Inspector's Report

ABP-322225-25

Development	The development will consist of connection of the proposed Seskin Wind Farm to the national electricity grid, via underground 38kV electrical cabling within the public road corridor to the existing Kilkenny 110kV substation and all associated works. An Environmental Impact Assessment Report and a Natura Impact Statement was submitted with the planning application.
Location	Kilmagar, Clara Upper, Mountnugent Upper, Mountnugent Lower, Ossoryhill, Feathallagh, Churchclara, Rathgarvan or Clifden, Clarabricken, Coolgreany, Coolcullen, Reevanagh, Scart, Highrath, Ballysallagh, Ballynamona, Coan East and Cloneen Co. Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	24/60210
Applicant(s)	EDF Renewables Ireland Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.

Type of Appeal	First Party.
Appellant(s)	EDF Renewables Ireland Ltd.
Observer(s)	Karl Johnston and Marie O'Driscoll.
Date of Site Inspection	24th June 2025.
Inspector	Heidi Thorsdalen

Contents

1.0 Overview

1.1 Background

1.1.1 The planning application (reg. ref. 24/60210) which forms the basis of this appeal was lodged to Kilkenny County Council in May 2024 by EDF Renewables Energy Ireland Ltd (the applicant/appellant). The proposed development comprises the proposed Grid Connection Route (c. 18.1km) and accommodation works for proposed Turbine Delivery Route, all within County Kilkenny, and associated with the proposed Seskin Wind Farm in County Carlow. Further information was requested by Kilkenny County Council in June 2024 and the response to further information submitted by the applicant was advertised in January 2025. An order to refuse to grant permission was signed by Kilkenny County Council in March 2025 (see Section 4.1 below).

1.1.2 A separate planning application (reg. ref. 24/60122) was lodged to Carlow County Council by the same applicant, EDF Renewables Energy Ireland Ltd, in May 2024 for the proposed Seskin Wind Farm. This application comprised all development components located within Co. Carlow including 7 wind turbines, a Battery Energy Storage System (BESS), a 38kV Substation, grid connection route (2km) and other associated works. The planning application for the proposed Seskin Wind Farm was refused by Carlow County Council in July 2024. This decision was appealed by EDF Renewables Energy Ireland to the Commission in August 2024 (ABP-320354-24) and I am the reporting Inspector. A decision on this appeal is pending.

1.1.3 An Environmental Impact Assessment Report (EIAR) and an Appropriate Assessment (AA) (Stages 1 and 2) assessing the totality of the Proposed Project i.e. the proposed Seskin Wind Farm, BESS, 38kV substation, proposed grid connection route (combined route of c. 20.1km), turbine delivery route and all associated works as located within both Co. Carlow and Kilkenny, were submitted with both the aforementioned planning applications.

1.1.4 The remit of this appeal is the proposed development components located within Co. Kilkenny as per Section 1.1.1 above. For clarity and consistency with the submitted EIAR and the Natura Impact Statement (NIS), any reference in my report to the proposed development and the site comprises the proposed Grid Connection Route

(c. 18.1km) and accommodation works for the proposed Turbine Delivery Route as located within Co. Kilkenny. The Proposed Project refers to the totality of the development components as proposed within both counties. Reference to the proposed Seskin Wind Farm comprises all development components located within Co. Carlow.

1.2 Planning Application Documents

1.2.1 The planning application, in addition to letters, forms and application drawings, is noted to have been accompanied by the following documentation:

- Planning Report, Seskin Wind farm Co. Carlow & Co. Kilkenny (MKO).
- Environmental Impact Assessment Report Non-Technical Summary, Seskin Wind Farm (MKO).
- Environmental Impact Assessment Report, Seskin Wind Farm (MKO).
- Appropriate Assessment Screening Report and Natura Impact Statement, Seskin Wind Farm (MKO).

1.2.2 The Response to Further Information (RFI) Submission included the following documentation:

- Response to Further Information Request (MKO, December 2024).
- Appendix 1: Design Drawings of Temporary Access Road (MKO).
- Appendix 2: Kilkenny Roads Labelling Guide (MKO).
- Appendix 3: Cumulative Grid Connection Projects Drawing (MKO).
- Appendix 4: TLI Group Preliminary Route Development Report (MKO).
- Appendix 5: Stage 1 Road Safety Audit (Traffico, July 2024).
- Appendix 6: Revised Construction Phase Traffic Diversion Routes (Alan Lipscombe Traffic & Transport Consultants).
- Appendix 7: Traffic Count Data (Traffinomics).
- Appendix 8: Construction and Road Closures Communications Plan (EDF Renewables).

- Appendix 9: Major Watercourse Crossing Technical Note (TLI Group, November 2024).

2.0 Site Location and Description

2.1 The appeal site is located in County Kilkenny, and within the townlands of Kilmagar, Clara Upper, Mountnugent Upper, Mountnugent Lower, Ossoryhill, Feathallagh, Churchclara, Rathgarvan or Clifden, Clarabricken, Coolgreany, Coolcullen, Reevanagh, Scart, Highrath, Ballysallagh, Ballynamona, Coan East and Cloneen. The stated site area in the planning application form is 19.53 hectares (ha) and comprises agriculture land and public road.

2.2 The appeal site for the proposed Grid Connection Route includes approximately 18.1km of existing public road corridor. From the existing Kilkenny 110kV substation at Scarf, the route follows the R712 regional road for approximately 1.6km east before turning left and north onto the L6657 (L2627)[1]. The route continues along the L6657 (L2627) and the L6662/6656 (L2627) for 5.0km through Kilmagar. At Ballysallagh, the route continues onwards in a northeast direction for approximately 11.3km on the L1851/L1850 (L30371) to the county boundary with Carlow in the townland of Coolcullen and immediately west of The Butts. There are nine existing watercourse crossings along the route, and the route crosses the Lyrath River, the Kilderry River and Dinin River and tributaries. Current landuse along the public road corridor comprises agricultural fields, forestry plantations, farms, rural dwellings, smaller commercial premises and graveyard.

2.3 The appeal site for the accommodation works for the proposed Turbine Delivery Route comprises Black Bridge on the L1837 (L1835) in the townlands of Coan East. The Black Bridge is a 19th century stone road bridge, a Protected Structure Ref. D84, which crosses the Dinin River at the Kilkenny and Carlow County boundaries.

2.4 The appeal site also comprises an agricultural grazing field to the east of the existing N78/L1834 road junction in the townlands of Cloneen. The field is generally level and is located to the rear of existing properties.

[1] Road labelling updated to take account of Kilkenny County Council map source as per RFI Submission, Appendix 2. OpenStreetMap reference as per the planning application documentation included in brackets.

2.5 The site, specifically the public road at Philip's Bridge (L1850/L30371) and the Black Bridge (L1837/L1835) runs adjacent to the River Barrow and River Nore Special Area of Conservation (SAC). The River Nore Special Protection Area (SPA), at its closest to the site, is located approximately 1.8km southeast of the R712 which forms part of the proposed Grid Connection Route.

3.0 Proposed Development

3.1 The proposed development will consist of:

- All works (within Co. Kilkenny) associated with the connection of the proposed Seskin Wind Farm to the national electricity grid, via underground 38kV electrical cabling within the public road corridor to the existing Kilkenny 110kV substation.
- Provision of 16 no. joint bays, communication chambers and earth sheath links along the underground electrical cabling route.
- Reinstatement of the road and track surfaces above cabling trench along existing roads and tracks.
- Carriageway strengthening works at Black Bridge on the L1837(L1835) (Protected Structure RPS Ref. D84).
- A new temporary access road off the N78 to the L1384 in the townlands of Cloneen, Co. Kilkenny to facilitate the delivery of turbine components and other abnormal loads.
- All ancillary apparatus and site development works above and below ground.
- The applicant is seeking a 10-year planning permission.

3.2 Grid Connection Route

3.2.1 A 38kV grid connection route between the proposed Seskin Wind Farm and the national electricity grid, specifically the existing 110kV Kilkenny substation, in the townland of Scart near Kilkenny is proposed, measuring approximately 20.1km in length. Approximately 18.1km which forms part of this appeal is within County

Kilkenny, the remaining 2km is within Co. Carlow and forms part of the proposed Seskin Wind Farm (see Section 1.1.2 above).

3.2.2 The proposed Grid Connection Route in Co. Kilkenny is via underground cabling and located within the existing public road network, comprising of: regional road R712; local secondary roads L6656/L6662/L6657 (L2627); and local primary roads L1850/L1851 (L30371)[2]. The proposed Grid Connection Route will be permanent, under the ownership and control of the ESB and EirGrid, and will form part of the national electricity grid.

3.2.3 **Cabling works** will consist of the installation of 3 No. 110mm diameter power ducts for power cables, and 1 No. 110mm fibre communications ducts for fibre cable to be installed in an excavated trench, 600mm wide by 1,220mm deep, with variations in trench design adapting to bridge, service and watercourse crossings. Joint Bays (16 no. proposed) are typically 2.03m x 4.5m x 1.475m pre-cast concrete structures installed below finished ground level, and at intervals of generally between 1000m to 1150m. Communication Chambers are required at every joint bay and will typically be pre-cast concrete structures with an access cover at finished surface level. Earth Sheath Link Chambers are required for approximately every second joint bay. Ducting details are shown on submitted dwgs. 05908-DR-120, 05908-DR-121, 05908-DR-122, and joint bay, communication and transition chamber details are shown on dwgs. 05908-DR-123, 05908-DR-124 and 05908-DR-125.

3.2.4 The cable installation methodology is set out in EIAR Appendix 4-7 and the RFI Submission including Appendix 9. Daily underground cabling installation assumptions are based on 100-150m (up to 200m) sections, comprising of trenching, laying of cable, backfilling and reinstatement. It is noted that no more than 100m will be excavated without the majority of the previous section being reinstated. The installation methodology assumes works progressing in a northeast direction, starting at the 110kV Kilkenny Substation and finishing at the proposed Seskin Wind Farm site.

[2] Road labelling updated to take account of Kilkenny County Council map source as per RFI Submission, Appendix 2. OpenStreetMap reference as per the planning application documentation included in brackets.

3.2.5 **Watercourse crossing (Bridge)**: The proposed Grid Connection Route, within Co. Kilkenny, will involve 6 no. watercourse crossings where there are existing bridges, specifically:

- Bridge No. 1 (Kilmagar Bridge) on L6656 (L2627), a single arch stone road bridge (overall length 1.30m) crossing the Lyrath river at Kilmagar, approximately 4.1 km northeast of the existing Kilkenny 110kV substation.
- Bridge No. 2 (Feathsallagh Bridge) on L1851 (L30371), a single arch stone bridge (overall length 2m) crossing the Lyrath river at Ballysallagh, approximately 1.6km north of Bridge No. 1 (Kilmagar Bridge).
- Bridge No. 3 (Ballysallagh Bridge) on L1851 (L30371), a single arch stone bridge (overall length 1.8m) crossing Kilderry 15 stream at Ballysallagh, approximately 0.25km northeast of bridge No. 2 (Feathsallagh Bridge).
- Bridge No. 4 (Johnswell Bridge) on the L1851 (L30371), a single arch stone bridge (overall length 2.23m) crossing an unknown stream at Ballysallagh, approximately 0.28km northeast of Bridge No. 3 (Ballysallagh Bridge).
- Bridge No. 5 (Kane's Bridge) on the L1850 (L30371), a single arch stone bridge (overall length 3m) crossing a tributary to Coolraheen stream, c. 1.1km west of The Butts.
- Bridge No. 6 (Philip's Bridge) on the L1850 (L30371), a single span steel bridge with concrete deck and stone masonry abutments crossing Coolcullen River (Knockbrannagh stream) at The Butts.

3.2.6 The submitted methodology states that there is insufficient clearance within these bridge structures, deck depth and/or width, to install the cable to ESB specifications. All bridges will be crossed utilising Horizonal Directional Drilling (HDD), and the methodology is detailed in Section 5 of the EIAR Appendix 4-7 and the RFI Submission, Appendix 9. HDD temporary works areas i.e. launch pit (c. 20m^2) and receptor pit (c. 40m^2) are shown located within the public road. The launch pit for Bridge No. 6 (Philips Bridge) is located within Carlow County Council and have been included within the proposed Seskin Wind Farm application (Section 1.1.2). RFI Appendix 9 states that the bore depth will be a minimum 3m below the river/stream bed.

3.2.7 Bridge locations and crossing details as per drawings: 05908-DR-004 and 05908-DR-131 (Bridge No. 1); 05908-DR-005 and 05908-DR-132 (Bridge No. 2); 05908-DR-005 and 05908-DR-133 (Bridge No. 3); 05908-DR-006 and 05908-DR-134 ((Bridge No. 4); 05908-DR-009 and 05908-DR-135 (Bridge No. 5) and 05908-DR-011 and 05908-DR-136 (Bridge No. 6). Photos of the bridges are included in RFI Appendix 9.

3.2.8 **Watercourse crossing (culvert) and watermain crossings:** There are 3 no. culvert crossings along the proposed Grid Connection Route, and these will be crossed via flat formation. Culvert 03 is located on the L1850 (L30371) at Coolcullen, Culvert 02 on the L1851 (L30371) at Reevanagh and Culvert 01 on the L6656 (L2627) at Kilmagar. Culvert locations are shown on dwgs. 05908-DR-004, 05908-DR-008 and 05908-DR-011 and culvert/service crossing dwg. 05908-DR-126. There are two watermain crossings on the L1851 (L30371), location and crossing details are shown on dwgs. No. 05908-DR-011 and 05908-DR-128.

3.3 Turbine Delivery Route

3.3.1 The anticipated abnormal load delivery route for the turbine components is from Waterford (Belview Port), via the N29, N25, N9, M9, N78 and L1834/L1835/L3037 to the proposed Seskin Wind Farm (shown on EIAR Figure 4-24).

3.3.2 Proposed temporary accommodation works adjacent to the **N78/L1834 junction** will provide a one-way access facilitating abnormal turbine load deliveries to by-pass the existing junction. The proposed left-turn access on N78 is located c. 120m east of the existing junction, and the proposed left-turn egress on L1834 is located c. 100m south of the existing junction. The temporary access road measures c. 360m in length, diagonally crossing the existing field to the east of the junction. A temporary loss of 1.32ha of agricultural land is noted. Field and boundaries to be reinstatement on completion of proposed Seskin Wind Farm. Location, road cross section and temporary junction details are shown on dwgs. 220246 - 03A, 220246 – 23 and 220246 – 24. Drainage layout is provided in dwg. 1599-0-0524-A4-D103A-00A. Updated boundary (before, during and construction phase) treatment details are shown on RFI Appendix 1, dwg. 220246-01.

3.3.3 Permanent carriageway strengthening works are proposed to **Black Bridge** (L1837). Black Bridge crosses the Dinin River at the Kilkenny and Carlow County boundary . It is a single span stone bridge dating from the 19th century, and it is a Protected Structure (RPS Ref. D84). The proposed works includes a 175mm thick reinforcing concrete slab on the road carriageway/bridge deck, over the existing road surface, and road surface dressing. The bridge parapet walls will be raised from c. 1200mm to 1250mm above the rubbing strips. A structural assessment is included in EIAR Appendix 4-5. Black Bridge location is shown on dwg. 220246 – 03B and proposed modification details are shown on dwg. 7159S100-1. The southern approach of the bridge has been included within the proposed Seskin Wind Farm application (reg. ref. 24/60122 / ABP-320354-24).

3.3.4 The applicant states that the proposed accommodation works to the N78/L1834 junction (temporary) and Black Bridge (permanent) are the same accommodation works permitted for the turbine delivery for White Hill Wind Farm (ABP-315365-22).

4.0 Planning Authority Decision

4.1 Decision

4.1.1 A notification of the decision to refuse planning permission was issued by Kilkenny County Council by Order dated 10th March 2025 with 3 no. reasons for refusals set out, as follows:

1. Having regards to the decision of Carlow County Council (Ref P24/60122) to refuse planning permission for Seskin Windfarm for which this proposed grid connection is an integral component, and the subsequent (under appeal to An Bord Pleanála (Ref PL01.320354), which has not yet been determined, it is considered that the **proposed grid connection to serve Seskin Windfarm to the Kilkenny 110Kv substation, is premature** as there is a real and substantial risk that the development in respect of which 24/60210 30 permission is sought would not be completed in accordance with any permission or any condition to which such a permission would be subject.
2. In the absence of sufficient information to adequately assess the proposed grid connection route and associated works it is considered the proposed grid

connection would have **a detrimental impact on the environment, traffic safety, architectural heritage (Black Bridge) and the amenities of local residents and road users generally**. The development as currently proposed would, therefore, be prejudicial to public amenity and the environment and contrary to the proper planning and sustainable development of the area.

3. The development as proposed is **contrary to the Government's Spatial Planning and National Roads Guidelines for Planning Authorities (2012)**, as the proposed development by itself, or by the precedent which a grant of permission for it would set, would **adversely affect the operation and safety of the national road network, as insufficient data has been submitte**d with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity of the national road network in the vicinity of the site.

4.2 Planning Authority Reports

4.2.1 There are two planner's reports on file which inform the decision, and which are summarised below.

4.2.2 **Planner's report (1)** (dated 19/06/2024) – recommendation of **Further Information Request** as follows:

1. Transport Infrastructure Ireland (TII): Insufficient data to demonstrate no detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site. Clarification of the road boundary details for temporary access on the N78 and to be in accordance with TII standards. Further liaison with TII regarding construction methodology required if permission granted.
2. Update documents to provide correct road numbers to accurately describe the route of the grid connection and the turbine delivery route within Co. Kilkenny.
3. a) Submission of alternative grid connection options in the interest of minimising the impact on the road network including overhead line options,

third party lands and rationalising of ducting and grid connection to cater for other connections/different parties.

b) Submit a drawing indicating the routes of the currently proposed grid connections of the wind/solar farms accessing the 110kv Kilkenny Substation.

c) Address the potential requirements for a 100kV grid connection design.

4. Submit temporary and permanent boundary treatment on N78 and L1834 for the temporary access.

   a) Submit Road Safety Audit (RSA).

   b) Submit details of proposed modifications to street furniture at Works Location 5 Crettyard for the turbine delivery and any impact on the existing bridge at Crettyard.

   c) Consult with TII regarding all works within, under and approaching the N10 overbridge on the R712 for the grid connection route. N10 National Road is maintained by Egis-Lagan under a MMaRC contract and applicant shall also consult with the maintenance contractor.

5. EIAR Appendix 4-6, a preliminary structure assessment indicated permanent strengthening works to L1834 Black Bridge, a protected structure, for turbine delivery.

   a) Submit for approval a structure/bridge specific design report and to refine the design of the structural improvement works. Consultation with the Bridge Maintenance Engineers of both Carlow and Kilkenny County Council and Conservation Officer of Kilkenny County Council required.

   b) Provide a programme for the bridge assessment, design, treatment of heritage aspects, duration of works including any road closures and diversions and if any works are to be subsequently decommissioned.

6. a) Submit a revised traffic assessment to assess the impact on the proposed grid connection route including road closures and diversion routes.

   b) Carry out a full assessment of the suitability of proposed diversion routes and submit proposals for any improvement works required. Consult with the Municipal District Office.

c) Submit proposals for the provision and maintenance of local/emergency access during the cable trench installation works.

d) Provide an overall traffic map/strategy identifying location and access arrangements for schools along grid connection route, and develop a signage strategy for key destinations.

e) Clarify the anticipated programme for the grid connection works.

f) Indicate anticipated grid connection construction for drainage crossings, structures and culverts. Carry out a structure/bridge specific design report on the structural condition of each of the identified bridges. Determine potential impact of directional drilling and the clearance depth required.

7. Impact of water course crossings on fisheries.

   a) Provide detailed method statements for each water course crossing.

   b) Existing water crossings, where alterations are required, should be upgraded to improve hydromorphology.

8. Submit further details and assessment to address concerns and deficiencies in the NIS relating to the proposed grid connection works, including details of directional drilling works and the in-combination effects with other proposed/permitted grid connections.

9. Submit a revised EIAR for the proposed grid connection and associated works within County Kilkenny, which shall be in a format that is clear and concise to allow for ease of assessment for both the Planning Authority and the general public such that it complies with the EIA Directive and the Aarhus Convention.

10. The planning authority is not satisfied that cumulative environmental impact on Natura 2000 sites has been assessed beyond reasonable scientific doubt. The applicant is therefore requested to submit a revised NIS[3] to address the cumulative impacts.

11. In addition to item 9 above and having regard to the proximity of the proposed grid connection works to two Natura 2000 sites, namely the River Nore and River Barrow SAC and River Nore SPA and the significant potential

[3] 1st July 2024 correction by Kilkenny County Council, original FI referred to EIAR.

cumulative impact of this and other similar type grid connection works associated with renewable energy projects proposed in the area, including Brownstown Solar Farm, Kilderry Solar Farm, Whitehills Wind Farm, Seskin Wind Farm, and the proposed Freneystown Wind Farm, the planning authority is not satisfied that cumulative environmental impact has been assessed beyond reasonable scientific doubt. The applicant is therefore requested to submit a revised NIS to address the cumulative impacts.

12. Clarify how this proposed grid connection will be carried out, delivered and operate having regards to other similar type proposed/permitted development for grid connections along this same route, particularly in terms of road capacity and cumulative impacts.

    FI includes Roads' footnotes relating to settlements/defects surveys, indemnify and costs associated with same, Individual Licence Agreement with Kilkenny County Council for parts of the works, and road opening licence.

4.2.3 **Planner's report (2)** (dated 08/03/2025) – recommendation of **Refusal**, in summary:

- Response to FI 1: Submitted Stage 1/2 RSA noted. TII seeks clarity on the type of replacement stock proof fencing to be installed.
- Response to FI 2: Submitted revised table of road labelling noted.
- Response to FI 3: Applicant submitted an updated Preliminary Route Development report which notes that initially four preliminary routes were identified from a desktop analysis, all predominately within the public road and ESBN Specification No. 18149 (General Specification for Contestably Built Underground Networks) was followed. Roads Department commented that unclear if the ESBN design review and detailed analysis was fully undertaken, noted limited engagement with TII, and the impact of grid connection roadworks in terms of duration and traffic diversion route and impacts on the travelling public. The risk of being unable to obtain a Road Opening Licence due to lack of capacity in the road network due to other potential grid connection installations does not appear to have been fully addressed in this instance.

- Response to FI 4: Applicant submitted a drawing detailing construction/operation finish for temporary access in accordance with TII standards and a Stage 1 RSA. Roads Department noted the applicant's response regarding detailed design stage, but recommended consultation should be carried out prior to the issuing of a planning decision.
- Response to FI 5: Applicant confirmed that the strengthening works at Black Bridge are the same as those permitted for the White Hill Wind Farm (ABP-315365-22) and is collaborating with the developer of White Hill Wind Farm. The requested structure/bridge specific design report was not submitted. Roads Department commented that this report is required to fully assess the proposals for permanent works at this location and that Conservation Officer's recommendations should be taken into consideration.
- Response to FI 6: Applicant submitted a revised Traffic Assessment report. Roads Department comments that the revised Traffic and Transport Assessment (TTA) primarily relates to the proposed wind farm. The information submitted suggests that there is sufficient link capacity for construction generated traffic. A detailed assessment of the affected road infrastructure for both construction haul routes and diversions to demonstrate that the road network has adequate structural and cross-sectional capacity has not been carried out. The applicant indicated that proposals for road improvements works would be done post planning at detailed design/road opening licence stage.
- Response to FI 7: Principal Inspection report was carried out for all six bridges, and the proposed crossing methodology is Horizontal Directional Drilling.
- Response to FI 8: Applicant confirmed that the route of the proposed grid connection currently does not overlap with any other permitted/proposed grid connections. Applicant response referred to Table 5-1 of the NIS watercourse crossings by way of HDD was identified as potential pathway for likely significant effect (LSEs) on European sites and mitigation measures outlined in section 7.2.1.4 to 7.2.1.7 of the NIS and are applicable. With all mitigation measures as outlined in EIAR and NIS in place, no potential for cumulative or

in-combination effects were identified. The planner notes that NIS has not been amended to have regard to the Major Watercourse Crossings Technical Note which provides further detail on the watercourse crossing methodology and mitigation.

- Response to FI 9: Applicant's outlined that the submitted EIAR complies with all relevant guidance and the proposed works in Kilkenny, is an integral element of the Proposed Project. Planner notes that the intention was not to split out the specific grid connection elements in Kilkenny but rather to format the overall EIAR and/or Technical Summary such that the proposed grid connection element and its associated site works were more easily legible.
- Response to FI 10: Applicant confirmed energy projects (including their grid connection route options) assessed in-combination with the Proposed Project are outlined in Section 9.2.2 and 9.2.3 of the NIS. Noted no EIAR or AA available for Freneystown Wind Farm (due to be submitted 2025), but given its location/nature similar in-combination effects to those identified are likely and with the implementation of outlined mitigation measures within EIAR and NIS in-combination effects can be excluded.
- Response to FI 11: Applicant referred to other relevant sections of the FI response.

Planner's recommendation, in summary, had regard to the following:

- The refusal of planning permission for Seskin Windfarm (P24/60122) by Carlow County Council, a fundamental component of the proposed grid connection development.
- The lack of a plan led strategy for the connection of multiple private developments to the national grid network.
- Considered premature pending an overall grid connection strategy which would provide guidance in relation to such matters as the capacity of the road network and the impacts of the associated grid connection works on the environment, traffic safety, public amenity and the public road network itself.
- Applicant failed to adequately address the potential impacts of the proposed grid connection in particular, the lack of alternative grid connection routes

assessed such as overhead cables and connection via third party lands, to ensure that the optimal route has been selected which would not have a detrimental impact on the environment, the public road network or local amenity.

