site design process this turbine has been microsituated to the boundary edge between the medium sensitivity and low sensitivity zones. It will therefore be screened by the adjacent conifer forestry. In accordance with the relevant policy, these are identified as areas that can accommodate development pressure but with limitation in the scale and magnitude. In this category of sensitivity, elements of the landscape can accept some changes while others are more vulnerable to change. On balance, whilst the landscape associated with the Grand Canal and River Barrow corridors are considered to have a comparatively higher landscape sensitivity (High-Medium), the landscape sensitivity of the Central Study Area is deemed to have a predominant Medium-Low sensitivity.

There are no scenic views and prospects within the surrounding area of the site, as shown at Figure 4-3.

The 4 no. turbines (T1, T4, T6 & T7) located south of the Cushina River, falls within the jurisdiction of Kildare County Council. These turbines fall within 'Zone 1 - Acceptable in Principle' of the Kildare CDP. The turbines are located within the 'Southern Lowlands' Landscape Character Area, and within a 'Class 1 – Low Sensitivity Area' – as shown at Figure 4-1. Based on this, the CDP concludes that such areas have the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area, as demonstrated at Figure 4-2

5.2.1.2 Noise Consideration

Please refer to Chapter 8, Volume II of the EIAR for the detailed Noise Assessment of the Derrynadarragh site and the wider environs, including justification for not complying with the Draft WEDGs 2019 and WHO Guidelines. The development proposal complies with the Offaly CDP, including the planning considerations for Wind Farms set out within the Offaly Wind Energy Strategy.

Section 6.10 of the Kildare Wind Energy Strategy includes a number of noise considerations for planning applications, which are specified below:

- a) *An acoustic report carried out by an appropriately qualified and competent person shall be prepared for all noise sensitive properties within a distance of ten times the rotor diameter of any proposed wind turbine location.*
- b) *A separate acoustic report shall be prepared where there are other existing or permitted wind farm developments within 2km of the proposed development.*
- c) *Relative related noise levels (LA rated, 10min) resulting from wind development and taking into account the cumulative impact of noise levels from existing and proposed wind energy developments shall not exceed:*
 - 1) *Background noise levels by more than 5 dB(A) within the range 35-43 dB(A), or*
 - 2) *43 dB(A), Both measured as LA90, 10min outdoors at specified noise sensitive locations*
- d) *In lower noise environments where the background noise is less than 30 dB(A), the daytime level of the LA90, 10min of the wind energy noise shall be limited within the range of 35-40 dB(A).*
- e) *Noise shall be measured in accordance with the most up-to-date ISO standards for noise measurement or other best practice standards, as appropriate.*

The Strategy also specifies acoustic criteria for the commissioning of permitted wind farms:

- f) *Once commissioned, the development will be required to be monitored at the expense of the developer/operator. A noise monitoring report shall be submitted to the Planning Authority one year prior to commission and/or at the request of the Planning Authority. In the event that the monitoring report shows that any turbines is exceeding its projected noise levels and is having a detrimental noise impact, the wind turbines shall be turned off until compliance with noise limits is proven to the satisfaction of the Planning Authority. The Planning Authority reserves the right to commission an independent noise monitoring report to ensure compliance with noise limits are achieved, the costs of which shall be borne by the developer/operator.*

The submitted acoustic report shall include the following:

- 1. *A proposed noise monitoring and control procedure for the construction phase*
- 2. *A clear statement that the wind energy development shall not exceed the predicted LA rated levels per the acoustic report*
- 3. *A proposed detailed methodology for a post compliance noise survey in accordance with IOA GPG Supplementary Guidance Note 5: Post Completion Measurements for each turbine to be commenced within four weeks of commissioning of any turbine or group of turbines.*
- 4. *A map showing the noise monitoring locations for the ongoing phase of the wind energy development along with a detailed proposed noise monitoring and reporting procedure.*
- 5. *A proposal for a documented complaint handling procedure.*

These considerations are based on the requirements outlined in the Draft Revised Wind Energy Development Guidelines, published by the Department of Housing, Planning and Local Government in 2019. Given the technical errors, ambiguities and inconsistencies contained in the 2019 Draft WEDGs discussed in Section 8.4.3.2.1, compliance with points a, b and c within section 6.10 of the Kildare Wind Energy Strategy is not possible. Having regard to the Kildare CDP and Offaly CDP, the proposed development materially contravenes the Kildare Wind Energy Strategy and Kildare CDP 2023-2029 and Offaly CDP 2021-2027 in respect of Noise compliance, however it is important to note the proposal will comply with the Kildare Wind Energy Strategy in all other respects. The material contravention is discussed in more detail at Section 6 of this Planning Statement.

5.3 Environmental Impact Assessment

A summary of the main findings of the EIAR are set out within 'Volume 1 – Non Technical Summary' of the EIAR. The purpose of Environmental Impact Assessment Reports is to evaluate the potential effects of a proposed project on the environment. It informs decision makers, stakeholders and the public about possible consequences and recommends measures to reduce or offset effects. The EIAR accompanying this Application was carried out over 3 years and involved 40 no. of specialists (please refer to EIAR Volume III, Appendix 1.2 for CVs). The design and EIA were developed together to ensure that the design incorporated imbedded mitigation measures as much as practically possible. It concluded that, subject to the implementation of the mitigation measures outlined within the document, there are no significant impacts arising from the proposed development.

The EIAR also complies fully with the EIA Directive and the Planning and Development Act 2000 (as amended).

5.4 Appropriate Assessment

With respect to European Sites within the vicinity of the Proposed Development Site, an Appropriate Assessment (AA) Screening Report and Natura Impact Statement (NIS) has been prepared by Wetland Surveys to provide the information for the competent authority, in this case An Coimisiun Pleanála, to carry out a screening assessment and, if considered applicable by An Coimisiun Pleanála an Appropriate Assessment (AA) of the Proposed Development in accordance with and in fulfilment of the requirements of Article 6 of the Habitats Directive (92/43/EEC) Further details are provided in the EIAR, AA Screening Report and NIS which accompany this planning application.

Following this examination, analysis and evaluation, it has been determined in the Screening for Appropriate Assessment (include reference to separate document) that the proposed development does, in the absence of mitigation measures, pose a risk of adversely affecting (either directly or indirectly) the integrity of effects on the River Barrow and River Nore SAC, which occurs 6.1km downstream of the proposed development site, being hydrologically connected via the Cushina River which flows through the wind farm site.

The NIS assessment was informed by a desktop review and a series of field surveys. It has examined and analysed, in light of the best scientific knowledge, with respect to those European sites within the zone of influence of the proposed development, the potential impact sources and pathways, the manner in which these could potentially impact on the European sites' Qualifying Interest (and Special Conservation Interests) and whether the predicted impacts would adversely affect the integrity of any European sites. Avoidance, design requirements and mitigation measures are set out within this NIS (and its appendices) and the effective implementation of these mitigation measures will ensure that any impacts on the conservation objectives of European sites will be avoided during the construction, operation and decommissioning Phases of the proposed development, such that there will be no adverse effects on any European sites

Taking into account all matters discussed, including the implementation of the mitigation measures and recommendations fully, it has been objectively concluded that the proposed Wind Farm at Derrynadarragh will not adversely affect (either directly or indirectly) the integrity and conservation status of the River Barrow and River Nore SAC [002162] in view of the conservation objectives for this site either alone or in combination with other plans or projects.



