

File With _____

SECTION 131 FORM

Appeal NO: ABP 322156-25Defer Re O/H ☐Having considered the contents of the submission dated/ received 22-04

from

D. Foley.I recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): _____

E.O.: _____

Date: _____

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 322154-25

M _____

Please treat correspondence received on 22-04-25 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP BLSO3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments**Obs from D. Foley.**4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☒**RETURN TO EO** ☐EO: Daryl CoombsDate: 25-04Plans Date Stamped ☐Date Stamped Filled in ☐AA: ShirleyDate: 25/04/25

AN BORD PLEANÁLA	
LDG- <u>07 9460-25</u>	
ABP- _____	
22 APR 2025	
Fee: € <u>50</u>	Type: <u>Cash</u>
Time: <u>11:15</u>	By: <u>hant</u>

Details

Submitter details

Name	DEIRDRE FOLEY
Address	DOWRATH BALLYCALLAN
Email	eugene.foley1977@gmail.com
Note	

In relation to application

An Bord Pleanála Case Reference	PL10.322154
Kilkenny County Council Planning File Number	2560003
Applicant	Briskalagh Ltd.
Address	In the townlands of Acragar, Ballyconra, Ballycuddihy, Ballyroe, Ballyroe (Grace), Ballyroe (Maher), Baunaniska, Boherkyle, Briskalagh, Brittas, Clone, Coolnapisha, Curraghduff, Freshford, Freshford Lots, Graigueswood, Grange, Huntstown, Kilmanagh, Knockeenglass, Knockown, Moatpark, Monabrika, Monavadaroe, Moneenaun, Oldtown, Oldtownhill, Parksgrove, Picketstown, Rathealy, Sart, Sweethill, Tobernapeastia, Tullaroan, Upperwood Demesne, Co. Kilkenny.

Subject: An Bord Pleanála Case Reference: PL10.322154

Kilkenny County Council Planning Application Reference: 2560003

To: An Bord Pleanála

This submission is made in response to the First Party Grounds Of Appeal (GOA) lodged by Briskalagh Ltd. following Kilkenny County Council's (KCC's) decision to refuse permission for the proposed wind farm development at Briskalagh. This submission supports the refusal and reiterates serious and well-founded concerns regarding residential amenity, fourteen chapters of the Environmental Impact Assessment Report (EIAR) not meeting statutory EIA requirements and the planning authority's statement that there is a 'lack of supporting information for certain ecological receptors (such as birds) in both the Stage 1 Screening and Stage 2 Natura impact Statement' and that the planning authority was 'not satisfied that there is no risk of adverse effects on the integrity of the associated European Sites.'

The applicant's Grounds of Appeal (GOA) document fails to demonstrate that the proposed development is either responsible or compliant with established standards and regulations.

Equally concerning is the lack of a meaningful assessment of the project's cumulative impacts, as stated by Kilkenny County Council "insufficient detail has been provided on the matter of cumulative effects, especially in regard to the likely effect on the residential amenity of the immediately adjacent residential areas".

Well-found concerns regarding human health and well-being have also not been allayed by the contents of the applicants appeal document.

The Grounds of Appeal (GOA) fails to overcome the reasons for refusal issued by Kilkenny County Council and as a resident of the area I wish to highlight the following flaws within the GOA:

1. Planning Policy Contravention: Including, but not isolated to, the Kilkenny County Development Plan 2021–2027.

2. Human Health & Amenity: The applicant has failed to address judicial precedent (Justice Egan ruling) and failing to rebut community's health-based evidence.

Shadow flicker impacts exceed legal thresholds for 41 homes.

3. Water & Flooding: The proposed development is sited on and near a vulnerable aquifer and local drinking water source, CAAS and KCC confirm significant data gaps, invoking the precautionary principle. These gaps are not overcome within the GOA.

4. Biodiversity: The EIAR and NIS are non-compliant with EU law (Habitats Directive), there continues to be critical data gaps and errors along with new errors. Ornithological assessments flawed and the applicant denies bird sightings that appear in their own communications.

5. Cumulative Impacts: The GOA document does not resolve the inadequacies and deficiencies across 14 EIAR chapters and there continues a failure to properly assess combined effects of nearby wind farms (noise, visual, ecology, infrastructure).

6. Visual and Landscape Assessment: The applicant presented selective viewpoints in the application which obscured the true scale and visual impact. Rather than addressing this issue within the GOA, the applicant chose to focus on dismissing the community montages presented by KBT Responsible Energy in their submission to Kilkenny County Council.

7. Separation Distances: The turbine spacing violates the 2006 WEDGs. The appeal does not supply minimum turbine manufacturer distances and uses hypothetical turbine model for noise and flicker modelling.

8. Property Values: The applicant dismisses Irish research showing negative impacts (CERIS 2023) on property prices while relying on older, foreign studies irrelevant to this context. A high volume of homes within 2km are likely to experience severe amenity degradation.

9. Company Structure & Responsibility: The applicant misrepresented company structure in community engagement and the GOA does not satisfactorily address concerns relating to compliance, enforcement and liability.

10. Planning Application Deficiencies: Failure to address issues relating to incomplete maps (e.g. missing scale bars, housing omissions), national schools omitted from scoping stage and exclusion of refused projects.

11. Heritage: Potential impacts on St. Aidan's Church and Kilmanagh Creamery have not been appropriately addressed.

12. Community Engagement: The statements within the GOA of "active engagement" with the community and "understanding of the key issues" are contradicted the 199 personal submissions and 547 signatures attached to the KBT Responsible Energy- Community Submission to KCC, which appears to have been completely disregarded by the applicant. In addition, the applicant fails to mention the July 2023 letter signed by 800+ locals, nor do they address the multiples of emails to the developer voicing concerns.

13. Haul & Grid Routes: Concerns relating to the excessive distance and multiple grid routes have not been adequately addressed. Additionally, the haul route through Kilmanagh village and knock-on impacts locally in terms of safety and inconvenience have also not been sufficiently addressed.

14. Omission of the true impact on Kilmanagh village as the primary impacted settlement.

Conclusion:

This community is not against renewable wind energy as evidenced by the existing and permitted wind farms in our community. However, there continues to be serious concerns regarding this proposed development.

As stated by Kilkenny County Council under the schedule of effects, "Having regard to the size and scale of the proposed development, the Planning Authority considers that the proposed seven (7) number turbines with 185metre tip height will, due to the cumulative effects of visual intrusion, combined with noise, flicker and disturbance of access, on a significant number of nearby dwellings in and around the settlements of Tullaroan, Kilmanagh, and Ballycallan, give rise to excessive levels of adverse effects on residential amenity in the area. These effects are integral and incapable of being mitigated because they arise from the extent and scale of the proposed works and their proximity and position relative to dwellings."

The Briskalagh Wind Farm appeal fails across critical technical, legal, environmental, and procedural domains. The potential impact of this proposed development poses a serious threat to human health for those of us who would live within such close proximity.

I respectfully urge An Bord Pleanála to uphold Kilkenny County Council's refusal and safeguard the planning integrity, legal standards, and community wellbeing of the residents of Kilmanagh, Ballycallan and Tullaroan and I thank you for taking the time to read my submission.

In addition, I support the KBT Responsible Energy Submission to An Bord Pleanála on this appeal.

Please find enclosed fee of €50.

Yours sincerely,

DEIRDRE FOLEY

Date: 17-4-25