- No consideration given to the effect of the ducting of cables under a public roadway on the carrying capacity of the roadway for other services, including potential demand from other energy projects.
- Significant environmental effects, including effects on material assets, noise, hydrology, biodiversity, amenity, nuisance and cumulative effects, the lack of information on alternative grid connection routes and comparison of their environmental effects have not been adequately addressed in the submitted EIAR.
- Insufficient information has been provided in order to satisfactorily demonstrate that the proposed grid connection route and associated works is the optimal route selection which would not have a detrimental impact on the environment, traffic safety, built heritage (Black Bridge) and the amenities of local residents and road users generally.
- It has not been demonstrated that the proposed grid connection and associated works would not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- The proposed development would, therefore, constitute a traffic and general road safety hazard and would be prejudicial to road safety and the proper planning and sustainable development of the area.

4.3 Other Technical Reports – Kilkenny County Council

4.3.1 **Fire Officer** (30/05/24 & 13/01/25):

- No requirement for a Fire Safety Certificate before works commence on site.

4.3.2 **Conservation Section** (20/06/24), in summary:

- The proposed works involve “strengthening works” at Black Bridge. This bridge is a protected structure, RPS Ref. D84, noted for its architectural and technical special interest.
- The applicant shall comment on the possibility of alternative routes, which would avoid the proposed works to the Black Bridge.
- The raising of the wall and the insertion of the slabs on Black bridge, has the potential to impact the character of the protected structure. An Architectural Heritage Impact Assessment is requested.
- Agree with the Department of Housing, Local Government and Heritage recommendations regarding archaeological conditions.

4.3.3 **Conservation Section** (20/12/24), FI report, in summary:

- Applicant’s submission disregards Further Information request, point 5. Applicant’s response states that sufficient information has already been submitted, and that all other elements can be dealt with following a grant of planning permission.
- Recommendation remains as per Conservation report dated 20/06/24.

4.3.4 **Environment Section** (04/03/25), no objections subject to conditions relating to:

- Waste, construction environmental management plan, noise & air quality, noise limits, light, environmental mitigation measures, storage or resources, storm & wastewater discharges, and further monitoring.

4.3.5 **Road Design Section** (13/06/25), report requesting Further Information.

- Further information request regarding impact on the road network as per Section 4.2.2 above.

4.3.6 **Road Design Section** (05/03/25), FI report, in summary:

- Significant concern regarding lack of a plan led strategy and co-ordinating mechanism for the delivery of private grid connection infrastructure from multiple energy developments. Public road is of limited capacity, risk of sterilising the road network for future development and impacts on the Road Authorities functions. Consideration should be given to deem the grid connection application premature in the absence of detailed guidance.

- The submitted updated Preliminary Route Development is considered incomplete as there is no assessment of grid connection options suitability or as OHL or underground within third party lands.
- A structure/bridge specific design report for Black Bridge has not been submitted and is required in order to fully assess the proposals for permanent works.
- Other comments made are captured in Section 4.2.3 above, planner's response to FI.

4.4 Prescribed Bodies

4.4.1 Of the prescribed bodies notified, submissions were received from the following:

4.4.2 **Transport Infrastructure Ireland (TII)** (5th June 2024), matters raised in submission included in the FI request by the planning authority, in summary:

- Considers that it is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- The proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reasons.
- Insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- Unclear what detail the boundary on the N78 will be restored to. Current guidance requires use of timber post and tension fencing in accordance with TII's Standard Construction Details.
- Clarification is required that the proposed infiltration / collector drain will not result in surface water ponding in the vicinity of the N78 National Road.

- If this scheme receives planning permission, further liaison will be required with TII Structures with respect to the proposed construction details and methodology.

4.4.3 **TII** (19th December 2024), reiterates parts of the previous submission, in summary:

- Variance with national policy.
- Insufficient data submitted.
- Lack of clarity on boundary reinstatement.

4.4.4 **Inland Fisheries Ireland (IFI)** (10th June 2024), conditions recommended, in summary:

- The proposed cable route consists of ten water-crossings. Watercourses are important sources for the food of fish or may provide spawning grounds during winter months.
- Provide pre-commencement detailed method statements for each proposed crossing.
- No interference with the bed, gradient, profile or alignment of watercourses on or adjacent to the site without prior notification and the agreement.
- Should alterations to existing water crossings be necessary, then upgraded to improve hydromorphology is requested.
- Strict adherence to all mitigation measures outlined in Section 7 of the NIS.
- Surface water management should attenuate run-off of suspended solids or other deleterious matter from the site.
- There must be no run-off of fuels, oils, concrete or from stockpiles of materials or general run-off from the site or grid connection route.
- Surface water monitoring records.

4.4.5 **IFI** (17th February 2025), conditions recommended, in summary:

- 3,000m separation distance between the HDD bore and the bed of each watercourse must be adhered to (RFI Appendix 9).

- Implementation in full of mitigation measures outlined in RFI Submission Section 7.1.1 and Section 11 of RFI Appendix 9 and Section 7 of the NIS.
- Unclear if damming as per in 7.1.1 of the FI response is proposed. No damming of watercourses may take place without a full method statement which has been approved in writing by IFI.
- RFI, Section 7.1.1 refers to further specific environmental protection measures to be included in method statements, these must be provided to IFI before works commence.
- The proposed 15m exclusion zones must be clearly delineated and protected by sediment control measures and material stockpiles/spoil heaps and outflow pipes for trench dewatering must be located outside designated buffer / exclusion zones. Similar set-back requirements must be provided for geotextile-lined percolation areas.

4.4.6 **Department of Housing, Local Government and Heritage (DAU)** (10 June 2024), conditions recommended, in summary:

- Agrees with proposed mitigation measures for the proposed Grid Connection Route within Zone of Notification (ZON) for recorded monuments.
- Recommends a number of conditions including all mitigation measures in relation to archaeology and cultural heritage in EIAR Chapter 13; licensed archaeological monitoring of all ground excavation works, within road and greenfield areas, in the environs of recorded archaeological sites (ZON plus 20m buffer) and submission of written report on completion; works to cease pending agreement with the Department should significant archaeological features be found,
- Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development (as set out in Chapter 13 of the EIAR).

4.4.7 **Uisce Éireann** (7th June 2024), conditions recommended, in summary:

- Proposed cabling does not appear to traverse any existing assets.

- Connection agreement, standards and conditions to a public water/wastewater network.
- Does not permit any build over of its assets and required separation distances must be achieved.
- Written Confirmation of Feasibility (COF) required for proposals to build over/near/divert existing water or wastewater services.

4.5 Third Party Observations

4.6 Some 50 no. of observations were received by the planning authority from members of the public on the planning application and further information. These are summarised in the Planner's reports. I note several observations raised concerns relating to the proposed Seskin Wind Farm in County Carlow, and in particular potential impacts associated with operation of wind turbines and location on peat, matters which are not relevant to this appeal.

The main combined concerns raised are summarised below:

- Principle of the development and the matter of prematurity.
- Alternatives: Grid route and alternatives including use of public road and consideration of alternative connections i.e. closer substations or a new substation.
- Cumulative: Consideration of cumulative development including overlapping grid connections and Freneystown Wind Farm, interaction with other developments not clear. The matter of project splitting was also raised.
- EIAR Omissions: Grid route not adequately assessed in the EIAR, insufficient detail on placement of trenches and drill operations, no cement bound material considered.
- Traffic and Transport: impacts on capacity, road safety and operational efficiency; disruptions (221 days or up to 2 years), travel delays and diversions (221,122km); road closure and obstruction of access to properties and business and impact on emergency and school bus; roads will be ruined; and TMP does not satisfy concerns.

- Noise and Residential amenity: Impact from HDD, vehicles, machinery and works next to house.
- Structural integrity of existing bridges and steep drop in levels along grid route.
- Hydrology and hydrogeology: no baseline water quality, impact on public water supply, impact on water quality from release of pollutants not assessed (drilling fluid, cement trucks and concrete pouring); spoil/soil management, and cumulative impact of watercourse crossings.
- Biodiversity/Birds/AA: Incorrect bird survey guidelines, impacts on Nore pearl mussel, Kingfisher and otters, pathway for grid connection to Natura 2000 sites not considered, insufficient detail to ensure headwater which connects to River Nore SAC and SPA is not impact on, cumulative assessment beyond reasonable scientific doubt.
- Statutory process and other matters: lack of notification, landownership, no community benefit to Kilkenny, there is no SEA for onshore wind energy guidelines, which is contrary to EU case law.

5.0 Planning History

5.1 Planning application site

5.1.1 The following planning site history of relevance to the proposed development and/or overlapping the planning application site is noted:

- **320354-24 (24/60122)**: Planning permission refused in July 2024 for Seskin Wind Farm and the grid connection route within County Carlow. Subject to live appeal.
- **23/60220**: Permission granted in July 2024 for temporary met mast at Seskin Wind Farm site, County Carlow.
- **23/60382:** Split decision. Planning permission granted in September 2024 for Kilderry Solar Farm and permission refused for national grid connection from the proposed 38kV substation to the existing Kilkenny 110kV substation. Appeal 321024-24 withdrawn.

- **315365-22**: Planning permission granted in November 2023 for White Hill Wind Farm consisting of 7 no. wind turbines located in counties Kilkenny and Carlow. Associated works includes the construction of a temporary access track (150m in length) between the N78 national road and L1834 local road, and carriageway strengthening works at 'Black Bridge' on the L1835 and L3037. Grid connection did not form part of the application.
- **22/487**: Permission granted in December 2022 for grid connection for Clashwilliam Solar Farm to Kilkenny 110kV Substation.
- **18/573**: Permission granted in February 2019 for Great Island to Kilkenny 110kV Overhead line.

5.2 Other electricity and renewable energy developments

5.2.1 Planning history for electricity and renewable energy developments adjacent to the site or within the wider area:

- **322078-25**: Proposed 110kV Electricity Substation and approximately 8.8km of underground electricity line for White Hill Wind Farm (reference 315365-22) at Shankill and Ballygorteen in County Kilkenny and Lacken, Moanmore and Baunreagh in County Carlow. Decision is pending.
- **320609-24 (23/60419)**: Permission granted in December 2024 for an energy storage facility adjacent to Kilkenny 110kV Substation, at Scart, Co. Kilkenny.
- **318091-23 (22/644)**: Permission granted in August 2024 for Brownstown Solar Farm located in Brownstown, County Kilkenny. Application did not include grid connection.
- **318699-23 (23/60443)**: Permission granted in November 2024 for completion of the partially constructed 38 kV OHL which forms part of the Kilkenny loop connection. Works will complete the loop project previously granted permission in September 2005, reg. ref. 05/452.
- **318295-23 (22/340)**: Permission granted in November 2024 for Bilboa Wind Farm, land at Boolyvannanan and Coolnakisha, Bilboa, County Carlow. Permission previously granted under 11/154 (ABP 01.240245), as amended under reg. ref. 21/15 and subsequently expired. Grid connection granted

under reg. refs. 20/180 & 20/281. Permission granted in August 2021 for 4.6 km of underground cables within Co Carlow (20/180). Permission granted in July 2021 for 2.0 km underground cables and a new substation within the County Laois (20/281).

5.3 Other relevant developments

5.3.1 Recent planning history for new developments and/or changes to road frontage along the public road (planning application site):

- **24/60648**: Retention refused in February 2025 for an existing Inert soils and stone storage and screening site at Maddockstown and Ballynamona.
- **23/60346**: Permission granted in September 2023 for demolition of part of existing restaurant premise, construction of new boundaries to property, reroofing of storage area at Ballynamona.
- **23/60208**: Permission granted in November 2023 for two storey private house at Ballysallagh.
- **23/60183**: Permission granted in June 2023 to construct a new agricultural shed, extension to existing agricultural shed, upgraded farm entrance and all associated site works at Churchclara, Clara.
- **22/491**: Permission granted in January 2023 for a two storey dwelling at Ballysallagh.
- **22/16**: Permission granted March 2022 for a new single storey replacement dwelling accessed at Kilmagar, Clara.
- **20/727**: Permission granted in May 2021 for the erection of a dwelling house at Ballysallagh.

6.0 Policy Context

6.1 European and National Policy, Legislation and Guidance

6.1.1 **RED III (European Renewable Energy Directive (EU/2023/2413))**: RED III raised the overall renewable energy target from 32% to at least 42.5% at EU level by 2030,

but it is aiming for 45%. This means almost doubling the existing share of renewable energy in the EU. The revised Directive sets out measures to further streamline administrative permitting and granting procedures for renewable energy developments including connection to the grid.

6.1.2 **European Wind Power Action Plan**: The RED III renewable target of at least 42.5% by 2030 will require the installed capacity to grow from 204GW (2022) to more than 500 GW by 2030. The plan identifies six pillars of concerted action including acceleration of deployment through increased predictability and faster permitting, improved auction design, access to finance, creating a fair and competitive international environment, skills and industry engagement and Member State commitments.

6.1.3 **REPowerEU Plan 2022 and Directive EU 2018/2001** (as amended 18/05/2022): This plan was prepared in response to the Russian invasion of Ukraine and focuses on the need to end the EU's dependence on Russian fossil fuels and to tackle the climate crisis. The plan amends the Directive on the Promotion of the Use of Energy from Renewable Sources (Directive EU 2018/2001) to require that 45% of energy is from renewable sources and includes the accelerated rollout of renewable energy.

6.1.4 **European Green Deal 2020:** The aim of this policy is to make Europe climate neutral by 2050. In 2021, the European Climate Law made greenhouse gas emission targets a legal obligation. These targets were increased from 40% to 55% by 2030.

6.1.5 **Directive 2019/944 and Regulations EU 2019/941**: There is an obligation on each Member State to monitor the security of electricity supply within their territory over the medium to long-term and each member state is entitled to set and monitor the level of security of supply deemed appropriate for its own needs.

6.1.6 **Climate Action Plan (CAP) 2024 and CAP 2025:** The purpose of the CAP is to lay out a roadmap to deliver on Irelands climate ambition, of 51% reduction in GHG emissions from 2021-2030 and net-zero emissions by 2050. The CAP aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. CAP 2025 builds upon CAP 2024 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 CAP 2024. The Key Target for Onshore Wind is to achieve 6GW by 2025 and 9GW by 2030. The

CAP recognises that work is ongoing to reinforce the electricity grid to accommodate increased renewable energy generation, and that there is the need for the delivery of the electricity network and supporting grid connection policy to urgently align to support the rapid roll out of renewables. Measures within CAP 2024 include that *"all relevant public bodies will carry out their functions in a manner which supports the achievement of the renewable electricity targets, including, but not limited to, the use of road and rail infrastructure to provide a route for grid infrastructure where this is the optimal solution."*

6.1.7 **Climate Action and Low Carbon Development Act, 2015, as amended**: The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principal act such that Section 15(1) requires:

> *"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.''*

6.1.8 **Energy Security in Ireland to 2030, Energy Security Package** (November 2023): Confirms that Irelands future energy will be secured by moving to an electricity-led system maximising our renewable energy potential.

6.1.9 **National Energy Security Framework** (April 2022): Sets out the Governments response to the impacts of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. Under 7.2, the Framework notes that prioritising renewables is in line with the requirements of the recast Renewable Energy Directive and the EC REPowerEU action statement. Timely connections to the electricity grid for new renewable energy generation is emphasised.

6.1.10 **Policy Statement on Security of Electricity Supply (November 2021)**: This Statement sets out that ensuring energy security is a national priority, as the electricity system decarbonises towards net zero emissions.

6.1.11 **Long-Term Strategy on Greenhouse Gas Emissions Reductions** (April 2023): The Strategy sets out that the transition to a climate neutral future, the pathway to decarbonisation must be underpinned by affordability and security in how we access and use energy. In the short-term, capacity shortfalls in the electricity system needs to be addressed and ensure adequate conventional generation is in place to support the elevated levels of renewable electricity being generated.

6.1.12 **National Climate and Energy Plan 2021-2030 (NCEP):** Ireland's target to reduce greenhouse gas emissions increased from 40% to 55% by 2030. It refers to reaching 70% of energy from renewables by 2030, underpinned by the Renewable Energy Support Scheme. Energy security is a key priority.

6.1.13 **National Planning Framework (NPF) First Revision (April 2025)**:

- National Strategic Outcome 8 Transition to a Carbon Neutral and Climate Resilient Society: sets out that for Ireland to meet its climate targets, reduce its greenhouse gas emissions, and improve its energy security by reducing reliance on imported fossil fuels and diversifying its electricity supply, an accelerated delivery of additional renewable electricity generation is essential to deliver 80% of Ireland's electricity needs from renewable sources by 2030. The need to develop enabling infrastructure including reinforce the distribution and transmission network to facilitate planned growth is recognised. Along with geographical focused renewables investments to minimise the amount of additional grid investment required, for example through co-location of renewables and grid connections.
- 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 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 below, 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.

  Table 9.1: Additional Renewable Power Capacity Allocations for the Southern Region is 978MW for onshore wind by 2030 and 3,302MM for solar. The total national share for the region in 2030 is 40% of onshore wind and 43% of solar.
- 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.

6.1.14 **National Development Plan 2021-2030 (NDP)**: The NDP sets out investment priorities underpinning the implementation of the NPF and Chapter 13 deals with NSO 8 Transition to a Climate-Neutral and Climate Resilient Society. Public capital investment choices must contribute to a 51% reduction in greenhouse gas emissions by 2030 and lay the pathway to achieve net-zero greenhouse gas emissions by 2050. This will require grid-scale renewable electricity generation and storage, supported by significant expansion and strengthening of the electricity transmission and distribution grid onshore and offshore.

6.1.15 **National Biodiversity Action Plan 2023 – 2030 (NBAP)**: The NBAP has a list of Objectives which promotes biodiversity as follows, Objective 1 Adopt a whole of government, whole of society approach to biodiversity; Objective 2 Meet urgent conservation and restoration needs; Objective 3 Secure nature's contribution to people; Objective 4 Enhance the evidence base for action on biodiversity; Objective 5 Strengthen Irelands contribution to international biodiversity initiatives. The Wildlife (Amendment) Act 2023 provides that every public body, as listed in the Act, is

obliged to have regard to the objectives and targets in the National Biodiversity Action Plan.

6.1.16 **Spatial Planning and National Roads - Guidelines for Planning Authorities (January 2012)**: These section 28 guidelines set out the planning policy considerations relating to development affecting national roads, specifically motorways, national primary and national secondary roads. The primary purpose of national roads is to provide strategic transport links, and the goal of the guidelines is to achieve and maintain a safe and efficient network of national roads. On national roads which speed limits greater than 60kmh, the policy is to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads. A less restrictive approach may be applied for development of national and regional strategic importance or on lightly trafficked sections of national secondary routes. Traffic and Transport Assessment is recommended for large scale developments and Road Safety Audits are recommended for new accesses to a national road.

6.1.17 **Development Management Guidelines for Planning Authorities (June 2007)**: These section 28 guidelines focus on development management as a process, promoting best practice, with the underlying objective of that process is to contribute towards a sustainable and high quality environment. Section 7.16.1 provides guidelines on what can be considered premature development in considering reasons for refusal.

6.1.18 **Wind Energy Development Guidelines (WEGs) - Guidelines for Planning Authorities (2006)**: The Guidelines advise that a reasonable balance must be achieved between meeting Government Policy on renewable energy and the proper planning and sustainable development of an area and it provides advice in relation to the information that should be submitted with planning applications. The impacts on residential amenity, the environment, nature conservation, birds and the landscape should be addressed. States that underground grid connection cost is generally prohibitive and thus the connection can be above ground in all but the most sensitive landscapes and where visually acceptable.

6.1.19 **Draft Wind Energy Development Guidelines, 2019**: The 2019 Draft Guidelines propose several key amendments to the original document in relation to noise, visual

amenity, shadow flicker and community engagement. Underground grid connection is noted as the preferred and default approach (page 42), and considered to be the most appropriate environmental and/or engineering solution, particularly in sensitive landscapes where the visual impacts need to be minimised. Exceptions relating to specific ground conditions are noted, for example where peat stability issues could arise from large scale excavation. Requirements to demonstrated minimised environmental impacts in terms of habitat loss, landscape, underground archaeology, soil structure and drainage, and surface waters. Section 6.12.3 in terms of Connection to Electricity Providers outlines that power lines should be interred alongside turbine access roads in order to minimise spatial extent of soil/hydrological and vegetation damage/ disturbance.

6.1.20 **Electricity Transmission Infrastructure Development, Roads Sector Engagement Framework & Interim Guidance (February 2025):** Establishing effective and efficient ways of working together to deliver on CAP 24. Recognising the unique challenges presented by the accommodation of transmission network infrastructure in public roads. The Interim Guidance has been developed to assist in the delivery of the grid infrastructure rollout by the energy sector while also seeking to mitigate impact and ensure the continued proper management of the road network. Its purpose is to assist Road (Local) Authorities, in their role licensing road openings or making submissions to Planning Authorities, regarding the proposed placement of Medium or High Voltage electricity assets, including ducts, cables and associated infrastructure under public roads.

6.2 Regional Spatial Economic Strategy

6.2.1 The Regional Spatial Economic Strategy for the Southern Region 2020-32 (RSES) seeks to support the delivery of the programme for change set out in Project Ireland 2040, the NPF and the NDP, and to ensure coordination between the City & County Development Plans and Local Enterprise & Community Plans. It seeks to facilitate the sustainable development of additional electricity generation capacity throughout the region and to support the sustainable expansion of the transmission network. The RSES acknowledges climate change as the most important long term challenge facing Ireland and states that the Regional Assembly is committed to implementing regional policy consistent with the CAP. It recognises and supports the many

opportunities for wind as a major source of renewable energy and recognises that wind energy technology has an important role in delivering value and clean electricity for Ireland.

6.2.2 Regional Policy Objectives (RPOs) of relevance are RPO 87 Low Carbon Energy Future, RPO 95 Sustainable Renewable Energy Generation, RPO 96 Integrating Renewable Energy Sources, RPO 98 Regional Renewable Energy Strategy, RPO 99 Renewable Wind Energy, RPO 219 New Energy Infrastructure, RPO 221 Renewable Energy Generation and Transmission Network, RPO 222 Electricity Infrastructure, and RPO 224 Delivery of Energy Networks.

6.3 Kilkenny City and County Development Plan

6.3.1 The Kilkenny City and County Development Plan 2021-2027 (hereafter the Development Plan) came into effect on the 15th October 2021.

6.3.2 **Climate Change (Chapter 2):**

- **Strategic Objective 2B**: To support the implementation of the National Climate Action Plan and the National Climate Action Charter for Local Authorities, and to facilitate measures which seek to reduce emissions of greenhouse gases by embedding appropriate policies within the Development Plan.
- **Strategic Objective 2E**: To ensure that the Development Plan transposes, supports and implements strategic objectives of the National Planning Framework and the Southern Regional Spatial and Economic Strategy to create an enabling local development framework that: (a) promotes and integrates important climate considerations in local development and the assessment of planning applications and (b) supports the practical implementation of national climate policy and targets to assist in the delivery of the national transition objective.

6.3.3 **Renewable Energy (Chapter 11):**

- **Strategic Aim**: To generate 100% of electricity demand for the County through renewables by 2030 by promoting and facilitating all forms of

renewable energies and energy efficiency improvements in a sustainable manner as a response to climate change in suitable locations having due regard to natural and built heritage, biodiversity and residential amenities.

- **Objective 11A**: To support and facilitate the provision of energy in accordance with Ireland's transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan.

Wind energy development management standards are set out in Section 11.5. Appendix K.

Section 11.5.3.7 **Access to grid**. Details of consultations with the electricity transmission operators regarding the nature and location of a proposed grid connection should be submitted as part of the pre-planning consultation.

Ministerial Direction issued on the 15th of October 2021 in accordance with 31(4) of the Act, the following sections shall be taken not to come into the effect, been made or amended; namely, Chapter 11, Renewable Energy:

- Section 11.4: Kilkenny Targets;
- Section 11.5.1: Current status and targets;
- Figure 11.4: Wind Strategy areas

6.3.4 **Infrastructure and Environment (Chapter 10):**

Water quality, Environment and Energy policies, objectives and development management requirements are set out within Chapter 11:

- **Objectives 10B**: To implement the measures of the River Basin Management Plan, including continuing to work with communities through the Local Authority Waters Programme to restore and improve water quality in the identified areas of action.

Section 10.1.8.5 **Water Quality** Development Management Requirements:

- To have regard to the Groundwater Protection Scheme and to comply with the Water Services Acts 2007 as amended in decision-making on the location, nature and control of developments and activities in order to protect groundwater.

Section 10.2.5 **Pollution Control** Development Management Requirements:

- To seek to minimise noise and dust through the planning process by ensuring that the design of developments incorporate measures to prevent or mitigate the transmission of dust, noise and vibration, where appropriate.

Section 10.3.1 The **National Transmission/Distribution Network**: Recognises that other new projects may arise also to facilitate electricity demand growth and the connection of new electricity generation projects.

- The Council will support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this plan.

Section 10.3.2 **Grid Development** Management Requirements: Kilkenny County Council will facilitate the provision of energy networks in principle, provided that it can be demonstrated that:

- the development is required in order to facilitate the provision or retention of significant economic or social infrastructure;
- the route proposed has been identified with due consideration for social, environmental and cultural impacts;
- the design is such that will achieve least environmental impact;
- the lines should be planned to avoid areas of high landscape sensitivity;
- preference should be given to undergrounding services where appropriate;
- the proposed infrastructure complies with all internationally recognised standards with regard to proximity to dwellings and other inhabited structures including best practice and new accepted research on the impacts on health;
- new power lines and power installations should be sited in accordance with the requirements of the “Health Effects of Electromagnetic Fields” Report

issued by the Department of Communications, Marine and Natural Resources in 2007, and

- where impacts are inevitable, mitigation features have been included.
- where considered necessary by the Council, a Visual Impact Assessment and a Landscape Impact Assessment will be required for significant Grid Infrastructural projects.
- That existing grid infrastructure should be used where possible in preference to erecting new grid infrastructure.
- Any proposed development must avoid impact on any Special Area of Conservation.
- In considering facilities of this nature that traverse a number of counties or that traverse one county in order to serve another, the Council will consider the proposal in light of the criteria outlined above. The Council will also treat the proposal as if it were required to service a development within Kilkenny County Council.