6. MATERIAL CONTRAVENTION

This section of the Planning Statement seeks to address the issue of material contravention of both the Kildare County Development Plan 2023-2029, and the Offaly County Development 2021-2027. This Statement provides a rationale for An Coimisiún Pleanála, as the consenting authority, to conclude that there is reasonable justification for material contravention in relation to Section 6.10 of the Kildare WES, and 'DMS-109' of the Offaly CDP.

Policy EC P4 of the Kildare CDP 2023-2029 includes a requirement to *"Have regard to the Department of the Environment, Heritage and Local Government's Guidelines for Planning Authorities on Wind Energy Development' (or any subsequent updates) and the Kildare County Council Wind Energy Strategy when assessing planning applications for wind farms."*

Full and due regard has been had to the Kildare Wind Energy Strategy (WES) and the obligations therein, as required by Policy EC P4. The Proposed Development fully complies with the WES, except as detailed below.

Section 6.10 of the Kildare WES specifically focuses on the considerations from a noise perspective, as set out below.

6.10 Noise

- An acoustic report carried out by an appropriately qualified and competent person shall be prepared for all noise sensitive properties within a distance of ten times the rotor diameter of any proposed wind turbine location.
- A separate acoustic report shall be prepared where there are other existing or permitted wind farm developments within 2km of the proposed development.
- Relative related noise levels (LA rated, 10min) resulting from wind development and taking into account the cumulative impact of noise levels from existing and proposed wind energy developments shall not exceed:
 - 1) Background noise levels by more than 5 dB(A) within the range 35-43 dB(A), or
 - 2) 43 dB(A). Both measured as LA90, 10min outdoors at specified noise sensitive locations
- In lower noise environments where the background noise is less than 30 dB(A), the daytime level of the LA90, 10min of the wind energy noise shall be limited within the range of 35-40 dB(A).
- Noise shall be measured in accordance with the most up-to-date ISO standards for noise measurement or other best practice standards, as appropriate.
- Once commissioned, the development will be required to be monitored at the expense of the developer/operator. A noise monitoring report shall be submitted to the Planning Authority one year prior to commission and/or at the request of the Planning Authority. In the event that the monitoring report shows that any turbines is exceeding its projected noise levels and is having a detrimental noise impact, the wind turbines shall be turned off until compliance with noise limits is proven to the satisfaction of the Planning Authority. The Planning Authority reserves the right to commission an independent noise monitoring report to ensure compliance with noise limits are achieved, the costs of which shall be borne by the developer/operator.

The submitted acoustic report shall include the following:

1. A proposed noise monitoring and control procedure for the construction phase
2. A clear statement that the wind energy development shall not exceed the predicted LA rated levels per the acoustic report
3. A proposed detailed methodology for a post compliance noise survey in accordance with IoA GPG Supplementary Guidance Note 5: Post Completion Measurements for each turbine to be commenced within four weeks of commissioning of any turbine or group of turbines.
4. A map showing the noise monitoring locations for the ongoing phase of the wind energy development along with a detailed proposed noise monitoring and reporting procedure.
5. A proposal for a documented complaint handling procedure.



Similarly, Chapter 13 – Development Management Standards’, DMS-109 looks specifically at Wind Farms, and in relation to noise disturbance includes reference to ‘consistency with the World Health Organisations 2018 Environmental Noise Guidelines for the European Region’, at the final bullet point as shown below:

“When assessing planning applications for wind energy developments the Council will have regard to;

- the Wind Energy Development Guidelines for Planning Authorities, DoEHLG, (2006) and any amendments to the Guidelines which may be made; and*
- the Wind Energy Strategy Designations Map from the County Wind Energy Strategy showing areas identified as ‘Areas Open for Consideration for Wind Energy Developments’ and ‘Areas not deemed suitable for Wind Energy Developments’, and specific policy for wind development in these areas as outlined in Section 8 of the County Wind Energy Strategy;*

In addition to the above, the following local considerations will be taken into account by the Council in relation to any planning application;

- Impact on the visual amenities of the area;*
- Impact on the residential amenities of the area;*
- Scale and layout of the project, any cumulative effects due to other projects and the extent to which the impacts are visible across the local landscape;*
- Visual impact of the proposal with respect to protected views, scenic routes and designated scenic landscapes and proposed Wilderness Areas as detailed in Chapter 4 of this Plan;*
- Impact on nature conservation, ecology, soil, hydrology, groundwater, archaeology, built heritage and public rights of way;*
- Impact on ground conditions and geology;*
- Consideration of falling distance plus an additional flashover distance from wind turbines to overhead transmission lines;*
- Impact of development on the road network in the area;*
- Impact of the development on radio observatories and broadcast communications in the area; and*
- Impact on human health in relation to noise disturbance (including consistency with the World Health Organisations 2018 Environmental Noise Guidelines for the European Region), shadow flicker and air quality.*

This list is not exhaustive and the Council may consider other requirements contained in the chapter on a case by case basis with planning applications should the need arise. Where impacts are predicted to arise as a result of the development proposed, suitably detailed mitigation measures shall be proposed.”



On review of the above list of considerations for both the Kildare WES and Offaly Development Management Standards for Wind Energy ('DMS-109'), it is noted that these are not in accordance with best practice guidance and are based on the requirements outlined within the 'Draft Revised Wind Energy Development Guidelines (WEDGs) (2019)', published by the Department of Housing, Planning and Local Government in December 2019. These guidelines are in draft form, and have not been adopted in a final form.

For background context, 'The Wind Energy Development Guidelines (WEDGs) (2006)' published by The Department of the Environment, Heritage and Local Government provide guidance to planning authorities on planning for wind energy through the development plan process and in determining applications for planning permission. These guidelines contain recommended noise limits to control operational noise from wind farms and state.

The 2006 WEDGs do not provide further details and there is no standard approach in relation to the identification of low noise environments "*where background noise is less than 30dB(A)*". There are no details on the application of "*an absolute level within the range of 35-40 dB(A)*" or the specific periods which are represented by daytime and night-time hours.

The 2006 WEDGs define Noise Sensitive Locations: "*In the case of wind energy development, this includes any occupied dwelling house, hostel, health building or place of worship and may include areas of particular scenic quality or special recreational amenity importance*".

Subsequently, the 'Draft Revised Wind Energy Development Guidelines (WEDGs) (2019)' were published by the Department of Housing, Planning and Local Government in December 2019. This draft document is the most recent publication from the Department of Housing, Planning and Local Government. However, the guidelines have a number of technical errors, ambiguities and inconsistencies and require further detailed review and amendment. This is a fact supported by several acoustic consultants from Ireland and the UK and the review and amendment by the Department remains ongoing at the time of writing this EIAR. In assessing the draft Guidelines, the World Health Organization (WHO, 2018) 45 dB L_{den} noise criterion was considered. The WHO document is based on a very limited data set, which only estimated the L_{den} for the sites studied, rather than assessing it directly from wind statistics.

