



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.

Email & Registered Post

11th August 2026

RE: An Coimisiún Pleanála Case Number ACP-324420-26

Construction of Dyrick Hill Windfarm comprising 12 no. wind turbines and related works.
Townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower,
Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield) and others, Co. Waterford.

Dear Sir/Madam,

Further to your letter dated 17th July 2026 please find attached Waterford City and County Councils submission as requested.

Can you please advise by return if you need any further information as tomorrow is the closing date for receipt of submissions.

Same will be forwarded to you in hardcopy.

Yours sincerely,


Aisling O'Sullivan
Senior Planner
Waterford City and County Council

Strategic Infrastructure Development (SID)

Section 37E -

An Coimisiún Pleanála Case Reference: ACP-324420-26

Description	Construction of Dyrick Hill Windfarm comprising 12 no. wind turbines and related works.
Applicant	Dyrick Hill Wind Farm Limited
Case type	Strategic Infrastructure (Section 37E)
ACP Reference	ACP-324420-26
Submission Due Date	12th August 2026
Report Prepared by	Marcus Linehan - Senior Executive Planner
Approved by	Aisling O'Sullivan, Senior Planner

1.0 Project Overview

The application relates to the development of 12 no. wind turbines and related works in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield) and others, Co. Waterford.

The site is 12.9km northwest of Dungarvan, 43 km west of Waterford City, and 55km northeast of Cork City. The nearest settlement of size is the rural village of Tooraneena, which is situated east of the River Finisk and just under 3km east of the nearest turbine.



The proposed development is summarised as follows:

- Erection of 12 no. 6.0-7.2 MW wind turbines with an overall ground tip height of 185m. The candidate wind turbines will have a 162m rotor diameter and a hub height of 104m.
 - Construction of Crane Hardstand areas and Turbine Foundations.
 - Construction of new internal site Access Tracks and upgrade of existing site roads, to include passing bays and all associated drainage.
 - Construction of a new wind farm site entrance with access onto the R671 regional road in the townlands of Lickoran.
 - Improvement of existing site entrance with access onto local roads in the townlands of Broemountain.
 - Improvements and temporary modifications to existing public road infrastructure to facilitate delivery of abnormal loads and turbine delivery.
 - Construction of one Temporary Construction Compound with associated temporary site offices, parking area and security fencing.
 - Development of on-site Borrow Pit.
 - Installation of one Permanent Meteorological Mast with an overall height of 104m.
 - Development of a site drainage network.
 - Construction of one permanent 110 kV Substation.
 - All associated Wind Farm Internal Cabling connecting the wind turbines to the wind farm substation.
 - All works associated with the connection of the wind farm to the national electricity grid, which will be via 110 kV underground cable connection approximately 16km in length to the existing Dungarvan 110 kV Substation.
 - Upgrade works on the Turbine Delivery Route from Waterford Port.
 - Ancillary forestry felling to facilitate construction and operation of the Development.
-
- The grid connection includes the buried grid connection cable route which is to run approximately 16.8km from the on-site substation at Dyrick Hill to the 110 kV ESB substation at Dungarvan in Co. Waterford, of which, 368m is within the site of the Development, and 16,432m is located along the public road corridor. 3.1.2.
 - A 15-year planning permission is sought and it is stated the windfarm will have a 40 year operational life from the date of commissioning. 3.1.3.
 - The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS), various technical appendices and letters of consent from landowners.

2.0 Background

Dyrick Hill Wind Farm Limited submitted an application to An Coimisiún Pleanála on the 06/06/2023 for Strategic Infrastructure under Section 37E of the Planning and Development Act, 2000, as amended. Case Ref No ABP-317265-23

As part of this application process under Section 37E(4) of the Planning and Development Act, 2000, as amended, the Chief Executive of Waterford City and County Council (following seeking the views of the Elected Members) submitted a Report to An Coimisiún Pleanála setting out the views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area of the authority. It was the considered opinion of the Planning Authority that permission should be refused for the following reasons:

