

Appendix 1A

ACP SID Determination

Our Case Number: ABP-320745-24

Your Reference: Ballinlee Green Energy Limited



**An
Coimisiún
Pleanála**

SCANNED

MWP
Reen Point
Blennerville
Tralee
Co. Kerry
V92X2TK

Malachy Walsh and Partners

Date: 30/6/25

Action: C6C

Project No: 22635

PO No: /

Date: 27 June 2025

Re: Wind Farm Comprising of 17. No Wind Turbines, Associated Infrastructure and Grid Connection with Potential Output of 75 to 95MW of Electricity.

Located within the townlands of Ballincurra, Ballinlee South, Ballingayrou, Ballinbea, Knockuregare, Ballinlee North & Camas South approximately 18km southwest of Limerick City & 4km west of Bruff, Co Limerick

Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Commission hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Act. Accordingly, the Commission has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Coimisiún Pleanála under section 37E of the Act.

Please also be informed that the Commission considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

- Minister for Housing, Local Government and Heritage (Development Applications Unit);
- Minister for the Environment, Climate and Communications;
- Limerick City and County Council;
- Tipperary County Council;
- Southern Regional Assembly;

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- Transport Infrastructure Ireland;
- An Taisce;
- An Chomhairle Ealaíon;
- Fáilte Ireland;
- The Heritage Council;
- Inland Fisheries Ireland;
- Uisce Éireann;
- Health Service Executive;
- Irish Aviation Authority;
- The Commission for Energy Regulation.

SCANNED

Further notifications should also be made where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Commission will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The following information relates to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act 2000, as amended.

Judicial review of An Coimisiún Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

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

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

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interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

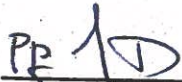
Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice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

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

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

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

Yours faithfully,



Sinead White
Executive Officer
Direct Line: 01-8737202

PC09

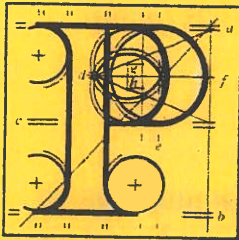
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An
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Direction
CD-020015-25
ABP-320745-24

The Inspector's report and file documentation was considered at a Commission meeting held on the 23/06/2025. The Commission generally agreed with the Inspector's recommendation. The Commission is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of section 37A of the Act of 2000 for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the size, scale and location of the proposed windfarm and related development, and to the strategic and regional planning policy context, it is considered that the proposed development comprising 17 wind turbines, with a stated combined power output range of between 75MW and 95MW, and associated infrastructure on lands at Carrigeen, Ballincurra, Ballinlee South, Ballingayrou, Ballinbea, Knockuregare, Ballinlee North and Camas South townlands, west of Bruff in County Limerick, constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in section 37A(1) of the said Act.

The proposed development is considered to be of strategic economic importance to the State and the southern region, and would contribute substantially to the fulfilment of objectives in the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region, and, accordingly, would satisfy the provisions of sections 37A(2)(a) and (b) of the Planning and Development Act 2000, as amended. An application for permission for the proposed development must,

therefore, be made directly to An Coimisiun Pleanála under section 37E of the Planning and Development Act 2000, as amended.

The following is a list of prescribed bodies considered relevant for the purposes of this proposed development and section 37E(3)(c) of the Act of 2000:

- Minister for Housing, Local Government and Heritage (Development Applications Unit);
- Minister for the Environment, Climate and Communications;
- Limerick City and County Council;
- Tipperary County Council;
- Southern Regional Assembly;
- Transport Infrastructure Ireland;
- An Taisce;
- An Chomhairle Ealaíon;
- Fáilte Ireland;
- The Heritage Council;
- Inland Fisheries Ireland;
- Uisce Éireann;
- Health Service Executive;
- Irish Aviation Authority;
- The Commission for Energy Regulation.

Further notifications should also be made, where deemed appropriate.

**Planning
Commissioner:**


Tom Rabbette

Date: 23/06/2025