

TOBIN

Ballincor Wind Farm Planning Statement

RWE

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EXECUTIVE SUMMARY

This Planning Statement has been prepared by TOBIN on behalf of RWE Renewables Ireland Ltd. to accompany a planning application for the Proposed Project. The proposed wind farm and associated infrastructure is located across the border of counties Tipperary and Offaly.

The project comprises 11 wind turbines with an estimated installed capacity of between 61.6 – 77 MW, alongside a 110 kV substation, internal access roads, construction compounds, and associated infrastructure.

Assuming an installed capacity of 77 MW the proposed wind farm has the potential to produce approximately 222,591 MWh (megawatt hours) of electricity per year. The electricity produced by the proposed wind farm would be sufficient to supply approximately 36,690 to 45,860 Irish households with electricity per year, based on the average Irish household using 4.5 MWh of electricity¹.

A pre-application consultation meeting was held with An Coimisiún Pleanála on the 7th of May 2025 under Section 37B of the Planning and Development Act 2000 (as amended). Following this, An Coimisiún Pleanála (ACP) determined that the proposed project qualifies as Strategic Infrastructure Development (SID) under Section 37A and directed that the application be made directly to the Commission (ref. ABP -318666-23). Clarification was sought from ACP with regards to the newly introduced RED III completeness checklists. These completeness checks were introduced for renewable energy projects following the transposition of the Renewable Energy Directive III into Irish law in August 2025. An Coimisiún Pleanála has provided written confirmation that this project does not qualify to receive a completeness checklist. This is due to the final meeting on the case being held prior to RED III Regulations, and the fact that at the time the closure request was received by the Commission there had been no previous discussion or preparation of a completeness check during the SID determination process.

A further design flexibility consultation was held on the 7th of May 2025 under Section 37CC(1) regarding turbine specifications options, with a formal Design Flexibility Opinion issued thereafter (ref. ABP-322126-25). Under Section 37CD of the Planning and Development Act, 2000, as amended, the Commission agreed that the details of the design flexibility consultation, namely the turbine height, rotor diameter and hub height, may be confirmed after the proposed application has been made and decided.

The proposed Ballincor Wind Farm will contribute significantly to Ireland's transition away from imported fossil fuels. In 2024, fossil fuels accounted for over 80% of Ireland's energy supply², with oil alone comprising nearly half. The proposed project has the potential to produce up to between 194,261 and 216,231 MWh (Megawatt hours) of electricity per year which will increase the share of domestically produced renewable energy and reduce reliance on carbon-intensive imports.

The integration of the Ballincor Wind Farm into the national grid will strengthen Ireland's energy infrastructure. The proposed project includes an onsite 110 kV substation and Battery

¹ <https://www.seai.ie/data-and-insights/seai-statistics/residential>

² <https://kpmg.com/ie/en/insights/energy-utilities-telecoms/statistical-review-of-world-energy-2025.html#:~:text=Fossil%20fuels%20remained%20as%20Ireland%E2%80%99s%20primary%20energy%20source,which%20fuelled%2042%25%20of%20electricity%20generation%20in%202024.>



Energy Storage System (BESS), supporting grid-friendly technologies, contributing to national efforts to reduce curtailment and improve system stability. This aligns with EirGrid's ambition to accommodate up to 95% of electricity from variable renewable sources by 2030.

Ireland's legally binding commitment to achieve net-zero greenhouse gas emissions by 2050 requires a fivefold increase in renewable capacity. The proposed project, with its installed capacity of between 61.6– 77 MW, directly supports this goal. Wind energy already accounts for over 32%³ the electricity generated in Ireland and has driven significant emissions reductions. This project will accelerate progress toward national and EU climate targets.

The proposed wind farm site is located within the administrative boundaries of Tipperary County Council and Offaly County Council. As such, policies within the Offaly County Development Plan 2021-2029 and the Tipperary County Development Plan 2022-2028 have been considered. The proposed wind farm site is located in an area designated as 'Areas Not Deemed Suitable for Wind Energy Development' under Map No. 10 of the Offaly County Development Plan, and similarly, within an area classified as 'Areas Unsuitable for New Wind Energy Development' in the Tipperary County Development Plan. However, this application includes a robust Environmental Impact Assessment Report and has been prepared, having full regard to Section 28 of the Wind Energy Development Guidelines, ensuring that planning and environmental considerations are fully addressed.

The proposed project qualifies as Strategic Infrastructure Development under the Planning and Development Act 2000, as amended. It is a development of the type expressly envisaged and supported by national climate legislation, including the Climate Action and Low Carbon Development Act 2015 (as amended in 2021), by the National Planning Framework, and by Ireland's obligations under Directive (EU) 2023/2413 of the European Parliament and of the Council (RED III), which requires Member States to significantly accelerate the deployment of renewable energy. The proposed project is accordingly consistent with, and materially advances, these binding statutory and policy objectives.

Section 5 of this report outlines the legal and policy framework supporting the proposed project, particularly in the context of its location within areas designated as unsuitable for wind energy development under both the Offaly and Tipperary County Development Plans. It highlights that under Section 37G(6) of the Planning and Development Act 2000 (as amended), An Coimisiún Pleanála (ACP) has the authority to grant permission for strategic infrastructure developments even where they materially contravene local development plans, provided the decision aligns with national planning, environmental, and climate objectives. The document emphasizes ACP's legal obligation under Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) to act consistently with approved climate plans, including CAP24 and CAP25, which target 9 GW of onshore wind and 80% renewable electricity by 2030. In the recent Judgement Coolglass, the Supreme Court expressly rejected the broad interpretation advanced by the developer and accepted by the High Court, which would have created a near-presumption of permission for renewable energy projects. What the judgment does establish, of direct application to this project, is that the Commission is legally prohibited from treating the existence of a material contravention of a development plan as itself a sufficient reason for

³ <https://windenergyireland.com/latest-news/7827-irish-wind-farms-provide-a-third-of-our-power-in-2024-and-set-new-energy-milestone>



refusal where the climate benefits of the development have not been substantively weighed as a positive reason for the exercise of the Section 37G(6) discretion. This is explained in more detail in Sections 5 and 6 of this Planning Statement.

The planning application is accompanied by a comprehensive Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS), and Construction Environmental Management Plan (CEMP), which collectively demonstrate that the proposed project will not adversely affect designated Natura 2000 sites, protected species, or sensitive habitats. Mitigation measures such as clear span bridges, horizontal directional drilling, and 50-meter buffer zones have been incorporated to protect watercourses and biodiversity. These measures are laid out in Chapter 6 of the EIAR, as well as the Construction Environmental Management Plan included in Appendix 2-3 of the EIAR, and in the Biodiversity Enhancement Management Plan included in Appendix 6-1 of the EIAR. The layout ensures a minimum setback of 720m with the exception of one involved landowner (550m) meters from residential properties, exceeding the requirements of both the 2006 and Draft 2019 Wind Energy Guidelines.

The proposed project also complies with Offaly and Tipperary County Councils' Development Management Requirements across a wide range of environmental considerations, including noise, shadow flicker, landscape and visual impact, archaeology, water quality, flood risk, and waste management. Grid connection details have been developed in consultation with transmission operators, and a full Traffic and Transport Assessment and Road Safety Audit have been completed.

The proposed project demonstrates a robust approach to planning and environmental compliance, supporting Ireland's transition to a low-carbon, climate-resilient future.

1. INTRODUCTION

The purpose of this Planning Statement is to support the planning application for the proposed project by providing a comprehensive overview of the project's policy alignment, and environmental considerations.

It outlines the strategic importance of the proposed project in meeting Ireland's renewable energy and climate targets. It serves to demonstrate how the project complies with relevant planning legislation, including national and EU policy frameworks, and local policy.

The report is structured to guide the reader through key aspects of the proposal:

- Sections 1 and 2 introduces the project and its context;
- Sections 3 and 4 presents the relevant strategic, national, regional and local policy context; and
- Sections 5 and 6 outline recent wind farm decisions and key takeaways.

Together, these sections provide justification for the proposed project, highlighting its contribution to national energy security, emissions reduction, and consideration of environmental factors.

It is also noted that this report is intended as complementary and should be read in conjunction with the detailed information provided in the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS) and other supporting documents of the submitted planning application.

1.1 APPLICANT DETAILS

The Applicant, RWE Renewables Ireland Limited has been active in Ireland since 2016 and is undertaking long-term investments in onshore wind, offshore wind, and new battery storage projects, potentially amounting to billions of Euros in direct foreign investment in the country.

RWE's objective is to grow organically by developing business from greenfield sites, positioning itself as a long-term energy partner for Ireland during its energy transition to 2030 and beyond. As part of its growth ambitions, RWE is actively seeking new opportunities to further expand its portfolio in Ireland. The renewable energy generated from the Proposed Project would contribute towards Ireland's onshore wind energy target of 9 GW by 2030.

Already with an operational wind farm, two battery storage facilities, an airborne wind test site and both onshore and offshore wind farms in development, RWE's current Irish portfolio is managed by experienced teams in Kilkenny and Dun Laoghaire.

1.2 SITE LOCATION AND DESCRIPTION

The proposed wind farm site is situated at the border of County Tipperary and Offaly, 5 km south of Birr and 3.6 km north of Shinrone. The eastern boundary of the site is delineated by the Little Brosna River. The site comprises agricultural lands, cutover peatland and forestry. The N52 road is 1 km from the north of the proposed wind farm site, and the N62 is located 3 km to the west. Access to the site is facilitated by the regional road (R492) to the south and the local road network.

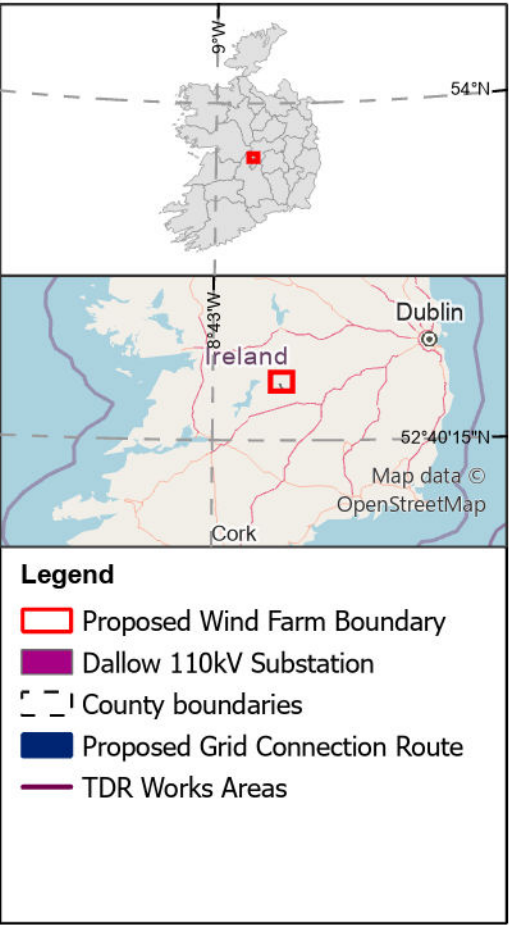
The proposed GCR will run from will run for approximately 12.23km from the northern end of the proposed wind farm site, beyond Birr, to the Dallow 110kV substation.

The proposed TDR will begin at Foynes Port, Co. Limerick, and the route will run along the N69, M7 and N62 to Sharavogue. Several temporary works will be required along the TDR which range from hedgerow trimming/clearing to facilitate oversail of turbine blades to the temporary placement of hardcore to allow the oversize vehicles to pass.

Access to the site from the regional (R492) and local road network is good. Within the proposed wind farm site, there are existing farm roads which provide good access around the site. These roads are well maintained and in good condition. There are also several local roads both within and adjacent to the site.

The surrounding landscape is low-lying with the exception of the Knockshigowna Hills to the southwest of the proposed wind farm. The Sharavogue Bog SAC is located to the east of the Little Brosna River. QIs at Sharavogue Bog relate to peatland habitats.

Please refer to Figures 1-1 and 1-2 below for site location and layout maps.



0 1 2
Kilometres

NOTES

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING!
2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE!
3. ENGINEER TO BE INFORMED OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES!
4. ALL LEVELS RELATE TO ORDNANCE SURVEY DATUM AT MALIN HEAD

A	13/01/2026	First issue	K.K	J.D
Rev	Date	Description	By	Chkd.

Client: **RWE**

Project: **Ballincor Wind Farm**

Title: **Figure 1-1:
Extent of the Proposed Project**

Scale @ A3: 1:50,000

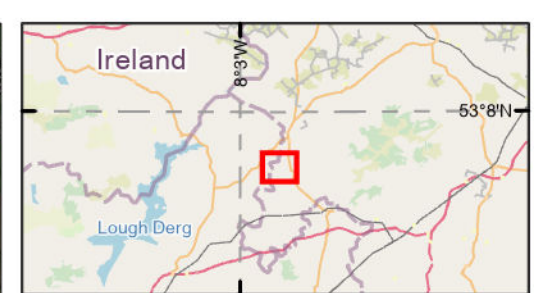
Prepared by: K.Kale
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Date: January 2026

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Map Ref: 11333-022-S.BO-DF-TOB-A
Draft: A





Ireland

Lough Derg

53°8'N

Legend

- Proposed Wind Farm Site Boundary
- Proposed Grid Connection Route

Site Layout

- Proposed Turbine locations
- Proposed BESS
- Proposed Construction Compounds
- Proposed Borrow Pit 1
- Proposed Borrow Pit 2
- Proposed Borrow Pit 3
- Deposition Areas
- Turbines Hardstands
- Met Mast Location
- Overrun Area
- Proposed Passing Bay
- Proposed Site Roads
- Proposed Substation Location
- Turbine Foundations
- Turning areas
- Wheelwash

0 500 1,000
Meters

Spatial Reference		Copyrights:		
Datum: IRENET95		Sources: Esri, TomTom, Garmin, FAO,		
EPSG: 2157		NOAA, USGS, © OpenStreetMap		
		contributors, and the GIS User Community,		
A	16/01/2026	Draft issue	K.K	J.D
Rev	Date	Description	By	Chkd.

Client:



Project:

Ballincor Wind Farm

Title:

Figure 1-2
Proposed Wind Farm
Site Layout

Scale @ A3: 1:20,000

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Map Ref: 11333-030-LAY..INFR-P.App.BO-TOB-A

Draft: A

53°13'07N

7°55'0"W

606000

635600

2. PROPOSED PROJECT

The proposed project will consist of the installation of 11 wind turbine structures with a blade tip height between 179.5 and 180m, rotor diameter of between 149m and 163m, a hub height of between 98.5 and 105 metres. This section describes the overall site and main components of the proposed project and provides details on the construction, operation, and decommissioning of the wind farm and associated infrastructure.

2.1 OVERVIEW OF PROPOSED WORKS

RWE Renewables Ireland Ltd. proposes to develop the proposed project in County Tipperary and County Offaly, located 5 km south of Birr and 3.6 km north of Shinrone.

The proposed project is a renewable energy development and will constitute the provision of:

- Works along the public road and private land for a 12.23 km grid connection to the existing Dallow 110 kV substation including installation of 17 joint bays along the grid connection route (“GCR”) which runs across the townlands of Cronekill, Castletown, Clondallow, Birr, Kilenamuck, Tinnakilly, Ballyloughnane, Killeen, Croghan, in Co. Offaly and Townparks, Dovegrove, Woodfield or Tullynisk, and Ross in Co. Tipperary;
- Upgrading of existing access tracks, construction of new founded access roads and floating roads within the proposed wind farm and a founded road for the GCR at Clondallow, Birr, Co. Offaly;
- Assembly of 11 Wind Turbine Generators (including tower sections, nacelle, hub, rotor blades) with an estimated capacity of 61.6 to 77 MW and a blade tip height between 179.5 and 180m, rotor diameter between 149 to 163m, hub height of between 98.5 and 105m metres.
- Associated hardstanding and turbine foundations at each turbine location;
- Upgrading of existing access tracks, construction of new founded access roads and floating roads within the proposed wind farm. Total length of internal access roads is 9.7 km, and upgrades of two site entrances on R492 and L1071;
- Erection of 104 m permanent meteorological mast and including lightening pole;
- All associated excavation, earthworks and spoil management, Surface water drainage system and sediment control; Installation of new clear span watercourse or drain crossings on proposed wind farm site; Excavation and restoration of three borrow pits (borrow pit 1 to borrow pit 3) and one peat deposition area;
- Wheel wash, security fencing & hut;
- Four Temporary construction compounds including site office and staff facilities;
- Installation of 33 kV medium voltage electrical and communication cabling underground between the proposed turbines and the proposed on-site substation and associated



ancillary works; All electrical plant and infrastructure and grid ancillary services equipment;

- 110kV electricity on-site substation and switch rooms; including one EirGrid control building containing welfare facilities and storeroom, wastewater and rainwater holding tank;
- One Independent Power Producer (IPP) control building containing HV switch room, site offices, welfare facilities, wastewater holding tank;
- One Battery energy storage system (BESS) control building containing worker welfare facilities and equipment store, wastewater holding tank; 90 BESS container units, inverters, underground water storage tank and associated works;
- Electrical and communication cables, linking the turbines to the proposed grid connection point;
- Turbine Delivery Accommodation works, road surfacing works, temporary wall/vegetation removal, load bearing surface will be laid to provide a minimum 4.5 m running width and a 5.5 m clearance width for turbine delivery at Sharavogue crossroads, Sharavogue, Co. Offaly.
- All associated infrastructure and services including site works and temporary construction signage,
- Operational stage site signage;
- All related site works and ancillary development including berms, landscaping, and soil excavation;
- Tree felling (7.2 ha) and hedgerow removal (1.1 km) to facilitate construction and operation of the proposed project,
- Biodiversity enhancement including hedgerow replanting (1.3 km), peatland enhancement, tree planting.