6.3.5 **Heritage, Culture and the Arts (Chapter 9)**

Chapter 9 contains several policies, objectives and development management requirements that seek to protect the landscape, views, biodiversity and cultural heritage.

Section 9.2 Natural Heritage and Biodiversity:

- Section 9.2.1: Ensure that an ecological impact assessment is carried out, by suitably qualified professional(s), for any proposed development likely to have a significant impact on rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.
- Section 9.2.2: To protect and where possible enhance wildlife habitats and landscape features which act as ecological corridors/networks and stepping stones, such as river corridors, hedgerows and road verges, and to minimise

the loss of habitats and features of the wider countryside (such as ponds, wetlands, trees) which are not within designated sites.

- Section 9.2.5: To protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character of the county, and to ensure that proper provision is made for their protection and management, when undertaking, approving or authorising development.

Section 9.2 **Landscape**:

- To protect the landscape character, quality and local distinctiveness of County Kilkenny, and have regard to the guidance set out in the Landscape Character Assessment.
- Where necessary, to require that applications are accompanied by a visual impact assessment, particularly in upland areas, river valleys and areas of greater sensitivity.
- To facilitate appropriate development that reflects the scale, character and sensitivities of the local landscape throughout the county, and require that developments minimise the loss of natural features such as trees, hedgerows and stone walls.
- To facilitate, where appropriate, developments that have a functional and locational natural resource requirement to be situated on steep or elevated sites (e.g. reservoir, telecommunications or wind energy structures) with reference to the appropriate County strategies currently in place, and to ensure that any residual adverse visual impacts are minimised or mitigated.
- To continue to permit development that can utilise existing structures and settlement areas whilst taking account of the local visual absorption opportunities provided by existing topography and prevailing vegetation and to direct new development whenever possible towards the vicinity of existing structures and mature vegetation in the Lowland Areas, River Valleys and Transitional Areas.

Section 9.3 Built Heritage:

- **Objective 9C:** To protect archaeological sites and monuments (including their setting), underwater archaeology, and archaeological objects, including those

that are listed in the Record of Monuments and Places, and in the Urban Archaeological Survey of County Kilkenny or newly discovered sub-surface and underwater archaeological remains.

- To endeavour to preserve in situ all archaeological monuments, whether on land or underwater, listed in the Record of Monuments and Places (RMP), and any newly discovered archaeological sites, features, or objects by requiring that archaeological remains are identified and fully considered at the very earliest stages of the development process and that schemes are designed to avoid impacting on archaeological heritage.
- To require archaeological assessment, surveys, test excavation and/or monitoring for planning applications in areas of archaeological importance if a development proposal is likely to impact upon in-situ archaeological monuments, their setting and archaeological remains.
- To ensure that development within the vicinity of a Recorded Monument is sited and designed appropriately so that it does not seriously detract from the setting of the feature or its zone of archaeological potential. Where upstanding remains of a Recorded Monument exist a visual impact assessment may be required to fully determine the effect of any proposed development.
- To safeguard the importance of significant archaeological landscapes from developments that would unduly sever or disrupt the relationship, connectivity and/or inter-visibility between sites.
- To have regard to the Architectural Heritage Protection Guidelines when assessing proposals for development affecting a protected structure and buildings listed in the NIAH.

6.3.6 **Movement and Mobility (Chapter 12)**

Road network policies, objectives and development management requirements are set out within Chapter 12:

- N78 – Secondary classification – Kilkenny-Castlecomer-Kildare

- Section 12.11.4 **Regional Roads**: When considering development which would impact road capacity, the Planning Authority will follow a restrictive presumption in favour of maintaining road capacity.

Section 12.11.10.1 **Roads Development** Management Requirements:

- To ensure that future development affecting national primary or secondary roads shall be assessed in accordance with the guidance given in Spatial Planning and National Roads - Guidelines for Planning Authorities.
- All significant development proposals will be required to have transport and traffic assessments carried out in accordance with the publication Traffic Management Guidelines14 and the Traffic and Transport Assessment Guidelines15 (where the development affects a national road).
- Planning applications involving a new access or significant changes to an existing access to a national road, will be required to include a Road Safety Audit.

6.4 Natural Heritage Designations

6.4.1 The River Barrow and River Nore SAC is adjacent to Philip's Bridge on the L1850 (L30371), immediately west of The Butts and the Black Bridge L1837(L1835), north of The Butts. The River Nore SPA is located at its closest, approximately 1.8km southeast of the R712.

6.4.2 The nearest Natural Heritage Area (NHA) is Mothel Church, Coolcullen a proposed NHA (000408) located approximately 1km northwest of the L1850 (L30371).

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 Points relating to **Reason for Refusal 1**, summarised:

- Submits that no ground exists for the conclusion that the application is premature due to the refusal of the Seskin Wind Farm by Co. Carlow.

- The two separate applications arose due to the geographical location across the administrative boundary of Co. Kilkenny and Co. Carlow.
- The Seskin Wind Farm application is subject to a live first party appeal (320354-24) and therefore, not decided upon.
- Precedents referred to, include Shehy More Wind farm (PL04.243486) and associated grid connection (PL88.246915) and Carrig Renewable Energy Development (no ref. provided). For Shehy More Wind Farm, it is noted that the inspector dismissed 3rd party concerns suggesting the grid connection was premature pending the determination of the wind farm application and recommended the applications should be determined concurrently. For Carrig Renewable Energy Development, the proposed 7 wind turbines located in Co. Tipperary is noted to be subject to an appeal to the Commission whilst the grid connection was granted by Co. Offaly in June 2024.
- The proposed grid connection has been designed in accordance with national guidelines and best practice, and that a grant of permission would not be premature pending the introduction of further policy documents on grid connections.
- Submits that there is sufficient policy context to consider and decide the grid application.
- The design of the grid connection is in accordance with the requirements of ESBN and is in line with the preferred approach outlined by the draft 2019 Guidelines and the Development Plan.

7.1.2 Points relating to **Reason for Refusal 2**, summarised:

- Submits that it is not the case that there is an absence of sufficient information available to the planning authority in determining the planning application before them.
- Submits that there is no clear indication what aspects of the environment the planning authority are concerned with.
- Submits that the proposed Grid Connection Route has been comprehensively described, detailed and assessed as part of the EIAR, NIS and the RFI

submission. No significant direct or indirect effects have been demonstrated in the EIAR, the residual effects are considered negative, short term to temporary in duration and imperceptible to slight in significance. No potential for adverse effects has been identified in the NIS.

- Submits that works proposed to the Black Bridge are not associated with the proposed Grid Connection Route as referred to in the reason for refusal. These works are proposed to facilitate delivery of abnormal loads, and the residual effects are assessed as not significant. These are the same works previously permitted for the White Hill Wind Farm (315365-22, ref. to Condition 16).
- Submits that the evidence set out in the planning application documentation including the EIAR and the NIS has clearly identified there will be no '*detrimental impacts'* on the receiving environment as a result of the proposed development.
- Submits that it has been demonstrated that the proposed development is consistent with the proper planning and sustainable development of the area given it is strongly supported in principle by policy at all levels including Objective 11A and Section 10.3.2 of the Development Plan, and is a critical piece of infrastructure for the provision of a renewable energy development.

7.1.3 Points relating to **Reason for Refusal 3**, summarised:

- Submits that the proposed Grid Connection Route is via underground cabling within regional and local roads and is not contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- Submits that the traffic volumes that will be impacted on the local road network are low, and all links will operate well within capacity with the introduction of construction traffic. Short term diversions of local traffic off local roads onto other local roads have been forecasted for road closures. The diversions are well within identified structural and cross-section capacity and the network will continue operation within capacity during the construction phase. Submits that the effects will be transient, temporary and slight and a that a robust precautionary analysis was carried out.

- Submits the proposed entrance of N78 and the one-way link road to the L1834 is temporary, only to be used to facilitate abnormal load delivery which will take place at night when traffic is the lightest and with a Garda escort, and is not contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Refers to the findings of Section 15.1.14.5.2 of the EIAR and the submitted Stage 1 Road Safety Audit (RFI submission Appendix 5), there will be no additional safety risk presented to road users and the temporary access will operate safely with the traffic management measures proposed.
- Submits the proposed works are the same as those permitted for White Hill Wind Farm (315365-22). Precedent reference also includes Derrinlough Wind Farm (PA19.306706).
- Submits a comprehensive TTA has been carried out in the EIAR and the RFI submission including information presented to inform the suitability of diversion routes, and the proposed development will not have a significant detrimental impact on the capacity, safety or operational efficiency of the road network.
- Submits the RFI Submission reaffirms the findings of the EIAR in regard to grid connection route which was selected following a detailed assessment including consideration of OHL infrastructure.
- Submits sufficient and detailed information on service capacity has been submitted in order to adequately assess the proposed development. The presence of existing services within the public road has been considered as part of the design phase and acknowledged that more detailed surveys will be required prior to construction in accordance with best practice as per Section 4.1, Appendix 4-7 of the EIAR. No cumulative grid connection impacts have been identified taking account of permitted developments Kilderry Solar Farm, Brownstown Solar Farm or White Hill Wind Farm. Consideration of opportunities to align grid connection with Freneystown Wind Farm is noted.
- Submits the proposed grid connection will directly facilitate the State achieving its target of generating 9GW of electricity from onshore wind and reducing greenhouse gas emissions by 80% by 2030.

7.1.4 Concluds that the Planning Authority's decision to refuse permission is unfounded, and planning permission should be granted.

7.2 Planning Authority Response

7.2.1 Planning authority response (6th May 2025) to grounds of appeal is summarised as follows:

- Refers to the Planner's report for full assessment and reiterates the reasons for refusal and sections of the referral report from the Roads Department.
- Sets out that the main areas of concern are summed up in the recommendation of the Planning Authority and relates to:
    - the grid connection route selection process;
    - the potential significant impacts as a result of the proposed grid connection works on the road infrastructure itself and its carrying capacity; and,
    - the potential impacts as a result of the proposed grid connection works on the receiving environment and on the residential amenities.
- Notes that the ESBN Specification No. 18149 (General Specification for Contestably Built Underground Networks) appear to have influenced the selection of grid connection routes options and therefore, a full assessment of alternative has not been carried out given there is no consideration of OHL and/or underground within third party lands.

7.3 Observations

7.3.1 One letter of observation (Karl Johnston and Marie O'Driscoll) was received within the statutory timeframe, and pertinent matters can be summarised as follows:

- Refusal Reason 1: Clearly, an application to connect the wind farm to the grid cannot be considered unless and until the application to construct the wind farm has been granted.
- Refusal Reason 2: The proposed development will cause significant disruptions to the local communities in Co. Kilkenny by digging up 20km of

narrow country roads to facilitate a wind farm in Co. Carlow with no benefit to local communities in Co. Kilkenny. Reiterate observations made to planning application including significant damage to rural roads, blocking access for local residents and to homes for up to 54 days in some instances, traffic disruptions including school traffic and emergency services, presence of large lorries and machineries on narrow local roads for up to two years, and the disruption to flora and fauna in the vicinity of the roadworks.

- Refusal Reason 3: Notes that that this is a technical matter which Kilkenny County Council regarded as significant and confirm their support on this ground.
- Reiterate the observations made to the planning application regarding the availability of a closer and less disruptive connection to the national grid via a substation in Bagenalstown County Carlow, approximately 13km distance compared with the proposed 20km via rural roads in Co. Kilkenny.

8.0 Assessment

8.1 Introduction

8.1.1 I have examined the application details and all other documentation on file, including the appeal, submission received in relation to the appeal, and inspected the site. I have had regard to relevant local/regional/national and European policies and ministerial and other guidance where relevant. I am satisfied the substantive issues for assessment relate generally to planning and sustainable development, the Environmental Impact Assessment (EIA), Appropriate Assessment (AA), all detailed below separately in the individual sections. In the interests of brevity, I have sought to avoid, where possible, undue repetition and instead indicating where overlaps occur.

8.1.2 I consider that the key planning and sustainable development issues arising are as follows:

- Refusal Reason No. 1 - Development is Premature

- Principle of Development and Policy Context
- Cumulative Development
- Duration of Permission

8.1.3 Section 9.0 below assesses **Environmental Impact Assessment**. Section 10.0 including Appendix 1 and 2 of this report assesses **Appropriate Assessment**. Reason for Refusal No. 2 - Detrimental Impact on the Environment is addressed throughout these sections, specifically:

- Consideration of alternatives in Section 9.8.
- Biodiversity in Section 9.10 and Section 10.0.
- Hydrology in Section 9.13 and Section 10.0.
- Architectural heritage (Black Bridge) in Section 9.17.
- Traffic safety, amenities of local residents and road users generally are addressed in Section 9.19 (Material Assets).
- Residential amenity is addressed in Section 9.16 (Noise and Vibration) and Section 9.19 (Material Assets).
- Service capacity of the public road is addressed in Section 9.19 (Material Assets).

8.1.4 Reason for refusal No. 3 – Impact on the Operation and Safety of the National Road Network is addressed in Section 9.19 (Material Assets).

8.2 Reason for Refusal No. 1 – Development is Premature

8.2.1 Reason for refusal No. 1 by Kilkenny County Council sets out that the proposed development is considered premature. The reasons for prematurity relate to the refusal by Carlow County Council of the associated proposed Seskin Wind Farm (reg. ref. 24/60122), the pending decision by the Commission on the subsequent appeal (ABP-320354-24) and the risk that the proposed development for which permission is sought would not be completed in accordance with any permission or any condition to which such a permission would be subject. As outlined previously, the planning authority in its recommendation for refusal further concluded that the

proposed development was premature pending the delivery of an overall grid connection strategy, however this was not included in the reasons for refusal. I further note the matter of prematurity has been raised in observation to the appeal and that similar observations were made to the planning application. The Commission may wish to have regard to the appeal for the proposed Seskin Wind Farm (ABP-320354-24).

8.2.2 I note the meaning of prematurity as established under section 7.16.1 of the Development Management Guidelines for Planning Authorities, and as per criteria set out in the Fourth Schedule of the 2000 Act, as amended. Prematurity, as a reason for refusal, can be applicable where there are existing deficiencies in water supply, sewerage facilities and/or road network, and where proposals exist to remedy such deficiencies. This is clearly not applicable to the proposed development and no legal justification has been provided by the planning authority to support the case of prematurity.

8.2.3 I am not aware of any national or local policy commitment to deliver an overall grid connection strategy or a plan led strategy for the connection of multiple private developments to the national grid network as mentioned in the Planner's report. I note the planning authority does not make reference to any specific policy commitments, although the Planner's report underlines a key action in the NECP 2021-2030 relating to streamline consenting and the connection arrangements. In regard to this, I note the recent publication of the Electricity Transmission Infrastructure Development, Roads Sector Engagement Framework & Interim Guidance (February 2025). At the back of measures within CAP 24, these documents are seeking to establish effective and efficient ways of working to overcome challenges presented by the accommodation of transmission network infrastructure in public roads in order to deliver on CAP 24 and CAP 25. There is no commitment within these or CAP24/25 for the delivery of a plan led strategy for grid connections.

8.2.4 Whilst it is evident that the proposed development is associated with the proposed Seskin Wind Farm within the administrative area of County Carlow, the subsequent refusal, however, of the proposed Seskin Wind Farm by County Carlow (reg. ref. 24/60122), and subject to the concurrent appeal case before the Commission (320354-24), is in itself not a valid reason to determine that the proposed

development is premature. Two separate planning applications were submitted for administrative reasons, and whilst there are issues that are common as per the submitted EIAR and AA which consider the totality of the Proposed Project, each application is required to be determined on its own merits. The matter of subsequent variations to the proposed Seskin Wind Farm following any future determination to grant as noted by the planning authority and the resulting implications on the proposed development, would be for the applicant to address in any future application, and if so required, to amend the grid connection route and not one for the planning authority to pre-empt as set out in its Reason for Refusal No. 1. Notwithstanding this, I agree with the applicant that the decision on the proposed Seskin Wind Farm is still pending given it is subject to a valid first party appeal.

8.2.5 For these reasons, I concur with the applicant that the Reason for Refusal no. 1 on prematurity grounds is not valid.

8.3 Principle of the Development and Policy Context

8.3.1 There is an abundance of high level support for the proposed development in national policy provisions including the NPF and climate and energy policy related documents which are listed above. There is recognition of the need to urgently move towards a low carbon and climate resilient society with emphasis on the need to accelerate the delivery of renewable energy developments and the need to develop and reinforce the electricity network to facilitate planned growth. An all-island approach is at the core of the delivery of renewable electricity as set out in National Policy Objective 72. The onshore wind energy sector is to continue to play a critical role with an ambitious target to 9GW by 2030, with the NPF identifying onshore wind allocations for the Southern Region of an additional 978MW by 2030. CAP 2024 emphasises the role of road and rail infrastructure in delivering grid infrastructure *"where this is the optimal solution"* which is also recognised in the Electricity Transmission Infrastructure Development, Roads Sector Engagement Framework & Interim Guidance (2025) as referenced above. The risks to the electricity distribution network from climate change including the impacts from extreme wind speeds, increased precipitation and saturated soils are recognised in Chapter 4 of the EPA's Ireland's State of the Environment Report 2024.

8.3.2 At a national level the 2006 Guidelines and 2019 Draft Guidelines, both emphasise the need to meet national objectives for renewable energy in a manner which is compatible with the proper planning and sustainable development of the area. The 2019 Draft Guidelines outlines that the connection to the national grid is ancillary to the development of an onshore wind farm and in effect, the totality of the project and in particular their cumulative effects are required to be assessed in the EIAR. The default approach for grid connection is identified as underground based on a combination of environmental and technical considerations. There is also a requirement to demonstrate that impacts in terms of habitat loss, landscape, underground archaeology, soil structure and drainage, and surface waters have been minimised, and these are matters I have assessed further under the EIA and AA sections below.

8.3.3 In principle, the support for renewable energy development and expansion of the transmission network which is evident at national policy level is echoed in regional and local level policy. RPO 222 outlines the support for the development of a safe, secure and reliable supply of electricity and enhanced electricity networks *"to serve the existing and future needs of the Region and strengthen all-island energy."* Objective 11A of the Development Plan supports and facilitates Ireland's transition to a low carbon energy future. Section 10.3.1 of the Development Plan outlines the support for the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks. A number of assessment criteria for grid development is set out in Section 10.3.2 and include a preference for undergrounding of service and utilising existing grid infrastructure where possible. Furthermore, the route should minimise social, environmental and cultural impacts and avoid areas of high landscape sensitivity and SACs, and the design should achieve least environmental impact and comply with recognised standards. Section 10.3.2 further outlines that the Council will treat the proposal as if it were required to service a development within Kilkenny County Council in recognition that it may traverse several counties or traverse one county in order to serve another.

8.3.4 The planning authority, in consultation with the Road Design Section, have outlined a number of concerns which relate to the underground cabling of the proposed Grid Connection Route within the existing road network. As noted above, these concerns

include the lack of a plan led strategy for the connection of multiple private developments to the national grid network and that alternative routing by overhead cables and/or via third party lands has not been adequately considered by the applicant. The planning authority concludes that the optimal route in terms of impact on the environment, the public road network or local amenity has as such, not been demonstrated. I note this conclusion is reflected in the planning authority's Reason for Refusal No. 2 which I consider in my EIA and AA assessments below, and to avoid repetition have not repeated herein. Observation to the appeal raised concerns regarding digging up the roads in Kilkenny to facilitate a development in Co. Carlow.

8.3.5 I consider that there is clear policy support to facilitate the connection of renewable energy projects to the national grid. Both national and local planning policies outline that the preferred approach is for grid connection, where possible, to be via underground cabling and that this approach is based on environmental consideration and technical solutions. This approach is in my view, consistent with the overall policy emphasis of facilitating secure supply by reducing the risks to electricity infrastructure as result of climate change (see above). On the matter of the location within the public road, I note that this is a common approach for similar developments and aligns with of ESB Networks' General Specification for Contestably Built Underground Networks (2001) as referenced by the applicant. These Specifications state a preference for underground cables to be installed within public property and/or taken in charge property and not on private property, insofar as this is physically possible. In my view, this approach also corresponds with the policy emphasis on accelerating delivery and minimises the potential for additional delays associated with third party lands. Furthermore, the role of road infrastructure in facilitating the delivery of grid infrastructure is recognised in CAP 24 and in response to CAP 24, the recently published Electricity Transmission Infrastructure Development, Roads Sector Engagement Framework & Interim Guidance (February 2025).

8.3.6 On the basis of the above, I consider the proposed development to be acceptable in principle subject to further planning and environmental considerations being satisfied. For my EIA and AA assessments the Commission should refer to Section 9.0 and Section 10.0 below.

8.4 Cumulative Development

8.4.1 The planning authority, in consultation with Roads Design Section, have concluded that the applicant has not given consideration to the impact on the carrying capacity of the road for other services, including potential demand from other energy projects. I note a number of observations made to the planning application raised concerns regarding cumulative development.

8.4.2 I have reviewed the submitted cumulative electricity and renewable energy development baseline as outlined by the applicant in the EIAR and the RFI Submission and I am satisfied that the baseline is sufficiently up to date. Specifically in relation to the proposed Grid Connection Route, I note that the proposed route does not overlap with any permitted grid connections and/or any grid connections subject to a valid planning application for other renewable energy developments. As outlined in section 5.0 above, the grid connection for Kilderry Solar Farm (reg. ref. 23/6082) was refused permission and the subsequent appeal withdrawn. The proposed grid connection for White Hill Wind Farm is for 8.8km underground cabling and a new 110kV Substation in Co. Carlow (322078-25). The Brownstown Solar Farm application did not include grid connection details (318091-23). Freneystown Wind Farm is not subject to a valid planning application, however I note that Freneystown Wind Farm is also being brought forward by EDF Renewables and as such, any potential consolidation of infrastructure would be a more feasible option for the applicant.

8.5 Duration of Permission

The permission period sought is 10 years and I recommend this is conditioned in the event the Commission is minded to grant permission. In my view, the duration of permission sought reflects that established for onshore wind developments and in this instance, associated infrastructure, and reflects the complexities involved in progressing these types of developments through to construction and commissioning as well as the EU and national policy emphasis on renewable energy projects coming to fruition.

8.6 Comments on Conditions

Table 8.1 lists conditions recommended by the internal departments in Kilkenny County Council and prescribed bodies as per Section 4.0 above. I have indicated whether these conditions are included or excluded from the recommended schedule of conditions (Section 13.0 below).

Table 8.1 Conditions Recommended by Kilkenny County Council and Prescribed Bodies

Conditions Recommended by Kilkenny County Council and Prescribed Bodies	In/Exclusion
KCC Environment Section	
Waste resource management plan	Included in schedule of conditions.
CEMP	Included in schedule of conditions.
Management of noise and dust emissions	Included in schedule of conditions.
Construction noise	Included in schedule of conditions.
Operational noise limits	Not applicable.
Light pollution	Not applicable.
Environmental mitigation measures control as per planning application documentation / storage and resources / storm & wastewater discharges / further monitoring	Included in schedule of conditions.
KCC Conservation Section	
Agree with DAU's archaeology conditions – see below.	
Transport Infrastructure Ireland (TII)	
Liaison with TII Structures on construction details and methodology for N10 crossing via underbridge.	Included in schedule of conditions.
Timber post and tension fencing road boundary detail in accordance with TII's Standard Construction Details.	Included in schedule of conditions.
Inland Fisheries Ireland (IFI)	
Mitigation measures Section 7 NIS	Included in schedule of conditions.
Mitigation measures RFI Appendix 9, Section 11	Included in schedule of conditions.

Submission of final method statement for watercourse crossings Request additional environmental protection measures for the designated exclusion zones at watercourse crossings. Separation distances of 3m between the HDD bore and the bed of each watercourse as per RFI Appendix 9.	Included in schedule of conditions.
DAU Consultation	
Implementation of Chapter 13 mitigation measures	Included in schedule of conditions.
Employ suitable archaeologist & carry out archaeological monitoring within ZON and excavation works in greenfield. Completion and submission of monitoring report.	Included in schedule of conditions.
Significant archaeological features procedures	Included in schedule of conditions.
Update CEMP to include all archaeological or cultural heritage constraints identified in Chapter 13.	Included in schedule of conditions.
Uisce Éireann	
Connection agreement for a connection to public water/wastewater network, if applicable.	Not included – N/A. Noted to be subject to separate control mechanisms.
Protection and construction methodology for crossing of existing water and wastewater service infrastructure stipulations.	Included in schedule of conditions.

9.0 Environmental Impact Assessment

9.1 Introduction and statutory provisions

9.1.1 This section sets out an environmental impact assessment (EIA) of the proposed development.

9.1.2 The proposed Seskin Wind Farm comprising 7 wind turbines and an output of 46.2MW exceeds the threshold for mandatory EIA, as per Part 2 (3)(i), Schedule 5 of the Planning and Development Regulations, 2001 (as amended).

9.1.3 The submitted EIAR considers the totality of the Proposed Project i.e. the proposed Seskin Wind Farm, BESS, 38kV substation, proposed grid connection route (combined route of c. 20.1km), turbine delivery route and all associated works as located within both Co. Carlow and Co. Kilkenny.

