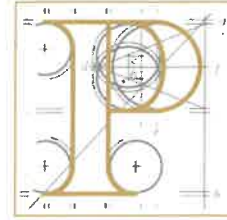


Our Case Number: ABP-320900-24

Your Reference: Manogate Limited



An
Coimisiún
Pleanála

Tobin
Block 10-4
Blanchardstown Corporate Park
Dublin
Dublin 15

TOBIN CONSULTING ENGINEERS	
PROJECT NO:	
FILE REF:	
Date Received	13 NOV 2025
PASS TO	DATE

Date: 12 November 2025

Re: Proposed wind farm of 10 wind turbines with MEC of approx. 72MW including on-site 110kV electrical substation.

Ballyfasy Wind Farm, in the townlands of Ballinlammy, Ballyfasy Upper, Ballymartin, Ballynoony East, Ballyquin, Ballywairy, Bishopsmountain, Darbystown and Knockbrack, County Kilkenny.

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.

1. Department of Housing and Local Government and Heritage
2. Minister of Climate, Energy and the Environment
3. Kilkenny County Council
4. Southern Regional Assembly
5. Transport Infrastructure Ireland/ National Transport Authority
6. An Chomhairle Ealaíon (Arts Council)
7. The Heritage Council
8. Fáilte Ireland
9. An Taisce
10. Irish Water
11. Inland Fisheries Ireland
12. Irish Aviation Authority
13. Department of Agriculture, Food & Marine

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Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	communications@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

14. Health Service Executive (National Business Service Unit, National Environmental Health Service, HSE, 2nd Floor Oak House, Millennium Park, Naas, Co Kildare, W91 KDC2)
15. The Commission for Regulation of Utilities (CRU)
16. ESB
17. EirGrid

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

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

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

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

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

Yours faithfully,

PP DC
Honor Caird Marren
Executive Officer
Direct Line: 01-8049315

PC09

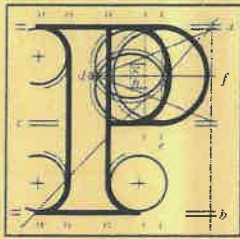
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An
Coimisiún
Pleanála

Direction
CD-021182-25
ABP-320900-24

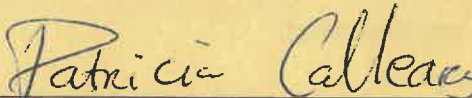
The submissions on this file and the Inspector's report were considered at a meeting held on 05/11/2025.

The Commission decided, as set out in the following Order as set out below:

Planning

Commissioner:

Date: 06/11/2025


Patricia Callear

DRAFT WORDING FOR ORDER

The Commission decided that the proposed development **would** exceed the threshold set out in the Seventh Schedule of the Planning and Development Act 2000, as amended, and therefore satisfies Section 37A(1) of the Act. It can also be concluded that the development **is** of strategic importance by reference to the requirements of Section 37A(2)(a) and Section 37A(2)(b) of the Act.

I recommend that the Commission serve a notice on the prospective applicant, pursuant to Section 37(B)(4) of the Planning and Development Act 2000, as amended, stating that it is of the opinion that the proposed development **constitutes**

a strategic infrastructure development within the meaning of Section 37A of the Act for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the size, scale and location of the proposed wind farm and related development, and to the policy context, it is considered that the proposed development comprising the development of a wind farm of 10 wind turbines with MEC (Maximum Export Capacity) of approx. 72MW including on-site 110kV electrical substation on a site in the townlands of Ballinlammy, Ballyfasy Upper, Ballymartin, Ballynoony East, Ballyquin, Ballywairy, Bishopsmountain, Darbystown and Knockbrack, County Kilkenny, 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 Act.

The proposed development is also considered to be of strategic importance by reference to the requirements of Section 37A(2)(a), and 37A(2)(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 Act.

The Commission recommend the application documents should be forwarded the list of **Prescribed Bodies** below for their consultation and consideration

- Department of Housing and Local Government and Heritage
- Minister of Climate, Energy and the Environment
- Kilkenny County Council
- Southern Regional Assembly
- Transport Infrastructure Ireland/ National Transport Authority
- An Chomhairle Ealaíon (Arts Council)
- The Heritage Council

- Failte Ireland
- An Taisce
- Irish Water
- Inland Fisheries Ireland
- Irish Aviation Authority
- Department of Agriculture, Food & Marine
- HSE, National Environmental Health Service
- The Commission for Regulation of Utilities (CRU)
- ESB
- EirGrid