A 10-year planning permission and 35-year operational life from the date of commissioning of the entire wind farm is being sought for the proposed project and does not include elements of the overall proposed project, such as works required within the public road corridor to accommodate the proposed turbine delivery route (TDR). These works along the proposed TDR to the proposed wind farm site include hedge or tree cutting, relocation of powerlines/poles, lampposts, signage and local road widening. For these locations, works associated with road infrastructure have been identified and assessed in the EIAR, however, permission for these works will be sought separately.

A permanent planning permission is being sought for the proposed grid connection (GCR) and substation as these will remain as a permanent part of the national infrastructure, which will be operated by the Transmission System Operator, EirGrid and owned by ESB the Transmission System Owner and will remain in place upon decommissioning of the wind farm.



A full and detailed description of the proposed project is provided in Chapter 2 of the EIAR.

2.2 NEED FOR THE PROPOSED PROJECT

The need for the proposed project is driven by the following factors:

- A legal commitment from Ireland to limit greenhouse gas emissions under the Kyoto protocol to reduce global warming;
- A requirement to increase Ireland's national energy security as set out in Ireland's Transition to a Low Carbon Energy Future 2015-2030 Adopted Paper;
- A requirement to diversify Ireland's energy sources, with a view to achievement of national renewable energy targets and an avoidance of significant fines from the EU (the EU Renewables Directive);
- Provision of cost-effective power production for Ireland which would deliver local benefits;
- Increasing energy price stability in Ireland through reducing an over reliance on imported gas; and,
- The proposed project will also aid in bridging the gap of over 4 GW electricity shortfall in Ireland, in turn contributing towards achieving the CAP25 target of 9 GW of energy to be sourced from onshore wind by 2030. The current installed wind capacity at the end of 2024 is 4.8 GW according to Wind Energy Ireland⁴.

In accordance with Section 15 of the Climate and Low Carbon Development Act 2021 (as amended), it is respectfully proposed that An Coimisiún Pleanála consider the planning application having regard to:

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

The importance of Section 15 has been highlighted in the recent ruling made by the Supreme Court in Ireland regarding the Coolglass Wind Farm project (*Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5*), delivered on 4 February 2026. The Supreme Court - dismissing the Commission's appeal from the High Court judgment of Humphreys J ([2025] IEHC 1) - confirmed that the amendments effected by the 2021 Act are of real importance and effect. The obligation under Section 15 is one not merely of process but of outcome: a decision of the Commission, if challenged, is assessed not by a rationality standard but by reference to whether it complies with the legal obligation of consistency with the climate objectives. Section 15 accordingly creates a binding and enforceable legal duty.

⁴ Source: [Latest Wind Energy Stats](https://www.seai.ie/sites/default/files/data-and-insights/seai-statistics/key-publications/renewable-energy-in-ireland/First-Look-Renewable-Energy-in-Ireland-Report.pdf)<https://www.seai.ie/sites/default/files/data-and-insights/seai-statistics/key-publications/renewable-energy-in-ireland/First-Look-Renewable-Energy-in-Ireland-Report.pdf>



The Supreme Court was equally clear, however, as to the proper scope of that duty. The obligation is one of consistency - which implies a range of possible outcomes that may satisfy the test - rather than one of straightforward compliance. Section 15 operates as a climate sense-check on the functions of all relevant bodies, ensuring that decisions and actions across public bodies are aligned with national climate objectives. It is acknowledged that it does not, in the ordinary course of individual planning decisions, operate as an automatic presumption in favour of the grant of permission for renewable energy development.

The proposed wind farm site is located within areas in which both Offaly and Tipperary County Council consider not suitable for wind energy development. Notwithstanding their designations, it is submitted that the particular characteristics of the site, together with the overriding weight of national climate policy and the binding renewable energy targets imposed on Ireland under Directive (EU) 2023/2413 (RED III), constitute material considerations of sufficient weight to justify a departure from that designation in the present case. Again, further explanation of this is set out in Section 5 of this Planning Statement.

A full analysis of the *Coolglass* judgment, its legal principles, and their application to this application is set out in Section 5 of this Report. The Commission is respectfully referred to that analysis. The submission advanced in this Report is that, in the exercise of its Section 37G(6) discretion, and in the discharge of its Section 15(1) obligations as authoritatively interpreted in *Coolglass*, the Commission is required to engage substantively with the climate benefits of the Ballincor Wind Farm and to weigh those benefits as a positive reason for the grant of permission notwithstanding the material contravention of the applicable Development Plans.

Section 5.6 of this chapter outlines the national policy that clearly drives the need for this type of renewable energy development. Of relevance is the Energy White Paper – Ireland’s Transition to a low Carbon Energy Future, as well as the target outlined under CAP24. Ireland faces significant challenges to meet its EU targets for renewable energy by 2030 and its commitment to transition to a low carbon economy by 2050. The proposed project is critical to helping Ireland address these challenges as well as addressing the country’s over-dependence on imported fossil fuels.

On a regional scale, RPO 4.84 of the Midlands RSES recognises the need to ‘*support the rural economy and initiatives in relation to diversification, agri business, rural tourism and renewable energy so as to sustain the employment opportunities in rural areas*’. RPO 44 of the Southern RSES states that ‘It is an objective to ensure the delivery of sustainable actions under the Rural Development Programme (RDP) 2014-20 and beyond in priority areas of innovation, biodiversity restoration, water and soil management, renewable energy and waste management, carbon conservation and sequestration, diversification, job creation and ICT development in our rural areas’. Additionally, policy RPO 87 Low Carbon Energy Future - *The RSES is committed to the implementation of the Government’s policy under Ireland’s Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019. It is an objective to promote change across business, public and residential sectors to achieve reduced GHG emissions in accordance with current and future national targets, improve energy efficiency and increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.*

The proposed project will produce energy from indigenous renewable resources. As such, it will contribute towards international, EU, national, regional, and local policy regarding the reduction



of dependence on fossil fuels, increased reliance on renewable energy and reducing emissions of GHGs. It will contribute towards national policies to increase wind electricity generation capacity in the country and assist in the exploitation of Ireland's renewable energy resources. It will also contribute to meeting the EU's challenging target of at least 42.5% renewable energy by 2030.

In addition, the proposed project is aligned with the objectives of RSES for the Eastern and Midland Regional Assembly and Southern Regional Assembly. The proposed project also creates an opportunity to generate real tangible benefits for the local community who may not have a direct involvement in the project via the community benefit fund which will be set up following a successful RESS auction. The estimated direct benefit to the local community arising from the combined community benefit and near neighbour schemes is a total of approximately €472,000 per annum for the duration of RESS.

3. STRATEGIC JUSTIFICATION AND POLICY CONTEXT

This section of the report presents the most relevant legislation and planning policy matters to be considered by the Commission when considering the proposed project. It sets out climate action targets and provides a summary of relevant international and national energy policy and legislation, as they relate to the proposed project.

The purpose of this section is to illustrate the strong policy framework supportive of the approval of the proposed project.

3.1 IRELAND'S CLIMATE PERFORMANCE IN THE CONTEXT OF GLOBAL AGREEMENTS

The Intergovernmental Panel on Climate Change (IPCC) AR6 Synthesis Report distils more than 10,000 pages of climate science from three Working Groups and three Special Reports published between 2018 and 2022. The Synthesis report reflects an undeniable scientific consensus about the urgency of the climate crisis, its primary causes, and the catastrophic and irreversible harm that will occur if warming surpasses 1.5°C, even temporarily. Human-caused climate change is already affecting many weather and climate extremes in every region across the globe – with widespread loss and damage to both nature and people.

The Paris Agreement, adopted in 2015, is a global treaty under the United Nations Framework Convention on Climate Change (UNFCCC) aimed at limiting global warming to well below 2°C above pre-industrial levels, with efforts to limit it to 1.5°C. It requires countries to submit Nationally Determined Contributions (NDCs) outlining their climate action plans to reduce greenhouse gas emissions, and to strengthen these commitments over time. For Ireland, as part of the European Union, its obligations are incorporated into the EU's collective NDC.

The 2024 Climate Change Performance Index⁵ (CCPI), which was published during COP28, has highlighted the need for additional climate action in Ireland. Although Ireland played a central role in discussions at COP28, the country is failing to take adequate action to support climate protection at home. This year, Ireland has dropped six places on the index, now sitting at number 43 (out of 63) and is one of the worst performers in the EU in terms of greenhouse gas emissions.

The CPPI report finds that while Ireland now has legally binding carbon budgets and emissions ceilings in place, under the framework of the NDCs set out in the Paris Agreement, Irish policy implementation is falling short of meeting these budgets and emissions ceilings.

One of the key issues that is highlighted by the CPPI is Ireland's lack of a long-term strategy for phasing out fossil fuel infrastructure. Transitioning to cleaner fuel sources, such as wind energy, is central to this process, with renewables being recognised globally as a critical driver in achieving the 1.5° limit. According to the International Energy Agency (IEA), tripling renewable power capacity by 2030 could significantly contribute to meeting this limit. This ambition was recently crystallised in the final agreement reached at COP28, which calls for a "tripling of renewable energy capacity globally".

⁵ <https://ccpi.org/downloads/>



As outlined in a recent report by KPMG, ([Accelerating onshore renewable energy in Ireland, Oct 2023⁶](#)), 2023 recorded an increase in onshore wind energy capacity entering the planning system in Ireland over previous years. However, there are significant obstacles at play within the Irish market that are currently hindering the country's potential to deliver on renewables targets.

Further action is required by the government to facilitate the deployment of new renewable capacity and to ensure they are meeting commitments outlined under the framework of the Paris Agreement. Within this context, KPMG has identified one such obstacle as the need to marry County Development Plans with national targets and policies:

“the Government and local authorities are out of sync. National efforts to accelerate the delivery of renewable energy are being impeded by county councils across Ireland amending County Development Plans, which can increase the risk of prolonging Ireland’s dependence on fossil fuels.” p.4

3.2 EU LEVEL

3.2.1 Revised Renewable Energy Directive (REDIII)

The European Union has been a global leader in climate action, with its policy framework evolving to meet increasingly ambitious environmental goals. The European Green Deal (2019) serves as the EU's roadmap to transform its economy and society for sustainability, aiming for net-zero greenhouse gas emissions by 2050. It encompasses initiatives across energy, agriculture, transport, industry, and biodiversity, emphasizing the transition to a circular economy and ensuring a just transition for all member states.

Central to these efforts is the EU Climate Law (2021), which makes the 2050 climate neutrality goal legally binding for the EU and establishes the 2030 emissions reduction target in law. It also requires the European Commission to propose intermediate targets every five years, ensuring consistent progress toward these objectives. Together, these policies create a robust framework for member states, including Ireland, to align their domestic efforts with the EU's overarching climate ambition.

To operationalize the Green Deal's goals, the Fit for 55 package was introduced in 2021. This legislative framework targets a 55% reduction in EU greenhouse gas emissions by 2030 (compared to 1990 levels). It includes reforms to the EU Emissions Trading System (ETS), the introduction of a Carbon Border Adjustment Mechanism, strengthened energy efficiency and renewable energy directives, and revised targets for sectors like agriculture and transport.

The Fit for 55 package included a Commission proposal⁷ to revise the Renewable Energy Directive (EU) 2018/2001. This proposal was further updated⁸ in May 2022 as part of the REPowerEU Plan (see below). On the 30th of March 2023, a political agreement was reached between the European Parliament and the European Council. The European Parliament

⁶ <https://windenergyireland.com/images/files/act-now-accelerating-onshore-renewable-energy-in-ireland.pdf>

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0557>

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A222%3AFIN&qid=1653033811900>



adopted an updated version of the agreement on the 12th of September 2023⁹, and this text was subsequently endorsed by EU ambassadors (COREPER) on the 27th of September 2023 and came into force in November 2023. Some key relevant provisions are highlighted below:

- **Increased ambition for renewable energy**

RED II¹⁰ had 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 %.

Additionally, the RED III 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 %*”¹¹

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.**”¹²*

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 ambitions through the 45% stretch target. This increased ambition for renewable energy at an EU level will be addressed in all future iterations of the national Climate Action Plan.

- **Measures to accelerate the pace of deployment of renewable energy projects**

The RED III directive also includes specific observations and measures related to the accelerated deployment of renewable energy, storage and grid infrastructure projects across EU member states these include:

- Specific areas, suitable for developing renewable energy projects should be designated as ‘renewables acceleration areas’.
- The process of designation of these renewables acceleration areas should be streamlined.

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

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001>

¹¹ Article 3, paragraph 1.

¹² Emphasis added throughout document unless otherwise indicated.



- Projects in renewables acceleration areas should benefit from streamlined administrative permit-granting procedures.
- The designation of renewables acceleration areas should not prevent the installation of renewable energy projects in all available areas.

RED III came into force in November 2023 and Member States have a period of 18 months to fully implement it. Ireland has now transposed the REDIII provisions into Irish legislation. As such, 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 Unions 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”
- Thirdly, and significantly, the Directive identifies the imperative necessity for the designation of suitable sites by Member States for the development of renewable energy. While the Directive does not displace the designations County Development Plan, that imperative strongly supports the submission that the Commission can and should grant permission if it is satisfied that the proposed project accords with proper planning and sustainable development.

The Renewable Energy Directive III (RED III), which came into force across the EU in November 2023, is now transposed into Irish law through the European Union (Planning and Development) (Renewable Energy) Regulations 2025 (as amended). These regulations amend the Planning and Development Act 2000 to incorporate key RED III provisions, including mandatory timelines for permit-granting and streamlined procedures for environmental assessments. Planning authorities are now legally required to conduct a formal application completeness check within 45 days of receipt, triggering a defined permitting timeline.

RED III also establishes a rebuttable presumption that renewable energy projects are of overriding public interest and public health importance, unless there is clear evidence of adverse environmental impacts which cannot be mitigated. This means that renewable energy developments, such as the proposed project, must be prioritised and assessed with urgency and consistency in line with Ireland’s binding EU obligations to achieve a 42.5% share of renewables by 2030. The transposition of RED III reinforces the legal and policy imperative to support projects that contribute to climate neutrality, energy security, and environmental sustainability.

3.3 NATIONAL LEVEL

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

The relevant EU and international policy and legislation outlined above are transposed into the Irish context through the introduction of the Climate Action and Low Carbon Development Act 2015 (as amended). This Act guides the preparation of Ireland's long term climate action strategies, climate action plans, national climate change adaptation frameworks and carbon budgets which all act as overarching national climate action policies and targets within the State.

This Act provides the statutory basis for the national transition objective set in the national policy position. It commits Ireland to being carbon neutral by 2050 and to also match Ireland's targets with those of the EU. It requires that the Minister for Communications, Climate Action, and the Environment must make and submit to Government a series of successive National Mitigation Plans and National Adaptation Frameworks. While there are no explicit targets set out within the Act itself, the legislation obliges the State to consider any existing obligations of the State under the law of the European Union or any international agreement. In effect the Act formally obliges the State to adhere to EU targets.