9.1.4 For the purpose of this appeal, I have focused my assessment on the potential environmental impacts as a result of the proposed development i.e. the proposed Grid Connection Route and accommodation works for proposed Turbine Delivery Route, all within Co. Kilkenny. My assessment of cumulative effects, firstly, considers the potential for in-combination effects with the Proposed Project, specifically the proposed Seskin Wind Farm, and secondly, with other developments.

9.2 EIA Structure

9.2.1 This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Commission, the reasoned conclusions of the Commission and the integration of the reasoned conclusion into the decision of the Commission, and

b. includes an examination, analysis and evaluation, by the Commission, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

9.2.2 Article 94 of the Planning and Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

9.2.3 This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant

effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

9.2.4 It also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

9.3 Issues Raised in Respect of EIA

9.3.1 Issues raised in respect of EIA by parties to the appeal are discussed in Sections 4.0 and 7.0 above and include the following:

- Alternatives
- Hydrology and hydrogeology
- Biodiversity / Natura 2000 sites
- Traffic and Transport
- Noise
- Cultural Heritage

9.3.2 The issues raised will be assessed under the relevant sections in this report.

9.4 Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

9.4.1 The applicant's EIAR comprises of the EIAR (Main Text) including Chapters 1 – 18 and EIAR References, Landscape and Visual Figures (14-1 to 14.21) & Photomontages (Viewpoints 01 – 15), Appendices 2 - 1 to 15-6, and a stand-alone Non-Technical Summary (NTS).

9.4.2 Technical and environmental information provided within the RFI Submission (January 2025) incorporating RFI Appendices 1 to 9 are also noted.

9.4.3 Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Table 9.1 Compliance with the requirements of Article 94 and Schedule 6

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
• A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
Chapter 1 provides a description of the site location including maps (section 1.1.2). Chapter 4 provides a description of the Proposed Project including details on the location, layout, project components, peat and spoil management, tree felling and replanting, site activities, access and transportation, community gain proposals, site drainage, construction methodologies, as well as operation and decommissioning. It is noted that the Proposed Project does not involve demolition works. The proposed development components located in Co. Kilkenny, grid connection route and turbine delivery route, are described in Section 4.4.6.5 and 4.5.3.1, respectively. The description is adequate to enable decision making.
• A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the proposed development is carried out for each of the technical chapters of the EIAR, Chapter 5 to 16. Interactions are considered in EIAR Chapter 17, and a Schedule of Mitigation and Monitoring Proposals is presented in EIAR Chapter 18. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
• A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).

The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are outlined in appendices including additional information appendices and summarised in Chapter 18 (Schedule of Mitigation Measures) and Appendix 4-4 (CEMP). Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR, for the reasons stated in the assessment below.

- A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).

A description of the alternatives considered is contained in Chapter 3 of the EIAR. The alternatives considered include, 'do nothing', alternative site locations and renewable energy technologies, alternative turbine numbers, models, layout and development design, alternative design of ancillary structure, alternative grid connection route options (Section 3.2.8), alternative transport route and site access (Section 3.2.9), and alternative mitigation measures. The consideration of reasonable alternatives for the Grid Connection Route (Section 3.2.8) is supplemented by RFI Submission, Appendix 4 Preliminary Route Development Report.

The main reasons for opting for the current proposal were based on minimising environmental effects. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.

Refer to Section 9.8 below.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).

- A description of the baseline environment and likely evolution in the absence of the development.

A description of the baseline environment for the Proposed Project including the proposed Grid Connection Route and proposed Turbine Delivery Route has been provided in each of the technical chapters of the EIAR. A likely evolution in the absence of the development is provided under the 'do nothing scenario'. I am satisfied that a comprehensive understanding of the baseline environment has been provided and enables identification of key impacts in respect of likely effects as a consequence of the proposed development. I comment on baseline, where necessary in the technical assessment below.

- A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved

The methodology employed in carrying out the EIA, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects.

The applicant has indicated in the different chapters where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary in the technical assessment below and for the reasons stated, I am satisfied that forecasting methods are adequate in respect of likely effects.
• A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is specifically dealt with in Chapter 16 of the EIAR. Specific risks have been identified in relation to the vulnerability of the Proposed Project including the proposed development to traffic incident, contamination and fire.
Article 94 (c) A summary of the information in non-technical language.
This information has been submitted as a separate standalone document. I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description, and the assessment of the potential environmental impact are set out within each chapter. I consider the sources relied upon are generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the report are set out in Section 1-8 in Chapter 1 of the EIAR and in Appendices. Where relevant the introductory section of each of the chapters also details of the individual's expertise, qualifications which demonstrates the competence of the person in preparation of the individual chapters within the EIAR. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

9.5 Consultations

9.5.1 The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices.

9.5.2 Consultations are described in Chapter 2, Sections 2.7 and 2.8 of the EIAR. The applicant carried out scoping consultation with Kilkenny County Council, Carlow County Council, prescribed bodies, other non-governmental organisations, utility providers and telecommunication providers. Public consultations were carried out between March 2022 and August 2023 and are outlined in Section 2.8.1 and Appendix 2-2 of the EIAR. The proposed Grid Connection Route was incorporated into the project information at the public event (15th August 2023). Door-to-door consultation was carried out within 1 to 2km from the proposed Seskin Wind Farm site, meeting the requirements of the 2006 Guidelines and the Draft 2019 Guidelines, and supplemented with various advertisement.

9.5.3 Taking account of the information provided within the EIAR I am satisfied that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

9.6 Compliance

9.6.1 Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the applicant, is sufficient to comply with article 94 of the Planning and Development Regulations, 2001 (as amended).

9.7 Assessment of Likely Significant Effects

9.7.1 This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environment parameters, as set out Section 171A of the Planning and Development Act 2000, as amended (see paragraph 9.2.3 above). Where relevant, headings based on the environmental parameters have been subdivided to better reflect the layout of the submitted EIAR and the main environmental considerations of the proposed development.

9.7.2 In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses

the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these.

9.8 Alternatives

9.8.1 Issues Raised in the Appeal

Kilkenny County Council considers that there is insufficient consideration of alternative grid connection routing including third party lands and OHL. Observations to the appeal, similar to observations made to the planning application, raised concerns regarding the length of the route and noted alternative substations located closer to the proposed Seskin Wind Farm.

Kilkenny County Council's Conservation Section recommended alternative routeing avoiding Black Bridge for the Turbine Delivery Route being considered.

9.8.2 Evaluation of the EIAR

Chapter 3 outlines those alternatives considered for the Proposed Project. Of relevance to this appeal, are the alternatives assessed for the proposed Grid Connection Route (Section 3.2.8) and the proposed Turbine Delivery Route (Section 3.2.9). RFI Appendix 4 Preliminary Route Development Report supplements the alternatives assessment for the proposed Grid Connection Route.

In relation to the proposed **Grid Connection Route,** overhead and underground cabling were considered for the Proposed Project, whereas overhead connections were noted to provide greater visual impacts. Four cabling options to the two closest 110kV Substations, Carlow 110kV Substation and Kilkenny 110kV Substation, were considered. Route options considered to the Carlow 110kV Substation were both by underground cabling via public roads and/or private lands, Route Options 1a 'blue' and 1b 'orange' (EIAR Figure 3-2 and RFI Appendix 4, Figure 13 and 20). The route options to Kilkenny 110kV Substation were via underground cabling within the public road and a mix of underground and overhead cabling via public road and private lands, Route Options 2, 'red' and 'green' (EIAR Figure 3-2 and RFI Appendix 4, Figure 20 and 29). The final route was Route Option 2 'red' to Kilkenny 110kV Substation by underground cabling via the public road. This was the shortest route option and considered the optimal route in terms of least environmental effects as

per comparison assessment presented in EIAR Table 3-6 and RFI Appendix 4, Table 2.

Wind turbine components are manufactured abroad, and the proposed **Turbine Delivery Route** is based on an assumed port of entry in Waterford. Three turbine delivery routes (Routes A, B and C) from the Port of Waterford to the proposed Seskin Wind Farm were considered for the Proposed Project as per EIAR Figure 3-4. Route C was selected on the account of less pinch points and road widening requirements when compared with Routes A and B, and was considered to be the route with least environmental effects as per the comparison assessment presented in EIAR Table 3-8.

The "**Do Nothing" scenario** would leave the site as it is, with no changes made to the current land-use practices, the opportunity to facilitate renewable energy production and contribute to meeting Government and EU targets would be lost, and so would the opportunity to generate local employment and investment.

Mitigation alternatives included avoidance, best practice design and mitigation measures.

9.8.3 **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I consider the proposed development alternatives considered have had regard to the investigations undertaken by the applicant. I consider those alternatives are in the most part reasonable as they include an indication of the main reasons for the option chosen and have taken into account different environmental effects in concluding the options chosen.

The Commission will note the applicant's justifications for considering underground cables were based on minimising environmental effects and the preference for underground cables in the 2006 Guidelines and the draft 2019 Guidelines. As outlined above, underground cabling is also the preferred approach outlined in the Development Plan. In addition, the proposed routing within the public road as outlined by the applicant takes account of ESB Networks' General Specification for Contestably Built Underground Networks (2001) and its preference for underground cables to be within public lands and to avoid private lands as far as possible.

I have reviewed EirGrid's Transmission System Map (2025)[4] and can confirm that the two substations selected are the two 110kV substations located closest to the proposed Seskin Wind Farm. The Commission will note that substations listed in observations are either located further afield (Ballyragget 110kV substation, c. 27km distance by road) or are lower voltage connection stations on the distribution system with limited or no capacity available as per ESB's Availability Capacity Heatmap[5] (Castlecomer, Bagenalstown and Craigue, at c. 16-18km distance by road).

The Commission will note Kilkenny County Council's concerns that the applicant has not carried out a full assessment of alternatives for the grid connection route, however, as per Article 94 above the requirement is to carry out a study of reasonable alternatives. Having regard to the above, I am satisfied the applicant have complied with the requirements of Article 94.

Similar to the above, I am satisfied that the turbine delivery routing assessment have considered reasonable alternatives and that the main reasons for selecting the proposed route have been clearly stated. I further note the accommodation works to address the loading capacity of Black Bridge matches the works permitted for White Hill Wind Farm (ABP-31365-22).

9.8.4 Conclusion

I have considered the application details and all other documentation on file including the EIAR, and all of the submissions and observation received in relation to the appeal. I am satisfied that the proposed Grid Connection Route and the proposed Turbine Delivery Route have been selected having regard to the potential to accommodate the Proposed Project and has been informed by constraints.

I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has considered the potential impacts on the environment.

[4] Ireland's Grid | EirGrid
[5] Availability capacity heatmap | ESB Networks

9.9 Population and Human Health

Issues raised which relate to specific topics such as noise (Chapter 12), water quality (Chapter 9), travel disruptions and access to properties (Chapter 15) have been considered under those specific chapters and will not be repeated here. No other issues have been raised by any party to the appeal in respect of population and human health.

I have examined Chapter 5 and Appendices 5-1 to 5-4 of the EIAR which deals with this topic. Approximately 92 no. properties are noted to be located within 100m of the proposed Grid Connection Route. Existing land uses comprises of public road corridor, public open space, agricultural field, coniferous forestry and areas of natural vegetation. The nearest school is Johnswell National School and Kilkenny town centre is located approximately 5.2km to the northeast of the existing Kilkenny 110kV Substation.

The construction areas for the proposed development will be small, short term and transient (100-150m excavated/backfilled each day) for the proposed Grid Connection Route. The installation of underground electric cables is noted as common practice. During construction, no impact on population trends or change to existing land uses in the wider areas as a result of the proposed development are predicted. Access to properties will be provided in the evenings and night hours. Increased employment and local spending during the construction phase would have a short term positive effect. Having regard to the short term and transient nature of the works and mitigation measures to minimise noise levels (Chapter 12), air quality emission (Chapter 10), provision of traffic management measures (Chapter 15), to prevent release of sediments and other pollutions in surface water runoff (Chapter 9) and health and safety measures (CEMP 4-4), I am satisfied that there is no potential for any significant residual direct, indirect or cumulative construction effects on population and human health including residential amenity as a result of the proposed development.

The extremely low frequency (ELF) electric and magnetic fields (EMF) associated with the operation of the proposed cables will fully comply with applicable guidelines and there will be no exceeded at any distances even directly above the cables. I am,

therefore, satisfied that there is no potential for any significant residual operational effects on population and human health as a result of the proposed development.

9.10 Biodiversity

9.10.1 Issues Raised

Kilkenny County Council in Reason for Refusal No. 2 concludes that the proposed Grid Connection Route will result in detrimental impact on the environment. Planner's report (2) recommendation section concludes that significant environmental effects as a result of the proposed development, including effects on biodiversity, have not been adequately addressed in the submitted EIAR. The Commission will note that observations to the appeal raised concerns regarding disruption to flora and fauna and that concerns regarding impact on Natura 2000 sites and their qualifying interests were raised at application stage. I have carried out an assessment of the potential impact on European sites in Section 10.0 Appropriate Assessment and Appendices 1 and 2 of this report, and I have not repeated such herein.

9.10.2 Context

Biodiversity is addressed in Chapter 6 and Appendices 6-1 to 6-4 of the EIAR. Birds is addressed separately in Chapter 7 and Water is addressed in Chapter 9 of the EIAR. A NIS was submitted with the application, and I have addressed the issues relating to Appropriate Assessment (AA) in Section 10.0 below and Appendix 1 and Appendix 2 of this Inspector's Report.

9.10.3 Baseline

Multi-disciplinary walkover surveys were carried out for the proposed development and the wider study area. Targeted otter surveys were carried out at watercourse crossings as well as bat foraging, commuting and roosting habitat survey (Appendix 6-2). Aquatic surveys (Appendix 6.3) were carried out at Black Bridge and Philip's Bridge and downstream along Dinin River.

Habitats: The proposed **Grid Connection Route** within Co. Kilkenny will be via underground cabling located within the existing public road corridor. Habitats remain

similar along the full extent of the route with predominant habitats assessed as improved agricultural grassland (GA1) and wet grassland (GS4) and occasional occurring habitats assessed as scrub (WS1), mixed broadleaved/conifer woodland (WD2), conifer plantation (WD4), amenity grassland (improved) (GA2) and buildings and artificial surfaces (BL3). No instream works are proposed for the nine watercourse crossing. No invasive species were recorded. The proposed **Turbine Delivery Route** will result in temporary loss of habitats at the location of the proposed accommodation works in the field east of the N78/L1834 junction. Habitats assessed as improved agricultural grassland (GA1) under agricultural management and dominated by perennial rye grass (Lolium perenne) with occasional soft rush, and with Hedgerow (WL1) and Treeline (WL2) habitats along the field borders, comprising hawthorn and bramble. No instream works are proposed at Black Bridge.

Fauna: Otter is a qualifying interest of the River Barrow and River Nore SAC. No otter signs were recorded near the proposed development. Otter surveys in the wider study area identified spraints downstream on the Dinin River (Appendix 6-3). No signs of **badger** were recorded along the routes, and no badger setts were recorded within the wider survey area but signs that badgers utilise the proposed Seskin Wind Farm site were recorded. No signs of bats were discovered at the Black Bridge during an endoscope survey for **bat** roost potential, but a number of suitable crevices were identified under the single arch stone bridge and the habitat appraisal identified the Black Bridge as having High suitability for roosting bats. No bats roots were identified within the wider study area. An incidental sighting of **pine martin** during surveys in the locality of the Black Bridge was recorded. In relation to the wider study area, both pine martin and red squirrel are known to occur within the proposed Seskin Wind Farm site.

Aquatic baseline surveys identified salmonids and Atlantic salmon on the Dinin River, including survey sites A6 (upstream of Philip's Bridge) and A7 (Philip's Bridge), at A9 (Black Bridge) and further downstream on Dinin River. Lamprey ammocoetes (Lampetra sp.) were not recorded within watercourses hydrologically linked to the proposed development. Widespread suitability for European eel was noted but only recorded in low densities on two downstream sites (A11 & A12, Dinin River). No white-clawed crayfish were recorded during surveys, but white-clawed crayfish was detected from eDNA surveys downstream on the Dinin River (A10). A

positive test for Crayfish plague (Aphanomyces astaci) at A12, downstream on the Dinin River is noted. No rare or protected macro-invertebrate species or macrophytes/aquatic bryophytes were recorded.

Freshwater Pearl Mussel: The proposed development is located within the Nore Lower Margaritifera catchment and the Barrow Margaritifera catchment, both of which are classified as 'Catchments with previous records of Margaritifera, but current status unknown' and is hydrological connected to the Nore Lower Margaritifera catchment via the Kilderry River and the Lyrath River. There is no hydrological connection between the proposed development to any known freshwater pearl mussel point records. No freshwater pearl mussel eDNA was detected during surveys, and results considered as evidence of the species absence within the survey area.

Protected Sites: European sites within the zone of influence of the proposed development are the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233). Nationally designated sites within the likely zone of influence include Mothel Church, Coolcullen pNHA (000408). This is known to support a summer roost for Natterer's bat and is located 1km northwest of the proposed Grid Connection Route.

9.10.4 Likely Potential Effects

Table 9.2: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• Habitats and biodiversity along the route would likely remain in similar condition. Scrub succession may occur in places over time if not managed by the landowners.
Construction	• Habitats: Temporary loss of approximately 175m of hedgerow at N78/L1834 junction, will be reinstated. Widespread and common habitat in this location and removal would not cause significant fragmentation of habitat connectivity.

	• Aquatic receptors: Instream works avoided and no potential for direct impacts on any aquatic receptors. No groundwater level impacts are predicted. Risk of pollutants and sediment laden surface water run-off and potential to result in significant indirect effects (local geographical scale) on sensitive watercourses and aquatic species downstream. • Otter: Habitat destruction, barrier effect, disturbance and mortality effects are not significant. Potential indirect effects in the form of habitat degradation/loss of prey resources through water pollution considered significant (local geographical scale). • Bats: No works proposed to the Black Bridge arch and no loss of roosting habitat anticipated. No significant commuting and foraging habitat loss as a result of temporary hedgerow removal at N78/L1834 junction. Potential significant negative disturbance effect during strengthening works at Black Bridge (local geographical scale). • Other fauna: No significant habitat destruction, barrier effect, disturbance and mortality effects identified.
Operation	• No operational effects identified as a result of the proposed development.
Decommissioning	• No decommissioning proposed.
Cumulative	**The Proposed Project:** • Habitats: The combined loss of approximately 622m of linear habitats for the Proposed Project. Significant at local geographical scale. BMEP (Appendix 6-4) details the planting of additional linear habitats, up to 3,350m for the Proposed Project. • Aquatic receptors: No potential for direct impacts on any aquatic receptors from the Proposed Project. No significant

	impacts on ground water predicted as a result of the Proposed Project. Risk of pollutants and sediment laden surface water run-off, potential significant indirect effects of a local geographical scale on sensitive watercourses and aquatic species downstream. • Otter: Potential effects as above. • Bats: No potential significant effects with regard to the loss of, or damage to, roosting habitat. No significant commuting and foraging habitat loss anticipated. No significant displacement effects anticipated, temporary negative effects from noise and lighting considered significant at local geographical scale. • Other Fauna: No significant loss of suitable or fragmentation of suitable habitats. Potential for physical damage or significant disturbance of occupied badger setts and occupied breeding sites for pine martin/ red squirrel consider significant at local geographical scale. Disturbance/mortality effect on common lizard considered significant at local geographical scale. • No potential for cumulative operational and decommissioning effects identified **Other Developments:** • Taken account of the lack of residual effects for the Proposed Project, no connection that could potentially result in additional or cumulative effects identified.

9.10.5 **Mitigation**

- Detailed control measures relating to the protection of surface water during construction as per Chapter 9 Water, Section 9.5.2.2 including hydrological buffer zones and carrying out of HDD works over a dry period between July and

September (as required by IFI for in-stream works) to avoid the salmon spawning season and to have more favourable (dryer) ground conditions.

- Drainage maintenance plan detailing protection of water quality during construction.
- Daily monitoring of excavations by the Environmental Clerk of Works, with support by the project ecologist and hydrologist as per the CEMP (Appendix 4-4).
- Works at Black Bridge will be undertaken to avoid deep hibernation period for bats (December to February). Pre-commencement bat activity survey will be carried out in order to reassess the baseline environment, and a bat derogation licence will be obtained from the NPWS if a bat roost is identified.

9.10.6 **Residual Effects**

- Habitats: No potential for significant residual effects as a result of the proposed development during construction, or in combination with the Proposed Project. Additional linear habitats planting for the Proposed Project resulting in a net gain.
- Aquatic Receptors: No significant residual effects on aquatic habitats and species predicted as a result of the proposed development during construction, or in combination with the Proposed Project.
- Fauna: No significant negative residual effects is anticipated as a result of the proposed development during construction, or in combination with the Proposed Project.

9.10.7 **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 6 of the EIAR, and all of the associated documentation and submissions on file in relation to Biodiversity. No significant vegetation removal and no instream works is proposed for the proposed Grid Connection Route which will be within the public road verge. Having travelled the local roads for the Turbine Delivery Route, I am satisfied that mainly localised vegetation pruning will be required and that proposed mitigation measures as summarised in Appendix 17.1 will ensure no significant residual effect on habitat and

species. The loss of habitats as a result of the proposed accommodation works of the Turbine Delivery Route will be temporary and that this is habitat of local value and widespread within the surrounding area. No vegetation loss or instream works at Black Bridge are proposed. Mitigation measures set out within Chapter 9 Water to prevent surface water runoff with sediments and other pollutants are applicable to safeguarding indirect effects water quality and on aquatic receptors.

The Black Bridge was identified as having high potential for roosting bats. The structural assessment provided in Appendix 4-6 concludes that the bridge is overall in good condition, but strengthening works in the form of increased surface infill depth and parapet raising as proposed are required to facilitate turbine deliveries. No works on the bridge arch are proposed and no loss of roosting habitat is anticipated. There is, however, a potential for temporary disturbance of roosting bats during the construction phase (2-4 weeks) and a pre-commencement bat activity survey will be undertaken and the works will avoid deep hibernation period for bats (December to February). All other existing bridge watercourse crossing are by HDD and will avoid potential impacts on bats as per RFI Appendix 9.

I have had regard to the surveys carried out and the expertise of the surveyors and authors of Chapter 6, mitigation measures, and I am satisfied with the conclusion within the EIAR that the proposed development would not have a significant residual effect on terrestrial habitat and fauna or on aquatic habitats and species. I have reviewed the cumulative baseline within the EIAR and the RFI Submission and provided an update in Section 8.4 of this report, and I am satisfied that the potential cumulative impacts on biodiversity as a result of the proposed development, the Proposed Project and other developments have been adequately assessed. I accept the conclusion of the EIAR that no significant cumulative effects on biodiversity are anticipated. I have addressed the consideration of reasonable alternatives for the proposed Grid Connection Route in Section 9.8 above.

9.10.8 **Conclusion: Direct and Indirect Effects**

I have considered the application details and all other documentation on file including the EIAR, and all of the submissions and observation received in relation to the appeal. I am satisfied that potential effects on biodiversity (including habitats and species) as a result of the proposed development would be avoided, managed and

mitigated by the measures which form part of the Proposed Project, the proposed mitigation measures and through suitable conditions. I am therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the biodiversity.

9.11 Birds

No issues have been raised by any party to the appeal in respect of birds in relation to the proposed development. I note concerns raised regarding bird survey guidelines raised in observations to the planning application and I have addressed these below. As outlined previously, I have carried out an assessment of the potential impact on European sites and their qualifying interests in Section 10.0 Appropriate Assessment and Appendices 1 and 2 of this report, and I have not repeated such herein.

I have examined Chapter 7 and Appendices 7-1 to 7-7 of the EIAR which deals with impact on Birds. Multi-disciplinary walkover surveys were carried out for the proposed Grid Connection Route and the accommodation work areas for the proposed Turbine Delivery Route. Bird species observed during surveys were recorded. Site specific bird surveys were carried out for the proposed Seskin Wind Farm site and were based on NatureScot guidelines, which is recognised as industry and best practice survey standards for onshore wind farm development in Ireland. The UK developed Bird Survey Guidelines for assessing ecological impacts (2023) as referred to in observations to the planning application, are not specific to onshore wind farm development nor a recognised standard for this type of development in Ireland.

Having regard to the required works being predominantly located within the existing road corridor, the majority of habitats are of low ecological value comprising existing roads and agricultural land and do not have the potential to support species of conservation interest in the area and the extent of suitable habitat in the wider area, I am satisfied that the proposed development will not result in any significant habitat loss and minimises the effects on roadside hedgerows, avoids effects on nesting birds, and that any disturbance during construction works will be temporary and will not result in significant displacement. A short-term not significant negative effect is

predicted during construction of the Proposed Project on the highest sensitive bird species identified i.e. golden plover, kestrel, lapwing, snipe and woodcock. There are no operational or decommissioning effects as a result of the proposed development. Mitigation measures pertinent to birds and based on industry best practice are detailed within the CEMP (Appendix 4-4), and include bird breeding season restrictions, vegetation removal compliance measures, and appointment of Ecological Clerk of Works.

I am satisfied that potential effects on birds as a result of the proposed development would be avoided, managed and mitigated by the measures which form part of the Proposed Project and the proposed mitigation measures, and that there is no potential for any significant direct, indirect or cumulative effects on birds.

9.12 Land Soils and Geology

9.12.1 Issues Raised

No issues have been raised by any party to the appeal in respect of impact on land, soils and geology. I have addressed matters relating to the structural capacity of the road network and existing bridges in Section 9.19 below (Material Assets).