The guidelines also state... "*it may be concluded that the acoustical description of wind turbine noise by means of L_{den} or L_{night} may be a poor characterization of wind turbine noise and may limit the ability to observe associations between wind turbine noise and health outcomes*".

Furthermore, the WHO recommendation is "conditional". A conditional recommendation, before it becomes folded into any legislative context, would require substantial debate of stakeholders (such as, but not limited to the Public, government bodies, wind farm developers and operators as well as turbine manufacturers). A conditional recommendation is based on low quality evidence that this chosen noise level is effective. Therefore, it would be premature to adopt the WHO recommendations without further careful and detailed consideration and therefore this has not been adopted.

As detailed in 'Chapter 8 – Noise and Vibration', the noise criteria used to assess operational noise from the proposed development is based on a 'Best Practice Approach', which is considered current best practice and currently used by the acoustics industry. This best practice approach is based on:

- Wind Energy Development Guidelines published by the Department of the Environment, Heritage and Local Government (2006);
- ETSU-R-97, The Assessment and Rating of Noise from Wind Farms (1996);
- Institute of Acoustics' A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise, (2013).



The best practice guidance contained in ETSU-R-97 together with the detailed guidance contained in the Institute of Acoustics 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise' (2013) and its six supplementary guidance notes have been considered and applied in the absence of detailed guidance from the Wind Energy Development Guidelines 2006, where necessary, to ensure a robust and best practice approach to the assessment.

Given the best practice approach outlined in detail within 'Chapter 8 – Noise and Vibration' of Volume II of the EIAR, and the technical errors, ambiguities and inconsistencies contained in the 2019 Draft WEDGs discussed in Section 8.4.3.2.1, compliance with the following elements of Section 6.10 of the Kildare WES is not possible and will be contravened:

- ***“An acoustic report carried out by an appropriately qualified and competent person shall be prepared for all noise sensitive properties within a distance of ten times the rotor diameter of any proposed wind turbine location.”***

This requirement has not been complied with, as it conflicts with current best practice guidance on defining the noise study area for the proposed development. The study area has been defined using current best practice guidance.

- ***“Relative related noise levels (LA rated, 10min) resulting from wind development and taking into account the cumulative impact of noise levels from existing and proposed wind energy developments shall not exceed:***
 - 3) Background noise levels by more than 5 dB(A) within the range 35-43 dB(A), or***
 - 4) 43 dB(A), Both measured as LA90, 10min outdoors at specified noise sensitive locations”***

This has not been complied with, as it is based on the Draft Revised Wind Energy Development Guidelines. Appropriate noise limits for the proposed development have been derived using current best practice guidance on wind farm noise limits.

Therefore, having regard to the considerations for wind farm development planning applications, as set out within the WES, it is noted that the Proposed Development will materially contravene Section 6.10 of the Kildare WES and Offaly 'DMS-109' (and therefore the Kildare CDP 2023-2029 and Offaly CDP 2021-2027) in the manner detailed above.

The proposed development will comply with the Kildare WES and CDP in all other respects. It will also comply with current best practice guidance relating to noise.

Pursuant to section 37G(6) of the Planning and Development Act 2000 (as amended), the Commission “...may decide to grant a permission for development, or any part of a development, under this section even if the proposed development, or part thereof, contravenes materially the development plan relating to any area in which it is proposed to situate the development.” Section 37G(6) applies to planning applications made to the Commission pursuant to section 37E, and is therefore applicable to this planning application. The Commission's discretion under Section 37G(6) is not subject to the conditions or limitations applicable to a decision by the Commission on appeal pursuant to section 37(2).

Therefore, permission can and should be granted for the proposed development for the reasons outlined above. In addition, the Proposed Development will assist the State in achieving its legally binding national and European renewable energy targets. A grant of permission for the Proposed Development is therefore consistent with the obligations under Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended.



7. COMPLETENESS CHECK

In light of the recent legislative changes within the Irish Planning System transposed by S.I No. 274 of 2025, and the new requirement for a 'completeness check' of all Applications, we enclose the 'Completeness Check' at **Appendix 2 of this Planning Statement a list of all documents being submitted as part of this** Planning Application.

The list seeks to facilitate the checks being undertaken by An Coimisiún Pleanála, and thus demonstrating full compliance of this application with the requirements recently transposed into Irish Planning Legislation by the abovementioned document and subsequent Circular Letters and Guidance.



8. CONCLUSION

In accordance with The Planning and Development Act 2000 (as amended), this Planning Statement has assessed the Proposed Development against the policy provisions set out within Kildare County Development Plan 2023 – 2029, Offaly County Development Plan 2021 – 2027, and Laois County Development Plan 2021 – 2027.

It is considered that the proposed Derrynadarragh Wind Farm is in the national interest and of strategic importance to Ireland, as it seeks to facilitate the provision of a high quality and sustainable renewable energy project in an appropriate location. The proposal has been designed to respond to the existing context of the site, taking into account each of the technical considerations as evidenced within Volume 2 of the EIAR.

In conclusion, having regard to the:

- National and Strategic importance of the development for the Region, and Ireland as a whole;
- Provisions of the relevant policies and objectives to inform the development and design of the proposal as set out within the; Kildare County Development Plan 2023 – 2029, Offaly County Development Plan 2021 – 2027, and Laois County Development Plan 2021 – 2027;
- Provisions and targets outlined in Climate Action Policy at a Local, National, and International scale and the support for this type of development;
- Character and sensitivities of the receiving environment, as well as permitted development in the surrounding area;
- The range of environmental assessments prepared in respect of the proposed development as enclosed, which conclude no significant negative impacts with the implementation of proposed mitigation measures.

In our professional planning opinion, the proposed development:

- ✓ Is compliant with all appropriate International, National, Regional and Local policy and legislation (save in respect of the material contravention of Section 6.10 of the Kildare WES and 'DMS-109' of the Offaly CDP, addressed at Section 6 of this Planning Statement);
- ✓ Contributes positively towards National and International Climate Commitments. It also supports Local, National and International Climate Policy and associated targets;
- ✓ Constitutes an appropriate intervention into the landscape at this location, and the principle of development at this location should be considered acceptable;
- ✓ Has been sensitively designed to ensure that it sits appropriately within its context;
- ✓ Would have a positive impact on the area;
- ✓ Provides a much needed renewable energy development in this expanding environmentally and economically significant sector of the local and regional