- Notwithstanding the general planning policy support for wind energy at national, regional and local policy level, including Policy Objective UTL 13 of the Waterford City and County Development Plan 2022-2028, which seeks to support where appropriate, proposals for renewable energy generation, transmission and distribution and ancillary support infrastructure facilities, in relation to the specific sites which is the subject of this application, that policy goes on to state that all such proposals shall be considered having regard to the wind energy designation map (Appendix 2 of the Renewable Energy Strategy) and the Waterford Landscape and Seascape Character Assessment which form an integral part of the development plan.
- The subject site is located in an upland area which is designated as "most sensitive" with very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.
- In addition, Landscape Policy Objective L 02 of the Waterford City and County Development Plan 2022-2028 states that protection of the landscape and natural assets of the county shall be a priority having regard to the character, integrity, distinctiveness or scenic value of specific areas by ensuring that development proposals are not unduly visually obtrusive in the landscape, in particular, or, in or adjacent to the uplands, along river corridors, coastal or other distinctive landscape character units.
- Furthermore, the Renewable Energy Strategy of the Waterford City and County Development Plan designates the site of the proposed development as an "exclusion zone" or a "no go area" for new wind energy developments. The proposed development would be sited on lands that are located within an area where wind farm development is not normally permissible for reasons relating to landscape sensitivity and, accordingly, it is considered that the proposed development would materially contravene policies UTL 13 and L 02 of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

An Coimisiún Pleanála decided to Refuse permission on the 03/10/2024 for the following reasons:

1. Having regard to Policy Objective UTL 13, which seeks to facilitate and encourage proposals for renewable energy generation '...developed fully in accordance with the Waterford Renewable Energy Strategy (RES), the wind energy designation map (Appendix 2 of the RES), the Waterford Landscape and Seascape Character Assessment (LSCA) undertaken to inform this Development Plan and the National Wind Energy Guidelines, or any subsequent update/ review of these', and given the proposed development site falls within an area identified as 'Exclusion Zone' on the RES Wind Energy Strategy Maps for new wind energy developments, it is considered that notwithstanding broad policy support for the development of wind energy in the county area, by reference to European, national, regional and local policy, the specific policy context as set out in the development plan has equally provided for defined locations where wind energy projects may variously be supported, deemed open for consideration or excluded. The proposed development is in an identified exclusion zone for wind energy. In this context, it is considered that the proposed development would materially contravene Policy

Objective UTL 13 of the Waterford City and County Development Plan 2022-2028.

Furthermore, having regard to the totality of the documentation on file, including submissions received, the Board determined that no evidence has been provided which would support a material contravention of the development plan in this case. In reaching this conclusion, the Board considered relevant renewable energy policy in the statutory development plan, and in applicable European, national and regional policy and guidance, and determined that a refusal of permission in this case, would not militate against the wider ability for planning consent to be secured for wind energy proposals in County Waterford, subject to the principles of proper planning and sustainable development and consistent with applicable development plan policy and objectives, and accounting for European, national and regional policy and guidance including consistency with the national Climate Action Plan. In this regard it is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The subject site is located within and adjacent to an upland area designated 'Most Sensitive' in the Waterford Landscape and Seascape Character Assessment, undertaken to inform the development plan, in an area of scenic value. The proposed development by virtue of its layout and scale would adversely interfere with the intrinsic character, integrity and distinctive qualities of the landscape setting which it is considered necessary to preserve under the Development Plan. The proposed development would therefore be contrary to Policy Objective LO2 'To protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive landscape character units'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development would result in the direct loss of 3.5 hectares of dry heath (4030) habitat, which is included in Annex I of the European Union Habitats Directive of 1992. This area of dry heath located on Broemountain forms part of a wider habitat area across the commonage area of Broemountain and across the Knockmealdown Mountains which supports nationally declining species, including Annex 1 species protected under the EU Birds Directive of hen harrier and golden plover, as well as other bird species of high and medium conservation concern. Having regard to the direct loss of 3.5ha of Dry Heath habitat and the lack of interrogation of the implications for the hen harrier recorded in the area, in addition to associated risk of displacement caused by the proposed turbines to hen harrier and golden plover in this area, the Board is not satisfied that the proposed development will not result in a significant loss of biodiversity. It is considered that the proposed development would be contrary to objectives ENV01, BD01 and BD02 of the operative development plan which seek to protect habitats listed in Annex I of the Habitats Directive, protect biodiversity and ecological connectivity, and achieve net gain in biodiversity enhancement and creation, and would be contrary to Article 4(4) of the Birds Directive (2009/147/EC) to avoid deterioration of habitats affecting protected birds. The

proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

That decision was quashed by order of the High Court based on the consideration that the Board, in failing to approve adequate planning applications to meet Ireland's 2030 renewable energy targets in the Climate Action Plan 2024, is failing to comply with its obligations under section 15 of the Climate Action and Low Carbon Development Act 2015 and the case was remitted back to An Coimisiún Pleanála for a new decision.

Having regard to the foregoing, the application has now been reactivated and assigned Case Ref ACP-324420-26.