The purpose of the Climate Action and Low Carbon Development (Amendment) Act, 2021 is to provide for the approval of plans 'for the purpose of pursuing the transition to a climate resilient and climate neutral economy by the end of the year 2050'. The 2021 Climate Act will also 'provide for carbon budgets and a decarbonisation target range for certain sectors of the economy'. The 2021 Climate Act removes any reference to a national mitigation plan and instead refers to both the Climate Action Plan, and a series of National Long Term Climate Action Strategies.

In addition, the local authority shall prepare a 'local authority climate action plan' lasting five years which specifies the mitigation measures and the adaptation measures to be adopted by the local authority. This represents a mandate for Local Authorities to adapt to climate change.

The Act has set a target of a 51% reduction in the total amount of greenhouse gases over the course of the first two carbon periods ending the 31st of December 2030 relative to 2018 annual emissions. The 2021 Climate Act defines the carbon budget as 'the total amount of greenhouse gas emissions that are permitted during the budget period'.

Planning Authority's Obligations under the Climate Act 2015, as amended

Section 15 of the Climate Act requires that:

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

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

The text highlighted in bold amended the wording of the original section 15 of the previous 2015 Act, which required:

*“15. (1) A relevant body shall, in the performance of its functions, **have regard to...** [sections (a) to (e) as set out above]”*

The change from a requirement to “*have regard to*” various national objectives to a standard where relevant bodies must “*perform their functions in a manner consistent with*” the latest national climate action policies, represents a considerable raising of the legal bar. It is absolutely clear that the Commission is obliged insofar as practicable to make decisions that are consistent with the Climate Action Plan and the obligation to further the national climate objective.

The legislation states that the obligation applies only “*in so far as practicable*”. However, that, quite clearly, means what it says and justifies the Commission from departing from its obligation of consistency only if there are practical difficulties justifying that departure. Simply because the Commission might be of the view that *on balance* the requirements of proper planning and sustainable development support a conclusion to refuse permission for the proposed project, this cannot be a legitimate reason within the meaning of section 15(1), i.e. the obligation is to act consistently unless there are practical reasons why that is not possible.¹³

Where the Commission is weighing up competing policy objectives, it must consider this overarching, legally binding, emissions reduction objective, and act in a manner that is consistent with the delivery of this target.

This obligation is, if anything, even more pressing where (as identified in Section 4 in more detail) there is a clear and profound shortfall in the volumes of renewable projects required to support compliance with national transition objective, carbon budget and Sectoral emissions ceilings. It is respectfully submitted that the requirement to ensure consistency is particularly important for renewable energy projects that are ‘shovel-ready’ and capable of making a significant contribution toward meeting the 2030 targets.

More recently, the public interest of renewable energy developments was recognised by Humphreys J in his judgment dismissing a proposed appeal against a prior High Court judgment¹⁴.

The judgment relates to the Carrownagowan wind farm and the judge held at paragraphs 86 to 89:

86 “On the other hand, however, many projects and renewable energy projects in particular have an inherent urgency. As an example of what I mean by a legally cognisable signpost for the court, European law has changed in recent times to require the most expeditious procedure available in national law for litigation relating to renewable energy: art. 16(6) of directive 2018/2001 as amended by directive 2023/2413, with a transposition date of 1st July 2024. Practice Direction HC126 with effect from 24th June 2024 endeavours to reflect that priority.

¹³ The legislative phrase as to what is “practicable” has been defined as whether it is “capable of being ... carried out in action ... feasible” (Budd J. Butler, *In the Matter of the Equitable Insurance Co. London* (1970) IR 45 and in similar terms in *O’Donovan v Attorney General* [1961] IR 114 and *Gillen v Commissioner of An Garda Síochána* 2012 IESC 32

¹⁴ Carrownagowan Leave to Appeal Judgment [2024 IEHC 549]



The amending directive also provides in certain circumstances for a presumption in favour of such projects where impacts on European sites might otherwise preclude development...

87. Such recent developments in EU law are potentially of significance in that they provide a form of answer for the hitherto problematic clash between arguments regarding the need to address the climate emergency versus the need to give effect to previously established European environmental law regardless of the nature of the project. In Toole v. Minister for Housing (No. 2) [2023] IEHC 317, [2023] 6 JIC 1603 (Unreported, High Court, 16th June 2023) paras. 16 to 21, I effectively came down in favour of the latter, but recent legal developments might require a reassessment of that. Such developments must adjust the public interest calculus somewhat against endless litigation and appeals in relation to renewable energy projects, without of course taking from the need to afford any consent decisions in relation to such projects at least one level of effective legal scrutiny.

88. Thus, the statutorily supported policy in favour of expeditious and overriding provision of renewable energy can't be dismissed as irrelevant in this context. In the light of the foregoing legal developments I would endorse the thrust of the notice party's submission on this theme: "48 Finally, the Carrownagowan Wind Farm, which is the subject matter of these proceedings, is an important piece of strategic infrastructure development, which, upon completion, will provide significant renewable energy in line with local, regional, national and EU policy, which seeks to promote a reduction in greenhouse gas emissions.

By way of example, as is noted on page 10 of the government policy document Investing in the Transition to a Low-Carbon and Climate-Resilient Society 2018 – 2027, Project Ireland 2040:

'The 2014 National Policy Position on Climate Action and Low-Carbon Development establishes the fundamental national objective of achieving transition to a competitive, low-carbon, climate-resilient and environmentally sustainable economy by 2050.'

50 Further, under the Climate Action and Low Carbon Development (Amendment) Act 2021 Ireland is committed to reducing its greenhouse emissions by 51% by 2030. A key target in the Government's Climate Action Plan 2023 (which has been retained in the Climate Action Plan 2024) is to increase the proportion of renewable electricity to up to 80% by 2030, with a target of 9 GW from onshore wind by 2030. Delay in the Carrownagowan Wind Farm becoming operational by reason of these proceedings has the potential to impact on the delivery of Ireland's renewable energy targets.

51 It is submitted that the development of low carbon projects such as that at issue in these proceedings is in the public interest, which is another factor militating against the grant of a certificate in this instance."

89. Turning to a second aspect of the public interest, there has already been considerable delay, and further delay would risk unfair prejudice to the notice parties...."

3.3.2 Declaration of a Climate Emergency

Ireland declared a climate emergency on the 9th of May 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*".¹⁵

3.3.3 Climate Action Plans 2024 & 2025

The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan and was published on the 15th of April 2025.

CAP25 builds upon the previous Climate Action Plan 2024 (CAP24) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP24, in contrast to previous iterations of the Climate Action Plan. It provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021. It also lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

CAP25 finds that 'rapid and significant reductions in GHG emissions are required if we are to meet the 2015 Paris Agreement and the UN's Sustainable Development Goals'. As such, Section 1.4 of CAP25 sets out the importance of 'accelerating climate action' and stating that 'the economic benefits of the transition to climate neutrality are being recognised and acted upon internationally' and further stating that, 'this points to the need to act now, with urgency, to ensure Ireland's future in a low-carbon world.'

In terms of the current scenario in the electricity sector, CAP25 notes that in the first half of 2024, emissions were down over 17%, (their lowest level for decades) and noting increasingly positive signs across solar and wind energy. It also found that Irish wind farms generated nearly 40% of Ireland's total electricity demand in the first half of 2024, making Ireland third in the world for installed wind power capacity per capita.

Section 11.2.1 of CAP25 emphasises that Ireland's plan to further reduce emissions in the electricity sector focuses on a renewables-led system, which means accelerating the deployment of new renewable electricity generation capacity and infrastructure.

As with CAP24, CAP25 also seeks to accelerate the delivery of onshore wind by providing up to 9 GW of onshore wind by 2030. CAP24 also acknowledges that some sectors and communities will be more impacted than others with the costs of transition to a low carbon economy. To address this, CAP24 embodies Just Transition principles which are also supported by CAP25, and a Just Transition Commission has been established to provide advice to the Government; and retains one of the most important measures of CAP23 which is to increase the share of electricity demand generated from renewable energy sources to 80% by 2030. This national target is retained under CAP25.

¹⁵ Climate Change Advisory Council Annual Report 2018 at pp.ii-iv.



CAP25 also places significance on the revised NPF, as it supports the development of electricity grid infrastructure via setting out regional renewable electricity capacity allocations for 2030. As such, Regional Assemblies and Local Authorities must plan for sufficient wind and solar energy development to meet these targets. Each Regional Assembly will prepare a Regional Renewable Energy Strategy (RRES) to coordinate efforts and set specific targets for local authorities. The Final Revised NPF which is now adopted, is considered essential to ensure a pipeline of projects to meet the electricity carbon budget program.

It is also important to note the key metrics to deliver abatement in electricity as outlined in CAP24 to deliver a decarbonised economy for Ireland by 2050, as shown in Figure 3-1.

Table 12.5 – Key Metrics to Deliver Abatement in Electricity⁷¹

Theme	2025 KPI	2025 abatement (vs. 2018) MtCO ₂ eq.	2030 KPI	2030 abatement (vs. 2018) MtCO ₂ eq.	2031-2035 measures
Accelerate Renewable Energy Generation⁷²	50% renewable electricity share of demand 6 GW onshore wind capacity Up to 5 GW solar PV capacity, including at least 1 GW of new non-utility solar	2.21	80% renewable electricity share of demand 9 GW onshore wind capacity At least 5 GW offshore wind capacity 8 GW solar PV capacity, including 2.5 GW of new non-utility solar Green hydrogen production from renewable electricity surplus generation	7.18	Decarbonisation Roadmap for a net-zero power system Green hydrogen production via 2 GW offshore wind
Accelerate Flexibility	Maximum level of renewables at any one time on the grid: 85% Dispatch down (excluding surplus generation) of renewables below 7% Minimise surplus generation Required long term storage (4 hour plus) in place	See above abatement figure	Maximum level of renewables at any one time on the grid: 95-100% Dispatch down (excluding surplus generation) of renewables below 7% Minimise surplus generation Required additional long-term storage (4 hour plus) in place At least 2 GW of new flexible gas-fired generation Zero-emission gas-fired generation from biomethane and hydrogen commencing by 2030	See above abatement figure	Required additional long duration storage technologies in place Increased zero emission gas-fired generation to enable a net zero power system
Demand Management	Demand side flexibility 15-20% Zero carbon demand growth	2.21	Demand side flexibility 20-30% Zero carbon demand growth	7.18	Demand side flexibility 30% Zero carbon demand growth
Total Estimated Abatement Potential					

Figure 3-1: CAP24 Key Metrics to Deliver Abatement in Electricity



3.3.4 National Energy Security Framework

The National Energy Security Framework was published by the Department of Environment, Climate and Communications in 2022 to provide an overarching and comprehensive response to Ireland's energy security needs in the context of the war in Ukraine.

The Framework sets out how the government can support households and businesses, with a particular focus on protecting those most at risk of fuel poverty, how it is already ensuring Ireland's energy security, and how it will speed up the country's shift to increased energy efficiency and indigenous renewable energy systems. It also sets out how consumers and businesses can be supported to save energy and save money.

The Framework sets actions in response to issues such as ensuring the security of energy supply in the near-term and over the longer term, reducing Ireland's dependency on imported fossil fuels.

Within the context of the proposed project, the framework seeks to replace fossil fuels with renewable energy sources such as wind.

3.3.5 National Planning Framework & RSES for the Southern Region

The National Planning Framework (NPF) is the Government's high level, strategic plan for future development in Ireland. The need for increased renewables at appropriate locations across the country is clear in national and regional spatial planning frameworks and strategies. The National Planning Framework 2018, states it is an objective to:

"Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050." (Objective 55)

A First Revision of the National Planning Framework was approved on the 8th April 2025. There are a number of significant changes to energy policy and objectives, with an increased emphasis on the importance of renewable energy development and the infrastructure to support this.

Chapter 9, section 9.1 of the NPF relates to Climate and Environmental Capacity which sets out the following overarching aims to allow 'Resource Efficiency and Transition to a Climate Neutral Economy':

- Sustainable Land Management and Resource Efficiency Adopting the principles of the circular economy to enable more sustainable planning and land use management of our natural resources and assets.
- Climate Neutral Economy: Our need to accelerate action on climate change.
- Renewable Energy: Our transition to a climate neutral energy future.
- Managing Waste: Adequate capacity and systems to manage waste in an environmentally safe and sustainable manner.

The Chapter identifies that Ireland's transition to a zero carbon energy future requires:

- A shift from predominantly fossil fuels to predominantly renewable energy sources;
- Increasing efficiency and upgrades to appliances, buildings and systems;



- Decisions around development and deployment of new technologies relating to areas such as wind, smartgrids, electric vehicles, buildings, ocean energy and bio energy; and
- Legal and regulatory frameworks to meet demands and challenges in transitioning to a zero-carbon society.

The NPF recognises that *‘in the energy sector, transition to a carbon neutral economy from renewable sources of energy is an integral part of Ireland’s climate change strategy and renewable energies are a means of reducing our reliance on fossil fuels.’*

Key relevant policies in the overall context of renewable energy development are as follows:

- **National Policy Objective 30** Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.
- **National Policy Objective 66** The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the medium and longer-term requirements of all relevant environmental and climate legislation and the sustainable management of our natural capital.
- **National Policy Objective 69** Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets.
- **National Policy Objective 70** Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.
- **National Policy Objective 71** Support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development.
- **National Policy Objective 72** Support an all-island approach to the delivery of renewable electricity through interconnection of the transmission grid.
- **National Policy Objective 73** Support the co-location of renewable technologies with other supporting technologies and complementary land uses, including agriculture, amenity, forestry and opportunities to enhance biodiversity and promote heritage assets, at appropriate locations which are determined based upon the best available scientific evidence in line with EU and national legislative frameworks.
- **National Policy Objective 74** Each Regional Assembly must plan, through their Regional Spatial and Economic Strategy, for the delivery of the regional renewable electricity capacity allocations indicated for onshore wind and solar reflected in Table 9.1, and identify allocations for each of the local authorities, based on the best available scientific evidence and in accordance with legislative requirements, in order to meet the overall national target.



- **National Policy Objective 75** Local Authorities shall plan for the delivery of Target Power Capacity (MW) allocations consistent with the relevant Regional Spatial and Economic Strategy, through their City and County Development Plans.

Table 9.1 | Regional Renewable Electricity Capacity Allocations

Region	Energised capacity 2023 (MW)	Additional Renewable Power Capacity Allocations (MW)	Total % of National Share in 2030	Energised Capacity 2023 (MW)	Additional Renewable Power Capacity Allocations (MW)	Total % of National Share in 2030
	Onshore Wind			Solar PV		
Eastern and Midlands	284	1,966	25%	306	3,294	45%
Northern and Western	1,761	1,389	35%	0.3	959	12%
Southern	2,622	978	40%	138	3,302	43%
Total	4,667	4,333		445	7,555	

Figure 3-2: Regional Renewable Energy Capacity Allocations

The Eastern and Midlands and Southern RSES recognise and supports the many opportunities for onshore wind as a major source of renewable energy. The Regional Spatial & Economic Strategy (RSES) published by the Southern Regional Assembly¹⁶ states:

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

The proposed project has been evaluated as having a suitable wind resource. It has also been assessed against each of the topics contained in the EIAR and adverse residual environmental impacts are avoided demonstrating the appropriateness of the site in line with National and Regional planning objectives.

The proposed project is therefore aligned with the NPF and RSES.

3.4 CONTRIBUTION TO NATIONAL ENERGY SECURITY

3.4.1 Reduction in Fossil Fuel Dependency

Ireland remains heavily reliant on imported fossil fuels, with fossil fuels accounting for 81.4% of the national energy supply in 2024, and 79.7% of total energy being imported. Oil alone constituted 48.9% of Ireland’s energy supply, all of which was imported.¹⁷

¹⁶ <http://www.southernassembly.ie/uploads/general-files/Southern%20Regional%20Assembly%20RSES%202020%20High%20Res.pdf>

¹⁷ <https://www.seai.ie/sites/default/files/publications/First-Look-Energy-Supply-and-Security-of-Supply.pdf>



The proposed wind farm will contribute to reducing this dependency by increasing the share of domestically generated renewable electricity. In 2024, wind energy represented 47.2% of Ireland's renewable energy supply, which itself accounted for 14.5% of the total primary energy requirement. By expanding wind capacity, the project will help Ireland transition toward a more secure and self-sufficient energy system.