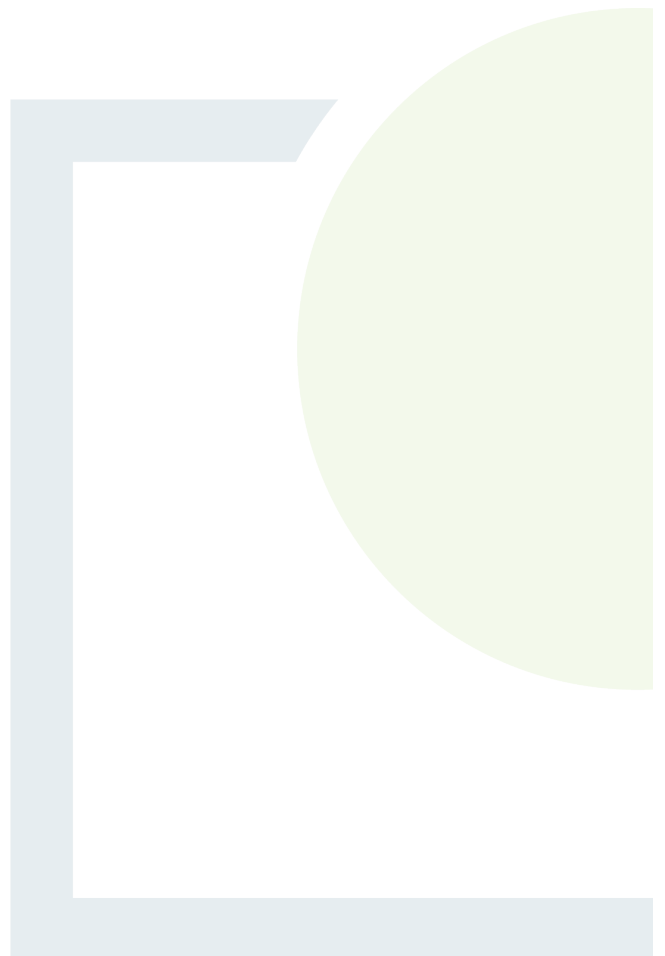
It is respectfully requested, for the reasons outlined within this Planning Statement and the findings of the EIAR & NIS, that the Commission should grant planning permission for the Proposed Development as expeditiously as possible, and in any event in accordance with the time limits prescribed by the Renewable Energy Regulations.



DESIGNING AND DELIVERING
A SUSTAINABLE FUTURE

APPENDIX 1

Legal Note on Birds Directive



Updated Legal Note

Clients:

- Dara Green Energy Limited / Derrynadarragh Wind Farm

Date: 19 September 2025

Subject: Application of the Revised Renewable Energy Directive 2023/2413, amending Directive 2018/2001

1. Introduction

- 1.1. It is recognised in the Revised Renewable Energy Directive (“**RED III**”) that the construction and operation of a renewable energy project may result in the occasional killing or disturbance of wild birds and other species protected under the Habitats and Birds Directives.
- 1.2. Deliberate killing of wild birds is prohibited by the Birds Directive. Deliberate disturbance of wild birds is also prohibited, where the disturbance would be significant having regard to the primary objective of the Directive which is to maintain the population of all wild birds at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.
- 1.3. Deliberate capture or killing of wild specimens of the species listed in Annex IV of the Habitats Directive is prohibited by the Habitats Directive. Deliberate disturbance of these species is also prohibited, particularly but not exclusively during the period of breeding, rearing, hibernation and migration.
- 1.4. RED III makes clear that, where the killing or disturbance of wild birds and protected species is accepted as a possible outcome of developing or operating a renewable energy project, such killing or disturbance should not be considered to be deliberate, and are not therefore prohibited under the Birds and Habitats Directive, provided that the project has adopted appropriate and necessary mitigation measures to, avoid killing and prevent significant disturbance of all species of wild birds, and of the protected species listed in Annex IV of the Habitats Directive.
- 1.5. While not expressly stated in RED III, by necessary implication the appropriate and necessary mitigations are not required to, as a matter of certainty, avoid killing and prevent the disturbance of all individuals of species of wild birds or Annex IV species that may be affected by a renewable

energy project, as such measures would ensure that the project would not trigger the prohibitions set out in the Birds and Habitats Directives in the first place. Accordingly, by implication the measures must be effective only insofar as is practicable and apply to the relevant population of the species, rather than individual specimens of that species.

- 1.6. Before granting consent for a renewable energy project, the competent authority is required to ensure that the project engages in appropriate monitoring to assess the effectiveness of the mitigation measures, and in light of any such monitoring information gathered, to take such further measures as are required to ensure there are no significant adverse impacts on the population of the species concerned arising from the continued construction and operation of the project.
- 1.7. With respect to protected birds, the competent authority shall ensure through the consent process that the project shall not lead to a deterioration in the conservation of all wild birds naturally occurring within the European Member States' territories, consistent with the Directive's primary objective.
- 1.8. With respect to Annex IV species, the competent authority shall ensure through the consent process that the population of the species concerned shall be maintained at a favourable conservation status in their natural range.
- 1.9. In summary, provided necessary mitigation measures are adopted, the construction and operation of a renewable energy project that may result in the occasional or incidental killing or disturbance of wild birds or specimens of a protected species may be permitted without a derogation from the strict legal protection that would otherwise prohibit the deliberate killing or disturbance of such wild birds or protected species under the Birds and the Habitats Directives.

2. Birds Directive 2009/147/EC

- 2.1. The Birds Directive applies to the conservation of all species of naturally occurring wild birds in the EU, and it applies to birds, their eggs, nests, and habitats. (**Article 1**, Case C-247/85, *Commission v Belgium*).
- 2.2. Member States are required to take the requisite measures to maintain the population of all wild birds naturally occurring in the Member State at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level. (**Article 2**).
- 2.3. Member States are required to preserve, maintain, or re-establish a sufficient diversity of habitats for all wild birds naturally occurring in the territory of the Member State, including the creation of protected areas, the upkeep and management of habitats inside and outside of protected areas, and the creation and re-establishment of habitats suitable for the diversity of wild birds in the territory. (**Article 3**).
- 2.4. Special protection measures are to be established for Annex I bird species, and for regularly occurring migratory bird species. This includes the creation of special protection areas (**SPAs**). Additionally, Member States must strive to avoid pollution or deterioration of the habitats of birds that are located outside of SPAs. (**Article 4**).

2.5. **Article 5** prohibits the following:

- (a) Deliberate killing or capture of wild birds by any method;
- (b) Deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- (c) Taking their eggs in the wild and keeping these eggs even if empty;
- (d) Deliberate disturbance of wild birds particularly during the period of breeding and rearing, insofar as disturbance would be significant having regard to the objectives of the Birds Directive;
- (e) Keeping birds of species the hunting and capture of which is prohibited.

2.6. National legislation may not give a blanket exemption from the protection of Article 5 for certain types of land-use activities, even those which are considered normal in the ordinary course of agriculture, forestry, fisheries, or construction. (**Case C-412/85, *Commission v Germany***).

2.7. Article 5 protects all wild birds, not just those listed in Annex I and/or native to the Member State. (**Case C-247/85, *Commission v Belgium***). Nor are the protections in Article 5 limited to specimens of species that are considered vulnerable or in decline. (**Cases C-473/19 and C-474/19 *Föreningen Skydda Skogen***).