3.0 Planning Authority Requirements

Having regard to correspondence received from An Coimisiún Pleanála dated the 17th July 2026, which states that, having regard to the High Court Order in this case, the quashing of the previous Commission decision and the passage of time, the Commission considers that it is appropriate and in the interests of justice to request the Planning Authority to under section 37F(1)(c) of the Planning and Development Act 2000, as amended, to make any further general submissions/observations it may have on the planning application the subject of this remittal, including the Commission's reasons for refusal and whether the Commission should exercise its powers under section 37G(6) of the Act, to depart from the terms of the Waterford City and County Development Plan 2022-2028, in light of section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended. Any such submissions that you may have in response to this notice must be received on or before the 12th of August 2026.

4.0 Planning Authority's Considered Position and Further Submission.

The Planning Authority welcomes the opportunity to provide a further submission in relation to this case and considers it proper and appropriate to seek the views of the elected members in relation to same.

It is the considered opinion of the Planning Authority having sought the views of the elected members that:

- i. The policy objectives of the Waterford City and County Development Plan 2022-2028 and the position of the Planning Authority have not changed from that as set out in the Planning Report dated the 14th of July 2023 as submitted to An Coimisiún Pleanála under Case Ref ABP-317265-23.
- ii. The Planning Authority acknowledges the Supreme Court's findings in Coolglass regarding the weight to be afforded to climate obligations under Section 15(1). However, the judgment does not create a presumption in favour of renewable energy development, nor does it require the Commission to depart from a statutory Development Plan.
- iii. The Development Plan was prepared having regard to national renewable energy objectives, climate action policy, environmental assessments, and extensive public consultation and notably post dates the 2021 Climate Action Act amendments meaning the Plan was adopted in the context of the States Climate obligations.
- iv. The objectives and policies relevant to this application therefore already reflect a considered balancing of climate action requirements with environmental

protection, landscape protection, residential amenity, heritage and infrastructure considerations

- v. While the Planning Authority fully recognises the urgent need to facilitate renewable energy development and support national climate objectives, it considers that such objectives must be pursued in a manner that is compatible with environmental protection and the proper planning and sustainable development of the area
- vi. The Planning Authority considers that a material contravention of the Development Plan should only arise in exceptional circumstances where clear, site-specific and overriding planning grounds have been demonstrated. The Authority does not consider that such circumstances arise in the present case.

Having regard to the foregoing, the Planning Authority considers that the statutory basis for a departure from the Waterford City and County Development Plan 2022–2028 has not been established. The Authority remains satisfied that the Development Plan provides an appropriate framework for balancing renewable energy development with environmental protection and sustainable development objectives. Accordingly, the Planning Authority considers that the Commission's previous reasons for refusal remain valid and that the Commission should not exercise its powers under Section 37G(6) to materially contravene the provisions of the Waterford City and County Development Plan in determining this application.

The Commission's reasons for refusal as applied to Case Ref ABP-317265-23 should be upheld in the current Case Ref ACP-324420-26



Seán McKeown
Chief Executive
Waterford City and County Council

Date: 28th July, 2026 .

Comhairle Cathrach agus Contae Phort Láirge
Waterford City and County Council
DUNGARVAN/LISMORE DISTRICT
DÚICHE DHÚN GARBHÁN/LEASA MHÓIR

Office of the Chief Executive,
City Hall,
The Mall,
Waterford.

23rd July, 2026

DO: GACH BALL DE CHOMHAIRLE DÚICHE DHÚN GARBHÁN/LEASA MHÓIR
TO: EACH MEMBER OF DUNGARVAN/LISMORE DISTRICT COUNCIL

Iarrtar ort freastal ar **CHRUINNÍÚ SPESIALTA** de chuid DÚICHE AN DHÚN GARBHÁN/LEASA MHÓIR de Chomhairle Cathrach and Contae Phort Láirge, a bheidh ar siúl i, MS TEAMS, ar an **dé Máirt 28th Iúil, 2026 ag 10:30 i.n.**

You are requested to attend the **SPECIAL MEETING** of Dungarvan Lismore District of Waterford City and County Council, to be held in the **MS TEAMS, Tuesday 28th July, 2026 at 10:30am.**

AGENDA

1. **Under S37e of the Planning & Development Act - Additional Observation of Dyrick Hill application.**

Lisa Grant
Meetings Administrator



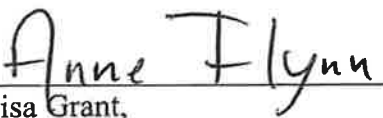
Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

TO WHOM IT MAY CONCERN

At a Special Meeting of Dungarvan Lismore District of Waterford City and County Council held on Tuesday 28th July 2026 the following agenda item was agreed by all.

1. **Under S37e of the Planning & Development Act - Additional Observation of Dyrick Hill application.**

Yours sincerely,


For Lisa Grant,
Meetings Administration.