3.4.2 Enhancement of Grid Resilience

Wind energy integration enhances grid resilience by decentralizing generation and reducing reliance on centralized fossil fuel plants. However, grid constraints remain a significant challenge. In 2024, 14% of wind energy production was curtailed due to transmission limitations. Strengthening grid infrastructure and expanding energy storage capacity are essential to fully utilize renewable generation¹⁸. According to EirGrid's report from 2023¹⁹, the grid was able accommodate up to 75% of electricity from variable renewable sources at any one time, with ambitions to increase this to 95% by 2030.

The proposed project will be integrated with grid-friendly technologies and contribute to national efforts to reinforce transmission infrastructure via the provision of BESS technologies and grid connection infrastructure. This aligns with national policy which support the strengthening and enhancement of grid infrastructure to accommodate renewable energy integration. This will help mitigate curtailment risks and improve the grid's ability to absorb variable renewable energy, thereby enhancing overall system stability and reliability.

3.4.3 Support for Ireland's Net-Zero Emissions Target by 2050

Ireland has committed to achieving net-zero greenhouse gas emissions by 2050, as outlined in the Climate Action and Low Carbon Development Act. Wind energy is expected to supply the majority of the electricity demand, with projections indicating the need for approximately 25 GW of renewable capacity, compared to the 4.9 GW installed in 2024²⁰. This represents more than a fivefold increase in installed capacity.

Wind farms are already making a significant impact. In 2023, wind generation accounted for 33.7% of electricity supply, contributing to a 22% reduction in electricity sector emissions, which fell to 7.6 MtCO₂eq, the lowest on record²¹. The proposed project will accelerate progress toward decarbonization and reduce Ireland's carbon footprint in line with national and EU climate targets.

¹⁸ <https://www.rte.ie/news/business/2024/1210/1485605-wind-energy-ireland-report/>

¹⁹ <https://www.eirgrid.ie/news/new-record-wind-energy-all-island-grid>

²⁰ <https://www.seai.ie/data-and-insights/seai-statistics/key-publications/energy-supply-security>

²¹ <https://www.seai.ie/data-and-insights/seai-statistics/key-publications/energy-in-ireland>



4. LOCAL POLICY CONTEXT

The proposed project is located within Counties Offaly and Tipperary and as such is subject to the policies and objectives contained in the Offaly County Development Plan 2021-2027 and the Tipperary County Development Plan 2022-2028. Nine of the eleven wind turbines are located within County Offaly and the remaining two are located within County Tipperary.

4.1 OFFALY COUNTY DEVELOPMENT PLAN 2021-2027 (OCDP)

The OCDP includes a range of policies and objectives in support of renewable energy. Those specifically relevant to wind energy include the following:

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-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;
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
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.

Renewable Energy

- **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.

Wind Energy

- **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.
- **CAEP-38** It is Council policy that in assessing planning applications for wind farms, the Council shall:
 - 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;
 - 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.

Additionally, DMS-109 is relevant in terms of assessment of windfarms and considerations that will be made by the local authority.

Electricity Transmission and Distribution

- **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-02** It is Council policy to require that, in all new developments, local services such as medium and low voltage electricity cables shall be undergrounded, with multiple services accommodated in shared strips underground and that access covers are shared, whenever possible.
- **CAEP-05** It is Council policy to support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/ distribution of a renewable energy focused generation across the major demand centres.
 - Facilitating trans-boundary networks into and through the County and Region to ensure the Regional Spatial and Economic Strategy can be delivered in a sustainable and timely manner;
 - Facilitate the delivery of the necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner; and
 - Support the safeguarding of strategic energy corridors from encroachment by other developments that could compromise the delivery of energy networks.

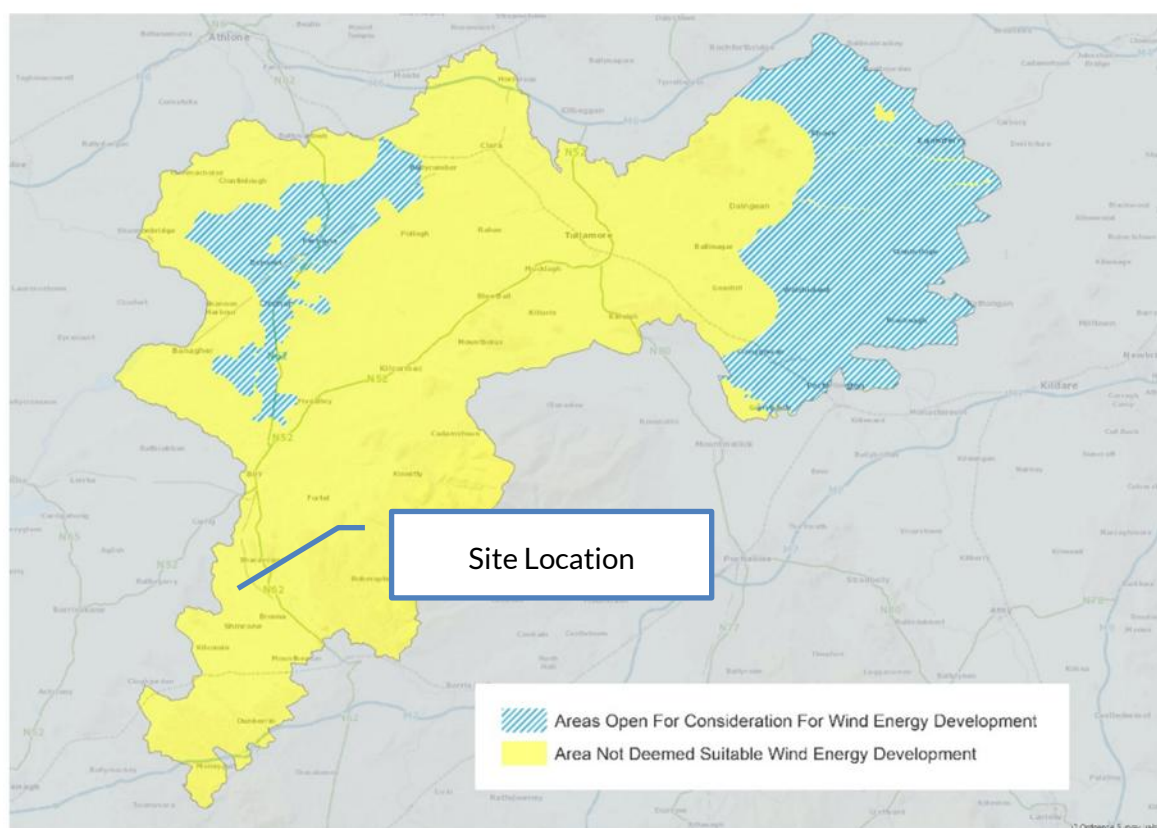


Offaly Wind Energy Development Strategy

The Wind Energy Development Strategy is included as part of the OCDP and the key objectives of the Strategy include the following:

- Reflect and plan for technological advances in wind farms over the next number of years;
- Support 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 greenhouse gas emissions;
- Identify key areas within the county that are 'Open for Consideration for Wind Energy Developments' or 'Unsuitable for Wind Energy Developments' based on wind speed, access to the electricity grid and substations, and avoidance of adverse impacts on the landscape and designated sites.

It is the policy of the Council to assess proposals for new wind energy developments in accordance with the following map, Map No. 10 'Wind Energy Strategy Designations' :



Map No. 10: Wind Energy Strategy Designations

Figure 4-1: Wind Energy Strategy Designations Map extracted from Offaly CDP (Map No. 10)

The figure above shows that the proposed project is located in area designated as 'Areas Not Deemed Suitable for Wind Energy Development' (Map No. 10). With respect to this designation, the strategy states:

- (a) These areas are generally considered to be unsuitable due to significant environmental, heritage and landscape constraints and housing density.

(b) In addition, individual small-scale turbines will be considered on a case-by-case basis having regard to relevant exemption provisions in the Planning and Development Regulations 2001, as amended.

(c) 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 Wind Energy Development Guidelines.

Table 3.1 of the OCDP 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 production and the potential wind energy resource during the plan period. The wind energy target for 2027 is 466.3MW.

Conclusion

Whilst the proposed project is located within an area designated as 'Not Deemed Suitable for Wind Energy Development' under Map No. 10 of the Wind Energy Strategy and therefore constitutes a material contravention of the Offaly County Development Plan 2021–2027, the Offaly CDP nonetheless contains broader objectives that are supportive of renewable energy in principle. In particular, CAEO-03 seeks to achieve a reasonable balance between national renewable energy policy and the sustainable harnessing of the county's wind energy resources, and CAEP-25 encourages and facilitates the production of energy from renewable sources subject to proper planning and environmental considerations. These objectives provide important context and reflect the Council's recognition of the importance of wind energy. However, the operative basis for granting this application is the statutory jurisdiction of An Coimisiún Pleanála under Section 37G(6) of the Planning and Development Act 2000, as amended, to grant permission in material contravention of the development plan where, as here, the proposed project is consistent with national planning, environmental, and climate objectives.

While the site is located in an area designated as “Not Deemed Suitable for Wind Energy Development” under Map No. 10 of the Wind Energy Strategy, the proposed project has been developed with careful consideration of environmental, landscape, and heritage constraints. This application includes a robust Environmental Impact Assessment and adheres to Development Management Standard 109 and the relevant Section 28 Wind Energy Development Guidelines, ensuring that planning and environmental considerations are fully addressed.

In line with CAEP-26 and CAEP-27, early-stage community consultation has been undertaken, and a community benefit scheme is proposed to support local amenities and energy initiatives. The proposed project also supports CAEP-01 and CAEP-05 by integrating with the existing electricity transmission network and facilitating future grid reinforcement.

4.2 TIPPERARY COUNTY DEVELOPMENT PLAN 2022-2028 (TCDP)

The Tipperary County Development Plan 2022-2028 (TCDP) came into effect in August 2022. The TCDP is a framework for how Tipperary will deliver for communities, through protecting the environment, reducing energy demands, maintaining viability of towns, villages and rural



communities and supporting job creation. It aims to build sustainable growth within the county given its national reputation as a leader in renewable energy development and innovation.

Policies in the TCDP which are relevant to the proposed project include:

Renewable Energy:

- **3-1** Promote and facilitate renewable energy development, in accordance with the policies and objectives of the Tipperary Renewable Energy Strategy 2016 (and any review thereof), and the Tipperary Climate Adaptation Strategy 2019.
- **3-F** In accordance with the objective of the Renewable Energy Strategy (and any review thereof), to encourage and support community energy schemes, and ways to incorporate energy efficiency and renewable energy development at the community level, though micro-generation, auto-production and investment in commercial energy production.
- **10-1** Support and facilitate new development that will produce energy from local renewable sources such as hydro, bioenergy, wind, solar, geothermal and landfill gas, including renewable and non-renewable enabling plant, subject to compliance with normal planning and environmental criteria, in co-operation with statutory and other energy providers. The provisions of the Tipperary Renewable Energy Strategy (and any review thereof) as set out in Volume 3, will apply to new development.
- **10-5** Support and facilitate the co-location of renewable energy development and technologies to ensure the most efficient use of land identified as suitable for renewable energy generation.
- **10-A** Support the Climate Action Plan (DECC, 2019) as it relates to renewable energy production, having consideration to the strategic importance and potential benefits of renewable energy investment to rural communities.
- **10-C** To continue to support renewable energy development and to maintain a positive framework for development through the review of the Renewable Energy Strategy over the lifetime of the Plan.
- **15-E** Support the sustainable development, maintenance and upgrading of electricity and gas infrastructure, by network providers, to enable the integration of renewable energy sources and enable an energy system that is safe, secure and adaptable.

Electricity transmission and distribution

- **15-E** Support the sustainable development, maintenance and upgrading of electricity and gas infrastructure, by network providers, to enable the integration of renewable energy sources and enable an energy system that is safe, secure and adaptable.
- **15-F** Work in partnership with the Department of the Environment, Climate and Communications in line with their 'Policy Statement to Ensure Security of Electricity Supply and Facilitate the Target of up to 80% Renewable Electricity Generation by 2030', and to facilitate additional electricity transmission and distribution grid infrastructure, as well as additional electricity interconnection and electricity storage.



Tipperary Renewable Energy Strategy (RES)

The Tipperary County Wind Energy Strategy contained in Appendix 1 of the CDP, sets out a planning framework for development of wind energy in the county. The Strategy, which has been informed by a LCA and SEA/HDA, identifies areas where wind energy development is 'open for consideration' and where wind energy developments are considered 'unsuitable'. The Strategy also set out the appropriate planning policy and development management standards to support and manage sustainable wind energy development.

The RES states that the wind energy strategy for Tipperary was prepared in accordance with the recommendations of the Planning Guidelines for Wind Energy Development for Planning Authorities 2006, which included a step-by-step methodology comprising sieve mapping analysis of the key policy considerations. This process aims to balance environmental, landscape, technical and economic criteria in order to identify the most suitable locations in Tipperary for wind energy development.

The Policy Statement on Wind Energy Development set out in Policy TWIND 1 is supportive of wind energy in principle, and states:

'It is the policy of the Council to support, in principle and in appropriate locations, the development of wind energy resources in county Tipperary. The Council recognises that there is a need to promote the development of 'green electricity' resources and to reduce fossil fuel dependency and greenhouse gas emissions in order to address the global issue of climate change, and to comply with European and International policies with regards to renewable and sustainable energy resources.'

Map 11 of Appendix 2 sets out the Wind Energy Policy Areas within Tipperary – these are classified as being either 'Areas Open for Consideration for New Wind Energy Development' or 'Areas Unsuitable for New Wind Energy Development'.

The proposed project is located in an area with the designation: 'Areas Unsuitable for new wind energy development'.

These areas are defined as:

"new wind energy development in these areas is not permitted. These areas have a special or unique landscape character where the main objective is conservation. Where there are existing wind energy developments in these areas, their repowering may be considered appropriate. Any impact on the environment must be low and subject to proper planning and sustainable development, and the guidelines set out in this strategy.'

Further policy in relation to these areas includes:

- **TWIND 4.13** New wind energy projects will not normally be considered in these areas.
- **TWIND 4.14** Proposals for windfarm development may be considered on a case-by-case basis in the following limited circumstances:
 - Where there are existing windfarms in these areas, proposals for 'repowering' may be considered appropriate, on a case-by-case basis. Repowering is the process of replacing older turbines with newer ones that either have a greater capacity or more efficiency which results in a net

increase of power generated. Repowering may also seek to extend the overall lifespan of the development.

- Proposals for repowering, shall not result in a net increase in turbines, and it shall be demonstrated that there is no adverse impact on the receiving environment.
- or
 - In areas located outside of Natura 2000 sites, proposals for an extension to an existing windfarm (of up to 20% in terms of permitted numbers of turbines or in cases where 5 or less turbines are permitted in a windfarm, one additional turbine) will be considered. The proposal will be required to demonstrate that the additional turbines may be served by the infrastructure serving the existing development.
- or
 - In areas located outside of Natura 2000 sites, where an existing windfarm has been permitted and this permission expires over the lifetime of this Wind Energy Strategy, a revised proposal will be considered within the planning unit of the previously permitted development, and where it is demonstrated that there is no net increase in turbines.
- All proposals will be required to comply with the policies and development management standards set out in the Wind Energy Strategy.