9.12.2 Context

Land, Soils and Geology is addressed in Chapter 8 and Appendix 8-1 of the EIAR. Description of the Proposed Project is set out in Chapter 4 and Appendices 4-1 to 4-8. Water is addressed in Chapter 9 of the EIAR. Construction techniques are set out in RFI Submission, Appendix 9 Major Watercourse Crossing Technical Note.

9.12.3 Baseline

The **proposed grid connection route** is located within the existing public road, mainly bounded by agricultural lands and smaller sections of forestry plantation. The majority of the route is located within the Castlecomer Plateau and deposits underlying the majority of the route are acidic deep poorly drained mineral soils and acid shallow well drained mineral soils. These deposits are underlain by till derived from Namurian sandstones and shales and bedrock outcrop or subcrop. Further south, acidic deep well drained mineral, basic deep well drained mineral soils and

basic poorly drained mineral deposits mapped, and these are underlain by till derived from limestones. Alluvium build up is noted along the watercourses. Geology underlain the route from northwest to southeast include Coolbaun Formation, Clay Gall Sandstone Formation, Moyadd Coal Formation, Bregaun Flagstone Formation, Killeshin Siltstone Formation, Luggacurren Shale Formation, the Clogrenan Formation, Ballyadams Formation, and Butlersgrove Formation. There are a total of four mapped faults along the route.

Deposits underlying the junction accommodation area for the **proposed Turbine Delivery Route** is acid poorly drained mineral soils and the mapped subsoils are till derived from Namurian sandstones and shales. The site is underlain by Coolbaun Formation. Deposits underlying the Black Bridge are alluvium in the vicinity of the river, and acid poorly drained mineral soils adjacent to the river. Subsoils comprise of till derived from Namurian sandstones and shales to the north and bedrock outcrop to the south. Black Bridge lies at the boundary between the Clay Gall Sandstone Formation and the Coolbaun Formation. There are no faults or areas of bedrock outcrop mapped in these areas.

No active quarries or active sand and gravel pits are mapped in proximity to the proposed development and no contamination concerns were identified during surveys. The are no geological heritage sites in the vicinity of the proposed development (>1km). All crushed stone, hardcore materials and ready-mix concrete that will be required during the construction phase will be sourced from local, appropriately authorised quarries.

Surplus excavation material arisings from the temporary accommodation works will be managed locally. Subsoils excavated along the proposed Grid Connection Route, where suitable, will be reinstated into the trench, no requirement to store material and some will be disposed of.

9.12.4 Likely Potential Effects

Table 9.3: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects

Do Nothing	• Will continue to function as it does at present, with no changes made to the current land-use. Opportunity to facilitate renewable energy generation lost.
Construction	• Land: No effect on land along the proposed Grid Connection Route. Predicted effects on land-take from trench excavation/reinstatement, temporary access road and Black Bridge are negative, direct, imperceptible to slight, likely. • Soils, Subsoils and bedrock: Subsoils excavated along the grid connection route, where suitable, will be reinstated into the trench. Surplus material to be managed in repository areas for the Proposed Project or disposed of in licenced facility. Surplus excavation material arisings from the temporary accommodation works will be managed locally. Negative, slight, direct, permeant, likely effect. • Contamination: Potential effect on subsoil and bedrock from accidental spillage during refuelling of construction plant, removal of waste is negative, slight, direct, short-term, unlikely. • Erosion of exposed soils/subsoils by vehicle movement, wind action and by water movement: Effect during excavation considered negative, direct, slight, high probability.
Operation	• Emergency repair works to the Proposed Grid Connection Route electrical cabling which are highly unlikely. No significant effects predicted.
Decommissioning	• No decommissioning proposed.
Cumulative	**The Proposed Project:** • Potential construction effects on land, peat, soils, subsoils, bedrock, predicted to be negative, slight to moderate, direct, unlikely to likely, short-term to permanent and not significant.

	No significant indirect or direct operational or decommissioning effects. **Other developments:** • No potential for significant cumulative effects on the land, soils and geology environment.

9.12.5 **Mitigation**

- Mitigation measures include Appendix 4-4 CEMP.
- The proposed Grid Connection Route will be constructed in a stepwise manner along its length, minimising the time the cabling trench is open before being reinstated.
- Soils and subsoils excavated along the proposed grid connection underground cabling route will be temporarily stored in covered stockpiles along the edge of the road carriageway.
- Once the emplacement of the 38kV cable has been completed, the stored soils and subsoils will be reinstated, with the minimal amount of compaction required to level the top surface.
- The tarmacadam road surface will be replaced with the same design standard as the surrounding carriageway.
- An emergency response plan for the construction phase to deal with accidental spillages in CEMP Appendix 4-4.
- Temporary drainage systems will limit runoff impacts during the construction phase. All excavation works will be temporary and silt fencing will be used where appropriate near surface watercourses
- HDD construction methodology is detailed as per Appendix 4-7 and RFI submission Appendix 9. Geotechnical site investigations will be carried out at the six existing bridge watercourse crossings to inform the final bore design and bore depth. Following examination of the ground conditions based on geological mapping and site investigation results, a longitudinal profile of the bore will be

designed. The longitudinal profile will be designed so that the risk of negative impact on the river and existing lands and structures will be negligible.

9.12.6 **Residual Effects**

No significant residual effects on subsoils and bedrock will occur as a result of the proposed development, or in combination with the Proposed Project.

9.12.7 **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 8 of the EIAR, all of the associated documentation and submission in respect of land, soil and geology. The proposed development with exception of the accommodation works at the N78/L1834 junction will be within the existing public road and the works will be short term. The construction methodology for the proposed Grid Connection Route including the methodology for HDD at watercourse crossings is set out in Appendix 4-7 and supplemented in RFI Appendix 9. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on, Land, Soil and Geology, as a consequence of the proposed development have been identified.

9.12.8 **Conclusion: Direct and Indirect Effects**

I have considered the application details and all other documentation on file including the EIAR, and all of the submissions and observation received in relation to the appeal. I am satisfied that potential effects on land, soil and geology as a result of the proposed development would be avoided, managed and mitigated by the measures which form part of the Proposed Project, the proposed mitigation measures and through suitable conditions. I am therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the land, soil and geology.

9.13 Water

9.13.1 **Issues Raised**

Kilkenny County Council in Reason for Refusal No. 2 concludes that the proposed Grid Connection Route will result in detrimental impact on the environment. The recommendation section in the Planner's report (2) concludes that the significant environmental effects, including effects on hydrology, have not been adequately addressed in the submitted EIAR. No issues have been raised by observation to the appeal in relation to hydrology or hydrogeology, however observations made to the planning application noted concerns in relation to impact on water quality and drinking water supplies.

Conditions recommended by Kilkenny Council's Environment Services, IFI and Uisce Éireann are considered in Section 8.6 above. I have, therefore, not considered them further herein.

9.13.2 **Context**

Water is addressed in Chapter 9 and Appendices 9-1 to 9-4 of the EIAR. Description of the Proposed Project is set out in Chapter 4 and Appendices 4-1 to 4-8. Land, soil and geology are addressed in Chapter 8 of the EIAR. Construction techniques are set out in RFI Submission, Appendix 9 Major Watercourse Crossing Technical Note.

9.13.3 **Baseline**

Baseline is presented in EIAR Section 9.3.

The N78/L1834, the Black Bridge and the majority of the proposed Grid Connection Route is located within the River Nore Water Framework Directive (WFD) surface water catchment. A small section of the grid route is located within the River Barrow catchment. All watercourse crossings are located within the River Nore catchment. Identified river receptors include Dinin River (Black Bridge), Coolcullen River (Philip's Bridge), Monefelim, Gowran, Lyrath stream and associated tributaries.

Summary of surface water Bodies (SWB) in the vicinity or downstream of the proposed work areas:

- N78/L1834 junction: Within Dinin (North)_030 (WFD status: "Moderate", "Under Review") and Dinin (North)_020 ("Moderate", "At risk") river subbasins. The closest watercourse is Gurteen Stream (c. 850m to the southeast).

- Black Bridge (Dinin River): on the boundary between river subbasins, upstream Dinin (South)_010 (“Good”) and downstream Dinin (South)_020 (“Good”).
- Grid Connection Route: Within river subbasins, Dinin (South)_020 (“Good”, location of Bridge No. 6 & 5, Culvert No. 3 & 2), Monfefelim_010 (“High”), Gowran_010 (“Moderate”, “At Risk”), Brownstown (Pococke)_010 (“Moderate”, “At Risk”), Kilderry_010 (“Moderate”, “Under Review”, location of Bridge No. 4 & 3) and Nore_190 (“Moderate”, “Under Review”, Bridge No. 2 & 1, Culvert No. 1).
- Significant pressure from agriculture is noted for Gowran_010 and from Urban runoff for Brownstown (Pococke)_010.

From a review of **flow volumes**, the local hydrological regime is considered to be characterised by high runoff rates. Downstream flow duration curves in the Nore surface water catchment have been estimated showing progressively increase flow volumes downstream reflecting the increased upstream catchment of the respective waterbodies (Figure 9-4).

No records of **flooding** are noted along the proposed Grid Connection Route or at the N78/L1834 junction accommodation work area. Mapped downstream flood zones along Nore and Barrow rivers are noted. Fluvial flood zones, corresponding with alluvium build up, are noted at the existing watercourse crossings at Coolcullen River (Philip’s Bridge) and Dinin River (Black Bridge), and along the Lyrath Stream immediately north of the existing Kilkenny 110kV Substation.

Groundwater receptors, N78/L1834 junction and Black Bridge are both underlain by generally unproductive Poor bedrock aquifer, and Groundwater Bodies (GWB) Newton GWB and Castlecomer GWB respectively. The majority of the proposed Grid Connection Route is underlain by Poor and Locally important bedrock aquifers, and the Castlecomer GWB, Shanragh GWB and Ballingarry GWB. The southern section of the route (c. 3.3km) is underlain by Regionally Important Karst Aquifer and the Kilkenny GWB. There are no mapped karst features in the immediate vicinity of the route. The existing Kilkenny 110kV Substation is underlain by the Clifden GWB and poorly productive bedrock. Groundwater vulnerability is noted to range from Low to Extreme (rock at/near surface) along the proposed Grid Connection Route,

however as noted the underlying bedrock aquifers is predominantly of low permeability and groundwater recharge is low. High to Extreme vulnerability overlaps in smaller sections with Regional Important Karst Aquifer, groundwater will be most vulnerable to potential effects in this area where flows are more shallow. The WFD status of the GWBs is “Good”, and Ballingarry is noted to be “Under Review” and Kilkenny GWB is “At Risk” (significant pressure: agriculture).

Water resources: Identified receptors include the Paulstown Public Water Scheme (PWS), Clifden/Clara PWS (c. 120m southeast) and local private groundwater abstractions. Drinking Water Protected Areas (DWPAs) located downstream include Dinin (Main Channel)_020 and the Nore_160 and Dinin River (Dinin (North)_030.

Designated sites: Dinin River at Black Bridge and Coolcullen River at Philip’s Bridge is adjacent to the River Barrow and River Nore SAC, and the hydrological flowpath to the SAC from the Lyrath River (Nore_190) is 2km from the proposed Grid Connection Route. The proposed route is located approximately 2km upstream of the River Nore SPA.

9.13.4 Likely Potential Effects

Table 9.4: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• No change anticipated. Opportunity to facilitate renewable energy generation lost.
Construction	• No instream works proposed. • Earthworks: release of suspended sediments from drainage/seepage water, exposed sediment (stockpiling) and erosion of sediment from emplaced site drainage channels. Negative, significant, indirect, temporary likely effect on rivers and associated water-dependent ecosystems downstream. • Excavation dewatering: trench excavations shallow, potential for minor groundwater/surface water seepages requiring

	treatment for suspended sediments. Indirect, negative, significant, temporary, unlikely effect. • Groundwater levels: no groundwater level impacts predicted due to shallow nature of works. • Release of hydrocarbons: From accidental spillage or accumulation of small spills. No hydrocarbon storage will occur. Negative, indirect, slight, short term, unlikely effect on groundwater quality. Indirect, negative, significant, short term, unlikely effect on surface water quality. • Potential release from cement-based products which generate very fine, highly alkaline silt: Batching of wet concrete and washing out of transport and placement machinery activities. Limited surface areas exposed to concrete and small volumes of groundwater would come in contact with the concrete. Indirect, negative, moderate, short term, likely effect to surface watercourses and water-dependent ecosystems. • Wastewater: No requirement for the storage of wastewater, no impact predicted. • Watercourse crossings (trenching and HDD): Potential for runoffs impacting on downstream surface water flows and surface water quality. Unlikely risk of fracture blow out and contamination. Negative, moderate, indirect, temporary, likely effect. • Local Groundwater wells: Biggest risk from accidental release of hydrocarbons and cement-based products. No effect on private groundwater well supplies predicted given the shallow nature of the works. No potential health effects predicted. • Paulstown PWS and Clifden/Clara PWS: Lack of direct hydrological connectivity. Indirect, negative, slight,

	temporary, likely effect predicted. No potential health effects predicted. • Turbine Delivery Route: Minor, localised works with small scale excavation/earthworks. Indirect, negative, slight, short term, likely effect on downstream surface water quality. • Impact on Karst features: Works are minor and transient with no mapped features in the vicinity and only a small section of the route overlies the karst aquifer. Indirect, negative, slight, unlikely effect. • Surface water abstractions: Impacts from any surface water quality effects arising. Indirect, negative, imperceptible, short term, likely effect. No potential health effects predicted. • River Barrow and River Nore SAC and River Nore SPA: Impacts on downstream water quality within SAC/SPA, indirect, negative, imperceptible, short term, likely effect. • Impact on SWB/GWB WFD Status: Detailed compliance assessment in Appendix 9-4. Indirect, negative, imperceptible, short term, likely effect. • Flooding: Flood Risk Assessment in Appendix 9-2. Roads and watercourse crossings are existing, no potential for the displacement of flood water or effect on flooding or on mapped flood zone.
Operation	• No effect.
Decommissioning	• No decommissioning proposed.
Cumulative	**The Proposed Project:** • No elevated in-combination construction effects for the Proposed Project as a whole predicted. Residual effects on hydrology and hydrogeology receptors are not significant.

	• No potential for operation/decommissioning in-combination effects. **Other developments**: • The proposals, as mitigated, will ensure no negative construction effects groundwater quantity and quality and downstream surface water quantity and quality. No significant cumulative construction effects predicted. No potential for operation/decommissioning in-combination effects.

9.13.5 **Mitigation**

Best practice measures and mitigation measures for the construction of the proposed development are set out in EIAR Section 9.5, Appendix 4-4 CEMP, Appendix 4-5 Surface Water Management Plan and Appendix 4-7 Grid Connection Construction Methodology. The following are of relevance to the proposed development:

- Section 9.5.2.2, 9.5.2.3 and 9.5.2.4, protection of surface water quality from potential release of suspended solids during earthworks, works within hydrological buffer zones, and excavation dewatering.
- Section 9.5.2.5, specific measures relating to groundwater levels.
- Section 9.5.2.6, protection of downstream surface water quality and local groundwater quality from potential release of hydrocarbons.
- Section 9.5.2.7, protection of surface water quality from potential release of cement-based products.
- Section 9.5.2.10, specific drainage measures for trenching and crossing works along the proposed grid connection route and protection of surface water quality.
- Section 9.5.2.13, specific measures for direction drilling and associated ground works, and fracture blow out prevention, along the proposed grid connection route for the protection of surface water quality.

- Section 9.5.2.14, specific to the Turbine Delivery Route works, including employment of ‘pre-commencement temporary drainage works’ in Section 9.5.2.2. Works at Black Bridge to be carried out to the specifications of the OPW bridge design guidelines ‘Construction, Replacement or Alteration of Bridges and Culverts - A Guide to Applying for Consent under Section 50 of the Arterial Drainage Act, 1945’, and in consultation with Inland Fisheries Ireland.

Some additional mitigation measures are outlined with RFI Submission, Section 7.1 and Appendix 9 Major Watercourse Crossing Methodologies, specifically Section 11.0 outlining precaution measures and Section 12.0 relating to disposal of drilling waste fluid. Inland Fisheries Ireland guidelines, Requirements for the Protection of Fisheries Habitats during Construction and Development Works at River Sites, will be adhered to.

9.13.6 **Residual Effects**

All residual effects on surface water and groundwater receptors as a result of the proposed development, or in combination with the Proposed Project, will be negative, imperceptible and not significant. The implementation of mitigation measures will ensure that there will be no deterioration in water quality of the underlying GWBs or the downstream SWBs and will ensure the protection of downstream European Sites, River Barrow and River Nore SAC and River Nore SPA.

9.13.7 **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

Surface water runoff

The Commission will note Kilkenny County Council’s concerns that the effects as a result of the proposed development on hydrology have not been adequately assessed.

As stated previously, no instream works are proposed as part of the proposed development. The primary risk to water quality is the potential for release of sediments and other pollutants via surface water run off to watercourses and negatively impact on water quality, resulting in adverse effects on the water quality, aquatic habitats and species. The trenching methodology is noted as shallow and in

short sections which will be backfilled before works starts on the next section, therefore minimising the potential for groundwater seepage and for runoff to pick up sediments. The majority of the route is located outside the 50m hydrological buffer zone proposed for watercourse. Works within the buffer zones include watercourse crossings including Black Bridge and a stretch of the road along the Lyrath River. No stockpiling or storage of machinery or vehicles are proposed within 50m hydrological buffer zones. Given the transient nature of the works, no storage of fuel or wastewater is proposed and excavated materials will be temporarily stockpiled to be transported off site for disposal if not suitable for backfilling of the trench. I am satisfied that the mitigation measures in Sections 9.5.2.2 to 9.5.2.4 and 9.5.2.6, Appendix 4-5, Appendix 4-7, as supplemented by measures in RFI Submission including Appendix 9 represent best practice and industry standards and will prevent the release of sediments and hydrocarbons into existing drains and watercourse.

The use of concrete will be limited to specific sections along the proposed Grid Connection Route, specifically the placement of joint bays (16 no.) and communication chambers and in the installation of marker posts, if required. Section 4.8.8.3 and Appendix 4-7 outlines that joint bays and the communication chambers are typically pre-cast concrete structures, and these are predominately located outside the hydrological buffer zones. No batching of wet products will take place on site, and I note the use of ready-mixed supply of wet concrete as part of the works have been has been assessed and mitigated as per Section 9.5.2.7.

HDD is common practice where trenchless crossings are required such as for watercourses, national roads, and railways. Both the EIAR Chapter 9 and the RFI Appendix 9 make reference to the drilling fluid potentially containing bentonite. I note RFI Appendix 9, Section 9.1 outlines that the proposed drilling fluid will be largely water based but will contain a small component of bentonite (1-3%). Bentonite is noted to be a naturally occurring clay mineral which in most circumstance is a "*non-toxic, benign fluid, except when suspended within a water body where it can harm ecology."* Mitigation measures to prevent the release/spills of drill fluid and containment, are set out in Section 9.5.2.13 and supplemented by measures outlined in RFI Appendix 9, including a HDD Frac-out management plan. I further note from Appendix 4-7 and RFI Appendix 9, that geotechnical site investigations will be carried out at the six existing bridge watercourse crossings to inform the final bore

design and bore depth. As noted previously, IFI has raised no objection to the proposed water crossing methodology. I am satisfied that the potential risk associated will HDD operations have been comprehensively mitigated for.

The mitigation measures proposed, including the interception of surface water, attenuation and treatment of solids will ensure water quality in any surface water body will not be adversely affected. I note the water quality monitoring includes for continuous monitoring at Philip's Bridge and daily visual inspections at watercourse crossings as per Appendix 4-5 Surface Water Management Plan. Furthermore, as outlined in my Appropriate Assessment in Section 10 below I am satisfied the proposed development, either alone or in-combination, will not adversely affect the integrity of any European Sites, and there is no reasonable doubt as to the absence of adverse effects.

Water Framework Directive

As previously stated, the proposed development does not include any instream works or proposal to alter the channels of any watercourses, direct discharge or abstraction of groundwater.

I accept the applicant's conclusion that the proposed Turbine Delivery Route accommodation work areas, N78/L1834 junction and Black Bridge, will not result in any effect on GWBs and that potential effects on SWBs as a result of the N78/L1834 junction accommodation works can be ruled out. The applicant's assessment found that the minor, short term and transient nature of the proposed Grid Connection Route works would limit the potential of such works, even without mitigations, to alter the overall status of the SWBs/GWBs. I note the potential for in combination effects on the Dinin (South)_020 SWB, Castlecomer GBW and Shanragh GWB and that the proposed Seskin Wind Farm is predicted in the absence of mitigation measures to alter the status of these SWB/GWBs. Taking account of mitigation measures, I accept the conclusions as summarised in Table O (Appendix 9-4) that the qualitative status of downstream surface water and underlying groundwater will be protected and that the proposed development will not cause deterioration. Monefelim_010 SWB has a "High" status. Only a small section of the proposed Grid Connection Route (c. 700m) is within the mapped Monefelim_010 river subbasin, there are no watercourse crossings along this section

of the route, and the river is located approximately 600m to the southeast of the route.

Mitigation measures to prevent any negative impact on the water quality have been included and I have assessed these as reasonable to prevent any significant effects on the surface waterbodies. Therefore, having regard to the construction works and those mitigation measures which protect the water quality I am satisfied the proposed development will cause deterioration and will not impede the objective of achieving good or high status of any surface water body.

Impacts on Private Water Supply

The Commission will note that there are no hydrogeological concerns raised in the appeal, and that Kilkenny County Council referred to hydrology impacts which I have addressed above. I note observations made to the planning application (Save Our Hills, supported by an expert opinion from Hydro-G) raised concerns regarding impact on drinking water supply, referring to risk assessment under the European Union Drinking Water Regulations 2023 (SI 99 of 2023) and the Gowran PWS Augmentation Boreholes and Paulstown Spring. Of note, no concerns were raised by Uisce Éireann regarding impact on drinking water supply or impact on their assets.

The Drinking Water Source Protection, Technical Guidance (July 2024) has been developed to meet the requirements of recast Drinking Water Directive (EU, 2020/2184), the European Union (Drinking Water) Regulations 2023 (S.I. No. 99 of 2023) and is complementary to the overall WFD implementation process. The Technical Guidance provides the national approach to *"the protection of drinking water at the source within the catchment that contribute water to individual abstraction points"* which is primarily a matter for water suppliers. In relation to this, it states that 'source' under the recast Drinking Water Directive is understood to *"be the borehole, well, spring, infiltration gallery, lake, river, or impoundment from which water intended for human consumption is taken"*, whilst under the WFD 'source' can be a specified water resource used for water supply or a source of pollution. Having regard to this, the Technical Guidance, Appendix V defines that the responsibility for carrying out the risk assessment primarily which also includes the delineation of catchment area lies with water suppliers, and it is therefore, not applicable to the proposed Development.

Uisce Éireann website outlines that they commenced works on the Gowran Regional Water Supply Scheme in September 2024 and that these works are scheduled for completion late 2025[6]. Having carried out an ePlans search, I note this scheme was granted planning permission under reg. ref. 19/503 (as amended by reg. ref. 23/60168). The associated planning documentation by Uisce Éireann sets out that the raw water for the current scheme, Paulstown PWS, is sourced from the Tobergoolick Pool, a groundwater spring source c. 2km south of Paulstown. The permitted upgrades, addressing water supply demand and security across Gowran, Goresbridge and Paulstown, comprise the advancement of two existing boreholes, drilling of one new borehole (c. 100m deep) and construction of Gowran Water Treatment Plant (WTP) at Woodquarter, north of Gowran along the R448 (approximately 2km southwest of Tobergoolick Pool spring). I note these works are all located within the existing source protection area associated with Paulstown PWS as detailed in EIAR Figure 9-12 and which corresponds with current GSI and EPA mapping for same. The borehole abstraction points and Tobergoolick Pool spring are within the same GWB catchment and within the catchment of river Monefelim River. Having regard to construction methodology, no potential groundwater pathway was identified between the proposed Grid Connection Route and the Paulstown PWS, but a surface water pathway via the Monefelim River was identified. The boreholes will source drinking water from groundwater. Notwithstanding this, the upgraded scheme appears to be located upstream of the Monefelim River along a tributary (Gabhrán, EPA name) and not downstream as the Tobergoolick Pool spring. Having regard to the above, I am satisfied that the impact assessment for Paulstown PWS, in the absence of any published new/revised delineation of catchment area, can be considered applicable and that there will be no significant residual effects on the upgraded PWS scheme as a result of the proposed development.

Cumulative effects: As stated previously, I have reviewed the cumulative baseline with the EIAR and the RFI Submission and provided an update in Section 8.4 of this report, and I am satisfied that the potential cumulative impacts on water as a result of the proposed development, in combination with the Proposed Project and other

[6] Gowran Regional Water Supply Scheme | Our Projects | Uisce Éireann (formerly Irish Water)

developments have been adequately assessed. I accept the conclusion of the EIAR that no significant cumulative effects on water are anticipated.

9.13.8 **Conclusion: Direct and Indirect Effects**

I have considered the application details and all other documentation on file including the EIAR, and all of the submissions and observation received in relation to the appeal. I am satisfied that potential effects on water as a result of the proposed development would be avoided, managed and mitigated by the measures which form part of the Proposed Project, the proposed mitigation measures and through suitable conditions. I am therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the water.

9.14 Air Quality

No issues have been raised by any party to the appeal in respect of air quality. I have examined **Chapter 10** of the EIAR which deals with this topic.

