

File With _____

SECTION 131 FORM

Appeal NO: ACP ABP-3 22154-25Defer Re O/H ☐Having considered the contents of the submission dated/ received 24/11/25
fromAlan + Laura Traynor I recommend that section 131 of the Planning and Development Act, 2000
be not invoked at this stage for the following reason(s): No new planning issuesE.O.: Daniel O'ConnorDate: 25/11/25

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 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ~~ACP~~ ABP-322154-25

M _____

Please treat correspondence received on 24/11/25 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with <u>BP23</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Commission's Letter ☐	2. Keep Envelope: ☐
	3. Keep Copy of Commission's letter ☐

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

4. Attach to file (a) R/S ☐ (d) Screening ☐ (b) GIS Processing ☐ (e) Inspectorate ☐ (c) Processing ☐	RETURN TO EO ☐ <u>Re-submit drawer</u>
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	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: <u>Daniel O'Connor</u>	AA: <u>Shirley Connolly</u>
Date: <u>25/11/25</u>	Date: <u>27/11/25</u>

Dan
O'Connor

Catherine Flynn

From: Alan Trayer <alan.trayer@gmail.com>
Sent: Monday 24 November 2025 11:58
To: Appeals2
Subject: RE: ABP-322154-25
Attachments: A & L Trayer. Observations on RFI 23.11.25.docx; Alan Trayer valuation letter Jan 2025 Values Redacted.pdf

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, attached please find our initial submission/observations and property valuation letter from Boyd's Estate Agents (the property values in € have been redacted).

We will respond further in due course during the extended public consultation period.

Grateful if you would acknowledge safe receipt of this email and attachments 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	23/11/2025
Note	Please also refer to KBT Responsible Energy Submission

In relation to application

An Comisúin 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 and An Bord Pleanála on 21/4/2025.

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

We wish to firstly state that we continue stand by all of our observations and objections made heretofore. Nothing in the appellant's Further Information Responses received 7/11/25 has allayed our concerns and misgivings regarding this wholly inappropriate windfarm development. Our concerns have increased following our initial readings of the FI responses if anything.

We welcome An Comisúin Pleanála's decision to require the appellant publish new revised public notices given the voluminous amount of new information now submitted as Further Information.

The observations we list herein are not to be taken as an exhaustive list and we reserve our rights to make additional submissions during the extended five-week public period once the notices are published.

We steadfastly maintain 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 Comisúin Pleanála fully/conclusively or beyond reasonable scientific doubt.

11. 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.

One such concerning erroneous statement in the RFI is found on Page 61 at Point 2.7.4.1 ***'A total of 60 third party submissions were submitted to the Commission in relation to the First Party Appeal of the Proposed Project..... It is noted that 55 of the 60 no. submissions from Observers are identical. These have been addressed in Table 6 under the Observer 'Community Submission Template', rather than including a row for each Observer individually.'***

It is completely false and misleading to say that 55 of the 60 submissions were identical because we (Alan & Laura Trayer) along with several other people in this community lodged personalised/individual submissions to the First Party Appeal, yet our names and observations are not listed in Table 6 (pages 62-64). We can only assume the appellant treated our submissions to the appeal as community submission templates and didn't bother to read or treat them properly. This backs up our assertion below that the appellant has failed to acknowledge or address all of the matters raised by us (Alan and Laura Trayer).

Secondly, the appellant still fails to acknowledge or address properly all of the matters raised in our own submissions/observations relating to their appeal - namely:

- a. They continue to fail to acknowledge and address all of the grounds for refusal and several community concerns in the first instance, specifically cumulative impacts with regard to noise, haul route, grid route, residential amenity and visual impact. The appellant continues to argue that all of the necessary information was presented in the original application and continue to state to 'refer back to' the relevant EIAR section, still without providing the necessary clarification or mitigation.
- b. They have not properly addressed the impact to GAA players, officials and spectators that will be caused at Tom Ryall Park by seven turbines, 185metres in height to the North.
- c. In relation to *Marsh Fritillary (Euphydryas aurinia)*, in Appendix 3, Section 3.3.11 while the appellant's FI Response lists a number of walkover survey dates, we note there is absolutely no detail provided in relation to the number of people involved in each of the walkover surveys, their qualifications or the methodology deployed, specifically in the case of Marsh Fritillary. The appellant has still not clarified in their Further Information what they deem to be 'suitable habitat' for Marsh Fritillary.
- d. Sensitive Receptors such as St. Aidan's National School (Kilmanagh Village), Scoil Ruadháin (Tullaroan Village) remain inadequately assessed and in the case of Giant Steps Montessori (H104) not assessed at all.
- e. No commentary or explanation is still forthcoming from the appellant regarding the Briskalagh Biodiversity Poster which states that 'cormorant, curlew, greylag goose, lapwings,' were observed on site. [230502 Briskalagh Wind Farm - A1 posters.indd](#)
- f. The Further Information Response completely ignores the independent property valuation and commentary we submitted from Michael Boyd Auctioneer (redacted copy enclosed dated 27/1/2025) which states our house will diminish in value by 50% if this proposed windfarm is built. Mr Boyd's report continues to say '*it is reasonably foreseeable that your house would not be saleable at anything except a fire-sale price*'.

All of the former from Mr. Boyd is independent professional advice – it is not speculation.

We refer to the statement made 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*". It therefore holds that if the overall residential amenity of this community is significantly impacted should this windfarm proceed, then property values will inevitably be impacted to the same degree.

The appellant's FI Response however continues to rely on outdated/irrelevant property valuation reports which do not pertain to the size or scale of this proposed windfarm.

- g. Following our initial readings of the Further Information Responses, the appellant offers no new substantive or conclusive information to prove that this proposed windfarm continues poses no serious risk to the residents of and ecologies of Kilmanagh/Tullaroan/Ballycallan areas.

Thirdly, the Further Information 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

Fourthly, the following Cumulative Impacts relating to the interaction of Briskalagh 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 village, namely Ballybay WF, Foyle WF, Farranrory WF, Kyleballyoughter WF, Cnoc WF and Ballincurry WF.

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.

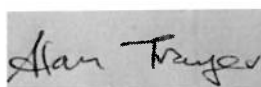
As stated by CAAS, the addition of Briskalagh wind farm would push residents beyond the limits of reasonable residential amenity- *"the cumulative effects will, arguably, exceed the threshold of what a community can be reasonably expected to tolerate for the overall residential amenity of the community. 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.

In conclusion, the appellant's Further Information response fails to address the substantial issues raised by us, Kilkenny County Council, CAAS, Independent Experts, other members of this community.

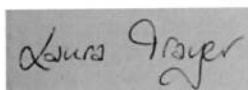
Significant risks remain unresolved as outlined above and in view of the scale of the deficiencies, there remains ongoing scientific doubt across several areas and environmental concerns.

We will respond further in due course during the extended public consultation period.

Signed:



Alan Trayer



Laura Trayer

The logo for Boyd's, featuring the word "Boyd's" in a white serif font on a dark blue rectangular background.

The Estate Office,
The Parade,
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R95 V8WE

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W: www.boyds.ie

Established in 1991

Mr. Alan Trayer
Hill View
Kilmanagh
Co. Kilkenny
R95 P8N6

27th January 2025

Re; Appraisal of house at Hill View, Kilmanagh, Co Kilkenny

Dear Alan

This is to confirm that I have inspected your home at the above address and write to appraise you of my view of the diminution in value attributable to the development of the proposed Briskalagh wind park. I have considered the value of the house on the following three assumptions;

- 1) Its value with the existing wind park
- 2) Its current value in light of the proposed wind park.
- 3) Its likely value should the wind park go ahead.

The purpose of this letter is to enable you to add to an observation/objection to a recently filed planning application for a wind park near your home.

The house is located in the village of Kilmanagh, Co. Kilkenny. Kilmanagh is an attractive village with two churches, a national school, a pub grocery, a GAA club and a co-op. The area can be characterised as a well populated rural area centred on the village with many farmsteads and also one-off homes built by families from those farms who work in nearby Kilkenny, Waterford and Clonmel. There are circa 200 homes within two kilometres of the proposed windfarm. The area supports a thriving primary school and GAA club.