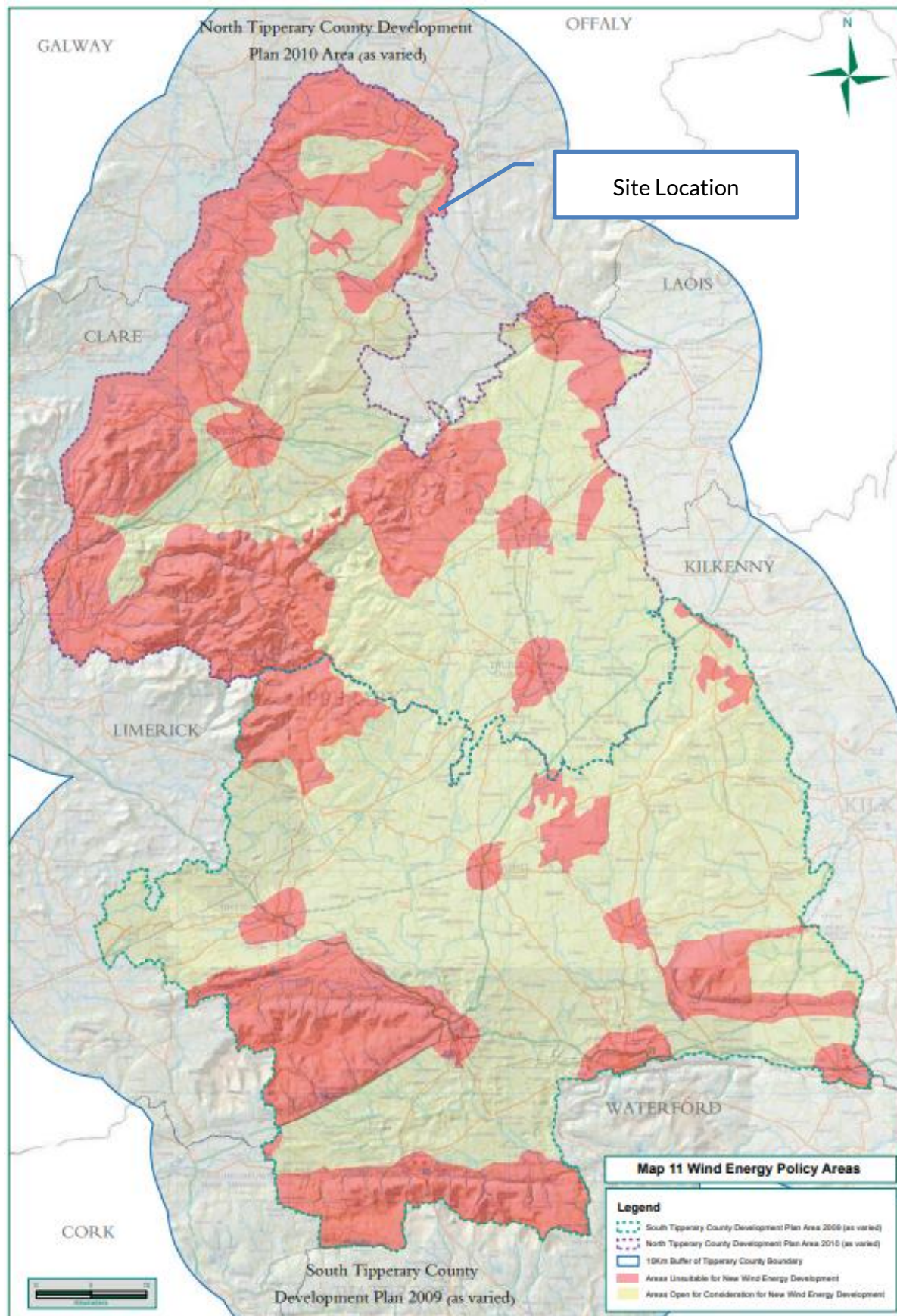


Figure 4-2: Wind Energy Policy Areas extracted from the RES (Map No. 11)

As per policy TWIND 4.14, 'Areas Unsuitable for New Development', proposals for wind farm development may be considered on a case-by-case basis in the following limited circumstances:

Where there are existing wind farms in these areas, proposals for 'repowering' may be considered appropriate, on a case-by-case basis. Repowering is the process of replacing older turbines with newer ones that either have a greater capacity or more efficiency which results in a net increase of power generated. Repowering may also seek to extend the overall lifespan of the development. Proposals for repowering, shall not result in a net increase in turbines, and it shall be demonstrated that there is no adverse impact on the receiving environment. or

- a) In areas located outside of Natura 2000 sites, proposals for an extension to an existing wind farm (of up to 20% in terms of permitted numbers of turbines or in cases where 5 or less turbines are permitted in a wind farm, one additional turbine) will be considered. The proposal will be required to demonstrate that the additional turbines may be served by the infrastructure serving the existing development.
- b) In areas located outside of Natura 2000 sites, where an existing wind farm has been permitted and this permission expires over the lifetime of this Wind Energy Strategy, a revised proposal will be considered within the planning unit of the previously permitted development, and where it is demonstrated that there is no net increase in turbines.

All proposals will be required to comply with the policies and development management standards set out in the Wind Energy Strategy.

Other relevant policies from the RES include:

- **Policy RE2:** Landscape Capacity and Renewable Energy Development: It is the policy of the Council to facilitate new development which integrates with and respects the character, sensitivity and value of the landscape in accordance with the guidelines set out in the Tipperary Landscape Character Assessment 2016 and the policies as set out in the County Development Plan (as varied) and the Development Management standards set out in Chapter 10.

Conclusion

The proposed project supports the strategic objectives of the Tipperary County Development Plan (TCDP) 2022–2028 and the Tipperary Renewable Energy Strategy (RES) by contributing to national and local renewable energy targets, in line with policies 3-1, 10-1, and 10-A. The development promotes sustainable energy generation from wind, aligns with the Climate Action Plan (DECC, 2019), and supports the integration of renewable energy into the electricity grid, consistent with policies 15-E and 15-F. The proposal reflects the Council's commitment to facilitating renewable energy in rural communities and maintaining a positive framework for development through ongoing review of the RES.

Although the site is located within an area designated as "Unsuitable for New Wind Energy Development" under Map 11 of the RES, the application is submitted with a comprehensive suite of assessments, including an Environmental Impact Assessment Report (EIAR), Landscape and Visual Impact Assessment (LVIA), and other technical studies. These assessments



demonstrate that the proposed project has been designed to avoid significant adverse impacts on the receiving environment and landscape character, in accordance with Policy RE2 and the Tipperary Landscape Character Assessment. The proposed project is submitted for consideration under the proper planning and sustainable development framework, with full regard to the policies and development management standards set out in the County Development Plan and the RES.

4.3 OTHER RELEVANT PLANNING POLICY CONSIDERATIONS

The proposed project has been assessed against the Development Management Requirements set out in the Offaly and Tipperary CDPs, including those relating to biodiversity, landscape protection, archaeology, water quality, and community engagement. Table 4-1 provides an overview of how the proposed project complies with these policy requirements and contributes to the broader planning objectives for renewable energy and sustainable development in County Offaly and County Tipperary.

Table 4-1: Consideration of Offaly CDP planning policy and development management requirements

Theme	Policy Wording	Project Response
Peatlands	CAEP-16 It is Council policy to support the preparation of a comprehensive after use framework plan for the industrial peatlands and associated workshops, office buildings and industrial sites in the midlands and adjacent parts of the north west and southern regions, which meets the environmental, economic and social needs of communities in these areas, and also demonstrating leadership in climate change mitigation and land stewardship. The Council recognises that the industrial peatlands in the midlands are a significant resource that will transition to after uses ranging from amenity, tourism, biodiversity services, ‘wild areas’, flood management, climate mitigation, energy development, industry, education, conservation and many more. CAEP-19 It is Council policy that planning applications for development on or immediately adjacent to peatlands shall be accompanied by assessments considering the following issues where relevant; peatland stability, hydrology, carbon emissions balance and ecological impact assessment. BLP-14 It is Council policy to protect the county’s designated peatland areas and landscapes, including any historical walkways through bogs and to conserve their ecological, archaeological and cultural heritage and to develop educational heritage. BLO-10 It is an objective of the Council to require the preparation and submission of a Hydrological Report/Assessment for significant developments within and in close proximity to protected raised bogs and to take account of same in the assessment of impacts on the integrity of peatland ecosystems. BLO-11 It is an objective of the Council to work with relevant stakeholders on suitable peatland sites in order to demonstrate best practice in sustainable peatland conservation, management and restoration techniques to promote their heritage and educational value subject to ecological impact assessment and appropriate assessment screening.	In alignment with CAEP-16, the project contributes to the transition of industrial peatlands by integrating renewable energy infrastructure that supports climate change mitigation proposals. In accordance with CAEP-19, the planning application is accompanied by detailed assessments addressing peatland stability, hydrology, carbon emissions balance, and ecological impacts. These studies ensure that the project minimizes disruption to peatland ecosystems and maintains the integrity of the surrounding landscape. Furthermore, the proposed project considers the Council’s commitment under BLP-14 to protect designated peatland areas and historical walkways, incorporating buffer zones and conservation measures to safeguard ecological, archaeological, and cultural heritage. To meet the objectives of BLO-10, a Hydrological Report has been prepared, evaluating the potential impacts of the wind farm and associated infrastructure on nearby protected raised bogs. This report informs mitigation strategies to preserve peatland hydrology and ecosystem integrity. In alignment with BLO-11 the Irish Peatland Conservation Council was contacted for their input during the scoping process. No response was received. The Biodiversity Enhancement Plan prepared for the proposed wind farm site include measures to preserve peatlands. These include assigning areas to allow bog woodland/scrub to develop. Enhancement plans have also been proposed for 5 ha. of raised bog habitat within the proposed wind farm site. This will follow ‘Best Practice in Raised Bog Restoration in Ireland’ (Mackin et al., 2017).
Biodiversity	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.	The NIS finds that, <i>“A review of the NPWS Flora Protection Map (NPWS, 2025a) show record of Slender Cottongrass (Eriophorum gracile), a plant species listed under the Flora Protection Order (FPO) within the 10km grid squares encompassing the study area. This plant species was recorded in 2015 and 1997, within the raised bog and degraded raised bog habitat, 1.1km east of the proposed wind farm site and within the Sharavogue Bog SAC.</i> <i>Data obtained from NPWS from a sensitive data request also included the above record. No other protected flora species have previously been recorded within the 10km grid squares N00 and S09 or within the proposed project site over the past 20 years.</i> <i>No QI plant species listed under the Flora Protection Order 2022 (FPO) were recorded within the proposed project site.”</i>
Biodiversity	BLO-03 It is an objective of the Council that all projects and plans arising from this Plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and subsequent Appropriate Assessment where necessary, that: 1. The plan or project will not give rise to adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or 2. The plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type/and or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or 3. The plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the An Coimisiún Pleanála, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures	An Appropriate Assessment Screening and Natura Impact Statement was prepared which concludes as follows: <i>“A review of other existing, permitted, and proposed developments within the wider study area was undertaken to identify any potential for cumulative or in-combination effects on European sites in combination with the proposed project. This review considered all large-scale renewable energy projects, relevant infrastructure developments, and other plans or projects that could potentially act in combination with the proposed project to affect the same European sites or qualifying interests.</i> <i>Where available, the findings of these assessments indicate that potential adverse effects on European sites have been effectively avoided through appropriate design and the implementation of mitigation measures. For older operational developments where such documentation was not available, it was concluded that these form part of the existing environmental baseline and do not represent ongoing or intensifying sources of impact.</i> <i>While some developments within the region may share limited hydrological or ecological connections with the same European sites, the proposed project has been designed to avoid significant effects through adherence to best-practice construction methodologies and the mitigation measures outlined in Section6.2 of the NIS.</i> <i>On the basis of the information available and the detailed assessment undertaken, it is concluded that the proposed project, either alone or in combination with other plans or projects, will not adversely affect</i>



Theme	Policy Wording	Project Response
Biodiversity	necessary to ensure the protection of the overall coherence of Natura 2000. BLP-05 It is Council policy to ensure that development does not have a significant adverse impact, incapable of satisfactory avoidance or mitigation, on plant, animal or bird species protected by law.	<i>the integrity of any European site in view of its conservation objectives."</i>
Riparian Zones	BLP-20 It is Council policy to preserve riparian buffer strips free from development by reserving a minimum of 10 metres either side of all watercourses (measured from top of bank) with the full extent of the protection determined on a case-by-case basis by the Council, based on site specific characteristics and sensitivities. 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'.	The proposed wind farm site has been designed to fully comply with Council Policy BLP-20 by maintaining a minimum 10-metre buffer from the top of bank of all watercourses. Site-specific assessments have informed wider setbacks where necessary to protect sensitive riparian habitats. No development is proposed within these buffer zones. In line with Objective BLO-12, the project follows Inland Fisheries Ireland's (IFI) guidance on riparian protection. Buffer zones have been integrated into the design to support biodiversity, manage flood risk, and prevent sediment runoff. These measures are supported by a Construction Environmental Management Plan and sustainable drainage systems where appropriate. IFI outlined a number of concerns in their scoping opinion regarding the protection of aquatic habitats and riparian zones associated with the Little Brosna River and its tributaries. The full scoping opinion has been included in Chapter 1 of the EIAR. The advice given by the IFI has been taken in to account during the drafting of the EIAR and in development management plans for both the construction stage and the operational phase of the proposed project.
Woodlands, Trees and Hedgerows	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. 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; (a) in particular, on the grounds of Country Houses, Gardens and Demesnes and on approaches to settlements in the county; and (b) as part of the development management process, require the planting of native, deciduous, pollinator friendly trees in all new developments where possible. BLO-17 It is an objective of the Council to encourage pursuant to Article 10 of the Habitats Directive, the management of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species. 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).	A tree and hedgerow survey was undertaken to identify features of ecological and visual significance, which have been retained where possible and incorporated into the wind farm site. Chapter 6 of this EIAR includes a detailed ecological impact assessment, which states that, <i>"In terms of linear habitats, a total of 1.3km of WL1 Hedgerow will be lost as a result of the proposed project with 0.5km of that loss attributed to the implementation of bat buffers and 0.6km as a result of vegetation clearance along the TDR and site entrance (Table 6-18, Chapter 6). Similarly, 0.4km of WL2 Treelines will be lost as a result of the proposed project inclusive of 0.3km from the implementation of bat buffers and 0.2km as a result of vegetation clearance along the TDR. Finally, 0.7km of FW4 Drainage ditch will be lost during the construction phase as a result of the proposed wind farm site infrastructure."</i> In order to mitigate the removal the following has been proposed: • The creation of 4.9 ha of native woodland • The creation of 1.3km of hedgerows
Ecological Assessment	Impact BLO-04 It is an objective of the Council to ensure that the impact of development within or adjacent to national designated sites, Natural Heritage Areas, proposed Natural Heritage Areas, Ramsar Sites and Nature Reserves likely to result in significant adverse effects on the designated site is assessed by requiring the submission of an Ecological Impact Assessment prepared by a suitably qualified professional, which should accompany planning applications.	Chapter 6 of this EIAR includes a detailed ecological impact assessment, which states that an <i>'ecological assessment for the proposed project was carried out by TOBIN, on behalf of RWE Ireland between January 2022 and August 2025 and focuses on biodiversity, with the exception of avifauna, which is addressed separately in Chapter 7 – Ornithology.'</i> The conclusion of the chapter is as follows: <i>"This Chapter presents an evaluation of the potential ecological effects of the proposed development on biodiversity, and details appropriate mitigation and compensation measures to reduce or off set the significance of potential effects. The residual effects assessment, post implementation of the proposed mitigation and compensation measures, concludes that the proposed project, either individually or cumulatively with other projects, will not result in significant effects on any of the identified KERs.</i> <i>Overall, it can be concluded, the proposed project will not have significant negative effects on biodiversity at any geographic scale. "</i>



