

File With _____

SECTION 131 FORM

Appeal NO: ~~ACP~~ APP-322194Defer Re O/H ☐Having considered the contents of the submission dated/ received 22/12/25
fromAt L 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: 8/1/26

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 FORM

Appeal No: ~~ACP~~ App-322154-25

M _____

Please treat correspondence received on 22/12/25 as follows:

- | | |
|--|---|
| 1. Update database with new agent for Applicant/Appellant _____
2. Acknowledge with <u>8823</u>
3. Keep copy of Commission's Letter ☐ | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: ☐
3. Keep Copy of Commission's letter ☐ |
|--|---|

Amendments/Comments	<u>Alan + Laura Trayer's response</u> <u>to S131 notice</u>

4. Attach to file

- | | |
|---|---|
| (a) R/S ☐ | (d) Screening ☐ |
| (b) GIS Processing ☐ | (e) Inspectorate ☐ |
| (c) Processing ☐ | |

RETURN TO EO ☐Re-submit drawer

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: <u>Daniel O'Connor</u>	AA: <u>Shirley Campbell</u>
Date: <u>8/1/26</u>	Date: <u>08/01/26</u>

James Sweeney

Doc

From: Alan Trayer <alan.trayer@gmail.com>
Sent: Monday 22 December 2025 14:37
To: Appeals2
Subject: ABP-322154-25
Attachments: ACP FI Observations Alan & Laura Trayer 22.12.2025.docx

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Attn: Daniel O'Connor,

Dear Mr. O'Connor,

Further to the above appeal case, please find our further submission including observations.

Grateful if you would acknowledge safe receipt of this email and attachment by return.

Kind regards,

Alan Trayer & Laura Trayer

Submitters details

Name	Alan & Laura Trayer
Address	Hillview, Kilmanagh, Co. Kilkenny, R95P8N6
Email	alan.trayer@gmail.com
Date	22/12/2025
Note	Please also refer to BPS Planning & Development Consultants submission representing KBT Responsible Energy

In relation to application

An Coimisiún Pleanála Case Reference	ABP-322154-25
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.

Dear Sir/Madam,

We are residents of Kilmanagh village, Co. Kilkenny. Our home (identified as H036 by the developer) is sited c.1150 metres from the proposed Briskalagh windfarm. We previously made submissions to Kilkenny County Council on 06/02/25, An Bord Pleanála on 21/4/2025 and An Coimisiún Pleanála on 23/11/2025.

We now make this further submission in response to the Further Information submitted by the appellant which we received by post 7/11/2025.

We wish to reiterate that we stand by all of our previous observations and objections. Following close scrutiny of the appellant's Further Information responses received 07/11/2025, we remain of the firm belief that our concerns and misgivings remain unresolved. We are even more alarmed by the content of the Further Information given it lacks in specific detail in several instances and does not align with the specific information requested by An Coimisiún Pleanála. Moreover, it contains several more errors, omissions and lacunae.

We restate our position that that the developer's application, appeal and further information remain completely defective and insufficient in terms of:

1. Addressing Human Health & Wellbeing
2. Being of inappropriate size, scale, location
3. Inadequate engagement with the community
4. Deficiencies remain in the EIAR, key questions remain unanswered, no mitigations or conclusive information has been furnished.
5. The Developer's Natura Impact Statement remains non-compliant.
6. Planning Policy remains misrepresented and legally flawed.
7. Residents/local community remain excluded, ignored and overlooked by the developer.
8. Cumulative impacts remain unaddressed and inadequately considered.
9. Addressing Kilkenny Co Co's several reasons for refusal & CAAS's multiple queries, reasoned concerns and identified shortfalls and lacunae contained in the Planner's Report.

10. Addressing the individual Further Information queries posed by An Coimisiún Pleanála fully/conclusively or beyond reasonable scientific doubt. The Further Information supplied by the appellant is replete with a significant number of errors, omissions, inconsistencies, concerning erroneous statements & miscalculations. Sadly, this is in keeping with their original application and appeal documents which also contained many of the same types of defects.
- See previous example of erroneous statement in our last submission dated 23/11/25 i.e. our observations have not been considered or addressed by the appellant fully or at all.