Exhaust emissions will arise from the transport of construction materials, waste and works and the use of construction machinery. The excavation of the proposed Grid Connection Route trench and the temporary accommodation works for the access off the N78/L5872 will give rise to localised dust emissions. A number of sensitive properties have been identified along the proposed Grid Connection Route and the proposed Turbine Delivery Route (Figure 10-2). Without mitigations, potential construction effects are predicted to be short term, slight to moderate and negative. Having regard to best practice mitigation measures to reduce the effects of exhaust and dust emissions as outlined in sections 10.3.2.1 and 10.3.2.2 and incorporated in the CEMP (Appendix 4-4) relate to construction vehicles, machinery and haul routes, wheel wash facility, waste management, dust suppression measures, and minimising excavation areas and stockpiling, I am satisfied that there is no potential for any significant residual direct, indirect or cumulative construction effects on air quality as a result of the proposed development. There are no operational or decommissioning effects predicted.

9.15 Climate

No issues have been raised by any party to the appeal in respect of climate. I have examined **Chapter 11** and **Appendix 11-1** of the EIAR which deals with this topic.

There will be no noticeable loss in carbon fixing vegetation from the proposed development. The proposed development will require construction materials (such as cement) and the operation of vehicles and plant and will give rise to greenhouse gas emissions associated with the transport vehicles and exhaust emissions. Construction waste will arise from excavation and unavoidable construction waste including material surpluses, damaged materials and packaging waste. These potential effects will be short term and slight and limited to the construction phase. The CEMP (Appendix 4-4) describes procedures and measures on waste management during the construction phase of the Proposed Project.

I am satisfied that there is no potential for any significant direct, indirect or cumulative construction effects on climate as a result of the proposed development. There are no operational or decommissioning effects predicted. Furthermore, when considering the in-combination effects of the Proposed Project, emissions will be offset by the operation of the proposed Seskin Wind Farm during its operational life.

9.16 Noise and Vibration

9.16.1 Issues Raised

Kilkenny County Council in Reason for Refusal No. 2 concludes that the proposed Grid Connection Route will result in detrimental impact on the environment. The recommendation in the Planner's report (2) concludes that effects on noise have not been adequately addressed in the submitted EIAR. I note concerns regarding noise impact on residential properties were raised by observations to the planning application.

9.16.2 Context

Noise and Vibration is addressed in Chapter 12 and Appendices 12-1 to 12-3 of the EIAR. Description of the Proposed Project is set out in Chapter 4 and Appendices 4-1 to 4-8.

9.16.3 **Baseline**

The proposed development is located within a rural location. There is no description within the EIAR Chapter 12 of the baseline environment along the proposed Grid Connection Route and the proposed Turbine Delivery Route. The proposed Seskin Wind Farm baseline sets out that the existing background noise levels at noise sensitive receptors are generally considered low. The predominant sound sources in the area are wind induced noise (wind passing through vegetation and around buildings) and birdsong, with cars on local roads also audible on occasions.

A qualitative construction noise and vibration assessment have been carried out for the proposed Grid Connection Route and the Turbine Delivery Route. Predictions have been undertaken based on an indicative construction programme and typical activities expected.

Vibration limits considered relate to damage to buildings and effects on people within buildings are detailed in BS 7385 2:1993 and BS 5228-2.

Construction noise criteria set out in Annex E, part E.3.2 of BS 5228: Part 1 2009+A1:2014, Code of practice for noise and vibration control on construction and open sites, have been applied in the assessment. Specifically, Category A providing the lowest threshold and the Daytime (07:00 – 19:00) and Saturdays (07:00 - 13:00) threshold value of 65dB only have been applied to the proposed Grid Connection Route and Turbine Delivery Route assessment (Full Table E.1 of BS 5228 reproduced in Table 4.1, EIAR Appendix 12-1).

For the proposed Seskin Wind Farm, construction noise immission levels were predicted for all noise sensitive receptors (158) and an assessment carried out for 18 no. Construction Noise Assessment Locations (CNAL).

9.16.4 **Likely Potential Effects**

Table 9.5: Summary of Potential Effects

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	• No change. Opportunity to facilitate renewable energy generation lost.

Construction	• Trenching/backfilling: Noise levels are from these operations likely to be in the region of 75 – 80 dB(A) when occurring within 20m of a dwelling, exceeding the 65dB(A) threshold (BS5228). These operations anticipate to move at approximately 150m to 300m a day, only likely to occur outside a dwelling for a few hours a day. Relatively small amount of plant required. • HDD: Small watercourse crossings identified along the route, a small Vermeer D36 x 50 Directional Drill is proposed for the works. Assuming a source noise level of 94 dB(A) at 1m, noise levels are calculated to be below the 65dB(A) threshold (BS5228) when occurring at a distance of 30m of a dwelling. Potential exceedance of 65dB(A) threshold within 30m of a residential dwelling. A crossing is anticipated to take within 1 to 2 weeks. • Turbine delivery route: Works may occur in close proximity to dwelling, and possible that noise levels from activities may at times exceed the 65dB(A) threshold (BS5228). Short-term, temporary impact predicted. • Local vibration effects from construction activities in proximity to residential receptors are expected to be low and of limited duration.
Operation	• No operational effects identified as a result of the proposed development.
Decommissioning	• No decommissioning proposed.
Cumulative	**The Proposed Project:** • Construction noise assessment results for core hours of works are below the 65 dB(A) threshold (BS5228) levels at all receptors. Predicted construction vibration levels are below the assessment criteria at all receptors. No significant

	in-combination construction noise and vibration effects predicted. **Other developments:** • No cumulative noise construction effects are anticipated. Works will be transient in nature along the route and will not be in any one location long enough for a significant impact to occur.

9.16.5 **Mitigation**

- Good practice during construction to minimise any potential noise and vibration effects is recommended and presented in the CEMP (Appendix 4-4).
- Normal core construction hours will be 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 Saturday.
- Good onsite practices will be implemented to minimise the likely effects, and particular care will be taken at watercourse, culvert and drain crossings. Simple control measures recommended in Section 8 of BS 5228-1:2009+A1:2014 are summarised in Section 12.7.1.
- Noise mitigation measures will be implemented where small HDD drilling rig activities are occurring within 30m of a dwelling and includes the erection of temporary boarding alongside the drilling rig or use of 'acoustic blanket panels' to hang from heras fencing or similar. This should be installed as close to the drilling rig as is practicable and fitted so as to interrupt any direct line of site between the drilling rig and the closest residential receptors. Examples of appropriate products include Echo Noise Defender and Soundex DeciBloc.

9.16.6 **Residual Effects**

No significant residual noise and vibration effects are anticipated for the construction activities associated with cable trenching, bridge crossings and road junction upgrades, or in combination with the Proposed Project.

9.16.7 **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

Construction noise impact on residential receptors

I am satisfied BS 5228: Part 1 2009+A1:2014 represents best practice for determining the potential significant of noise construction noise on residential receptors. This approach also aligns with the construction noise limits proposed by Kilkenny County Council, Environment Section. Taking account of the rural location and likely low ambient background noise levels for the proposed work locations, I am satisfied that Category A threshold values are appropriate. The Commission will note that no noise background monitoring was carried out along the route, however a number of sensitive receptors were monitored for the proposed Seskin Wind Farm confirming the low noise background environment. Having visited the site and the proposed Seskin Wind Farm site, I note there are potential for elevated background noise levels from traffic where the site is located within and/or in proximity to the R712 and in proximity to the N78.

The qualitative assessment considering the likely construction plant, noise source level from same and the construction methodology (Appendix 4-7), has indicated that when trenching/backfilling activities are occurring within 20m of a dwelling or when HDD operation are occurring within 30m of a dwelling, there is the potential for noise levels to exceed the 65dB threshold. I have reviewed the proposed Grid Connection Route and accept the applicant's conclusion that the majority of the proposed construction activities will not be in proximity to residential receptors. Of note, EIAR Chapter 5 identifies approximately 95 properties within 100m of the route. Whilst there are a number of single, or groupings two or more residential properties located along the route, the majority of these are noted to be setback from the public road, approximately 15m or more. There are, however, a few dwellings including more traditional cottages that are located close to the existing road corridor. Taking account of the transient trenching and backfilling methodology (Appendix 4-7), I accept the conclusion of the EIAR Chapter 12 that the potential for exceedance of noise thresholds at a location will be for a few hours in a day and as such, not significant. Good practice control measures proposed including keeping local residents informed on work schedule and potential for abnormal noisy activities are noted and will be conditioned as part of the EIAR mitigation measures should consent be forthcoming.

I note there are potentially a few residential receptors located within 30m of the HDD launch pit or receptor pit proposals. Timescale for works is estimated to be 1 to 2 weeks. Having regard to the temporary acoustic and good practice control measures proposed in the EIAR and the short-term, temporary nature of the works, I am satisfied that the residual effects will not be significant.

In relation to the proposed Turbine Delivery Route, I note the closest residential receptor to Black Bridge is located more than 100m to the south. There are a few residential properties, including one involved property, located in proximity to the proposed accommodation works adjacent to the N78/L1834 junction. The assessment indicates potential exceedance of the 65dB threshold. I note that the construction of the temporary access track is likely to be similar to the site access works proposed for Seskin Wind Farm, and the construction noise assessment within the EIAR for the proposed Seskin Wind Farm, specifically the results for Scenario 01 indicate that the construction of the site entrance and tracks concurrently with tree felling activities would not exceed the 65dB threshold at CNAL14. Having regard to this and the good practice control measures proposed, I am satisfied that the that the residual effects will not be significant.

9.16.8 **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information in respect of noise and vibration, in particular the EIAR and supplementary information provided by the applicant, I am satisfied that the potential for direct and indirect construction effects on noise and vibration will be short term, temporary and transient in nature, and that these effects can be mitigated by the application of standard good construction practices. In reaching this conclusion I have had regard to the cumulative impact of the Proposed Project and considered other developments in the study area.

9.17 Cultural Heritage

9.17.1 **Issues Raised**

Reason for Refusal no. 2 concludes that in the absence of sufficient information to adequately assess the proposed development, the proposed would have a detrimental impact on the architectural heritage (Black Bridge). The Conservation

Section requested the submission of an Architectural Heritage Impact Assessment and requested that alternative routes avoiding Black Bridge is considered. The Roads Design Section requested the submission of a structure/bridge specific design report. I have addressed the matter of alternatives in Section 9.8 above and the requirements for additional structural bridge assessment in Section 9.19 below and as such, not repeated these matters herein.

I have accepted archaeological conditions recommended by DAU as agreed by Kilkenny County Council Conservation Section in Section 8.6 above, and note that these align with mitigation measures outlined in Chapter 13. I have, therefore, not considered them further in herein.

9.17.2 **Context**

Cultural Heritage is addressed in Chapter 13 and Appendix 13-1 of the EIAR. Chapter 14 sets out the Landscape and Visual assessment and incorporates Zone of Theoretical Visibility (ZTV) and photomontage / photowires relevant to the assessment in Chapter 13. Bridge Crossing Structural Assessment Report is included in Appendix 4-5. RFI Submission, Response to Point 5 relates to Carriageway Strengthening Works at the Black Bridge.

9.17.3 **Baseline**

Within the cultural heritage assets study area of 100m on either side of **the proposed Grid Connection Route**, the following was recorded:

- No National Monuments. The closest recorded was Clara Castle (Nat. Mon. No. 274), c. 160m from the proposed Grid Connection Route.
- 14 recorded monuments (Table 13-9 and Figure 13-13). The proposed Grid Connection Route extends through the Zone of Notification (ZoN) for 11 of these (including eight located in the immediate vicinity of the church and graveyard in the townland of Churchclara, KK020-017----, KK020-017001-, KK020-017002-, KK020-017003-, KK020-017004-, KK020-017005-, KK020-017008-, KK020-017010-; bullaun stone KK020-017009- in the townland of Churchclara; enclosure KK020-005---- in the townland of Clara Upper; and motte KK020-015- in the townland of Clarabricken).

- 1 Protected Structure (Table 13-10 and Figure 13-18), a now gutted two storey mill formerly linked to Millfall grain mill (RPS Ref. D83).
- 3 structures listed in the NIAH (Table 13-11, Figure 13-18), including Kane's Bridge (Reg. 12401105) on the proposed Grid Connection Route.
- 7 items of cultural heritage merit noted from historic OS maps and field surveys, comprising of five bridges, demesne walls associated with Fethallagh House and a roadside memorial.
- No new previously unrecorded above-ground archaeological monuments or items of cultural heritage merit were noted.

In relation to the **proposed Turbine Delivery Route**, Black Bridge comprises a 19th century stone road bridge and is included in the RPS and NIAH (RPS Ref. D84, NIAH Reg. 12401111) (Figure 13-12). No cultural heritage items (National Monuments, recorded monuments, RPS or NIAH structures or items of local cultural heritage merit) are located at the junction accommodation woks area by N78/L1834 in the townland of Clooneen. No new previously unrecorded above-ground archaeological monuments or items of cultural heritage merit were noted.

9.17.4 **Likely Potential Effects**

Table 9.6: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• No change to current land-use practice. Opportunity to facilitate electricity from renewable resources would be lost.
Construction	• Proposed Grid Connection Route: No potential direct effects on recorded monuments, protected structures, NIAH structures or items of cultural merit identified. Potential risk of accidental damage to recorded monuments identified. HDD will be utilised on bridge crossings along the proposed Grid Connection Route. • The proposed permanent strengthening works, including raising of the parapet walls by c. 50mm, to Black Bridge

	(RPS D84, NIAH reg. 12401111) will result in a permanent, direct, slight effect to the structure.
Operation	• The proposed raising of the parapet walls of Black Bridge (RPS D84, NIAH reg. 12401111) by c. 50mm will alter the appearance of the bridge and is assessed as having a Slight visual effect on the structure.
Decommissioning	• No potential effects.
Cumulative	**The Proposed Project**: • The operation of the proposed Seskin Wind Farm is assessed to have a moderate visual effect on Black Bridge (RPS D84, NIAH reg. 12401111) which is likely to be alleviated by natural screening, the effects is indirect, long term and not significant. **Other Developments**: • White Hill Wind Farm: Includes permission for similar upgrading works to Black Bridge (RPS D84, NIAH reg. 12401111) and same mitigation measures are proposed. No potential cumulative construction effects identified. • Cumulative direct effects could potentially occur on recorded monuments along the proposed Grid Connection Route when all the other projects are considered together. Taking account of effective mitigation measures, cumulative effects are not anticipated. • In relating to Black Bridge (RPS D84, NIAH reg. 12401111), there is theoretical visibility from the Proposed Project in combination with White Hill Wind Farm, Bilboa Wind Farm and Gortahile Wind Farm. Potential cumulative visual effect not considered significant and no potential cumulative effects to the immediate setting will occur given distance.

9.17.5 **Mitigation**

- Placement of the proposed Grid Connection Route on the west side of the public road where it extends through the ZoN for recorded monuments in the immediate vicinity of the church and graveyard in the townlands of Churchclara (KK020-017----, KK020-017001-, KK020-017002-, KK020-017003-, KK020-017004-, KK020-017005-, KK020-017008-, KK020-017010-).
- Protective fencing at the roadside boundary at the location of bullaun stone (KK020-017009-).
- Archaeological monitoring of ground works within the ZoN for the 11 recorded monuments and compilation of report on completion monitoring. Depending on results of monitoring, preservation in situ (avoidance), preservation by record (excavation) may be required.
- Raising of parapet walls on Black Bridge will be in keeping with the character and appearance of Black Bridge and carried out in consultation with the planning authority.
- Comprehensive parapet wall construction works plan will be carried out.

9.17.6 **Residual Effects**

Following the implementation, no significant residual direct or indirect effects are predicted. The direct effect on Black Bridge (RPS D84, NIAH reg. 12401111) will be permanent, slight and not significant.

9.17.7 **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 14 of the EIAR, all of the associated documentation and submissions on file in respect of cultural heritage and I have visited the site. I am satisfied that the applicant's understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on cultural heritage, as a consequence of the proposed development have been identified.

Impact on Black Bridge (RPS D84, NIAH reg. 12401111)

The Commission will note that Kilkenny County Council has concluded that in the absence of sufficient information to adequately assess the proposed development, the proposed would have a detrimental impact on architectural heritage (Black Bridge) (Reason for Refusal No. 2). The Conservation Section of the Council concludes that the raising of the wall and the insertion of the slabs on Black Bridge, has the potential to impact the character of the protected structure and has requested the submission of an Architectural Heritage Impact Assessment.

Black Bridge is described as a single arch rubble limestone road bridge spanning Dinin River from c.1875 and is included in the RPS and NIAH (RPS Ref. D84, NIAH Reg. 12401111). As set out in Section 13.3.3.12.2, the NIAH appraisal considers the bridge represents *"an important element of the mid to late nineteenth-century civil engineering legacy of County Kilkenny a small-scale low-slung bridge reminiscent of contemporary railway bridges displaying a traditional construction in unrefined locally-sourced stone makes a picturesque, if subtle impression in the rural landscape."* It is described as comprising *"irregular coursed squared rubble limestone walls with battered piers having rock-faced dressed limestone quoins, cut-limestone stringcourse supporting parapet having cut-stone date stone/plaque, and part ivy-clad cut-limestone coping. Single segmental arch with rock-faced cut-limestone voussoirs, and tooled limestone ashlar soffits."*

The structural assessment provided in Appendix 4-6 concluded that the structure was in an overall good condition but that the carrying capacity of the arch in its current arrangement would not be capable of supporting an axle loading in excess of 12 tonnes required for the movement of standard wind farm delivery vehicles. The assessment outlines that the current fill depth across the span of the arch is on average 250mm and concludes that this would need to be increased by 200mm to 450mm to accommodate the increased load. In regard to the corresponding parapet works, I have reviewed Section 4.8.9 and Drawing S100-1 Black Bridge Proposed Modification Details. I note from Drawing S100-1 that the existing parapet is 1200mm above the existing rubbing strip and that the proposed parapet will be 1250mm above the new rubbing strip. Drawing S100-1 details an existing road surface and rubbing strip depth of 425mm and a proposed depth for the same of 575mm. Having regard to this, it appears that the proposed increase in the existing parapet (or wall) height on Black Bridge is c. 200mm. No works are proposed to the stone arch.

Having considered the assessment in Chapter 13, I concur with the conclusions of the applicant that alterations to the existing bridge in terms of road surface including addition of rubbing strips have already occurred and I consider the proposed fill and surface works will as such not visually alter the structure. The EIAR concludes a permanent direct and Slight effect on Black Bridge taking into account the proposed increase in the height of the existing parapet, with Slight as per the assessment methodology referring to *"an effect which causes changes in the character of the environment which are not high or very high and do not directly impact or affect an archaeological site."* Taking account of the EIAR assessment methodology and Architectural Heritage Protection Guidelines for Planning Authorities (2011), I consider the effect on Black Bridge to be direct, **Moderate** rather than Slight and not significant. The proposed alterations to the height of the existing parapet are likely to be noticeable but will not substantially alter the structure or result in the loss of or damage to the character or compromise the integrity of the protected structure as set out above. Mitigation measures set out within the EIAR and as noted above will reduce the effect, and I accept the conclusions of the applicant that the residual effect is not significant.

In relation to the Conservation Section's concern that an Architectural Heritage Impact Assessment should be carried out prior to any consent granted, I note the Development Plan states that regard will be had to the Architectural Heritage Protection Guidelines for Planning Authorities when assessing proposals for development affecting a protected structure/NIAH listed. These guidelines states that an Architectural Heritage Impact Assessment may be required *"for more extensive or complex works with a potential to have a major impact on the architectural heritage*", and that where an EIAR accompanies a planning application then this is required to take into consideration architectural heritage when assessing the impact of developments. In my view, the assessment in Chapter 13 and the accompanying structural assessment (Appendix 4-4), drawings and photographic record (Appendix 13-1) are sufficient to allow for an informed decision to be made on the acceptability of the proposed alterations to Black Bridge (RPS Ref. D84, NIAH Reg. 12401111). Furthermore, I am satisfied that the mitigation measures within the EIAR are appropriate, and all prior to commencement, will provide for final agreement of the detail construction design and control during the works stages of the proposed

development. The Commission will note that similar works to Black Bridge were permitted for White Hill Wind Farm (ABP-315365-22) and Condition 16 for same, requires the preparation of an Architectural Impact Assessment of Black Bridge prior to commencement.

The Commission will note the Roads Department's comments on the preliminary nature of the structural assessment and that more detailed assessment may alter the anticipated fill depth requirements. The Commission will note from Section 9.19 below, that I accept the conclusions by the applicant as outlined in the RFI in response to Point 5 that the submitted structural report and design are sufficient for planning stage and that in accordance with standard practice, a more detailed pre-construction structural assessment of the Black Bridge will be undertaken detailed construction design stage.

9.17.8 **Conclusion: Direct and Indirect Effects**

I am satisfied that potential direct effects on known and unknown archaeological and cultural heritage receptors would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied that there is no potential for significant indirect effects on the setting of archaeological and cultural heritage receptors. In reaching this conclusion, I have had regard to the cumulative impact of the Proposed Project and other renewable energy projects in the study area.

9.18 Landscape and Visual

Issues raised which relate to specific topics such as improvement works to Black Bridge have been considered under Chapter 13 Cultural Heritage and will not be repeated here. No other issues have been raised by any party to the appeal in respect of landscape and visual impacts as a result of the proposed development.

I have examined Chapter 14 of the EIAR which deals with this topic. The proposed Grid Connection Route will be located underground and within the existing public local and regional road network in a rural environment. There will be temporary localised change to the physical landscape along the corridor from the construction activities which will be short term and transient in nature, but these will not affect the

character of the landscape setting or visual amenity of the wider area. The landscape value and sensitivity of the temporary works areas for the turbine delivery route and the Black Bridge strengthening works are considered low and the change to occur will be highly localised. The operational effects will be imperceptible once vegetation has re-established, and there is no potential for decommissioning effects. Mitigation measures and best practice methods during construction are set out within the CEMP (appendix 4-4) including minimising excavation depths and volumes, re-use of sub soil, replacement planting and seeding. I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on landscape and visual as a result of the proposed development.

9.19 Material Assets

9.19.1 Issues Raised

Kilkenny County Council in Reason for **Refusal No. 2** concludes that the proposed Grid Connection Route will result in detrimental impact on traffic safety and the amenities of local residents and road users generally.

Kilkenny County Council in Reason for **Refusal No. 3**, reflecting the response from TII, concludes that the proposed development is contrary to the Government's Spatial Planning and National Roads Guidelines for Planning Authorities (2012). It was found that insufficient data had been submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity of the national road network and that it would set a precedent if granted permission.

TII also raised concerns regarding lack of clarity on boundary reinstatement proposals on the N78.

Observation to the appeal raises a number of traffic and transport related concerns including damage to rural roads, blocking access for local residents and to homes for up to 54 days in some instances, traffic disruptions including school traffic and emergency services, and the presence of large lorries and machineries on narrow local roads for up to two years. These concerns generally reflect concerns raised by observations to the planning application.

9.19.2 Context

Material Assets is addressed in Chapter 15 and Appendices 15-1 to 15-6 of the EIAR. Chapter 4 sets out the Description and Appendices 4-4 (CEMP), 4-6 (Black Bridge Structural Assessment) and 4-7 (Grid Connection Construction Methodology).

Traffic and Transport is also addressed in the RFI Submission, specifically Response to Item No. 1 to No. 8 and Appendices 1 to 9.

9.19.3 **Baseline**

Section 15.1 addresses **traffic and transport**.

The **proposed Grid Connection Route** links the existing Kilkenny 110kV substation to the proposed Seskin Wind Warm 38kV substation, and is via underground 38kV cabling within the public road within Co. Kilkenny (18.1km). The route within Co. Kilkenny is described in Section 3.2 above and includes the updated road labelling as provided by the applicant in the RFI Submission, namely regional road R712, local secondary roads L6656/L6662/L6657 (L2627) and local primary roads L1850/L1851 (L30371/L3037)[7]. The route in Kilkenny has been divided into five sections (EIAR Section 5.1.9/RFI Section 6.1) for construction:

- Section 1: R712 – 1.6km
- Section 2: L6656/L6662/L6657 (L2627) – 5.0km
- Section 3: L1851 (L30371) – 3.8km
- Section 4a & 4b: L1851 (L30371) – 0.5 km & 3.5km
- Section 5: L1850 (L30371) – 4.0km

The proposed Grid Connection Route continues along L3037 (Section 6) and L30372 (section 7) within Co. Carlow towards the proposed Seskin Wind Farm site.

The local roads along the grid route are all noted to be lightly trafficked. The local secondary roads L6656/L6662/L6657 (L2627) are noted as generally one lane with passing opportunities, whilst the local primary roads L1850/L1851 (L30371/L3037) allows for two vehicles to pass. Anticipated diversion routes for the construction phase of the proposed Grid Connection Route (sections 1 to 5) are presented in

[7] RFI Appendix 2, Kilkenny Roads Labelling Guide.

EIAR Figure 15-7b to 15-7e with revisions to section 4a & 4b presented in RFI Submission, Appendix 6.

The **proposed Turbine Delivery Route** is described in Section 3.3 above, from Waterford Port via the N29, N25, N9, M9, N78 and L1834/L1835/L3037 to the proposed Seskin Wind Farm Site (Figure 15-1). Accommodation works proposed along the route includes a temporary one-way access road adjacent to the N78/L1831 junction and permanent strengthening works to Black Bridge (L1835/L3037).

The Proposed Project's **construction haul route** for the supply of concrete and stone is anticipated to be from the east and south, such as Kilcarrig Quarries Ltd. located north of Leighlinbridge in Co. Carlow (Figure 15-2a and Figure 4-23) and via the R448/L3037. General construction materials are anticipated to follow the Turbine Delivery Route via the existing N78/L1834 junction to the proposed Seskin Wind Farm site (approach from north) and the route north of Leighlinbridge (approach from south).

