

File With _____

SECTION 131 FORM

Appeal NO: ABP 322154-25Defer Re O/H ☐Having considered the contents of the submission dated/ received 22/4/25
fromSharon Trayer I recommend that section 131 of the Planning and Development Act, 2000
be/~~not~~ be invoked at this stage for the following reason(s): No new planning issuesE.O.: Daniel O'ConnorDate: 24/4/25

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 22/4/25 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP _____	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter ☐	2. Keep Envelope: ☐
<u>Bulk Lodgement</u>	3. Keep Copy of Board's letter ☐

Amendments/Comments	<u>Observation from Sharon Traynor</u>

4. Attach to file (a) R/S ☐ (d) Screening ☐ (b) GIS Processing ☐ (e) Inspectorate ☒ (c) Processing ☐	RETURN TO EO ☐
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	Plans Date Stamped ☐
	Date Stamp Filled in ☐
EO: <u>Daniel & Lomax</u>	AA: <u>[Signature]</u>
Date: <u>24/4/25</u>	Date: <u>25/4/25</u>

Details

Submitter details

Name	Sharon Trayer
Address	Banse, Kilmanagh, Co Kilkenney. R95K330
Email	sharontrayer1@gmail.com
Note	

AN BORD PLEANÁLA	
LDG-	079497-25
ABP-	
22 APR 2025	
Fee: €	50
Type:	CASH
Time:	11-00
By:	MAAP

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

Dear Inspector,

I am writing to make a personal submission in response to the appeal lodged by Briskalagh Ltd. against Kilkenny County Council's refusal of planning permission for the Briskalagh Wind Farm (Ref: 2560003). As a resident directly affected by this proposed development, I fully support the Planning Authority's decision to refuse this application and respectfully request that An Bord Pleanála uphold that refusal.

1. Irresponsible development

I, like others in my community have actively welcomed four wind farms into our landscape over the past two decades: Foyle, Cnoc, Ballybay, and the newly permitted Farranrory. I had no objection to these developments because they were appropriately scaled and responsibly located.

I understand the urgency of climate targets and the need for renewable energy. However, climate action must be undertaken alongside the people who will reside closest to these projects.

The Briskalagh proposal is not just another wind farm, it is a disproportionately scaled, poorly sited industrial project that has failed to meet the fundamental tests of environmental responsibility, legal compliance, and community inclusion.

2. Deficiencies in the EIAR

The Environmental Impact Assessment Report (EIAR) submitted with the planning application is deeply flawed. Both Kilkenny County Council and the independent consultants at CAAS identified serious deficiencies across multiple chapters, which were not addressed or corrected in the appeal.

KCC's planning report concluded:

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

and

"The Planning Authority in its assessments of the applicants' specialist chapters of the EIAR finds that there are a number of significant deficiencies in the quality and quantum of data provided, particularly in the areas of landscape and visual effects, material assets, noise, ecology and hydrology" (KCC Planning Report, 27 Feb 2025)

CAAS similarly found:

"Significant deficiencies in those assessments as identified in later parts of this review are such that a reasoned conclusion on effects on human health cannot be made."

"The efficacy of mitigation and monitoring proposals... cannot be adequately determined."

(EIAR Review by CAAS, Appendix 3, pages 18–19)

In short, the EIAR fails in its core duty: to allow a reasoned, transparent, and science-based conclusion on the environmental consequences of the development. Without full data, sound methodologies, or detailed mitigation, the precautionary principle must apply.

Key deficiencies include:

- Incomplete noise and health assessments (no amplitude modulation/infrasound modelling).
- Visual impact photomontages taken from unrepresentative locations.
- Hydrology chapter lacking flood pathway and groundwater modelling, despite known vulnerabilities.
- Cumulative impact chapters fail to assess real-world combined effects with existing and permitted wind farms.
- Species surveys that are outdated, missing key data, or based on faulty identification (e.g. erroneous inclusion of protected flora species).

3. A non-compliant Natura Impact Statement (NIS)

The developer's NIS has also been found non-compliant with the Habitats Directive, a conclusion confirmed by both KCC and CAAS.

From the CAAS NIS Review (Appendix 4) Pages 1-5:

"However, there is a significant lack of supporting information for certain ecological receptors (such as birds)... the NIS is therefore non-compliant with the Habitats Directive."

"Survey results presented in the report are not a reliable representation of otter activity and habitat use....."

The use of online resources *"calls into doubt the accuracy and reliability of the botanical report which supports the habitats identified for the NIS and forms the baseline for the assessment of effects."*

This is not a technicality. The use of vague mitigation, reliance on deferred surveys, and omission of critical baseline data undermines the legal foundation of the NIS.

Under CJEU judgment C-258/11, all risks to protected species and habitats must be ruled out beyond reasonable scientific doubt before permission is granted. That standard has clearly not been met.

4. KCC and CAAS were clear

Both authorities are in alignment. Kilkenny County Council refused permission on the basis of:

- Procedural and content-related deficiencies in the EIAR and NIS,
- Non-compliance with the operative Development Plan,
- Risks to water quality, flood safety, residential amenity, biodiversity, and cultural heritage,
- And a failure to adequately assess cumulative impacts.

CAAS's independent review confirmed these findings. Despite this, the developer's appeal document does not introduce new environmental data, revised modelling, or legally compliant assessments. It fails to cure the defects identified.

5. Planning policy misrepresented

The developer attempts to argue that the current Kilkenny Development Plan should be disregarded due to a Ministerial Direction. However, under Section 31(6)(b) of the Planning Act, the 2014–2020 Wind Energy Strategy map (Figure 10.2) remains in force—and it does not designate Briskalagh as suitable for wind development.