We reiterate that the appellant has not acknowledged or addressed properly all of the matters raised in our previous submissions i.e. they have:

- a. Failed to acknowledge or address the grounds for refusal and community concerns and cumulative impacts in respect of noise, haul route, grid route, residential amenity and visual impact.
- b. Repeatedly insisted that the original EIAR sufficiently deals with all matters when it does not and do not provide the necessary further information, clarifications or mitigations requested by ACP.
- c. Not addressed the impact to GAA players, officials and spectators at Tom Ryall Park.
- d. Not provided the relevant detail raised by us in relation to Marsh Fritillary butterfly surveys, staff qualifications or methodology deployed
- a. Not adequately assessed sensitive receptors i.e. St. Aidan's National School (Kilmanagh Village), Scoil Ruadháin (Tullaroan Village) and in the case of Giant Steps Montessori (H104) not assessed at all.
- e. Not commented or explained their errors regarding the deficient Briskalagh Biodiversity Poster [230502 Briskalagh Wind Farm - A1 posters.indd](#)
- f. Not addressed the independent property valuation and commentary we submitted from Michael Boyd Auctioneer and continue to rely on outdated/irrelevant property valuation reports which are not relatable to the size or scale of the windfarm they propose.
- g. Not offered any meaningful, substantive or conclusive information that proves the windfarm poses no serious risks to residents, the three local villages, local environment and ecosystems.

Upon closer inspection of the Further Information, the appellant's responses fail to address the several fundamental defects identified by Kilkenny County Council, CAAS, other local residents, KBT Responsible Energy and their specialist consultants including:

- i. Hydrology, flooding and aquifer vulnerability – each remain unresolved & therefore significant risks remain in relation to local group water schemes, Callan Town public water supply, wells and water table, flooding of the locality.
- ii. Assessment of noise, low-frequency noise and related/associated health effects
- iii. Cumulative acoustic load from existing windfarms in the area
- iv. Inadequate turbine spacing and improper met mast siting
- v. Loss of residential amenity and property values
- vi. Impact on local heritage, specifically no proper heritage assessment of St. Aidan's Church or Kilmanagh Creamery
- vii. Inadequate community engagement

We restate the following Cumulative Impacts relating to the interaction of the proposed Briskalagh Windfarm with existing/permitted windfarms nearby remain completely unaddressed. The Further Information response goes no further in addressing these:

- Cumulative noise load
- Cumulative hydrological modifications
- Cumulative ecological displacement
- Cumulative health impacts
- Cumulative visual dominance.

There are six existing or permitted windfarms in close proximity to Kilmanagh and Tullaroan villages, all previously listed by us. We are not aware of any other community in Ireland that faces the prospect of seven turbines each 185 metres tall, sited c. 1km from a village in a valley setting, so near to c. 218 homes, in an area already highly concentrated with turbines.

As stated by CAAS, the addition of Briskalagh wind farm would push residents beyond the limits of reasonable residential amenity- *"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."* Kilkenny County Council Planning Report, Appendix 3, CAAS Ltd, Environmental Impact Assessment Review Page 55.

There are clear and apparent flaws in the appellant's biodiversity assessments. Key concerns remain including inadequate methodologies, lack of consideration for certain species, and insufficient consultation of Natura 2000 data forms.

KCC's refusal of the application on 27/02/2025 was based on inadequate AA Screening and NIS.

- The updated AA Screening Report does not adequately address changes to the SSCO for the River Barrow and River Nore SAC.
- Original Otter surveys were conducted outside the optimal period, leading to potential biases. The updated survey in September 2025 was also poorly timed and lacked detailed methodology, raising concerns about its credibility.
- KCC emphasised the need for robust survey work to assess impacts on the Kingfisher. Noise and vibration from construction could significantly affect Kingfisher foraging, however insufficient mitigation measures have been proposed by the appellant.
- KCC highlights significant potential for adverse cumulative impacts from the proposed development. However, the applicant's assessment of cumulative effects is still clearly inadequate and lacks the necessary detail.