Traffic counts for the construction haul route and turbine delivery route were undertaken at junctions N78/L1834 and R448/L3037 (EIAR, Appendix 15-1). Additional traffic counts for the proposed Grid Connection Route were carried out at the Feathallagh Cross Roads (L6656/L1851/L2616[L2645]/L6660) and Kane's Bridge (L1850/L1849) (RFI, Appendices 6 & 7). These junction counts also provide traffic counts for diversion routes, specifically sections 2 (L2616), 3 (L2616), 4b (L1840/L1849) and 5 (L1840/L1849).

Section 15.2 of the EIAR addresses **telecommunications and aviation**, there are no relevant baseline identified for the proposed development.

Section 15.3 notes that there are **existing utilities** such as electricity cables, water supply, sewage, telecommunications present along the proposed Grid Connection Route.

9.19.4 Likely Potential Effects

The proposed Grid Connection Route and the proposed accommodation works for the Turbine Delivery Route forms part of the Proposed Project, construction stage 1 site preparation and groundworks. The assessment assumes maximum construction

vehicles using a single route to/from the proposed Seskin Wind Farm site and have applied this to both haul routes listed above. Daily traffic volumes generated by the proposed Grid Connection Route is estimated at 14 HGV two-way trips and a minimum transporting staff or 7 staff two-way trips. This is an 81 passenger car equivalent (PCU, factor of 2.4). Estimated construction programme is 221 days for the proposed Grid Connection Route, anticipated daily length of 100-150m, and 2 to 4 weeks for the proposed strengthening works to Black Bridge.

On a typical day, excavation, grid laying and trench infilling and road reinstatement to pre-construction state will cover 100-150m. Stop & go is proposed for R712 (section 1), L3037 (section 6 in Co. Carlow) and Black Bridge (L1837). Road closure with diversion in sections proposed for the remainder of the proposed Grid Connection Route in Co Kilkenny (section 2, 3 ,4a, 4b and 5). Road closure with diversion is anticipated for 3 days at Black Bridge.

Table 9.7: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• No change and no increase in traffic. Opportunity to facilitate electrical supply from renewable energy source lost.
Construction	• Construction haul route: During construction stage 1 (excluding 7 days of concrete pouring), +4.5% (N78) and +20.2% (L1834) increase in traffic volumes are forecasted when approaching from the north, and +2.1% (R448) and +7.0% (L3037) when approaching from the south. The proposed Grid Connection Route (full route, 20.1km) accounts for 2,814 HGVs out of 9,204 (c. 30%) across Stage 1 construction phase. All links are forecast to operate below capacity. The junction capacity test (AM/PM peak hours) for N78/L1834/L5872 shows it is forecasted to operate well within the acceptable limits. Temporary, negative, slight effect on the haul routes concluded. • Chapter 15 concludes impact of additional trips and diversions as a result of the proposed Grid Connection Roue

	on the network will be transient, will be temporary and will be slight. o Grid connection route link capacity (RFI, Table 6-3): Addition of construction traffic (year 2030), maximum demand increase by 3.7% and roads operating well within capacity. o Diversion link capacity (RFI, Table 6-4): Increase in capacity utilised by diversion of background traffic, from 1.9% to 17.5%. All diversion routes operating well within capacity. • Road closure/diversion impact: On average across 221 days, 325 daily trips diverted, 3.1km detour and 3m 41 sec. Impact of diversions will be negative, temporary and slight. • Existing underground service: Designed to avoid identified services, unlikely to impact and no effect predicted.
Operation	• Maintenance trips will be infrequent and imperceptible.
Decommissioning	• No decommissioning proposed.
Cumulative	**The Proposed Project** – traffic and transport: • Construction Stage 1, haul route assessment as above. Traffic volumes during foundation concrete pouring (7 days) are forecasted to increase to +10.4% (N78) and +46.7% (L1834) the approach from the north, and +4.9% (R448) and +16.2% (L3037) when approaching from the south. All links shown to operate below capacity. The junction capacity test, as above. Temporary, negative, slight effect on the haul routes concluded. • Construction Stage 2 turbine construction/delivery, no potential for in combination effects based on construction programme. **Other developments** – traffic and transport

	• In the event construction coincides, potential for negative, short-term slight to moderate cumulative effects based on traffic generation and turbine delivery routes. No significant effects predicted, but scheduling of construction where possible to avoid other permitted wind farms (White Hill and Bilboa). **Other developments** – Existing utilities and services • The proposed grid connection route does not overlap with any other permitted or proposed (planning application) grid connection route (RFI, Section 3.1 update). No cumulative impact on existing utilities and services.

9.19.5 **Mitigation**

- By design, minimum accommodation works for the turbine delivery route and shortest underground grid connection route.
- Construction access for temporary access linking N78/L1834 will be from L1834, and temporary fencing put in place.
- Construction methodology for the proposed Grid Connection Route is set out in EIAR Appendix 4-7 and RFI Appendix 9.
- Based on the temporary nature of the works, no alterations or passing places along the existing road network are proposed as part of the Grid Connection Route. Traffic management measures are set out in CEMP (EIAR Appendix 4-4), Traffic Management Plan (EIAR Appendix 15-2) and in RFI Submission, Section 6.1. A number of measures are listed below.
- Diversion routes will be agreed with Engineers from Kilkenny County Council's Roads Section.
- Local access to properties located on either end of the daily construction stretch (100-150 m) will be maintained as normal. Access arrangements for properties situated on the daily construction stretch will be prepared by the contractor on a case-by-case basis well in advance, and agreed with each

resident or business owner. Metal plates will be kept on site to cover the trench when required for emergency access.

- Pre-construction and post-construction surveys.
- Temporary traffic signs in accordance with the Traffic Signs Manual, Section 8 – Temporary Traffic Measures and Signs for Road Works and Guidance for the Control and Management of Traffic at Roadworks.
- Works will be subject to Road Opening License (ROL) which will cover both detailed surveys prior to and during the construction. Liaison with area engineers within local authority to confirm existing and any new services and utilities. Appendix 4-7 sets out the construction methodology for the grid connection.
- Induction and information of compliance with standard construction codes of practice in relation to working around electricity, gas, water, sewage and telecommunications networks will be carried out.
- The Waste Management Plan (WMP) outlines the methods of waste prevention and minimisation by recycling, recovery and reuse at each stage of construction, included in CEMP (EIAR Appendix 4-4).

9.19.6 **Residual Effects**

The residual traffic effects as a result of the proposed development, and in combination with the Proposed Project, are predicted to be temporary, negative, slight for the duration of construction stage 1 and not significant. No predicted residual traffic effects as a result of the proposed development for the final phase of construction, stage 2 turbine construction and delivery.

As per the EIAR, and Section 3.1.1 of the RFI Submission, a negative, slight short term residual effect during construction predicted on existing utilities and services.

9.19.7 **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

Reason for Refusal No. 2: Detrimental impact on traffic safety, amenities of local residents and road users

Concerns have been raised regarding impact on the road network as result of the proposed Grid Connection Route, particularly from increased HGV traffic and the proposed road closure and diversion causing traffic capacity and safety issues, damages to roads, restricted access, and travel disruptions and delays.

As previously noted, the proposed Grid Construction Route will be progressed in short sections at the time, approximately 100-150m. Trenching, cable laying, backfilling and reinstatement is anticipated to be completed each day before progressing to the next section. Whilst this is ongoing, diversions (RFI Appendix 6) of traffic to other local roads along the route have been identified and will be implemented in sections. As set out by the applicant, the trenching methodology is such that access to a property is only likely to be interrupted for a day and that this will be communicated and that measures to facilitate emergency access, should this be required, will be implemented. The diversions for each section of the route will as such, not necessarily affect local residents/business along the route for the full construction period but will rather depend on the direction of travel and which section of the proposed Grid Connection Route is being progressed. Further to this, I note the construction phase will have to retain access for the proposed HGV traffic which in my view, provides a degree of reassurance that local property access can be satisfactorily managed. Concerns regarding impact on school bus route were raised, and whilst it is not clear which school bus route these concerns relate, I accept the applicant's confirmation that this can be addressed via agreement with Kilkenny County Council and measures detailed within the TMP. Of note, the mitigation measures for the watercourse crossings, detail that this work will take place during July to September in accordance with IFI guidelines when the schools are on leave. I further note that there are a number of alternative north to south route options for general traffic travelling through the area. Whilst I note there may be delays on local access during the construction stage, I am satisfied that local access will be maintained and taking account of mitigation measures that the effect will be short term, temporary and not significant.

There are predominately existing low background levels of traffic along the proposed Grid Connection Route, except R712, and I am satisfied that the applicant has demonstrated that the existing road network has the capacity to accommodate the construction traffic and the diversion of traffic. Traffic management measures will be

implemented, and I am satisfied that this will address any increased traffic safety concerns. In terms of damage to the existing road network, this can adequately be addressed by pre- and post- construction surveys.

Reason for Refusal No. 3: Impact on the Operation and Safety of the National Road Network

The proposed development interacts with the national road in two locations, N78/L1834 junction and the N10/R712 underpass.

As set out previously, the proposed one-way temporary access off the N78 linking to L1834 will be for abnormal turbine deliveries only and the delivery will take place at nighttime under garda escort. The access will be closed off at all other times and removed upon completion of abnormal deliveries. The construction/reinstatement of the access track will be from the L1834 to avoid any construction impacts on the N78. The N78 is a single carriageway and a national secondary road. The proposed access is located at the 100 to 80 km/h zone. I note the TII's National Roads Network Indicators 2023[8] identifies that the Annual Average Daily Traffic (ADDT) for the road in 2023 was at the lower end of the scale, between 5,000 to 10,000 ADDT for the stretch immediately adjacent the L1834 junction. Similarly, HGV ADDT was between 0 to 500 per day. In terms of level of service, the indicators noted free flow during rush hours for this stretch of road. Traffic counts carried out by the applicant produced low all day background traffic levels for the stretch, 3,752 (N78 from Athy) whereby 5.6% was HGV traffic.

Considering the above, and taking account of the less restrictive approach outlined within the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) for lightly trafficked sections of national secondary road as well as having regard to the very restricted, short term use of the access, I do not consider the proposed access contrary to these guidelines. As noted, the use of the temporary access will be at nighttime and under garda access which will ensure minimal impact on capacity and safe operations. I also consider that the need for the proposed temporary access at the N78 has been reasonably addressed by the applicant. As set out by the applicant, this temporary access has already been permitted for the White Hill Wind Farm (ABP-315365-22) to facilitate abnormal turbine delivery.

[8] National road Network Indicators 2023

Temporary and permanent boundary treatment are detailed on RFI Appendix 1, and I am satisfied that final agreement with TII can be conditioned in the event the Commission is minded to grant permission.

In regard to increased traffic running through the existing N78/L1834 junction during construction, the applicant has provided a Traffic and Transport Assessment (TTA) as required by the guidelines and a Road Safety Audit (RFI Appendix 5). The increase will be temporary, predominately for the first 12 month period of the overall Proposed Project and the assessment carried out by the applicant has taken a precautionary approach assuming all construction related traffic will access the site via the N78. As outlined above, an alternative route from the south has also been assessed. In reality, construction traffic is unlikely to be that singular in its routing and will depend on the origin of materials. Notwithstanding this, the applicant has demonstrated that the existing junction has the capacity to accommodate construction traffic associated with the Proposed Project and that it will not adversely affect operations of the N78. It is worth noting that the construction of the proposed Grid Connection Route, with the exception of the haul route assessment as already considered, will not impact on the national road network.

The proposed Grid Connection Route where it follows the R712 will cross the N10 via existing underbridge structure. Roads Design Section of Kilkenny County Council recommended that further consultation with the TII should be carried out prior to any grant of permission. The Commission will note that TII outlines for agreement of construction details and methodology to be conditioned in the event of planning permission, which I considered acceptable as per Section 8.6 above.

Structural Capacity of Roads and Road Bridges

Kilkenny County Council's Roads Design Section has raised concerns that a structure/bridge specific design report on the structural condition of Black Bridge has not been carried out, noting concerns with finalising infill depths and parapet height requirements. Appendix 4-5 presents a visual inspection of the bridge and an assessment of the masonry arch using the modified MEXE method in accordance with BA 16/97 The Assessment of Highway Bridges and Structures. This method is also the recommended approach for masonry arches within TII's The Assessment of Road Bridges and Structures (2014). I note that structure/bridge specific design

report were also requested for the bridges along the proposed Grid Connection Route, and that the Roads Design Section raised no issues with the submitted non-intrusive Principal Inspection and Structural Assessment Reports submitted for the six bridges along the route. Having reviewed the assessments submitted, I am satisfied that the structural assessment submitted for Black Bridge generally accords with the initial assessment requirements of relevant guidelines which are aimed at providing a conservative assessment output. A more detailed structural assessment in accordance with TII's guidelines should be conditioned in the event the Commission is minded to grant consent. I have assessed the impact on the Protected Structure in Section 9.17 above.

The Roads Design Section also sought an assessment of structural and cross-sectional capacity due to the condition of the existing legacy local road network. In my view, the existing road network currently facilitates existing HGV traffic and the addition of 14 two-way HGV movements per day for a temporary period is as per the submitted link capacity assessment not a significant increase. The haul route assessment for the Proposed Project is not proposing to use the proposed Grid Connection Route or proposed diversion routes. As per mitigation measures proposed, the applicant will be carrying out both pre- and post-road condition surveys which will provide a degree of condition oversight and a mechanism for roads repair/resurfacing works where required. The routing of haul route traffic can be satisfactorily addressed in the TMP.

Carrying capacity of the road for other services

The applicant has confirmed that there are existing services and utilities along the proposed Grid Connection Route and that this has been considered in the routing of the proposed Grid Connection Route. As set out in Section 8.4, there are no other permitted grid connections or ones subject to a planning application which overlaps with the proposed route. I consider that the applicant has sufficiently demonstrated capacity to accommodate the proposed Grid Connection Route within the existing public road. Furthermore, as per mitigation measures detailed above, further survey work will be carried out prior to construction to ensure that an up to date baseline of existing services and utilities is understood at that time, recognising that there is the potential for changes within the public road in the intervening period which could affect the proposed development at that time. I consider this to be in accordance with

best practice and as outlined by the applicant is also a requirement of the ROL process.

The Commission will note that Kilkenny County Council's concerns relate to the impact of the proposed development on the carrying capacity of the road for other services including further energy projects and the impact on the proposed development. The Roads Design Section states that the existing road network does not have the capacity to cater for multiple separate grid connections. Whilst I note Kilkenny County Council's concerns, I find matters relating to rationalising multiple grid connections and plan led strategy to be outside the remit of this appeal, see my assessment in Section 8.0 above. As previously stated, I consider the location of the proposed Grid Connection Route within the public road to generally be in accordance with national policy and guidance. The applicant has clearly set out that the proposed has been designed in accordance with ESBN specifications and that the grid connection would be taken in charge by ESBN. There is evidently the risk that when the applicant is in receipt of a final grid connection offer then the route may require to be altered to reflect any such connection offer, but that is not for this appeal to consider and if applicable, would be subject to a separate planning application. I have addressed the consideration of alternatives in Section 9.8 above.

9.19.8 **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information in respect of traffic and transport, in particular the EIAR and supplementary information provided by the applicant. I am satisfied that the main significant effects on traffic and transport arise during the construction phase of the proposed development as a result of road closures and diversions and that these can be mitigated by maintaining local property access, phasing of road closures and diversions and traffic management plan. In reaching this conclusion I have had regard to the in combination effects with the Proposed Project and cumulative impact of the other development within the study area.

9.20 Major Accidents and Natural Disasters

No issues have been raised by any party to the appeal in respect of major accidents and natural disasters in relation to the proposed development.

I have examined Chapter 16 of the EIAR which deals with this topic. The proposed development is not a recognises source of pollution and potential pollution sources onsite are limited and of low environmental risk. There is a low risk for significant natural disasters and are limited to issues such as flooding and fire given the stable geology and mild climate of Ireland. A full risk assessment to establish the likelihood and effect of any major accident or natural disaster has been provided and includes critical infrastructure emergencies, flooding, utility emergencies, traffic incident, contamination and fire/explosion. The highest risk relevant to the proposed development is during construction and was identified as 'Contamination' and 'Fire / Gas Explosion'. Section 16.4.2 of the EIAR confirms that the Proposed Project will be designed and built in line with current best practice and, as such, mitigation against the risk of major accidents and/or disasters will be embedded through the design. A Risk Management Plan is proposed and will ensure an effective response to disasters or the risk of accidents. The CEMP (Appendix 4-4) describes procedures and measures which will ensure that the risk of contamination is low. Furthermore, a fire safety risk assessment will assist in the identification of any major risks of fire. Conclusions on residual effects in relation to Chapter 8 and 9 as outlined above are of relevance, where I conclude that there will be no significant residual effects associated with this potential contamination.

Having regard to the foregoing, I am satisfied that the potential risks to the proposed development should a major accident or natural disaster occur have been clearly identified, and I consider based on the risk assessment undertaken and the mitigation proposed that the proposed development has a low potential to cause natural or major accidents and that the Risk Management Plan and final CEMP can be dealt with by way of condition.

9.21 Interactions

Chapter 17 evaluates potential interactions between the various aspects of the environment assessed in this EIAR. It is noted that the potential for interaction of impacts has been assessed in detail in the individual chapters within the EIAR, and that potential negative impacts, where identified, have been avoided or reduced by design and the proposed mitigation measures. A matrix of the interactions is

presented in Table 17-1 and a summary of the assessment of potential interactions are provided in Section 17.2.

I have considered the interactions and interrelationships between environmental effects and am satisfied that significant impacts in relation to interactions can be avoided, managed and mitigated by the measures contained within the EIAR and any recommended planning conditions.

9.22 Reasoned Conclusions

Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions received, the contents of which I have noted, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows.

- **Biodiversity**: Potential negative disturbance effect on **bats** during strengthening works at Black Bridge can be adequately mitigated by pre-commencement bat activity survey and works avoiding deep hibernation period for bats (December to February).
- **Water (including Aquatic Receptors)**: Negative effects on **water quality** as a result of increased sedimentation, accidental spillage of hydrocarbons and drilling fluid, and any other contaminants entering surface water runoff and drainage system can be adequately mitigated by measures outlined in the planning application documentation. The proposed development will not impede the ability of surface waters to achieve good or high status and the Water Framework Directive.
- **Noise:** Negative **noise** impacts arise during the construction phase of the proposed development will be short-term, temporary, transient and mitigated through the implementation of measures outlined in the planning application documentation.
- **Material Assets:** Negative **traffic** impacts arise during the construction phase of the proposed development as a result of road closure and diversion on local road network, these impacts will be mitigated through the

implementation of measures outlined in the planning application documentation.

- **Cultural Heritage:** Permanent changes to Black Bridge a Protected Structure will have a direct, moderate and not significant effect, and will be further mitigated through the implementation of measures outlined in the planning application documentation.

I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The proposed development will result in a positive temporary local economic effect and will in combination with the Proposed Project have a positive effect on climate by offsetting carbon dioxide emissions.

10.0 Appropriate Assessment

10.1 Introduction

10.1.1 The requirements of Article 6(3) as related to Appropriate Assessment (AA) of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section and Appendix 1 AA Stage 1 Screening Determination and Appendix 2 AA.

10.1.2 Please refer to Section 1.0 to 3.0 of this report for Background, Site Location and Description and Proposed Development.

10.2 Issues Raised in relation to the Appropriate Assessment

10.2.1 As noted previously, Kilkenny County Council in Reason for Refusal No. 2 concludes that the proposed Grid Connection Route will result in detrimental impact on the environment. The recommendation section in the Planner's report (2) concludes that the significant environmental effects, including effects on biodiversity and hydrology, have not been adequately addressed in the submitted EIAR. I have addressed the planning authority's second reason for refusal within Sections 9.10 and 9.13 above.

10.2.2 Furthermore, Planner's report (2) notes that an updated NIS taking account of the watercourse crossing methodology presented in RFI Appendix 9 was not submitted. I

have reviewed the mitigation measures outlined within the applicant's NIS and the measures detailed within Section 11, RFI Appendix 9. I am satisfied that these supplementary mitigation measures do not alter the conclusions of the AA and therefore, I am satisfied that the submitted NIS is adequate. Observations made to the planning application raised concerns regarding pathways to Nature 2000 site as noted in Section 4.5 above.

10.3 Screening Determination

10.3.1 My Appropriate Assessment Stage 1 Screening Determination is set out in Appendix 1, where I conclude as follows:

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening, it is not possible to exclude the possibility that the proposed development alone would result significant effects on European sites, River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) in view of the sites conservation objectives.

10.3.2 An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in combination with other plans and projects is not required at screening stage.

10.4 Appropriate Assessment Conclusion

10.5 My Appropriate Assessment (Stage 2) is set out in Appendix 2, where I conclude as follows:

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC (Site

code: 002162) and River Nore SPA (Site code: 004233) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- A full and detailed assessment, including information presented in the Environmental Impact Assessment Report and supplementary information submitted by the applicant, of the proposed development including proposed mitigation measures and water quality monitoring in relation to the conservation objectives of River Barrow and River Nore SAC and the River Nore SPA.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the River Barrow and River Nore SAC or the River Nore SPA.

11.0 Recommendation

It is recommended that the Commission **grant** planning permission for the proposed development for the following reasons and considerations and subject to conditions detailed below.

12.0 Reasons and Considerations

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2025 and the furtherance of the national climate objective.

And in coming to its decision, the Commission had regard to the following:

- European legislation, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition.
- Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
- Directive 2000/60/EC (Water Framework Directive).

- National and regional planning and related policy, including:
  - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objectives 70 and 71.
  - Wind Energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.
  - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
  - Regional Spatial Economic Strategy for the Southern Region 2020-2032;
  - Kilkenny City and County Development Plan 2021-2027.
- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development as set out in the planning application, the pattern of development in the vicinity and the context of the receiving environment.

- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The documentation submitted with the planning application including the Environmental Impact Assessment Report, Appropriate Assessment Screening and Natura Impact Statement, and the further information provided by the applicant to the planning authority received in January 2025.
- The reports of the planning authority.
- The submissions made on the planning application to the planning authority and to An Coimisiún Pleanála in connection with the appeal.
- Mitigation measures proposed for the construction of the site.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

12.1 Appropriate Assessment Stage 1 Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment, and on the basis of the information considered in this AA screening, it is not possible to exclude the possibility that the proposed development alone would result significant effects on European sites, River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) in view of the sites conservation objectives. It is therefore determined that Appropriate Assessment of the proposed development is required.

12.2 Appropriate Assessment Stage 2 Conclusion

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) in

view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, it has been ascertained that adverse effects on site integrity of the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

The conclusion is based on the following:

- A full and detailed assessment, including information presented in the Environmental Impact Assessment Report and supplementary information submitted by the applicant, of the proposed development including proposed mitigation measures and water quality monitoring in relation to the conservation objectives of River Barrow and River Nore SAC and the River Nore SPA.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the River Barrow and River Nore SAC or the River Nore SPA.

12.3 Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development taking account of:

a) the nature, scale and extent of the proposed development,

b) the Environmental Impact Assessment Reports (EIAR's) and associated documentation submitted in support of the application,

c) the planning authority reports, and the submissions received from the Observers and Prescribed Bodies, and

d) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Commission considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects, both positive and negative, of the proposed development on the environment are those arising from the impacts listed below and would be mitigated as follows:

- **Biodiversity**: Potential negative disturbance effect on **bats** during strengthening works at Black Bridge can be adequately mitigated by pre-commencement bat activity survey and works avoiding deep hibernation period for bats (December to February).
- **Water (including Aquatic Receptors)**: Negative effects on **water quality** as a result of increased sedimentation, accidental spillage of hydrocarbons and drilling fluid, and any other contaminants entering surface water runoff and drainage system can be adequately mitigated by measures outlined in the planning application documentation. The proposed development will not impede the ability of surface waters to achieve good or high status and the Water Framework Directive.
- **Noise:** Negative **noise** impacts arise during the construction phase of the proposed development will be short-term, temporary, transient and mitigated through the implementation of measures outlined in the planning application documentation.
- **Material Assets:** Negative **traffic** impacts arise during the construction phase of the proposed development as a result of road closure and diversion on local road network, these impacts will be mitigated through the

implementation of measures outlined in the planning application documentation.

- **Cultural Heritage:** Permanent changes to Black Bridge a Protected Structure will have a direct, moderate and not significant effect, and will be further mitigated through the implementation of measures outlined in the planning application documentation.

12.4 Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Kilkenny City and County Development Plan 2021-2027, would not have an unacceptable impact on the road network including traffic capacity and would be acceptable in terms of traffic safety, would not seriously injure the residential amenities of the area or otherwise of property in the vicinity, would not have a significant adverse impact on biodiversity or the water environment, and would not have an unacceptable impact on cultural or archaeological heritage, and would facilitate the delivery of Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of January 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

	Reason: In the interest of clarity.
2.	The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order. **Reason:** Having regard to the nature and extent of the proposed development, the Commission considered it appropriate to specify a period of validity of this permission in excess of five years.
3.	This permission shall not be construed as any form of consent for: a) the associated development components including Seskin Wind Farm located within Carlow County Council; or b) agreement to a connection to the national grid. **Reason:** In the interest of clarity.
4.	The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) applicable to the development shall be implemented. **Reason:** To protect the environment.
5.	The mitigation measures contained in the submitted Natura Impact Statement (NIS) applicable to the development shall be implemented. **Reason:** To protect the environment and the integrity of European sites.
6.	Prior to commencement of development, the applicant/developer shall submit to the planning authority a complete schedule of all mitigation measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation. **Reason**: To protect the environment and the integrity of European sites.
7.	The applicant shall appoint a Community Liaison Officer for all stages of the development who shall be the first point of contact for residents and be responsible for monitoring and reporting of complaints, maintaining complaints register, addressing complaints and for discharging information in relation to the development to residents. **Reason:** In the interest of amenity and orderly development.