2.8. Despite the blanket protection of all wild birds in Article 5, the Birds Directive facilitates the hunting, capture and killing of certain birds owing to their population level, geographical distribution and reproductive rate. This is considered to align with Article 2 of the Directive, which requires that requisite measures be taken to maintain the populations of the bird species, rather than individuals of that population. Furthermore, the Directive prohibits the large-scale or non-selective capture or killing of birds, or any other methods capable of causing the local disappearance of a species (**Articles 6, 7, 8**).

2.9. Under **Article 9(1)**, a Member State may derogate from the prohibitions in Articles 5, 6, 7 and 8, where there is no other satisfactory solution, for the following reasons:

- (a) – In the interests of public health and safety,
 - In the interests of air safety,
 - To prevent serious damage to crops, livestock, forests, fisheries, and water,
 - For the protection of flora and fauna,
- (b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
- (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.

2.10. Under **Article 9(2)**, a derogation must specify:

- (a) The species which are subject to the derogation;
- (b) The means, arrangements or methods authorised for capture or killing;

- (c) The conditions of risk and the circumstances of time and place under which such derogations may be granted;
 - (d) The authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits, and by whom;
 - (e) The controls which will be carried out.
- 2.11. Member States must report to the European Commission annually on derogations under Article 9, providing details on the matters covered by Article 9, paragraphs (1) and (2), and the European Commission shall ensure that, based on the information provided by all Member States, Article 9 derogations are not incompatible with the primary objectives of the Birds Directive. **(Article 9(3) and (4)).**
- 2.12. **Article 13** provides that the application of measures under the Directive shall not lead to deterioration in the conservation of the species of wild birds naturally occurring in the European Territory of Member States.

3. Habitats Directive 1992/43/EC

- 3.1. The principal aim of the Habitats Directive is to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the EU. All measures taken under the Directive are to be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest, taking account of economic, social and cultural requirements and regional and local characteristics. **(Article 2).**
- 3.2. In pursuit of the aims of the Habitats Directive, EU Member States are required to set up networks of European sites (special areas of conservation, and special protection areas established under the Birds Directive), that host the natural habitat types listed in Annex I and habitats of the species listed in Annex II. Member States shall ensure that these natural habitat types and the species' habitats are maintained or, where appropriate, restored at a favourable conservation status in their natural range. Additionally, Member States shall aim to improve the ecological coherence of the network of European sites by maintaining and, where appropriate, developing features of the landscape which are of major importance for wild fauna and flora, including those which by virtue of their linear and continuous structure (such as riparian corridors, hedgerows) or their function as stepping stones (such as woodlands and waterbodies, are essential for the migration, dispersal and genetic exchange of wild species. **(Articles 3 and 10).**
- 3.3. The Habitats Directive provides for the establishment and designation of special areas of conservation ("**SAC**") which host the natural habitat types in Annex I and the habitats of species listed in Annex II. For each SAC, Member States are obliged to establish conservation measures incorporating appropriate management plans for the sites, and the appropriate measures which correspond to the ecological requirements of the natural habitat types hosted by the site. For each SAC and SPA, Member States are required to avoid the deterioration of the habitat and the disturbance of the species for which the area has been designated, in so far as such disturbance could be significant having regard to the principal objectives of the Habitats and Birds Directives. Consent for plans or projects likely to have a significant effect on a SAC or SPA shall only be given after an Appropriate Assessment of the implications of the plan or project on the site

concerned. Consent for a plan or project that would have an adverse effect on the integrity of a SAC or SPA shall only be given where there are no alternative solutions, and where the proposed plan or project is necessary for imperative reasons of overriding public importance (“IROPI”) and where the necessary compensatory measures have been adopted. (**Articles 4, 5, 6, 7**).

- 3.4. Member States are required to continuously survey the conservation status of SACs and SPAs and to report to the EU, and where necessary the EU may declassify a site. The EU may also provide co-funding to support the conservation and restoration of European sites under the Habitats Directive. (**Articles 8, 9, 11**).
- 3.5. With respect to the animal species listed in Annex IV(a) of the Habitats Directive, Member States are required to take the requisite measures to strictly protect such species in their natural range, prohibiting in particular:
- (a) all forms of deliberate capture or killing of wild specimens of Annex IV(a) species, at all stages in their life cycle;
 - (b) deliberate disturbance of these species, at all stages in their life cycle, and particularly during the period of breeding, rearing, hibernation and migration;
 - (c) deliberate destruction or taking of their eggs from the wild; and
 - (d) deterioration or destruction of their breeding sites or resting places.
- 3.6. The Habitats Directive expressly acknowledges the potential for the incidental capture and killing of Annex IV(a) species, and requires Member States to have a monitoring system for such incidental capture or killing, and to undertake further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned. (**Article 12**).
- 3.7. The Habitats Directive provides a similar level of strict protection for certain plant species listed in Annex IV(b). (**Article 13**).
- 3.8. As regards the concept of ‘deliberate’ acts in Article 12 of the Habitats Directive, the CJEU in **Case C-103/00. Commission v Greece**, found that the Greek Government had failed to ensure the strict protection of the sea turtle against deliberate disturbance during the breeding period and against any deterioration or destruction of its breeding sites, because it failed to limit access to breeding beaches or the use of mopeds on the beach and small boats in the area around the beach knowing that this is an important area for breeding sea turtles, and this constituted a

deliberate disturbance of the species contrary to Article 12(1)(b) of the Habitats Directive. Further the presence of buildings at the beach was liable to cause the deterioration of their breeding site, contrary to Article 12(1)(d).

- 3.9. In Case C-221/04, *Commission v Spain (Otters)*, the CJEU held that, for an action to be “deliberate” for the purposes of Article 12, it must be proven that the author of the act intended the capture or killing of a specimen belonging to a protected animal species or, at the very least, *accepted the possibility* of such capture or killing.
- 3.10. In Cases C-473/19 and C-474/19, *Föreningen Skydda Skogen*, the CJEU found that it is not necessary for a prohibition to arise under Article 12 of the Habitats Directive that there must first be established that the activity would have an adverse effect on the conservation status of the animal species concerned. Such assessment would only arise in the context of a derogation under Article 16 (see below). Further, based on its previous case law, the CJEU held that the prohibitions in Article 12(1)(a), (b), and (c) are capable of applying to any activity, including forestry and land development, the purpose of which is manifestly different from the intentional capture or killing, disturbance of animal species, or the deliberate destruction of taking of their eggs.
- 3.11. Notably, the Habitats Directive permits the taking of certain specimens in the wild for specified purposes, including hunting, subject to that being compatible with the species being maintained at a favourable conservation status, and subject to a prohibition on using indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species. (**Article 14, 15**).
- 3.12. Where it is necessary, Member States may derogate from the strict protection of Annex IV(a) species and Annex IV(b) plants, provided the following tests are met:
- (i) There is no satisfactory alternative to the derogation;
 - (ii) The derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range; and
 - (iii) The derogation:
 - (a) Is in the interest of protecting wild fauna and flora and conserving natural habitats;
 - (b) Is required to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;
 - (c) Is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

- (d) Is required for the purpose of research and education, of repopulating and re-introducing these species and for the breedings operations necessary for these purposes, including the artificial propagation of plants;
- (e) Is to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species listed in Annex IV in limited numbers specified by the competent national authorities. (**Article 16**).