With regard to ACP's request for Further Information:

1. The appellant's landscape plan for the riparian buffer along the Kilmanagh/Oldtown River is insufficient. Concerns remain regarding the impact on the riparian environment.
2. Submitted plans for the bridge crossing lack sufficient detail to assess potential impacts. Concerns about water quality impacts remain unaddressed.

3. The appellant acknowledges additional tree and hedgerow losses of 120m at this late stage only because it was brought to their attention. This is a serious and completely unsatisfactory omission in the first instance. Total loss of hedgerow is estimated at 1,508 meters which KCC considers as a significant loss of hedgerow. Insufficient detail is provided on habitat loss and its ecological implications. Proposed mitigations are wholly inadequate. The appellant has not responded to or considered our suggestion of hedge translocation to preserve its ecological value, biodiversity and established habitat.
4. KCC suggests refusal of planning permission due to poor project design and significant habitat loss. The need for a derogation license is emphasized, with serious concerns remaining about the adequacy of proposed mitigation.
5. The appellant's bat surveys show contradictory results regarding potential roosting features. Questions and concerns remain about the adequacy of assessments and the need for a derogation license.
6. We criticize the absence of dedicated surveys for amphibians and reptiles. Suitable habitats exist, and these species should have been included as key ecological receptors in the first instance but remain omitted and unconsidered by the appellant.
7. The restoration plan for the borrow pit lacks sufficient detail and assessment. It is our view that the Commission's request for a comprehensive plan regarding same is not adequately addressed.
8. KCC and KBT Responsible Energy highlight insufficient noise impact assessments in the EIAR. Serious questions remain unanswered and concerns about cumulative noise impacts and the need for detailed analysis remain unaddressed.
9. The proposed site is within critical groundwater abstraction zones, which raises justifiable public health concerns. The applicant's hydrological assessment is deemed inadequate, lacking comprehensive mapping and proper methodologies, leading to potential underestimations of flood risks. There is a misleading scenario proffered by Fluvio R&D Ltd along with serious and concerning erroneous statements, miscalculations and shortcomings.
10. The proposed grid connection and construction traffic will severely impact local roads, with inadequate assessments and mitigations provided by the applicant. Concerns about road closures and the cumulative impact of multiple energy projects highlight the need for a coordinated traffic management strategy in the first instance.
11. The appellant's response lacks consultation with KCC and fails to assess the consequences of proposed traffic management measures. Significant stretches of the R694 would be subject to long-term 'stop & go' arrangements, raising concerns about justification. KCC requires an updated Traffic Management Assessment and Environmental Impact Assessment Report for informed decision-making.

12. The EIAR indicates potential impacts on six bridges of local cultural heritage merit, with discrepancies in proposed construction methods. The appellant has not provided sufficient evidence to support claims of no adverse effects on bridge structures. Concerns remain regarding the impact on cultural heritage features, with inadequate updates to the EIAR.
13. KCC's assessment highlights significant visual impacts from the proposed wind farm, particularly within 1 km of over 40 dwellings. The EIAR does not accurately reflect the magnitude of landscape change due to the proposed development.
A 20 km study area for the Landscape Visual Impact Assessment (LVIA) is excessive and not justified. Too many of the Photomontages provided by the applicant were produced from inordinately long distances that are irrelevant to the local communities.
Conversely, there is a distinct lack photomontages produced within 10km range or from optimum viewpoints.
14. We understand the community's serious concerns regarding the deficient NIS are shared by Dr. Pat Moran who deems the NIS fundamentally flawed, lacking adequate information for a proper assessment of environmental impacts. It is noted that ACP cannot grant consent for if the NIS does not scientifically rule out adverse impact on a European site's integrity.
15. The EIAR is criticized by several professional experts engaged by KBT Responsible Energy and by independent experts CAAS engaged by Kilkenny Co. Co. for significant deficiencies in data quality, particularly in landscape, noise, ecology, and hydrology. These same experts demonstrate & state categorically that cumulative effects on residential amenity, especially in nearby settlements, are inadequately addressed.
16. The proposal fails to consider existing grid connections and their implications on road capacity and safety. The routing of the proposed grid connection is questionable in terms of its technical feasibility and alignment with climate objectives.
17. The site is located in critical groundwater catchment areas, raising serious concerns about potential impacts on water quality and public health which have not been addressed by the appellant.
18. Gaps in biodiversity surveys raise doubts about the protection of various species and habitats, including otters and bats. The overall risk assessment fails to consider bat species abundance in Ireland, leading to inaccurate collision risk evaluations.
Numerous gaps and omissions in the Appropriate Assessment (AA) screening and Natura Impact Statement (NIS) render them inadequate and non-compliant with the Habitats Directive. Critical issues include flawed collision risk modelling, lack of nocturnal surveys for certain bird species, and insufficient consultation of Natura 2000 data forms.