To selectively dismiss this while relying on suspended 2021–2027 mapping is misleading and legally flawed. The appeal therefore materially contravenes the operative plan.

6. Procedural fairness and community exclusion

Throughout the application and appeal process, our community, particularly Kilmanagh, has been misrepresented, omitted, or overlooked. The applicant:

- Ignored Kilmanagh village in public materials despite its proximity,
- Denied offers for community-sourced photomontage viewpoints,
- Failed to consult meaningfully with residents or community groups,
- Deferred questions regarding well-placed community concerns regarding health, environment and ecology to the planning application where opportunity for real community engagement had now ceased,
- Made no reference to the 800-signature community letter submitted in 2023 nor the large volume of individual submissions and community signatures attached to the KBT Submission 3- Community Submission to KCC.

The above violates both the spirit and requirements of public participation as outlined in the Aarhus Convention, to which Ireland is a party.

7. Cumulative Impact: A disproportionate burden on one rural community

One of the most significant concerns I have with the proposed Briskalagh development is the unaddressed cumulative impact of this proposal when considered alongside existing and permitted wind farms in the area. Like many of my neighbours in Kilmanagh and the surrounding area, within 7km of my home there are four wind farms already operational or approved, contributing more than 28 turbines to the landscape.

The Briskalagh proposal would add seven more turbines, each 185 metres tall, the tallest ever proposed in the region, creating an unprecedented level of concentration. Despite this, the EIAR fails to provide a comprehensive, site-specific, and holistic assessment of the combined visual, noise, biodiversity, and human health impacts from all developments. Both Kilkenny County Council and CAAS highlighted this as a serious and recurring flaw across multiple chapters of the EIAR.

The Planning Authority described the project as placing an *“unreasonable and disproportionate environmental loading on a rural area with a locally concentrated population.”* This level of development in a confined, inhabited landscape raises real and long-term risks to amenity, public health, biodiversity, and social cohesion—none of which are adequately addressed by the developer.

8. Human health and wellbeing

The proposed Briskalagh wind farm presents serious risks to the health and wellbeing of those living nearby, risks that are neither adequately assessed in the application nor meaningfully addressed in the appeal. The applicant relies on outdated standards and fails to model Amplitude Modulation (AM) or Infrasound (ILFN), both of which are known to cause adverse effects in some individuals, particularly when turbines are sited in close proximity to homes and villages, as is the case here.

The findings of the recent High Court case in Wexford (JWebster & Anor -v- Meenacloghspar [Wind] Limited; Shorten & Anor -v- Meenacloghspar [Wind] Limited, judgment by Justice Emily Egan) confirm that wind turbine noise can constitute a private nuisance, with proven health impacts. Despite this, the appeal dismisses or avoids detailed engagement with these serious concerns, including those raised by KBT Responsible Energy's expert reviewers and community health-focused submissions.

Shadow flicker is also a major concern, with the developer admitting that 41 homes may experience flicker above the legal threshold, yet proposing non-binding mitigation through turbine shutdowns or window coverings (solutions that shift the burden onto affected residents rather than the developer.)

But beyond technicalities, this process has caused ongoing and profound emotional stress. The anxiety of living with the uncertainty of such a large industrial development looming over our village has already impacted wellbeing. Many residents, myself included, have experienced sleepless nights, feelings of helplessness, and a loss of security in our own homes. This is not simply about noise levels or distance measurements, it is about the deep sense of violation and exclusion we feel as a community whose concerns have been overlooked.

For nearly two and a half years, our community has lived under a shadow, not just of turbines, but of being ignored and misrepresented. This is not responsible planning, and it is not sustainable development.

9. Property value

I have invested in and maintained my home through years of hard work. The proposed development raises serious concerns about the potential for it to become uninhabitable due to noise, nuisance, and associated health impacts.

A recent valuation of my home has indicated a risk of significant depreciation in value if the proposed development were to proceed due to the proximity of my home, potentially rendering the property unsaleable. This has financial implications for my future, particularly if a change in circumstances, such as employment, required me to relocate. The viability of securing a comparable home elsewhere is now uncertain. This uncertainty hangs heavily over me.

Conclusion

I, like the majority of those living in this community, stand firmly for responsible climate action. But responsible development requires legal compliance, scientific integrity, environmental protection, and genuine community engagement. The Briskalagh proposal and its appeal fail on all of these fronts.

I respectfully ask An Bord Pleanála to uphold Kilkenny County Council's refusal and to defend the standards of sustainable planning in Ireland.

Given the combined impacts of the operational and approved wind farms located nearby and as stated by CAAS:

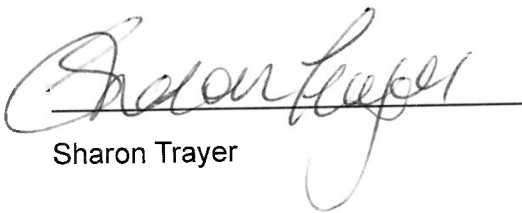
"the cumulative effects will, arguably, exceed the threshold of what a community can be reasonably expected to tolerate for the overall residential amenity of the community. Guidelines and precedence do not offer reliable relevant thresholds for cumulative effects such as will occur." Appendix 3, CAAS Ltd, Environmental Impact Assessment Review

I respectfully urge An Bord Pleanála to uphold the refusal of this development on the grounds of unacceptable cumulative impacts, procedural deficiencies, ecological harm, lack of community consent, and planning non-compliance.

Please find enclosed fee of €50.

Thank you for taking the time to read my submission.

Sincerely,


Sharon Trayer

Date: 18th April 2025