Theme	Policy Wording	Project Response
Bird Habitats	BLO-05 It is an objective of the Council in accordance with Article 4(4) of the Birds Directive and Regulation 27(4) of the European Communities (Birds and Habitats) Regulations 2011-2015 to strive to avoid pollution or deterioration of bird habitats outside Special Protection Areas.	A detailed ornithological assessment was carried out under Chapter 7 (Ornithology), identifying key bird species and habitats within and surrounding the site. The layout of turbines and infrastructure has been informed by this assessment to minimise disturbance, particularly during breeding and migratory seasons. Mitigation measures include seasonal restrictions on construction activities, buffer zones around sensitive habitats, and ongoing monitoring during both construction and operation phases. These measures are outlined in the Construction Environmental Management Plan (CEMP) and will be implemented in consultation with relevant statutory bodies to ensure compliance with the Birds and Habitats Regulations 2011-2015.
Ecological Features	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.	A detailed Biodiversity Enhancement Plan has been produced for the effective implementation of mitigation and enhancement measures to offset residual effects. This is included in Appendix 6-1 of Chapter 6 (Biodiversity) of the EIAR. This Plan has made provisions to protect existing biodiversity and enhancement. These include locating bat boxes at the proposed site, enhancing aquatic habitats by removing non-native plant species, creating new aquatic habitats, and ensuring an appropriate habitat is provided for invertebrate species. The Biodiversity Enhancement Plan also suggests a preliminary monitoring programme to continue the biodiversity management.
Invasive Species	BLO-20 It is an objective of the Council to require, as part of the planning application process, the appropriate eradication/control of invasive species when identified on site or in the vicinity of a site, in accordance with Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended.	A site-specific ecological survey was carried out as part of the planning process for the proposed wind farm, which included an assessment for invasive species in accordance with Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended. Where invasive species were identified on or near the site, appropriate control and eradication measures have been proposed, including treatment plans and monitoring protocols. These measures will be implemented prior to and during construction, as outlined in the Construction Environmental Management Plan (CEMP), to prevent spread.
Landscape	BLP-36 It is Council policy, to ensure that issues of scale, siting, design and overall compatibility (including particular regard to environmental sensitivities) with a site's location within an Area of High Amenity are of paramount importance when assessing any application for planning permission. The merits of each proposal will be examined on a case-by case basis 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. BLP-41 It is Council policy to require a Landscape/Visual Impact Assessment to accompany significant proposals, located within or adjacent to sensitive landscapes. This assessment will provide details of proposed mitigation measures to address likely negative impacts. BLO-22 It is an objective of the Council to ensure that new development, whether individually or cumulatively, does not impinge in any significant way on the character, integrity and distinctiveness of or the scenic value of the Areas of High Amenity listed in Table 4.17. New development in Areas of High Amenity shall not be permitted if it; • Causes unacceptable visual harm; • Introduces incongruous landscape elements; and • Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness; (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns; (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.	In line with the Landscape policies laid out in the CDP a Landscape and Visual Assessment chapter was drafted. The Landscape and Visual Assessment chapter 12 of this EIAR concludes that, <i>"No specific landscape or visual mitigation measures are proposed beyond adherence to best practice methods to reduce environmental impacts upon the environment, and undertaking reinstatement / replacement planting, and seeding works. These measures together with the consideration given to the siting and design of the proposals, have been iteratively embedded into the scheme being assessed as part of a holistic approach to design and assessment, and it is not considered that there are any specific additional mitigation measures that would moderate effects further. The effects of the scheme described should be considered the 'residual' effects."</i> Furthermore, it is not considered that there will be any significant effects arising from the Proposed Project and that there will not be any significant effects.
Transport	SMAP-23 It is Council policy to strictly control development, outside of identified settlements, which could generate significant additional traffic, thereby potentially compromising the capacity and efficiency of the national roads/restricted regional roads and associated interchanges and possibly lead to the premature and unacceptable reduction in the level of service available to road users. This policy will also apply to national roads which may be downgraded during the lifetime of this Plan but which will still comprise high quality regionally important links.	Chapter 14 of this EIAR includes a Traffic and Transport Assessment along with a Road Safety Audit, which concludes that the construction phase will be the critical impact period of the project traffic wise. This will be mitigated by traffic management during the construction phase. The effect of the proposed project during the operational phase will be imperceptible, with a slightly negative impact during decommissioning (not significant). Additionally, there is not anticipated to be a negative cumulative effect with projects in the vicinity.
Transport	SMAP-28 It is Council policy to ensure that developments which have the potential to generate significant traffic movement are subject to a Traffic and Transportation Assessment, Quality Audit and Road Safety Audit as appropriate.	



Theme	Policy Wording	Project Response
Sight Distances	DMS-97 Safe Sight Distances required for access onto National, Regional and Local Roads. The following safe sight distances shall be provided from vehicular entrances on the road network; • Local Tertiary Roads: 60 metres; • Local Secondary Roads: 90 metres; • Local Primary Roads: 120 metres; • Regional Roads: 150 metres; and • National Roads: 230 metres. As set out by design standards detailed in TII publications, sight distances shall be measured from a point 2.4 metres from the road edge at the proposed access to a point at the near edge of the approaching carriageway. The standard for local roads is at the discretion of the Planning Authority and may be reduced where it would not give rise to a specific traffic hazard. DMS-97 standards apply only to locations other than those to where DMURS applies.	The Traffic Management Plan included with Chapter 14 of this EIAR states that, “ <i>Minor improvements to the sight lines in the form of trimming and ongoing maintenance of existing foliage within the lands of the applicant shall be required upon completion of the site access construction works on the R492 and L1071.</i> ”
Water Quality	ENVP-01 It is Council policy to ensure that the Water Framework Directive, the River Basin Management Plan and any subsequent Water Management Plans are fully considered throughout the planning process. ENVP-04 It is Council policy that in assessing applications for developments, that consideration is had to the impact on the quality of surface waters having regard to targets and measures set out in the River Basin Management Plan, and any subsequent local or regional plans. ENVP-05 It is Council policy that all proposed development which may have an impact on a high status water quality site will require site specific assessment to determine localised pressures and demonstrate suitable mitigation measures in order to protect these sites.	Chapter 9 (Hydrology, Hydrogeology and Water Quality) of this EIAR states that the proposed project has been assessed in accordance with the Water Framework Directive (2000/60/EC), the current River Basin Management Plan (RBMP), and relevant national and regional water management policies, in line with Council Policy ENVP-01. Assessments have been undertaken to evaluate potential impacts on surface and groundwater bodies within the project area. In compliance with ENVP-04, the design and construction methodology have been informed by the RBMP objectives, with particular attention to maintaining or improving water quality status. Mitigation measures, including sediment control, sustainable drainage systems (SuDS), and buffer zones are incorporated into the Construction Environmental Management Plan (CEMP) to prevent pollution and manage runoff. For areas near high-status water bodies, a site-specific assessment was completed as required under ENVP-05. This included identification of localised pressures and the implementation of targeted mitigation strategies to ensure no deterioration of water quality. Ongoing monitoring will be conducted during construction and operation phases to verify effectiveness and compliance. The chapter concludes, <i>“No significant residual effects were reported for any hydrological or hydrogeological receptors with any of the nearby wind farm/other assessment reviewed. Taking into consideration other plans or projects no cumulative effects are anticipated.</i> <i>Due to the localised nature of the proposed works, there is no potential for significant, negative cumulative effects in-combination with other local developments on the water environment.”</i>
CEMP	ENVP-14 It is Council policy to require Construction and Environmental Management Plans (CEMPs) to be prepared for larger scale projects and this requirement shall be assessed on a case-by-case basis as part of the development management process. Where a CEMP is required, it shall be prepared in accordance with the criteria set out in Section 11.5.2 of this Plan.	In accordance with Council Policy ENVP-14, a comprehensive Construction and Environmental Management Plan (CEMP) has been prepared for the proposed project, given its scale and potential environmental sensitivities. The CEMP has been developed in line with the criteria outlined in Section 11.5.2 of the County Development Plan, and includes detailed provisions for environmental protection, construction phasing, site access, waste management, noise and dust control, and emergency response procedures. The CEMP also outlines mitigation measures for biodiversity, water quality, and landscape impacts, and sets out monitoring protocols to ensure compliance throughout the construction phase. The plan will be implemented by the appointed contractor and overseen by an Environmental Clerk of Works (ECoW), ensuring that all works are carried out in accordance with best practice and regulatory requirements.
Air Quality	ENVP-19 It is Council policy to require activities likely to give rise to air emissions to implement measures to control such emissions and to undertake air quality monitoring. Application of this policy will take into account instances whereby activities are licensed by other bodies through other processes (such as Integrated Pollution Control Licensing or Industrial Emissions Licensing).	Chapter 10 of this EIAR includes an assessment of Air Quality within which the proposed project has been assessed for potential air emissions during the construction phase, including dust, vehicle exhaust, and machinery operation. In accordance with Council Policy ENVP-19, mitigation measures will be implemented to control emissions, such as dust suppression through water spraying, use of low-emission machinery, and proper site traffic management. These measures are outlined in the Construction Environmental Management Plan (CEMP). Given that the operational phase of the wind farm does not generate significant air emissions, ongoing air quality monitoring is not required post-construction. The chapter concludes that, <i>“ Overall, there are no significant effects on climate as a result of the proposed development, and no significant effects on the proposed development itself as a result of climate change hazard.”</i>



Theme	Policy Wording	Project Response
Noise	ENVP-21 It is Council policy to promote the pro-active management of noise where it is likely to have significant adverse impacts on health and quality of life. Planning permission will not normally be granted for new uses / development or extensions of existing uses that produce significant and unacceptable levels of noise and/or vibration at site boundaries or within adjacent noise sensitive areas, especially residential areas.	Chapter 11 of this EIAR includes an assessment of Noise and Vibration arising from the proposed project. The proposed project has been designed to minimise noise impacts in accordance with Council Policies ENVP-21 and ENVP-22. A noise impact assessment was carried out as part of the planning application, including baseline monitoring and predictive modelling of turbine noise levels. Turbine locations have been selected to ensure adequate separation distances from dwellings, and operational noise will be monitored post-construction to verify compliance. During construction, noise mitigation measures such as restricted working hours, use of low-noise equipment, and site traffic management will be implemented. The Chapter concludes that, <i>“The assessment of construction noise and vibration has been conducted in accordance with best practice guidance contained in BS 5228-1 and BS 5228-2.</i>
Noise	ENVP-22 It is Council policy that noise sensitive development proposals located within proximity to a noise source, such as an existing or proposed national road, should include noise attenuation measures.	<i>Residual noise associated with the construction and decommissioned phases have been predicted to be below the proposed threshold values. The associated noise and vibration levels are not likely to cause significant effect at any NSL.</i> <i>Based on detailed information on the site layout, turbine noise emission levels and turbine hub height, turbine noise levels have been predicted at NSLs for a range of operational wind speeds. The predicted noise levels associated with the proposed project will be within the noise criteria stated in the applicable WEDG06s guidelines. Therefore, it is not considered that a significant effect is associated with the development.</i> <i>Operational noise from the proposed substation and battery storage facility has been assessed and found to be within the proposed criteria based on review of the most appropriate guidelines and standards.</i> <i>No significant vibration effects are associated with the operation of the proposed project.</i> <i>Therefore, it is not considered that a significant effect is associated with the proposed project.”</i>
Flood Risk Assessments	DMS 106 and DMS108 are relevant in terms of flood risk assessments and mitigation.	The proposed project has been assessed in accordance with Policy FRA 11-9 and the principles set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG, 2009) within the Flood Risk Assessment Report submitted with this application. The FRA concludes, <u><i>“Fluvial Flooding</i></u> <i>Based on a review of available information, it was estimated that four of the turbines are at risk of fluvial flooding (Turbines 1, 2, 8, and 9). The amount of inundation varies at each turbine, with Turbine 8’s hardstand being the least inundated and Turbine 9’s hardstand being the most. All of the four mentioned Turbines hardstands are liable to fluvial flooding in both 1 in 100-year and 1 in 1000-year (1% & 0.1% AEP) Current and MRFS events.</i> <i>In order to ensure the turbines are not at risk of fluvial flooding it is proposed that their critical infrastructure are raised above that of the 1 in 1000-year (0.1% AEP) MRFS event, with additional freeboard added. It is proposed that all critical infrastructure will have a minimum level of 46.5mOD.</i> <i>Approximately 14,000m³ of compensation storage is proposed adjacent to Turbine 2, to account for the flood plain lost due to the construction of the hardstanding areas of the turbines.</i> <i>On this basis, it is estimated that the risk of fluvial flooding to all the critical infrastructure will be minimal. The risk of flooding to the access road will be minimum and is justified appropriately in Section 4.5, Chapter 4.</i> <u><i>Coastal Flooding</i></u> <i>The wind farm site is not at risk of coastal flooding due to its distance inland from coastal waters.</i> <u><i>Pluvial Flooding</i></u> <i>Pluvial flood extents do not inundate any of the turbines or access roads.</i> <i>Surface water arising on the proposed mixed-use development will be managed by a dedicated stormwater drainage system in accordance with Sustainable Drainage Systems (SuDS) principles, limiting discharge from the site to greenfield runoff rates.</i> <i>The landscaping and topography of the wind farm site will provide safe exceedance flow paths and prevent surface water ponding to</i>



Theme	Policy Wording	Project Response
		<i>minimise residual risks associated with an extreme flood event or a scenario where the stormwater drainage system becomes blocked.</i> <u>Groundwater Flooding</u> <i>There is no evidence to suggest groundwater as a potential source of flood risk to the proposed subject site, the raised lands to accommodate the hardstanding area and access road will remove the surface water flood risk to the development.</i> <i>Based on the results of this flood risk assessment, it is estimated that the risk of flooding to the proposed development will be minimal, and that the development will not increase the risk of flooding elsewhere."</i>
Archaeology	DMS-94 Architectural Heritage Assessment report Where deemed necessary, the Planning Authority may require an Architectural Heritage Assessment report, prepared by a qualified and experienced conservation architect as described in Appendix B of the DEHLG Architectural Heritage Protection, Guidelines for Planning Authorities (2004 reissued by DAHG, 2011) which shall accompany planning applications for works to protected structures. This report shall: • Outline the significance of the building; • Include a detailed survey of the building, including a photographic survey; • Detail the proposed works it is intended to carry out; and • Contain a full assessment on the materials and method proposed to carry out these works, their impact on the character of the structure and the reversibility of the proposed works. The details required to be submitted will be dependent on the significance of the building and the nature of works proposed. All works to protected structures shall be carried out in accordance with best conservation practice.	Chapter 13 of this EIAR includes a Cultural Heritage Impact Assessment which includes the consideration of protected structures and archaeological sites. The chapter concludes that the proposed wind farm site is located in a landscape of pasture, arable land, and bogland, with high archaeological potential due to proximity to the Little Brosna River. Ground disturbances during construction may result in direct, permanent impacts on subsurface archaeological remains with no surface expression. To mitigate this, archaeological test trenching will be conducted under licence from the National Monuments Service, with further measures such as preservation by record or in-situ applied if necessary. The development will also affect the demesne landscape of Ballincor House and several townland boundaries, though these impacts are considered slight. Archaeological monitoring will be carried out for all boundary interventions, and no mitigation is required for the Ballincor demesne due to its well-documented nature.
Archaeology	DMS-96 Archaeological Sites Development in the vicinity of archaeological sites shall accord with the requirements of the Framework and Principles for the Protection of Archaeological Heritage, DAHG (1999) and shall be designed to have minimal impact on archaeological features. There is a presumption in favour of avoiding developmental impacts on archaeological heritage and of in-situ preservation of archaeological sites and monuments. • An Archaeological Impact Assessment and Method Statement will be required to support development proposals that have the potential to impact on archaeological features. • A Conservation Plan may be required for development in the vicinity of a site or monument, to ensure the ongoing protection of the monument and its setting. • A Visual Impact Assessment may be required for development proposals in the vicinity of upstanding remains.	Additional infrastructure, including the proposed TDR and GCR, may impact subsurface archaeological features, particularly near Sharavogue House and AH109 (a motte and bailey site). These areas will be subject to archaeological monitoring during construction, and mitigation will be implemented if remains are discovered. The removal of a section of demesne wall at Sharavogue House will be recorded in detail prior to construction. While most of the GCR follows existing roads, directional drilling near historic bridges will also be monitored to prevent damage to potential buried features. All archaeological work will be conducted under licence and in consultation with the National Monuments Service to ensure compliance and heritage protection.