19. Concerns are raised regarding the validity of landowner consents, as some were signed before the incorporation of Briskalagh Ltd. Contracts simply cannot have been executed by Briskalagh Ltd before it was legally formed because the company did not have legal existence or contractual capacity on the dates some of the consent contracts were signed.
20. Grosvenor Consultancy on behalf of KBT Responsible Energy emphasise the need for thorough assessments of environmental acoustic pollution and the potential adverse effects on local residents arising from Briskalagh and cumulatively alongside existing & permitted nearby windfarms. The appellant's assessments in this regard have been demonstrated as deficient by both Grosvenor Consultancy and Huson & Associates.

Final points:

The appellant continues to assert that their Windpro software is best placed to provide optimum turbine spacing and met mast siting, but they elaborate no further to demonstrate or prove this assertion. Mr Con Sheehan, a qualified Land Surveyor and Fellow of SCSI & RICS on the other hand, offers "*Windpro software and their design team's collaboration, which in my opinion to date has not worked very well on many existing windfarms*". An Coimisiún Pleanála will note Mr. Sheehan was the surveyor involved in mapping the dimensions of the Ballyduff wind farm on behalf of the Plaintiffs which was ruled upon by Justice Emily Egan in May 2025.

Would ACP kindly ask the appellant to confirm whether Windpro software was used to design turbine spacing and layout on their Slievecallan and Knockduff windfarms? As ACP may be aware, there have been a raft of noise nuisance complaints lodged to Clare Co Co regarding Slievecallan WF. We remind ACP that the appellant's associated company Green Energy Supply made a settlement with Valentine Kelleher's family arising from noise, vibrations and shadow flicker from the Knockduff windfarm. If Windpro was involved in the design of these two windfarms, then it does not inspire confidence or provide reassurance in terms of future windfarm developments – quite the contrary.

A cursory web search confirms that Windpro software is not infallible. Like any complex modelling tool, its results are dependent on the quality of input data, the assumptions of the user and the inherent limitations of the physical models it uses. Windpro's accuracy is contingent on several human and technical factors:

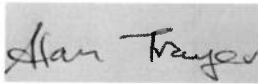
- Input Data Quality: The software requires accurate input data, such as elevation data, wind measurements and roughness calculations. If the data is incomplete or inaccurate, the output will be affected
- User Experience
- Model Limitations
- Ongoing development

The High Court has recognized wind turbine noise as a significant issue, highlighting the need for effective solutions. Solutions also means taking precautions. Given several issues in terms of noise data and turbine spacing have been clearly identified by several independent experts, we would respectfully ask An Coimisiún Pleanála to invoke the precautionary principle and thereby uphold the original refusal decision.

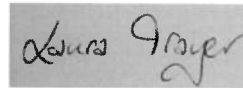
We lastly wish to reiterate that we support renewable energy including wind once it is done responsibly, once the local community are properly consulted and provided the local community and local environment are respected and protected.

Considering all of the evidence and points that have been made by this community and several independent professional experts including CAAS and KCC's position, we fear this development if permitted, would push our community and environment way beyond reasonable thresholds and there would be far reaching consequences. We therefore implore An Coimisiún Pleanála to uphold the original refusal to ensure that our families, children, water sources and local environment do not end up as test subjects in years to come.

Yours sincerely,



Alan Trayer



Laura Trayer