3.13. Member States are required to report to the European Commission every two years on the derogations granted (**Article 16**) and every six years on the status of the European sites designated under the Habitats and Birds Directive (**Article 18**).

4. Revised Renewable Energy Directive 2023/2413, amending Directive 2018/2001 (“RED III”)

4.1. RED III came into force in November 2023. RED III has a complete transposition date of 21 May 2025, however some provisions are subject to the earlier transposition deadline of **1 July 2024**.

4.2. **Articles 16b** and **16f**, inserted by Article 1, point (7) of RED III, are among the provisions that are required to be transposed by 1 July 2024.

4.3. Article 16b

4.3.1. Among other things, Article 16b states that, where a renewable energy project has adopted necessary mitigation measures, any killing or disturbance of birds or Annex IV species shall not be considered to be ‘deliberate’ for the purposes of Article 5 of the Birds Directive or Article 12 of the Habitats Directive.

4.3.2. The reason for Article 16b is set out in Recital (37) of RED III. In summary, the Recital states that, while the construction and operation of renewable energy plants can result in the occasional killing or disturbance of protected wild birds under the Birds Directive or strictly protected Annex IV species under the Habitats Directive, such killing or disturbance should not be considered to be ‘deliberate’ within the meaning of the Birds or Habitats Directives, provided the project provides for appropriate mitigation measures to:

- (a) avoid such killing,
 - (b) prevent disturbance, and
 - (c) assess the effectiveness of such mitigation measures through appropriate monitoring,
- and, in the light of the information gathered,
- (d) to take further measures as required to ensure that there are no significant adverse impact on the population of the species concerned.

4.3.3. As noted by Advocate General Kokott in her Opinion dated 6 February 2025 in **Case C-784/23, Voore Mets**, Article 16b when read in light of Recital (37) means that renewable

energy projects are, under certain conditions, exempt from the protection of wild birds laid down in Article 5 of the Birds Directive, and of Annex IV species laid down in Article 12 of the Habitats Directive.

- 4.3.4. Advocate General Kokott noted that, while some renewable energy projects may pose a risk to birds or Annex IV species, that is not the purpose or aim of such projects and at most, endangerment of birds or Annex IV species is merely an accepted possible consequence of constructing or operating the project. She considered that Article 16b and Recital (37) were among measures that were included in RED III as:

“primarily a response to the fear that, on the basis of a broad interpretation of the concept of deliberateness, the aim of protecting species could unduly hamper the development of renewable energy.”

- 4.3.5. Whereas the Advocate General argued forcefully in favour of a narrower interpretation of the concept of ‘deliberateness’ than the CJEU has previously adopted for Article 12 of the Habitats Directive for the purposes of Article 5 of the Birds Directive, the CJEU in its ruling on Case C-784/23, *Voore Mets*, delivered on 1 August, 2025, followed its previous line of case law on the concept of ‘deliberateness’ as it applies to a similar provision under Article 12 of the Habitats Directive.

- 4.3.6. The CJEU traced its previous rulings on similar provisions in Article 12 of the Habitats Directive, including Case C-103/00, *Commission v Greece*; Case C-504/14, *Commission v Greece (Kyparissia)*; Case C-221/04, *Commission v Spain (Otters)*; Case C-441/17, *Commission v Poland (Białowieża Forest)*; and Cases C-473/19 and C-474/19, *Föreningen Skydda Skogen*.

- 4.3.7. In effect, the CJEU held that, for the purposes of Article 5, paragraphs (a), (b) and (d), a “deliberate” act of harm under these provisions is one which is either intended, or which is consciously accepted as a possibility if a proposed activity or project is undertaken, even if the activity or project has an entirely different aim or purpose.

- 4.3.8. The CJEU held that a Member State may only allow an act or outcome prohibited by Article 5(a), (b), or (c), through the derogation process provided under Article 9 of the Birds Directive.

- 4.3.9. By adopting Article 16b of RED III, the EU legislature addressed the CJEU’s interpretation of the word “deliberate” in its case law on Article 12 of the Habitats Directive, and anticipated the CJEU’s interpretation of the same word as it is used in Article 5 of the Birds Directive in Case C-784/23, *Voore Mets*. RED III makes express provision to exempt renewable energy projects from the scope of Article 5 and Article 9 of the Birds Directive, and Article 12 and Article 16 of the Habitats Directive, provided that the project has adopted necessary mitigation measures.

- 4.3.10. In Advocate General Kokott’s preliminary Opinion delivered on 18 September 2025 in Case C-131/24, *VIRUS*, the development at issue is a road the construction and operation of which would disturb the middle-spotted woodpecker in particular but also other species of forest birds. The referring Court asked the CJEU whether the prohibition in Article 5(d) of the Birds Directive would prohibit the project. Advocate General Kokott has noted that, under Article 5(d) it is only *significant* deliberate disturbance that is prohibited, where

significance is determined having regard to the objectives of the Birds Directive. This is to be contrasted with the prohibitions on the killing or capture of birds, or the deliberate destruction of or damage to their nests, that is prohibited under Articles 5(a), (b), and (c), which do not need to be significant in population terms for the prohibitions to apply.

4.3.11. Further, the Advocate General has noted in Case C-131/24, VIRUS that the CJEU's recent ruling in Case C-784/23, Voore Metsi held that those prohibitions apply not only to human activities the purpose of which is to harm birds, but also to activities which involve the *acceptance of the possibility* of such harm, even though they do not manifestly have such a purpose.

4.3.12. It is in this context in which the referring Court in Case C-131/24, VIRUS, is asking the CJEU to rule on the measures adopted by the relevant project to avoid or minimise disturbance, including the preservation of old trees which might otherwise be felled. As the Advocate General has noted in paragraph 25 of her Opinion:

25. There is much interest in the use of such measures to prevent the prohibitions laid down in Article 5 of the Birds Directive from applying. As I recently explained, the rigorous application of those prohibitions would significantly restrict human activities. It is therefore doubtful whether they are compatible with the protection of property and economic freedom under Articles 16 and 17 of the Charter of Fundamental Rights. If, on the other hand, the application of those prohibitions could be prevented by measures to improve habitats in other locations, as is now expressly provided for in the case of certain projects for the use of renewable energy, that conflict would be diffused."

4.3.13. Advocate General Kokott has in her opinion noted that the provisions of RED III have had the effect of "diffusing" the conflict between Article 5 of the Birds Directive and Articles 16 and 17 of the Charter of Fundamental Rights, which guarantee the protection of property and economic freedom, by exempting renewable energy projects from Article 5 where necessary mitigation measures are adopted.

4.3.14. It follows, therefore, that for the exception in Article 16b from the concept of "deliberateness" to apply, it is for the applicant for permission for the relevant renewable energy project to satisfy the competent authority deciding whether to grant permission for the project that the project has adopted appropriate and necessary mitigation measures to avoid the killing or significant disturbance of birds or of Annex IV species, as the case may be.