Table 4-2: Consideration of Tipperary CDP planning policy and development management requirements

Theme	Policy Wording	Project Response
Peatlands	3-I Support projects which assist the transition of industrial cut-over peatlands to sustainable after uses.	By repurposing industrial cut-over peatlands for renewable energy generation, the proposed project supports the transition to sustainable after-uses, contributing to climate action and long-term land rehabilitation. The development also reflects the principles of the National Peatlands Strategy (DAHG 2015), ensuring that ecological, archaeological, and cultural environment are not adversely impacted throughout the construction, operational and decommissioning phases.
Peatlands	11-15 Support the diversification of peatlands, whilst ensuring the protection of their ecological, archaeological, cultural and educational significance in line with the National Peatlands Strategy (DAHG 2015). The Council may request landowners to prepare a ‘Peatland Master Plan’, especially for areas of industrial cut-over peatland, and will work with all stakeholders involved in the process in this regard. Any Masterplan should identify any significant tourism, amenity and recreation potential of these lands.	
Biodiversity	11-1 In assessing proposals for new development to balance the need for new development with the protection and enhancement of the natural environment and human health. In line with the provisions of Article 6(3) and Article 6 (4) of the Habitats Directive, no plans, programmes, etc. 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 projects59).	Chapter 6 of this EIAR addresses a detailed ecological impact assessment, which states that an ‘ <i>ecological assessment for the proposed project was carried out by TOBIN, on behalf of RWE Ireland between January 2022 and August 2025 and focuses on biodiversity, with the exception of avifauna, which is addressed separately in Chapter 7 – Ornithology.</i> ’ The conclusion of the chapter is as follows: “ <i>This Chapter presents an evaluation of the potential ecological effects of the proposed development on biodiversity, and details appropriate mitigation and compensation measures to reduce or off set the significance of potential effects. The residual effects assessment, post implementation of the proposed mitigation and compensation measures, concludes that the proposed project, either individually or cumulatively with other projects, will not result in significant effects on any of the identified KERs.</i> <i>Overall, it can be concluded, the proposed project will not have significant negative effects on biodiversity at any geographic scale. ‘</i>



Theme	Policy Wording	Project Response
Hedgerows / Treelines	11-4 (a) Conserve, protect and enhance areas of local biodiversity value, habitats, ecosystems and ecological corridors, in both urban and rural areas, including rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands in accordance with the objectives of the National Biodiversity Plan (DCHG 2017) and any review thereof.	A tree and hedgerow survey was undertaken to identify features of ecological and visual significance, which have been retained where possible and incorporated into the site layout. Chapter 6 of this EIAR addresses a details ecological impact assessment, which states that, <i>“In terms of linear habitats, a total of 1.3km of WL1 Hedgerow will be lost as a result of the proposed project with 0.9km of that loss attributed to the implementation of bat buffers and 0.8km as a result of vegetation clearance along the TDR (Chapter 6). Similarly, 0.4km of WL2 Treelines will be lost as a result of the proposed project inclusive of 0.3km from the implementation of bat buffers and 0.2km as a result of vegetation clearance along the TDR. Finally, 0.7km of FW4 Drainage ditch will be lost during the construction phase as a result of the proposed wind farm site infrastructure.”</i> The Biodiversity Enhancement Plan includes measures to replace and enhance any habitat lost during construction. This includes replanting 1.3.km of hedgerow removed at the windfarm, and replacing any hedgerow removed during the proposed TDR works. A total of 0.22ha of suitable Marsh Fritillary habitat will be lost as a result of the proposed project. This habitat has been identified as GS4- Wet grassland with abundant Devil’s-bit scabious. To compensate for this habitat loss, 2 ha of GS4-Wet grassland located within the proposed wind farm site will be managed for suitability of the target species Marsh Fritillary. To mitigate any loss to bat habitats the removal of gaps in woody ecological corridors have been proposed, as well as the installation of bat boxes on the site. It is proposed that new aquatic habitats will be created on the proposed site, and that non-native plant species will be removed from existing drainage ditches to enhance them as a habitat. Drainage ditches will be installed along the proposed access tracks.
Water Quality	11-7 - a) Ensure the protection of water quality in accordance with the EU WFD and support the objectives and facilitate the implementation of the associated Programme of Measures of the River Basin Management Plan 2018-2021 and any successor. This includes contributing towards the protection of Blue-Dot catchments and drinking water resources. Also, have cognisance of the EU’s Common Implementation Strategy Guidance Document No. 20 and 36 which provide guidance on exemptions to the environmental objectives of the WFD. b) Support an integrated and collaborative approach to catchment management in accordance with the River Basin Management Plan 2018-2021 and any successor. c) Require an undisturbed edge or buffer zone to be maintained, where appropriate, between new developments and riparian zones of water bodies to maintain the natural function of existing ecosystems associated with water courses and their riparian zones, and to enable sustainable public access.	Chapter 9 (Hydrology, Hydrogeology and Water Quality) of this EIAR states that the proposed project has been assessed in accordance with the Water Framework Directive (2000/60/EC), the current River Basin Management Plan (RBMP), and relevant national and regional water management policies, in line with Council Policy ENVP-01. Assessments have been undertaken to evaluate potential impacts on surface and groundwater bodies within the project area. In compliance with ENVP-04, the design and construction methodology have been informed by the RBMP objectives, with particular attention to maintaining or improving water quality status. Mitigation measures, including sediment control, sustainable drainage systems (SuDS), and buffer zones are incorporated into the Construction Environmental Management Plan (CEMP) to prevent pollution and manage runoff. For areas near high-status water bodies, a site-specific assessment was completed as required under ENVP-05. This included identification of localised pressures and the implementation of targeted mitigation strategies to ensure no deterioration of water quality. Ongoing monitoring will be conducted during construction and operation phases to verify effectiveness and compliance. The chapter concludes, <i>“No significant residual effects were reported for any hydrological or hydrogeological receptors with any of the nearby wind farm/other assessment reviewed. Taking into consideration other plans or projects no cumulative effects are anticipated.</i> <i>Due to the localised nature of the proposed works, there is no potential for significant, negative cumulative effects in-combination with other local developments on the water environment.”</i>
FRA	11-9 - Assess all new developments (both within and without designated Flood Risk Zones) in line with the ‘Staged Approach’ and pre-cautionary principle set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities, (DEHLG, 2009) and any amendment thereof, and the following: (a) Require the submission of site-specific Flood Risk Assessments for developments undertaken within Flood Zones A & B and on lands subject to the mid-range future scenario floods extents, as published by the OPW. These Flood Risk Assessments shall consider climate change impacts and adaptation measures including details of structural and non-structural flood risk management measures, such as those relating to floor levels, internal layout, flood-resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events. (b) SFRA’s and site-specific flood risk assessments shall 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) shall be consulted with to this effect.	The proposed project has been assessed in accordance with Policy FRA 11-9 and the principles set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG, 2009) within the Flood Risk Assessment Report submitted with this application. The FRA concludes, <u><i>“Fluvial Flooding</i></u> <i>Based on a review of available information, it was estimated that four of the turbines are at risk of fluvial flooding (Turbines 1, 2, 8, and 9). The amount of inundation varies at each turbine, with Turbine 8’s hardstand being the least inundated and Turbine 9’s hardstand being the most. All of the four mentioned Turbines hardstands are liable to fluvial flooding in both 1 in 100-year and 1 in 1000-year (1% & 0.1% AEP) Current and MRFS events.</i> <i>In order to ensure the turbines are not at risk of fluvial flooding it is proposed that their critical infrastructure are raised above that of the</i>



Theme	Policy Wording	Project Response
	(c) Ensure each flood risk management activity is examined to determine actions required to embed and provide for effective climate change adaptation as set out in the OPW Climate Change Sectoral Adaptation Plan for Flood Risk Management applicable at the time. (d) Applications for development on land identified as 'benefitting land' may be prone to flooding, and as such site-specific flood risk assessments may be required in these areas. (e) Require applications for new development, or for an extension to an existing development on land zoned for 'Social and Public' or 'Amenity' use and where a potential flood risk is identified, and where the proposed use might be vulnerable, to be subject to site-specific flood risk assessment to the satisfaction of the Council.	<i>1 in 1000-year (0.1% AEP) MRFS event, with additional freeboard added. It is proposed that all critical infrastructure will have a minimum level of 46.5mOD.</i> <i>Approximately 14,000m³ of compensation storage is proposed adjacent to Turbine 2, to account for the flood plain lost due to the construction of the hardstanding areas of the turbines.</i> <i>On this basis, it is estimated that the risk of fluvial flooding to all the critical infrastructure will be minimal. The risk of flooding to the access road will be minimum and is justified appropriately in Section 4.5, Chapter 4.</i> <u>Coastal Flooding</u> <i>The subject site is not at risk of coastal flooding due to its distance inland from coastal waters.</i> <u>Pluvial Flooding</u> <i>Pluvial flood extents do not inundate any of the turbines or access roads.</i> <i>Surface water arising on the proposed mixed-use development will be managed by a dedicated stormwater drainage system in accordance with Sustainable Drainage Systems (SuDS) principles, limiting discharge from the site to greenfield runoff rates.</i> <i>The landscaping and topography of the developed site will provide safe exceedance flow paths and prevent surface water ponding to minimise residual risks associated with an extreme flood event or a scenario where the stormwater drainage system becomes blocked.</i> <u>Groundwater Flooding</u> <i>There is no evidence to suggest groundwater as a potential source of flood risk to the proposed subject site, the raised lands to accommodate the hardstanding area and access road will remove the surface water flood risk to the development.</i> <i>Based on the results of this flood risk assessment, it is estimated that the risk of flooding to the proposed development will be minimal, and that the development will not increase the risk of flooding elsewhere."</i>
Invasive Species	11-13 - Seek to control the spread of invasive plant and animal species, including consideration of potential pathways for invasive species spread, i.e. watercourses.	A site-specific ecological survey was carried out as part of the planning process for the proposed project, which included an assessment for invasive species in accordance with Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011–2015. Where invasive species were identified on or near the site, appropriate control and eradication measures have been proposed, including treatment plans and monitoring protocols. These measures will be implemented prior to and during construction, as outlined in the Construction Environmental Management Plan (CEMP), to prevent spread.
Landscape Sensitivity	11-16 - Facilitate new development which integrates and respects the character, sensitivity and value of the landscape in accordance with the designations of the Landscape Character Assessment, and the schedule of Views and Scenic Routes (or any review thereof). Developments which would have a significant adverse material impact on visual amenities will not be supported.	The Landscape and Visual Assessment chapter 12 of this EIAR concludes that, <i>"No specific landscape or visual mitigation measures are proposed beyond adherence to best practice methods to reduce environmental impacts upon the environment, and undertaking reinstatement / replacement planting, and seeding works. These measures together with the consideration given to the siting and design of the proposals, have been iteratively embedded into the scheme being assessed as part of a holistic approach to design and assessment, and it is not considered that there are any specific additional mitigation measures that would moderate effects further. The effects of the scheme described should be considered the 'residual' effects."</i> Furthermore, it is not considered that there will be any significant effects arising from the Proposed Project and that there will not be any significant effects.
Noise	11-18 - Ensure that new development does not result in significant noise disturbance and to ensure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 2018 and relevant standards and guidance that refer to noise management.	Chapter 11 of this EIAR includes an assessment of Noise and Vibration arising from the proposed project. The proposed wind farm has been designed to minimise noise impacts in accordance with Council Policies ENVP-21 and ENVP-22. A noise impact assessment was carried out as part of the planning application, including baseline monitoring and predictive modelling of turbine noise levels. Turbine locations have been selected to ensure adequate separation distances from dwellings, and operational noise will be monitored post-construction to verify compliance. During construction, noise mitigation measures such as restricted working hours, use of low-noise equipment, and site traffic management will be implemented. The Chapter concludes that,



Theme	Policy Wording	Project Response
		<i>"The assessment of construction noise and vibration and has been conducted in accordance with best practice guidance contained in BS 5228-1 and BS 5228-2.</i> <i>Residual noise associated with the construction and decommissioned phases have been predicted to be below the proposed threshold values. The associated noise and vibration levels are not likely to cause significant effect at any NSL.</i> <i>Based on detailed information on the site layout, turbine noise emission levels and turbine hub height, turbine noise levels have been predicted at NSLs for a range of operational wind speeds. The predicted noise levels associated with the proposed project will be within the noise criteria stated in the applicable WEDG06s guidelines. Therefore, it is not considered that a significant effect is associated with the development.</i> <i>Operational noise from the proposed substation and battery storage facility has been assessed and found to be within the proposed criteria based on review of the most appropriate guidelines and standards.</i> <i>No significant vibration effects are associated with the operation of the proposed project.</i> <i>Therefore, it is not considered that a significant effect is associated with the proposed project."</i>
Archaeology & Cultural Heritage	11-12 In assessing proposals for new development to seek to protect, support and conserve the geological heritage sites of Tipperary and their value as outlined in the Tipperary Audit of Geological Heritage Sites, (GSI/TCC, 2019).	Chapter 15 of this EIAR includes a Cultural Heritage Impact Assessment which includes the consideration of protected structures and archaeological sites.
Archaeology & Cultural Heritage	13-4 Safeguard sites, features and objects of archaeological interest, including Recorded Monuments, National Monuments and Monuments on the Register of Historic Monuments, and archaeological remains found within Zones of Archaeological Potential located in historic towns and other urban and rural areas. In safeguarding such features of archaeological interest, the Council will seek to secure their preservation (i.e. in situ or in exceptional circumstances preservation by record) and will have regard to the advice and recommendation of the Department of Arts, Heritage and the Gaeltacht. Where developments, due to their location, size or nature, may have implications for archaeological heritage, the Council may require an archaeological assessment to be carried out. This may include for a requirement for a detailed Visual Impact Assessment of the proposal and how it will impact on the character or setting of adjoining archaeological features. Such developments include those that are located at, or close to an archaeological monument or site, those that are extensive in terms of area (1/2 ha or more) or length (1 kilometre or more), those that may impact on the underwater environment and developments requiring EIA.	The chapter concludes that the proposed wind farm is located in a landscape of pasture, arable land, and bogland, with high archaeological potential due to proximity to the Little Brosna River. Ground disturbances during construction may result in direct, permanent impacts on subsurface archaeological remains with no surface expression. To mitigate this, archaeological test trenching will be conducted under licence from the National Monuments Service, with further measures such as preservation by record or in-situ applied if necessary. The development will also affect the demesne landscape of Ballincor House and several townland boundaries, though these impacts are considered slight. Archaeological monitoring will be carried out for all boundary interventions, and no mitigation is required for the Ballincor demesne due to its well-documented nature. Additional infrastructure, including the proposed TDR and GCR, may impact subsurface archaeological features, particularly near Sharavogue House and AH109 (a motte and bailey site). These areas will be subject to archaeological monitoring during construction, and mitigation will be implemented if remains are discovered. The removal of a section of demesne wall at Sharavogue House will be recorded in detail prior to construction. While most of the proposed GCR follows existing roads, directional drilling near historic bridges will also be monitored to prevent damage to potential buried features. All archaeological work will be conducted under licence and in consultation with the National Monuments Service to ensure compliance and heritage protection.
Archaeology & Cultural Heritage	13-6 Consider landscapes of archaeological significance and, if considered necessary, require an impact assessment for proposed development which could have a significant impact on the identified landscape.	
Roads and Transport	12 – 4 Maintain and protect the safety, capacity and efficiency of Tipperary's roads network and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, (DECLG, 2012) and the Trans-European Networks Regulations and to avoid the creation of additional access points to national roads to which speed limits greater than 60km/h apply.	Chapter 14 of this EIAR includes a Traffic and Transport Assessment along with a Road Safety Audit, which concludes that, the construction and decommissioning stages of the project will have a negative impact, while the operational phase traffic impact is likely to have an imperceptible long-term effect on the road network in the vicinity of the project. In order to mitigate the negative impact during construction a Construction Stage Traffic Management Plan has been prepared.
Road Safety	12 – 6 (a) Facilitate a limited level of new accesses, or the intensified use of existing accesses to the national road network, on the approaches to, or exit from urban centres that are subject to a speed limit zone between 50kmph and 60kmph, otherwise known as the transition zone noting the provisions of TII Publication Standard DN-GEO-03084 'The Treatment of Transition Zones to Towns and Villages on National Roads. (b) Such accesses will be considered where they facilitate orderly urban development and would not result in a proliferation of such entrances, leading to a diminution in the role of these transitional zones. (c) A Road Safety Audit, prepared in accordance with the Design Manual for Roads and Bridges (TII, 2010), shall be submitted, where appropriate.	
Right of Way	14 - 3 To restrict new development where an existing or proposed public rights-of-way will be affected unless the level of amenity loss is minimised by: a) Diversion of the route by the minimal practical distance, b) The character of the route is not materially affected, c)	As part of the planning application, a detailed constraints and route assessment was undertaken to identify any known public rights-of-way, walking trails, or established access routes within or adjacent to the development site. The findings confirm that no recorded public rights-of-way, as listed by Tipperary County Council or the Ordnance Survey Ireland, will be obstructed or directly impacted by the



Theme	Policy Wording	Project Response
	Appropriate legal procedures have been undertaken to extinguish any existing right-of-way and to establish a new right-of-way to replace it.	proposed turbine locations, access tracks, or associated infrastructure. In areas where informal or permissive paths were identified, the layout has been sensitively designed to avoid disruption. In the unlikely event that any minor diversions are required during construction, these will be temporary, of minimal practical distance, and will not materially affect the character or amenity of the route.



5. LEGAL BASIS FOR CONSIDERATION OF APPLICATION

The proposed project is located within the administrative areas of Offaly County Council and Tipperary County Council. According to Map No. 10 of the Offaly County Development Plan, the wind farm site lies within an area designated as “Not Deemed Suitable for Wind Energy Development,” while the Tipperary County Development Plan identifies it as an “Area Unsuitable for New Wind Energy Development.” The proposed project conflicts with the relevant map designations and associated policies of both Development Plans, and it is acknowledged that this conflict is likely to constitute a material contravention of each plan within the meaning of the Planning and Development Act 2000 (as amended).