8.	The developer shall retain the services of a suitably qualified and experienced Ecologist (to perform the role of Ecological Clerk of Works) to undertake pre-construction surveys at the various project elements, immediately prior to commencing work to check for the presence of protected species in the vicinity, and to oversee and ensure the implementation of all environmental mitigation and monitoring measures during construction and operation of the wind farm. **Reason**: To protect biodiversity.
9.	The developer shall retain the services of a suitably qualified archaeologist (licence eligible) to monitor all ground excavation works in the environs i.e. extending up to 20m from Zone of Notification of recorded archaeological sites and all ground excavations works in greenfield areas. No sub-surface work shall be undertaken in the absence of the archaeologist without their express consent. The developer shall facilitate the archaeologist in the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. On completion of archaeological monitoring, a written report prepared by the archaeologist shall be submitted by the applicant/developer to the planning authority and to Department of Housing, Local Government and Heritage. **Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.
10.	All works to Black Bridge, Protected Structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise and in accordance with best conservation practice as detailed in "Architectural Heritage Protection: Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in 2011. A Structural Assessment of the bridge in accordance with relevant TII Guidelines and an Architectural Impact Assessment shall be submitted for the written agreement of the planning authority prior to the commencement of any works on Black Bridge.

	Reason: To ensure that the character and integrity of the protected structure and NIAH listed structures is maintained and protected from unnecessary damage and loss of fabric.
11.	The construction of the development shall be managed in accordance with a complete Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall provide an implementation tool for the schedule of mitigations (as conditioned) and as applicable to the construction phase and the contractor(s). The CEMP shall provide details of intended construction practice for the development, including, but not limited to: (a) Details of the construction methodology for all the components of the development; (b) Details of all services and utilities along the grid connection route and methodology for crossing/diversions; (c) Details of on-site car parking and access arrangements for site workers and deliveries. (d) A construction traffic management plan. Details of haul routes, road closures and diversion, local property access arrangements, and alternative arrangements to be put in place for pedestrians in the case of the closure of any public road or footpath during the course of site development works; (e) Measures to obviate queuing of construction traffic on the adjoining road network; (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

	(h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; (i) Details of marking of hydrological buffer zones and silt fencing. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; (j) A surface water management plan including details of water quality monitoring; (k) Works to be carried out in accordance with Inland Fisheries Ireland "Guidelines on protection of fisheries during construction works in and adjacent to waters"; (l) Location and specifications of any temporary storage requirements; (m) A waste management plan for construction waste; (n) Location of all archaeological constraints and cultural heritage constraints relevant to the development; (o) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be available for inspection by the planning authority, with monitoring on a daily basis of all watercourses in or adjacent to works areas; (p) Details of a local community feedback mechanism, where feedback including complaints are received and acted upon by a designated Community Liaison Officer. **Reason**: In the interest of amenities, public health and safety and environmental protection.
12.	Site development and building works shall be carried out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority and in accordance with measures outlined in the EIAR.

	Reason: To safeguard the amenity of property in the vicinity.
13.	The applicant/developer shall prior to commencement, agree in writing with the planning authority and in consultation with Transportation Infrastructure Ireland, the following: (i) Details for the temporary and permanent road boundary treatments to the N78 National Road; (ii) Details and methodology for the crossing of the N10 National Road (along R712 via underbridge structure). **Reason:** To safeguard national roads infrastructure and in the interest of traffic safety.
14.	The applicant/developer shall appoint a roads engineer to carry out pre- and post- construction road surveys of the grid connection route and the agreed road diversion routes, and survey records shall be submitted to the planning authority upon completion of each survey. **Reason:** In the interest of traffic safety.
15.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. **Reason**: In the interest of traffic safety and the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Heidi Thorsdalen
Senior Planning Inspector

29th September 2025

Appendix A: Stage 1 Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The development will consist of connection of the proposed Seskin Wind Farm to the national electricity grid, via underground 38kV electrical cabling within the public road corridor to the existing Kilkenny 110kV substation and all associated works. An Environmental Impact Assessment Report and a Natura Impact Statement was submitted with the planning application. First Party Appeal.
Brief description of development site characteristics and potential impact mechanisms	A detailed description of the proposed development is provided in Section 3.0 of the Inspectors report. Grid Connection Route: An 18.1km grid connection route located within the existing road corridor is proposed within Kilkenny County Council. The proposed route is predominantly located in the River Nore surface water catchment. The route runs parallel to the Lyrath Stream for a section and there are 6 no. existing bridge watercourse crossings (to be crossed by HDD) and 3 no. culverts crossings (to be crossed by flat formation) along the route. Black Bridge (Turbine Delivery Route): Strengthening works to Black Bridge, including increased surface fill depth and increased parapet height. Black Bridge crosses the Dinin River. N78/L1831 Junction accommodation works (Turbine Delivery Route): Temporary access road for abnormal turbine delivery only across existing field, site area 1.32ha. The Proposed Project (Section 1.0) also includes the proposed Seskin Wind Farm comprising 7 wind turbines, 38kV substation, BESS system, met mast, access tracks and site entrance, tree felling, c. 2km grid connection. All located within Carlow County Council.
Screening report	Yes - Appropriate Assessment Screening Report and Natura Impact Statement (MKO, May 2024).

Natura Impact Statement	Yes - Appropriate Assessment Screening Report and Natura Impact Statement (MKO, May 2024).
Relevant submissions	Kilkenny County Council – Refused the application, see Section 4.1 for reasons for refusal and 4.2 for Planner's reports. See Section 4.3 of internal technical reports. IFI – No objection, conditions recommended. See Section 4.4 Uisce Éireann - No objection, conditions recommended. See Section 4.4.

Additional information:
Only European sites where a potential source-pathway-receptor chain exist between them and the proposed development i.e. the proposed Grid Connection Route and proposed Turbine Delivery Route have been included below.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests[1] Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
River Barrow and River Nore SAC (Site code 002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220]	Immediately downstream at Phillip's Bridge and Black Bridge (0km).	Yes – Proximity and crosses watercourses hydrologically linked to the SAC.	**Y**

	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985] Conservation objectives, June 2025: CO002162.pdf			
River Nore SPA (Site code: 004233)	Kingfisher (Alcedo atthis) [A229] Conservation objectives, July 2025: CO004233.pdf	1.8km east-south of R712, the proposed Grid Connection Route.	Yes – Proximity and crosses watercourses hydrologically linked to the SPA.	**Y**

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: River Barrow and River Nore SAC (002162)	**Direct:** No instream work proposed. **Indirect:**	Potential disturbance risks to Otter, a qualifying interest species for the SAC, which could be associated

Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	Potential for negative impacts on water quality and on aquatic receptors via surface water runoff. Construction related drainage and run-offs including silt, sedimentation and construction related pollution such as hydrocarbons and cementitious material. Unlikely risk of fracture blow out from HDD, and release of drilling fluid. No impact on groundwater levels, primarily shallow trenching within existing roads and no Karst features within ZOI.	with increased noise, additional lighting and increased human activity at construction. Potential damage to riparian and river habitats from inadvertent spillages of such as hydrocarbons or drilling fluid during construction phase. Potential damage to the habitats and freshwater qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives

Vandenboschia speciosa (Killarney Fern) [6985] Conservation objectives, 6th June 2025: CO002162.pdf		
	Likelihood of significant effects from proposed development (alone): **Yes**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 2: River Nore SPA (004233) Kingfisher (Alcedo atthis) [A229] Conservation objectives, July 2025: CO004233.pdf	Direct: No. Indirect: Potential for negative impacts on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Works confined to the existing public road at a c. 1.8km distance from the SPA, well beyond the recommended 50-100m disturbance buffer for Kingfisher. No observation or nesting sites of Kingfisher recorded along the route during survey. Disturbance and habitat loss impacts on population associated with the SPA ruled out.	A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability.
	Likelihood of significant effects from proposed development (alone): **Yes**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233). I concur with the applicant's findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening, it is not possible to exclude the possibility that the proposed development alone would result significant effects on European sites, River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) in view of the sites conservation objectives. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in combination with other plans and projects is not required at screening stage.

Appendix B: Stage 2 Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed development in view of the relevant conservation objectives of River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) based on scientific information provided by the applicant.
 	
The information relied upon includes the following:
• Appropriate Assessment Screening and Natura Impact Statement prepared by MKO (May 2024) including appendices:
  ○ Appendix 1 Aquatic Baseline Report
  ○ Appendix 2 EIAR Chapter 4 Description
  ○ Appendix 3 EIAR Chapter 9 Water
  ○ Appendix 4 EIAR Appendix 2-3 Cumulative List
• Environmental Impact Assessment Report prepared by MKO (May 2024).
• Response to Further Information (RFI) Submission (MKO January 2024)
 	
I am satisfied that the information provided is adequate to allow for Appropriate Assessment.
 	
I note the NIS confirms that all elements of the Proposed Project have been assessed as part of the NIS. Section 3.2 of the NIS clarifies that 18.1 km of the proposed Grid Connection Route, via underground cabling, and the accommodation work areas for the proposed Turbine Delivery Route are located in Co. Kilkenny.

There are only potential for construction effects as a result of the proposed development i.e. the proposed Grid Connection Route and the proposed Turbine Delivery route accommodation works. Operational and decommissioning effects have been screened out.

RFI Appendix 3 outlines updated cumulative grid connection information from that contained in Section 9.2.2 of the NIS. I note no additional cumulative baseline have been identified, but that the cumulative grid connection baseline considered in the NIS has been reduced reflecting recent refusals (Kilderry Solar Farm) and/or updated proposals (White Hill Wind Farm). I am, therefore, satisfied that an update of the NIS is not required.

The RFI Submission provides clarifications to the construction methodology for the Black Bridge and clarifications and supplementary construction methodology for the proposed Grid Connection Route, in particular for the watercourse crossings along the route. In my view, mitigation measures detailed within the RFI Submission do not alter the conclusions of the NIS, and I am, therefore, satisfied that an update of the NIS is not required. The RFI Submission will be subject to Condition 1 in the event the Commission is minded to grant permission.

This AA have been informed by the updated Conservation Objectives for both the River Barrow and River Nore SAC (CO002162.pdf, June 2025) and for the River Nore SPA (CO004233.pdf, July 2025), as included in my AA Screening above.

Submissions/observations

Kilkenny County Council (see Sections 4.2 and 4.3 of Inspector's Report):

- Planner's Report (29/06/24), in summary:
  - HDD not assessed in detail within NIS.
  - Cement bound materials and associated soil/spoil heaps not assessed in detail within NIS. The potential for significant impacts on the Natura 2000 site/s cannot be ruled out at this stage.
  - Deficiencies in the submitted NIS, relating to in-combination, construction methodologies and mitigation. Further information is required to ensure the appropriate assessment complies with Appropriate Assessment Guidelines and EU Habitats Directive.
- Planner's Report (08/03/25), in summary:
  - The NIS has not been amended to have regard to the RFI Appendix 9, Major Watercourse Crossings Technical Note which provides further detail on the watercourse crossing methodology and mitigation.
- Environment Section (04/03/25), conditions recommended specifically waste management, CEMP & Environmental Mitigation Control Measures, storage and management of materials, storm and water discharge, and monitoring.

Inland Fisheries Ireland (10/06/24 & 17/02/25):

- See Section 4.4.4 and 4.4.5 of Inspector's report. Conditions recommended including Appendix 9, Major Water Crossings Technical Note Section 11 and NIS Section 7 mitigation measures, 3,000mm separation distance between bore and bed at watercourse crossings, and 15m exclusion zones measures.

No AA related observations made to the appeal. Observations to the planning application raised concerns in terms of consideration of pathway, impact on headwater and qualifying interest of the River Barrow and River Nore SAC and River Nore SPA.

River Barrow and River Nore SAC (002162):

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction)

Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (summary-inserted)**	**Potential adverse effects**	**Mitigation measures (summary)**
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	Maintain the Favourable conservation condition. Relevant Attribute/Target: • Habitat distribution: No decline. • Substratum composition: dominated by large particles and free from fine sediments • Water quality: Low concentration of suspended solids to prevent excessive deposition of fine sediments.	Not recorded. Full distribution of habitat within SAC unknown. Water quality degradation, particularly silt laden run off could affect habitat quality and distribution and undermine conservation objectives.	NIS Section 7. Sediments and pollution control measures. Application of industry standard controls including Inland Fisheries. CEMP, grid construction methodology, surface water management plan including monitoring and daily supervision.
Petrifying springs with tufa formation (Cratoneurion) [7220]	Maintain the Favourable conservation condition. Relevant Attribute/Target:	Not recorded. Groundwater-dependent terrestrial ecosystem under WFD. Extent of habitat within SAC unknown.	

	• Water quality: maintain oligotrophic and calcareous conditions	Groundwater quality degradation as a result of silt laden run off or other pollutants could undermine conservation objectives.	
Freshwater Pearl Mussel (Margaritifera margaritifera) [1029]	Restore the Favourable conservation condition. Relevant Attribute/Target: • Distribution (Nore): Restore (21.13km) • Population (Nore): restore (at least 5000 adults) • Population structure: juvenile recruitment • Suitable habitat: restore condition • Water quality: restore EQR for macroinvertebrates and phytobenthos • Host fish: Maintain sufficient juvenile salmonids to host glochidial larvae	Not recorded. No hydrological connection to the targeted river systems - Mountain River, Ballymurphy (or Ballyroughan River) River, or Nore River, upstream of Ballyragget. Potential indirect effect on water quality downstream in River Nore could impact on the salmonid balance.	As above.
White-clawed Crayfish (Austropotamobius pallipes) [1092]	Main Favourable conservation condition. Relevant Attribute/Target: • Distribution: No reduction. • Population structure: recruitment • Water Quality: At least Q3-4 at all sites sampled by EPA	None recorded during survey. eDNA surveys detected white-clawed crayfish and crayfish plague downstream. Species potentially present within ZoI. Negative impact on water quality could undermine conservation objective targets relating to water quality and distribution.	As above.
Sea Lamprey (Petromyzon marinus) [1095]	Restore the Favourable conservation condition. Relevant Attribute/Target: • Population structure: Juvenile • Juvenile density in fine sediment: at least 1/m^2	None recorded upstream or downstream of the proposed development. Considered to be within ZoI.	As above.

	• Extent and distribution of Spawning habitat: No decline. • Availability of juvenile habitat: More than 50% of sample site positive	Water quality degradation such as silt laden runoff could undermine the conservation objective, particularly spawning habitat.	
Brook Lamprey (Lampetra planeri) [1096]	Restore the Favourable conservation condition. Relevant Attribute/Target: • Population structure: Juvenile • Juvenile density in fine sediment: at least 2/m2 • Extent and distribution of Spawning habitat: No decline. • Availability of juvenile habitat: More than 50% of sample site positive	As above.	As above.
River Lamprey (Lampetra fluviatilis) [1099]	Restore the Favourable conservation condition. Relevant Attribute/Target: As above for Brook Lamprey.	As above.	As above.
Twaite Shad (Alosa fallax fallax) [1103]	Restore the Favourable conservation condition. Relevant Attribute/Target: • Population structure: more than one age class present • Extent and distribution of Spawning habitat: No decline. • Water Quality: Oxygen levels no lower than 5mg/l	None recorded. Species considered to be within ZoI. Water quality degradation, particularly oxygen levels could undermine the conservation objective.	As above.

	• Spawning habitat quality: • Maintain stable gravel substrate with very little fine material, free of filamentous algal (macroalgae) growth and macrophyte (rooted higher plants) growth		
Salmon (Salmo salar) [1106]	Restore the Favourable conservation condition. Relevant Attribute/Target: • Adult spawning fish: conservation limits exceeded. • Salmon fry abundance: maintain or exceed 0+ fry mean catchment • Out-migrating smolt abundance: no decline • Number and distribution of redds: no decline of spawning redds due to anthropogenic causes. • Water quality: At least Q4 at all sites sampled by EPA.	Salmon recorded via electro-fishing at Philip's Bridge and Black Bridge as well as further upstream and downstream. Moderate quality spawning habitat Water quality degradation, particularly from silt laden runoff could undermine the conservation objective.	As above.
Otter (Lutra lutra) [1355]	Restore the Favourable conservation condition. Relevant Attribute/Target: • Distribution: No significant decline. • Fish biomass available: No significant decline.	No signs of otter recorded along the proposed Grid Connection Route. Signs of otter further downstream on Dinin River recorded. All watercourses along the proposed development were found to provide suitable habitat. Water quality degradation from silt laden and pollutant runoff could undermine the	As above.

		conservation objective, in particular fish biomass available. Potential for disturbance. Potential for disturbance from increased human activity during construction.	
Other QIs			
Estuaries [1130]	Not at risk.	Rational for exclusion: No potential to undermine any conservation objective, given nature and scale of the proposed and the attenuating and diluting property of the intervening waterbody, located more than 50km downstream.	
Mudflats and sandflats not covered by seawater at low tide [1140]	Not at risk.	As above.	
Reefs [1170]	Not at risk.	As above.	
Salicornia and other annuals colonising mud and sand [1310]	Not at risk.	As above.	
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Not at risk.	As above.	
Mediterranean salt meadows (Juncetalia maritimi) [1410]	Not at risk.	As above.	
European dry heaths [4030]	Not at risk.	Rational for exclusion: No potential to impact this terrestrial habitat.	
Hydrophilous tall herb fringe communities of	Not at risk.	As above.	

plains and of the montane to alpine levels [6430]		
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	Not at risk.	As above.
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	Not at risk.	As above.
Desmoulin's Whorl Snail (Vertigo moulinsiana) [1016]	Not at risk.	Rational for exclusion: A terrestrial species, no potential impact from indirect negative effects on water quality as a result of the proposals.
Killarney Fern (Vandenboschia speciosa) [6985]	Not at risk.	Rational for exclusion: Species is terrestrial in nature. Indirect water quality effects, not impacted from indirect negative effects on water quality.

The above table is based on the documentation and information provided on the file and as noted above, takes account of the updated conservation objectives for the River Barrow and River Nore SAC (July 2025). I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

i. Water quality degradation

Water quality of SAC remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species and Annex I habitat listed. Water quality degradation is the main risk from unmanaged construction works, specifically trenching/infilling and HDD along the proposed Grid Connection Route and strengthening works at Black Bridge, where silt laden run off and other pollutants reaches the River Nore downstream via upstream drains and watercourses. Decrease in water quality downstream of the watercourse crossings could compromise

conservation objectives for Annex I habitats and Annex II species listed, such as increase sedimentation could alter habitat quality for spawning or nursery grounds. The site is not located upstream of the targeted river systems for FWPM and the Aquatic Surveys (NIS, Appendix 1) showed that riparian habitat surveyed was unsuitable for FWPM. Potential suitability for other species including White-clawed crayfish, salmonids and Otters were recorded, and it was considered to be within the ZoI of lamprey.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing release of pollutants and silt into surface water and receiving watercourses. Water quality mitigation measures are set out in Section 7. of the NIS and within EIAR Chapter 9 (Water), Construction Environmental Management Plan (CEMP) (EIAR Appendix 4-4), Surface Water Management Plan (SWMP) (EIAR Appendix 4-5), Grid Connection Construction Methodologies (Appendix 4-7) and RFI Submission and RFI Appendix 9 (Watercourse Crossing Technical Note).

A number of mitigation measures relate to avoidance and design:

- Majority of the proposed Grid Connection Route is located outside the delineated 50m from nearby watercourse, with the exception of existing watercourse crossings and a section of the public road which runs parallel to the Lyrath Stream. Limit any works in any areas located within 50m of any watercourse/waterbody including the stockpiling of excavated soils and subsoils.
- A 15m buffer zone boundary at watercourse crossings, no storage of material / equipment or overnight parking of machinery within the buffer. No refuelling with 100m buffer zone from watercourse crossings.
- No instream works required at watercourse crossings. All 9 no. watercourse crossings along the proposed Grid Connection Route are existing and will be crossed by HDD (bridges) and trenching (culverts). Works at Black Bridge limited to increased surface and parapets height.
- Separation distance between bore and bed of watercourses as detailed in RFI Submission, Appendix 9.
- No hydrocarbon storage required for the proposed Grid Connection Route and turbine delivery route.
- No requirement for the storage of wastewater along the proposed Grid Connection Route or the turbine delivery route.
- No batching of wet-concrete products will occur. Where possible, pre-cast concrete elements will be used or if required, ready-mixed supply of wet concrete products.
- No direct water discharge to watercourses.
- Black Bridge works will be constructed to the specifications of the OPW bridge design guidelines ’Construction, Replacement or Alteration of Bridges and Culverts - A Guide to Applying for Consent under Section 50 of the Arterial Drainage Act, 1945’, and in consultation with Inland Fisheries Ireland.
- Watercourse crossings will be carried out to the specifications of the OPW bridge design guidelines ‘Construction, Replacement or Alteration of Bridges and Culverts - A Guide to Applying for Consent under Section 50 of the Arterial Drainage Act, 1945’, and in consultation with Inland Fisheries Ireland.
- Trench excavation, cabling, infilling and reinstatement in stretches of 100-150m per day (RFI Submission).

Best practice, control, mitigation and monitoring measures:

- Temporary blocking of all existing roadside drains and drainage inlets.
- Detail is provided on sediment control, concrete and hydrocarbon control including drainage measures and monitoring and emergency response plan.
- Drilling works will only be done over a dry period between July and September (as required by IFI for in-stream works) to avoid the salmon spawning season and to have more favourable (dryer) ground conditions.
- Watercourse crossing works area will be clearly marked out with fencing or flagging tape to avoid unnecessary disturbance;
- Management of silt including installation of silt fencing (double row along at watercourse crossings)
- Detail provided on directional drilling measures including bunding of plant area, type of drilling fluid and its containment, daily monitoring and fracture blow-out prevention and management plan.
- Daily monitoring of excavations by the Environmental Clerk of Works, with support by the Project ecologist and hydrologist as per the CEMP.
- Water quality monitoring during the construction phase of the Proposed Project by Project Hydrologist at primary watercourses including Philip's Bridge as per SWP and daily inspections of watercourses along proposed Grid Connection Route.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and habitats by arresting the surface water pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning conditions 1, 4 & 5 of the Inspectors Report.

ii. Disturbance of mobile species

Aquatic surveys recorded no otter signs near watercourse crossings, although signs were recorded downstream within the study area and suitability of watercourses noted. Increased human activities during works at watercourse crossings may cause temporary disturbance to otters. There will be no temporary or permanent barriers as a result of the proposed development.

Mitigation measures and conditions

- No instream works.
- Daytime working hours as set out in CEMP.

In-combination effects

As set out above, the NIS has carried out an assessment of the Proposed Project and has therefore, considered the in-combination effects with the proposed Seskin Wind Farm. An assessment of cumulative effects with other plans and projects has been carried out in Section 9. of the NIS,

including an assessment of cumulative effects with other grid connections in Section 9.2.2 and wind farms in Section 9.2.3. The NIS concluded that, subject to implementation of mitigation measures, that no potential for in combination effects were identified.

I have reviewed the details of these projects, plans and policies which were identified in Chapter 9. of the applicant's NIS. As noted previously and as per Section 8.4, the cumulative baseline for the proposed Grid Connection Route no longer includes Kilderry Solar Farm or White Hill Wind Farm.

I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development has been assessed as part of the overall Proposed Project, and no other plans and projects could combine to generate significant effects when mitigation measures are considered. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures that the proposed development alone, or in combination with the overall Proposed Project and other plans and projects, will not adversely affect the integrity of the River Barrow and River Nore SAC.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Barrow and River Nore SAC. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of Conservation objectives of the River Barrow and River Nore SAC (June 2025). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

River Nore SPA (004233):

Summary of Key issues that could give rise to adverse effects (from screening stage):
(i) Water quality degradation (construction)

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
Kingfisher (Alcedo atthis) [A229]	Maintain the Favourable conservation condition. Relevant Attribute/Target: • Numbers and distribution: No significant loss in the long term. • Location, hectares and forage biomass: to support population • Water quality: biotic and abiotic indices reflect overall good-high quality status.	No observation of Kingfisher along the proposed Grid Connection Route and no observation within 5km of the proposed Seskin Wind Farm. Diet consists predominantly of small fish/ aquatic invertebrates. Wetland habitat degradation via pollution. Water quality degradation from silt laden and pollutant runoff could undermine the conservation objective, in particular fish biomass available. A disturbance buffer of	NIS Section 7. Sediments and pollution control measures. Application of industry standard controls including Inland Fisheries. CEMP, grid construction methodology, surface water management plan including monitoring and daily supervision.

The above table is based on the documentation and information provided on the file and as noted above, takes account of the updated conservation objectives for the River Nore SPA (July 2025). I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

i. Water quality degradation

As above for the River Barrow and River Nore SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for Kingfisher.

Water quality mitigation measures and conditions
As above for the River Barrow and River Nore SAC.

In-combination effects
I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development has been assessed as part of the overall Proposed Project, and no other plans and projects could combine to generate significant effects when mitigation measures are considered. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions
The applicant determined that following the implementation of mitigation measures that the proposed development alone, or in combination with the overall Proposed Project and other plans and projects, will not adversely affect the integrity of the River Nore SPA.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Nore SPA considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted. No significant in combination effects are predicted.

Reasonable scientific doubt
I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the River Nore SPA (July 2025). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion:

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted with application, and taking into account submissions on nature conservation, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- A full and detailed assessment, including information presented in the Environmental Impact Assessment Report and supplementary information submitted by the applicant, of the proposed development including proposed mitigation measures and water quality monitoring in relation to the conservation objectives of River Barrow and River Nore SAC and the River Nore SPA.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the River Barrow and River Nore SAC or the River Nore SPA.

Heidi Thorsdalen, Senior Planning Inspector

29th September 2025