4.3.15. In Case C-131/24, VIRUS, the Advocate General indicated provisionally that, in the context of the prohibition in Article 5(d) of the significant disturbance of birds, an assessment of the effectiveness of the mitigation to avoid such disturbance may be based on the reasoned opinions of experts, based on the most reliable scientific data available, and the most recent results of international research.

4.3.16. While not expressly stated in Article 16b, by necessary implication the appropriate and necessary mitigations are not required to, as a matter of certainty, avoid killing and prevent the disturbance of all individuals of species of wild birds or Annex IV species that may be affected by a renewable energy project, as such measures would ensure that the project would not trigger the prohibitions set out in Article 5 of the Birds Directive or Article

12 of the Habitats Directive in the first place. Accordingly, by implication the measures must be effective only insofar as is practicable and apply to the relevant population of the species, rather than individual specimens of that species.

- 4.3.17. This is supported by the Advocate General’s reasoning in Case C-131/24, VIRUS, in which she noted (in the context of a road project to which RED III does not apply), that,

“Where measures prevent a project from disturbing birds, the prohibition on disturbance laid down in Article 5(d) of the Birds Directive is not applicable because there is no disturbance. And where those measures do not prevent a disturbance but at least reduce it, it is possible that the disturbance may not be significant having regard to the objectives of the Birds Directive. The assessment of whether the prohibition on disturbance precludes a project must therefore take such measures into account”.

- 4.3.18. She further notes that:

“Measures which improve the habitat of the species concerned in other locations are not, however, measures to prevent or reduce disturbance. They clearly cannot either prevent a disturbance of particular birds or reduce the effects of any such disturbance on those birds, as the referring court also acknowledges.”

- 4.4. It is considered that the interpretation of “deliberate” for the purposes of Article 5 of the Birds Directive and Article 12 of the Habitats Directive as set out by Article 16b is particularly precise, clear and unconditional, and may be fully understood when read together with Recital (37) of RED III.
- 4.5. As the deadline to transpose Article 16b passed on 1 July 2024, the interpretation of the word ‘deliberate’ in Article 5 of the Birds Directive and Article 12 of the Habitats Directive must be directly effective and applicable to decisions of all emanations of the State, including An Coimisiún Pleanála, planning authorities, National Parks and Wildlife Service, and other relevant public bodies. Article 16b of RED III leaves no discretion to Member States or emanations of the State to disapply this interpretation of the word “deliberate” as regards renewable energy projects. There are no additional measures required to be taken by Member States to make this interpretation directly effective. (Case 26-62, Van Gend & Loos; Case 41-74, Van Duyn).
- 4.6. Provided the mitigation condition is satisfied, national legislation transposing Article 16b is not necessary to ensure that a renewable energy project that may result in the occasional or incidental killing or disturbance of birds or Annex IV species is exempt from Article 5 of the Birds Directive or Article 12 of the Habitats Directive, (and, by extension, also Article 9 of the Birds Directive and Article 16 of the Habitats Directive).

4.7. Article 16f

- 4.7.1. For the sake of completeness, Article 16f states that, by 21 February 2024 until climate neutrality is achieved, renewable energy projects and their connection to the grid “are presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in individual cases” including for the purposes of the

derogation process under Article 9(1), point (a) of the Birds Directive and Article 16(1), point (c) of the Habitats Directive.

- 4.7.2. This would be relevant where a derogation is required, which is not the case where a competent authority is satisfied that a proposed renewable energy project has, in accordance with Article 16b, adopted the necessary mitigation measures.
- 4.7.3. Article 16f is precise, clear and unconditional as regards renewable energy projects being considered in the interests of public health and safety for the purposes of Article 9(1), point (a), of the Birds Directive, and Article 16(1), point (c) of the Habitats Directive, and no additional measure is required to be taken by Member States for this interpretation to be directly effective on emanations of the State vis-à-vis the rights of applicants for permission for renewable energy projects.
- 4.7.4. However, as regards the operation of the Article 9 derogation process pursuant to RED III and the judgment in Case C-784/23, Voore Mets, it is clear that regulatory or administrative measures would be required if a particular renewable energy project which has *not adopted appropriate mitigation measures* is to be permitted by way of a derogation from Article 5 of the Birds Directive. A derogation under Article 9 of the Birds Directive must specify the species to which it applies, the precise means or arrangements or methods of killing, the conditions of risk, or the circumstances of time and place, under which a derogation may be granted, and the precise control measures to be imposed by the NPWS.
- 4.7.5. The NPWS is also required to report annually to the European Commission on the derogations granted and the impact of such derogations on the species concerned, and to take continuous steps in line with the objectives of the Birds Directive to keep the level of conservation of wild birds from deteriorating.
- 4.7.6. Furthermore, by analogy with the derogation procedures for strictly protected Annex IV species under Article 16 of the Habitats Directive, the case law of the CJEU would indicate that any such derogation would need to be obtained before An Coimisiún Pleanála or a relevant planning authority completes an EIA of the proposed project. (Case C-463/20, Namur-Est Environnement; Case C-166/22, Hellfire Massy Residents); and Advocate General Medina's Opinion delivered on 11 September 2025 in Case C-58/24, NE & Others v An Bord Pleanála & Others.)

4.8. S.I. 274/2025

- 4.8.1. Regulations have been made in Ireland which partially transpose Article 16f of RED III as it applies to Articles 6(3) and (4) of the Habitats Directive.
- 4.8.2. S.I. 274/2025 - European Union (Planning and Development) (Renewable Energy) Regulations 2025 (as amended by S.I. No. 426 of 2025), provides that, for the purposes of Section 177AA of the Planning and Development Act, 2000, and the Appropriate Assessment of proposed renewable energy developments the subject of a planning application made after 6 August 2025, the proposed project shall be presumed to be in the overriding public interest and serving public health and safety when balancing legal interests in the individual case.

4.8.3.S.I. 274/2025, as amended, does not address or purport to transpose Article 16b of RED III or the interpretation of the word “deliberate” for the purposes Article 5 of the Birds Directive or Article 12 of the Habitats Directive. As noted, the interpretation in Article 16b of RED III of “deliberate” for the purposes of these provisions is precise, clear, unconditional, and leaves no discretion to Member States as to its application to the interpretation of Article 5 and Article 12 with respect to renewable energy projects.

4.8.4.The partial transposition of Article 16f for the Appropriate Assessment process in planning by S.I. 274/2025 has no bearing on the direct effect of the interpretation of Article 5 of the Birds Directive and Article 12 of the Habitats Directive, or indeed Article 9(1), point (a) of the Birds Directive and Article 16(1), point (c) of the Habitats Directive, all of which have been directly effective since 1 July 2024. In any event, the legal doctrine of the direct effect and primacy of European law operates independently of, and in some circumstances requires the disapplication of, national legislation (see by analogy **Case C-378/17, Workplace Relations Commission**).