This section of the report sets out (i) the statutory framework under which the application falls to be determined (ii) the correct legal approach to material contravention in the context of Strategic Infrastructure Development and (iii) the legal basis for the Commission's obligation to have regard to national climate and energy policy in the exercise of its functions.

5.1 LEGAL BASIS FOR CONSENT IN CONTRAVENTION OF CDP

This application falls to be determined under the Strategic Infrastructure Development regime, pursuant to section 37G of the Act. Under Section 37G (6) of the Planning and Development Act, 2000 (as amended), ACP has the power to grant planning permission in material contravention of a development plan. In this respect Section 37G(6) states:

“The Board 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”.

Additionally, section 37G (2) of the Planning and Development Act, 2000 (as amended) states:

(2) Without prejudice to the generality of subsection (1), the Board shall consider—

(a) the environmental impact assessment report submitted under section 37E(1), any submissions or observations made, in response to the invitation referred to in section 37E(3), within the period referred to in that provision, the report (and the recommendations and record, if any, attached to it) submitted by a planning authority in accordance with section 37E(4), any information furnished in accordance with section 37F(1) and any other relevant information before it relating to—

(i) the likely consequences of the proposed development for proper planning and sustainable development in the area in which it is proposed to situate the development, and

(ii) the likely effects on the environment of the proposed development,

...

(c) the provisions of the development plan or plans for the area,

...

(e) if the area or part of the area is a European site or an area prescribed for the purposes of section 10(2)(c), that fact,



(f) if the proposed development would have an effect on a European site or an area prescribed for the purposes of section 10(2)(c), that fact,

(g) the matters referred to in section 143, [that being –

(a) the policies and objectives for the time being of the Government, a State authority, the Minister, planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns or other areas, whether urban or rural,

(b) the national interest and any effect the performance of the Board's functions may have on issues of strategic economic or social importance to the State, and

(c) the National Planning Framework and any regional spatial and economic strategy for the time being in force.]

(h) any relevant provisions of this Act and of any regulations made under this Act.

Furthermore, pursuant to the Planning and Development Act 2000 as amended, for Strategic Infrastructure Development projects, the Commission shall consider the provisions of the local County Development Plan but is not required to make decisions that are consistent with it and may decide to grant a permission for development, even if the proposed development, or part thereof, contravenes materially the development plan.

Power to Grant Permission in Material Contravention of the Development Plans

Section 37G(6) of the 2000 Act expressly provides that the Commission may decide to grant permission for development, or any part of a development, even if the proposed project, or part thereof, contravenes materially the development plan relating to any area in which it is proposed to be situated.

The statutory scheme is therefore clear: whilst the provisions of the relevant Development Plans are a mandatory matter to which the Commission must have regard under section 37G(2)(c), they are not determinative of the SID application. The Development Plans constitute an important consideration in the statutory planning balance, but the Commission retains an express discretion under section 37G(6) to grant permission notwithstanding a material contravention, provided that the decision is reached in accordance with the full range of considerations prescribed by section 37G.

It follows, as a matter of jurisdiction, that the Commission has the power to grant permission for the proposed project notwithstanding the material contravention of the Offaly and Tipperary Development Plans. The question is then whether it should exercise that discretion - a matter addressed in more detail below.

5.2 LEGAL OBLIGATIONS UNDER CLIMATE LEGISLATION

This section provides the positive legal basis for the Commission to exercise its discretion under s.37(G) of the 2000 Act and grant permission for the proposed project, notwithstanding the material contravention of the two applicable County Development Plans. It is grounded in the statutory obligation imposed upon the Commission by section 15 of the Climate Act and is informed by the 2026 Supreme Court decision in *Coolglass Wind Farm Ltd v An Coimisiún*



Pleanála, which provides a clear, authoritative interpretation of the strengthened climate obligations introduced by the 2021 amendments.

It is acknowledged that *Coolglass* is not authority for a general presumption in favour of the grant of permission for renewable energy projects. The Supreme Court expressly rejected that reading of section 15. What *Coolglass* does establish - and what is directly applicable to this application - is a legal obligation on the Commission to engage substantively and in a non-circular manner with the climate benefits of this development and with the question of whether the Development Plan designations remain consistent with current national climate obligations, when considering the exercise of its section 37G(6) power. The decision of the Commission on this application must be capable of demonstrating that engagement. This section provides the legal and factual foundation for that exercise.

Section 15 of the Climate Action and Low Carbon Development Act 2015 (as substituted by Section 17 of the 2021 Amendment Act) obliges relevant public bodies, including the Commission, to perform their functions “insofar as practicable” in a manner consistent with the State’s climate action instruments. The Commission is accordingly subject to the section 15 obligation in the exercise of all of its functions, including - and specifically - in considering the exercise of its discretion under section 37G(6) to grant permission notwithstanding a material contravention of a development plan.

The climate action instruments to which consistency is required include the most recent Climate Action Plans, CAP24 and CAP25 which set out binding national objectives such as achieving 9 GW of onshore wind and securing an 80% renewable electricity share by 2030. The statutory duty under Section 15(1) is mandatory in nature and requires consistency with climate plans, the national long-term strategy, adaptation frameworks, sectoral plans, the national climate objective, and overarching goals relating to greenhouse gas mitigation and climate resilience. Ireland currently is not on track to meet these targets.

The Nature and Legal Character of the Section 15(1) Obligation: The Supreme Court's Analysis

On 4 February 2026, the Supreme Court dismissed the Commission’s appeal but refined the legal reasoning. The Supreme Court was satisfied that the amendments effected in 2021 are of real importance and effect; they impose an obligation not just of process but of outcome; and that outcome, if challenged, is not tested by a rationality standard, but rather by compliance or not with the legal obligation proposed. The effect of the 2021 changes was to create binding legal obligations capable of being assessed and enforced by a court, upgrading the original “have regard to” obligation to one requiring that the action of the relevant body meets a substantive outcome: it must be consistent, so far as practicable, with the climate objectives.

The consistency obligation is certainly stronger than a “have regard to” obligation but is more flexible and less demanding than a “comply with” obligation. The matters with which any relevant body must perform its functions consistently are themselves expressed at a level of generality. Accordingly, a range of decisions may be said to be consistent with the s. 15 objectives. The decision of an authority must, to comply with s. 15, be capable of falling within that range.

The question of consistency of an individual planning decision with the s. 15 objectives is much more complex than a traffic light system of climate friendly “go” (unless impracticable), and climate unfriendly “stop”.



The Role of a Public Body Relative to Material Contravention: The Key Principle from Coolglass

The legal principle of most direct relevance to this application - and one which is clearly established by the Supreme Court in Coolglass - concerns the manner in which a public body must approach its section 37G(6) discretion where section 15 is engaged. The Supreme Court was unambiguous: a decision-maker cannot treat the existence of a material contravention as itself a reason for refusal, in circumstances where the climate benefits of the development have not been weighed as a reason for granting permission notwithstanding that contravention.

The fundamental question in Coolglass was whether the Commission should exercise its power under s. 37G(6), and the obvious and basic argument in favour of it doing so was the climate benefit of the proposed project. The Supreme Court held it was not apparent that the Commission ever engaged with that question in a real and substantive way, and that the decision and report were phrased in terms that seemed to imply that the very fact that the development would contravene the development plan was considered itself a reason to refuse the permission. That was an error of law because the Commission was required to consider whether the climate benefits of the project required or justified the grant of permission notwithstanding the material contravention of the development plan, reinforced when considered in the light of the s. 15 obligation.

This principle sets a clear and binding legal obligation on the Commission in determining the present application. The Commission cannot simply observe that the proposed project would contravene the applicable Development Plan designations and conclude that this is a reason for refusal. It must engage substantively and in a non-circular manner with: (i) the climate benefits of the proposed project; (ii) whether the Development Plan designations are themselves consistent with current national climate obligations; and (iii) whether, on a proper weighing of those matters, the section 37G(6) discretion should be exercised to grant permission.

Application to the Offaly and Tipperary Development Plans

The applicant submits that there are three specific and identifiable grounds on which the Commission's section 15 obligations require it to engage genuinely with the exercise of its section 37G (6) discretion in this case:

First: The Development Plan Designations Must Themselves Be Assessed for Consistency with Current Climate Obligations

The Supreme Court confirmed that a planning authority is entitled to commence consideration with a presumption that compliance with the development plan will itself be compliant with its s. 15 duty. However, the Commission has a power to grant permission which contravenes the provisions of the development plan under s. 37G(6) - a function to which s. 15 applies. If it can be established that the development plan does not meet the climate objectives, or no longer does so because of a change in those objectives, or because of particular features of the specific development, the Commission must consider whether it should grant the permission, and if the matter is raised, should be able to explain why the decision it has come to is indeed consistent with those objectives.

The wind energy exclusion designations in the Offaly and Tipperary Development Plans were established at a time predating the most recent iterations of national climate action planning. The applicant's case - fully substantiated in the planning balance sections of this Report - is that those designations are not consistent with the current requirements of CAP24 and CAP25 and



the associated onshore wind targets, and that the presumption that the plans are climate-consistent is, in these specific circumstances, displaced. The Commission is therefore required, consistently with *Coolglass*, to assess that question for itself and to engage with the climate benefits of this development as a reason in favour of exercising the section 37G(6) discretion.

Second: The Commission's Decision-Making Must Not Be Circular

The overriding principle from *Coolglass* is that the Commission must not allow the existence of a material contravention to function as a self-reinforcing reason for refusal, divorced from any genuine assessment of the climate benefits and the section 15 obligations. The Commission was required to consider whether the climate benefits of the project required or justified the grant of permission notwithstanding the material contravention of the development plan, and this was reinforced when considered in the light of the s. 15 obligation. The decision of the Commission in *Coolglass* was accordingly quashed, and the matter remitted. That is the legal obligation on the Commission in considering this application.

Third: The "In So Far As Practicable" Qualification

The applicant acknowledges the "in so far as practicable" qualification on the section 15 obligation. The Supreme Court confirmed that the decided cases propose that "in so far as practicable" means something that is capable of being carried into action having regard to such practical difficulties that exist, but does not permit the taking of mere matters of convenience into consideration, and is to be contrasted with phrases such as "insofar as possible", which are more demanding. It comprehends what is practical in the circumstances and appropriate to the requirements of the situation. There is nothing in the characteristics of this development that would render it impracticable for the Commission to grant permission consistently with its section 15 obligations. The applicant's case is that granting permission - notwithstanding the material contravention - is both the legally required and practically available course of action.

Authorities must demonstrate that they have actively engaged with and weighed national climate obligations, assessed whether local policy designations remain compatible with statutory climate requirements, and shown that refusal is justified because consistency with climate plans is impracticable. The Court also underscored the need for independent assessment by the decision-making body, avoidance of undue deference to external opinions, and the recognition that renewable energy projects may qualify under Imperative Reasons of Overriding Public Interest (IROPI).

Summary

Based on the Supreme Court's guidance, a decision to grant permission notwithstanding the material contravention is justified where:

- The project makes a meaningful contribution to statutory climate objectives,
- The Development Plan's prohibitions have not been demonstrably assessed for climate consistency, and
- The competent authority has fully weighed national climate obligations, as required by Section 15(1).

The applicant's substantive case is that this development makes a meaningful and quantifiable contribution to national onshore wind targets at a time when Ireland is not on track to meet those targets, and that the applicable Development Plan exclusion designations are not



consistent with current climate action plans. The Commission is respectfully invited to engage with that case substantively, and to exercise its discretion under section 37G(6) accordingly.

6. CONCLUSION

The proposed project represents a strategically important renewable energy development that aligns with Ireland's national and EU climate obligations, energy security goals, and planning policy frameworks. With a proposed capacity of between 61.6 – 77 MW, the proposed project will generate clean electricity for supply approximately 36,700 to 45,860 households annually, significantly reducing reliance on imported fossil fuels and contributing to Ireland's legally binding target of achieving net-zero emissions by 2050, as required by section 3 of the Climate Act.

The proposed project has been designed to comply with all relevant European Directives, including the EIA, Habitats, and Birds Directives, and is supported by a comprehensive Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS), and Construction Environmental Management Plan (CEMP). These documents demonstrate that the proposed project will not adversely affect designated Natura 2000 sites, protected species, or sensitive habitats. Mitigation measures such as clear span bridges, horizontal directional drilling, and buffer zones have been incorporated to protect watercourses and biodiversity. The wind farm site layout also ensures compliance with noise, shadow flicker, and visual impact guidelines, maintaining a minimum setback of 720m with the exception of one involved landowner (550m) from residential properties, exceeding the requirements of both the 2006 and Draft 2019 Wind Energy Development Guidelines.

The proposed project supports national and local renewable energy targets and engages materially with the strategic objectives of both the Tipperary and Offaly County Development Plans, notwithstanding the acknowledged material contravention of the applicable wind energy siting designations in each plan. In Tipperary, the proposed project is consistent with Policies 3-1, 10-1, and 10-A by promoting wind energy generation and supporting rural renewable investment, while also facilitating grid integration under Policies 15-E and 15-F. Although the site is located in an area designated as "Unsuitable for New Wind Energy Development" (Map 11 of the RES), the application is supported by detailed assessments, including an EIAR and LVIA, demonstrating compliance with Policy RE2 and the Tipperary Landscape Character Assessment. In Offaly, the proposed project is consistent with Policies CAEO-03 and CAEP-25 by harnessing wind energy in a sustainable manner, notwithstanding the "Not Deemed Suitable for Wind Energy Development" on Map No. 10. The proposal adheres to Development Management Standard 109 and relevant Section 28 Wind Energy Guidelines and includes early-stage community consultation and benefit measures in line with CAEP-26 and CAEP-27, while supporting grid infrastructure under CAEP-01 and CAEP-05.

At the EU level, the proposed project is supported by the Renewable Energy Directive (RED III) and the European Green Deal, both of which emphasise the urgent need to expand renewable energy capacity across Member States. RED III establishes a rebuttable presumption that renewable energy projects are of overriding public interest and mandate streamlined permitting processes. Ireland's obligations under these frameworks are legally binding. Ireland's current underperformance in emissions reduction and renewable energy deployment renders those obligations increasingly urgent in the context of the Climate Action Plan 2024 targets, including the national objective of 9GW of onshore wind capacity and an 80% renewable electricity share by 2030.



The recent Supreme Court decision in *Coolglass Wind Farm Ltd v An Coimisiún Pleanála* provides directly applicable legal guidance for this application and reinforces the legal justification for the Commission to exercise its discretion under section 37G(6). The Court confirmed, authoritatively for the first time, that section 15 of the 2015 Act (as amended in 2021) imposes on the Commission an obligation of outcome and not merely process: the grant or refusal of planning permission is a function which must be performed, insofar as practicable, in a manner consistent with the national climate objectives. That obligation is binding and enforceable by a court; it is not discharged simply by having regard to climate plans.

The *Coolglass* judgment identifies the category of circumstances in which section 15 can require the Commission to exercise its section 37G(6) discretion in favour of a development notwithstanding a material contravention. These circumstances arise where an applicant can demonstrate that a development plan no longer complies with the current climate action plan - for example, because the plan was drafted by reference to an earlier iteration of national climate planning and is no longer consistent with the demands of the most up-to-date CAP - or where particular features of the specific development engage that analysis. In those cases, section 15 may tip the balance in favour of a grant of permission. This is precisely the case advanced by this applicant in respect of the Offaly and Tipperary Development Plans' wind energy siting designations, and the Commission is accordingly invited to engage substantively with it.

Above all, *Coolglass* establishes that the Commission must not treat the existence of a material contravention as itself a sufficient reason for refusal where the climate benefits of the proposed project have not been weighed as a positive reason for the exercise of the section 37G(6) discretion.

In conclusion, the proposed project aligns with national and EU policy, whilst, through its comprehensive supporting documentation, demonstrating that adverse environmental impacts are avoided or appropriately mitigated. The proposed project will make a significant contribution to Ireland's climate targets, energy independence, and regional development. It has been rigorously assessed and designed to meet all planning, environmental, and legislative requirements. Its approval would reflect a legally consistent and proactive response to the climate emergency. It is respectfully submitted that planning permission should be granted in material contravention of the applicable Development Plans, in the exercise of the Commission's discretion under section 37G(6) in recognition of the project's strategic importance to national climate objectives and the legal obligations arising under section 15(1) of the 2015 Act as amended.