About 2.4 kilometres to the Northwest at Foyle is an existing wind-park built 2012 partially concealed behind the hill. These machines are of the older generation and are about 120m in height. It is my view that the proximity of these already detracts from the value of your property. Further I note that within 10 kilometres of Kilmanagh there are some 27 turbines either proposed or installed. All of the existing ones are of the 100 – 120 metre size.

The existing wind park appeared to me when I visited your home to be located about a kilometre away. I note with alarm from measuring this on Google Maps that the nearest turbine in this wind park is actually 2.1 kilometres away, yet it still intrudes on the amenity of your home to a considerable extent. The scale of the turbines in the proposed wind park is

such that the blade span of one turbine is the same as the tip height of the existing turbines. I understand that seven of these new 185 metre turbines will be within 2.7 kilometres of your home. The nearest will be circa 960 metres. Thus, the dominance of this wind-park over your home will be a matter of great concern to any potential buyer of it on the grounds of health, noise, visual amenity and value. Your house will be surrounded by these machines.

Your house is a very tastefully extended and refurbished two storey farmhouse with a range of outbuildings built circa 1900 and extended circa 2012 extending to circa 270 sq. metres; all turned out in immaculate order. Construction is of traditional masonry and twin leaf concrete block walls, concrete floors, a timber framed roof slated. Glazing is by attractive sliding sash windows, all double glazed. There is oil fired central heating plus a solid fuel stove, mains water and a septic tank. There is a range of very fine stone-built outbuildings leading to the farmyard. This appraisal detached garage in a similar style to the house.

The entire sits on a larger landholding but for the purposes of this report I have assumed a site of circa 0.2 hectares. It enjoys lovely views southwards over the village and surrounding countryside.

I have assumed the property enjoys a clear freehold title free of unusual encumbrances and that it complies in all respects with planning regulations.

My approach is to firstly appraise it on the basis of its value prior to the lodging of the application 25/60003.

1) Value prior to lodging of application 25/60003;	€XXXXXX	100%
2) Value with the planning application lodged;	€YYYYYY	70%
3) Value with the proposed wind park built; Not more than	€ZZZZZZ	50%

Given the proximity of operational and permitted wind parks within 6 kilometres of this property if the proposed wind park were to be permitted it is reasonably foreseeable that your house would not be saleable at anything except a fire-sale price.

Recent cases; I note two recent High Court Cases in Ireland where judgements cause concern. I understand many more such cases are yet to be decided and the trend of judgements in Ireland and abroad bears careful consideration. The outcome of the Ballyduff case in Wexford, (High Court records 2018 8458 P and 2018 8457 P) where it has been ruled that the Ballyduff wind park was a direct cause of serious nuisance to neighbours making enjoyment of the properties very difficult.

The logo for Boyd's, featuring the word "Boyd's" in a white serif font on a dark blue rectangular background.

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Established in 1891

In *Kelleher (various) v Green Energy Supply Ltd*, Record no's. 2018 6190, 6191 and 6192 the windfarm owners made a substantial settlement with the children for nuisance and disruption to their lives. Cases for the parents remain pending at the time of writing. The nett point was that the family simply couldn't continue living in their home adjacent to a wind park and had to move 8 miles away rendering their old home worthless.

These cases and many other similar ones pending before the courts make it clear to me as a valuer and auctioneer that wind parks are being proven to have detrimental effects on the health and amenity of people who live in close proximity to them. Thus, it follows that property values in such areas will inevitably suffer. Nobody will want to live close to these developments as cases keep emerging about their effects on people's health.

Definition of Market Value

The estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties acted knowledgeably, prudently and without compulsion.

Conclusion

A very significant reduction of not less than 50% in the value of your home is unavoidable if the proposed development goes ahead.


Your sincerely

Michael Boyd
SIOR, FRICS, FSCSI, Dip. Arb. Law, Dip IoD, Dip PR.
Boyd's