4.9. However, notwithstanding the above and for the avoidance of all doubt, Article 16b of RED III applies where the project has adopted necessary mitigation, and any incidental killing or disturbance of birds or Annex IV species arising from the construction or operation of such project would not be considered to be an act prohibited by Article 5 of the Birds Directive or Article 12 of the Habitats Directive, and would not therefore require a derogation under Article 9 of the Birds Directive or Article 12 of the Habitats Directive, because it would not be considered to be ‘deliberate’ for the purposes of those provisions.

4.10. By reason of Article 16b of RED III, it is unlikely that a renewable energy project that has adopted appropriate mitigation would require a derogation from NPWS, whether under Article 9 of the Birds Directive, or under Article 16 of the Habitats Directive

5. Conclusions

5.1. It is recognised in RED III that the construction and operation of a renewable energy project may result in the occasional or incidental killing or disturbance of wild birds and Annex IV species.

5.2. Article 16b, inserted by Article 1, point (7) of RED III, ensures that, provided a proposed renewable energy project has adopted necessary mitigation measures, any consequential or incidental killing or significant disturbance of wild birds or Annex IV species should not be considered to be ‘deliberate’ and should not therefore be considered to be prohibited by Article 5 of the Birds Directive or Article 12 of the Habitats Directive. This interpretation of the word “deliberate” as it is used in Article 5(a), (b) and (c) of the Birds Directive, and Article 12.1(a), (b) and (c) of the Habitats Directive, is directly effective as against Member States and emanations of the State since the transposition deadline of 1 July 2024.

5.3. Before it grants permission for a proposed renewable energy project that could foreseeably result in the killing or significant disturbance of wild birds or Annex IV species, the relevant competent authority (An Coimisiún Pleanála or the planning authority, as the case may be), shall be satisfied that the project has adopted appropriate and necessary mitigation measures to,

insofar as is practicable, avoid the incidental killing, and to prevent significant disturbance, of all species of wild birds.

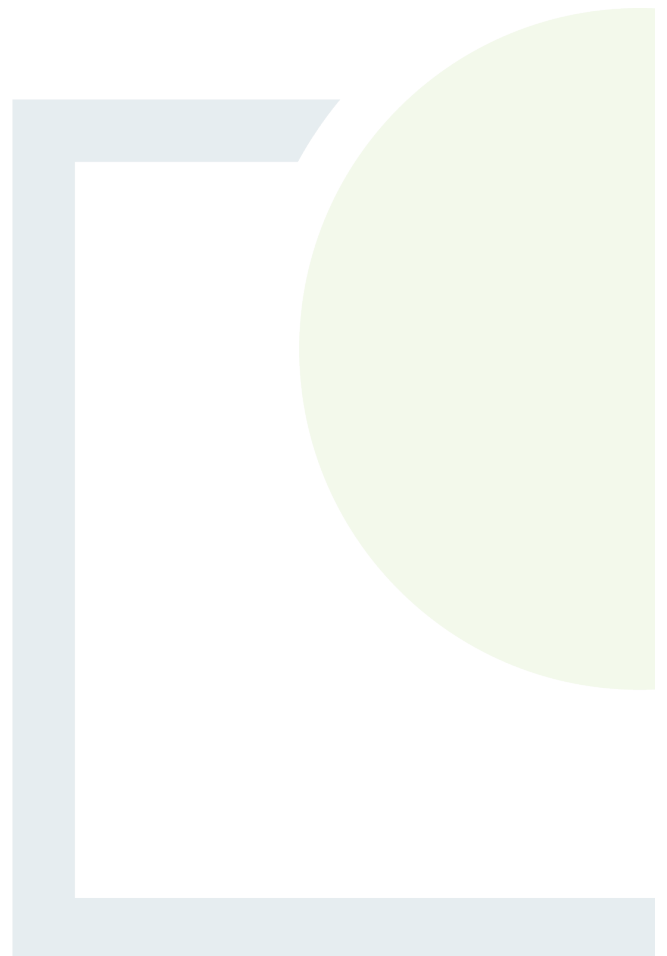
- 5.4. Having regard to the objectives of the Birds Directive and the Habitats Directive, articulated in Article 2 of each Directive, and to the explanation for Article 16b of RED III as set out in Recital (37) of that Directive, the relevant competent authority shall ensure, in the grant of consent for a renewable energy project that would foreseeably give rise to the incidental killing or significant disturbance of wild birds or Annex IV species, that the project will engage in appropriate monitoring of the project's impact on such species to assess the effectiveness of the mitigation measures adopted.
- 5.5. In the light of any such monitoring information gathered, the relevant competent authority shall ensure that the project will take such further measures as are required to ensure there are no significant adverse impacts on the population of the species concerned arising from the continued construction and operation of the project.
- 5.6. To this end, the relevant competent authority should be satisfied that the grant of permission for the proposed renewable energy project, having adopted necessary mitigation measures, shall not lead to a deterioration in the conservation of all wild birds naturally occurring within the State, consistent with the State's obligations under Article 2 and Article 13 of the Birds Directive, and shall contribute towards ensuring biodiversity through the conservation of natural habitats and wild flora and fauna at favourable conservation status, pursuant to Article 2 of the Habitats Directive.



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APPENDIX 2

Completeness Check



Completeness Check

(In accordance with Article 16(2) of RED III Directive – as cited within ‘European Union (Planning and Development) (Renewable Energy) Regulations 2025 Circular Number CEPP 1/2025, dated 15 August 2025)

Requirement	N/A	Yes	No
Misc			
Correct Fee Submitted		✓	
Completed copy of Application Form		✓	
Is the application in a Gaeltacht Area			✓
Standalone website provided		✓	
Two hard copies and 8 soft copies received		✓	
Land Ownership			
Interest of applicant in land confirmed		✓	
If not, written consent of owner submitted	✓		
Design Flexibility			
Was a Design Flexibility Opinion served			✓
If Yes – Does application comply with the Opinion	✓		
Public Notices			
Is time period and fee for submissions/observations specified		✓	
Reference to REDIII and completeness check where applicable		✓	
Includes standalone website Address		✓	
Are notices in Irish if in Gaeltacht*	✓		
Transboundary environmental effects		✓	
Do COMAH Regulations (Major Accident Hazard Regulations 2015) Apply	✓		
If Design Flex Opinion provided, is this referenced	✓		
Are EIAR and NIS referenced		✓	
Prescribed Bodies			
Have the Prescribed Bodies specified at conclusion of preapplication consultation been Notified		✓	
Planning Statement			
Renewable Energy designation policy statement		✓	
EIAR			
Have EIAR portal requirements been completed		✓	
Are all Appendices included		✓	
Are derogations required/been obtained (biodiversity)			✓
Does EIAR comply with Article 94 and Schedule 6 of PDR 2000		✓	

NPWS survey, methodology requirements	✓		
Peat Stability/Landslide Susceptibility		✓	
NIS			
Is a screening report included		✓	
Are all appendices referenced included		✓	
Drawings			
Site Location Map		✓	
Site Layout Plan – wayleaves, site notices		✓	
Are the Drawing Scales Appropriate		✓	



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