

File With _____

SECTION 131 FORM

Appeal NO: ~~ACP~~ ABP-322154-25Defer Re O/H ☐Having considered the contents of the submission dated/ received 25/11/25
fromPA 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: 27/11/25

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 FORM

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

M _____

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

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

2. Acknowledge with BP233. Keep copy of Commission's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Commission's letter ☐

Amendments/Comments

PA's response to S131 notice

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 & Connor</u>	AA: <u>Shuley Connolly</u>
Date: <u>27/11/25</u>	Date: <u>27/11/25</u>

Dáire Littleton Caden

From: Elaine O'Reilly <elaine.oreilly@kilkennycoco.ie>
Sent: Dé Máirt 25 Samhain 2025 17:22
To: Appeals2
Subject: PA Response ABP-322154-25
Attachments: PA Response ABP-322154-25.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.

Hello,

Please find attached the Kilkenny CoCo comments regarding the above appeal

Kind Regards
Elaine

Planning Section



Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Pobail agus Áiteanna Inbhuanaithe a Chruthú

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T



Creating Sustainable Communities and Places

To: An Coimisiún Pleanála

25/11/2025

appeals@pleanala.ie

Re: ABP-322154-25 (2560003) - Briskalagh Ltd.

A Chara,

I refer to your correspondence of the 5th November last relating to the above appeal. The Planning Authority wish to make the following comments.

1. Item number 1 of the further information request relates to an undated screening report required due to changes to the SSCO for the River Barrow and river Nore SAC on the 6th of June 2025. It should be noted that Kilkenny County Council made its decision to refuse the application on the 27/02 /2025 for three reasons. An Coimisiún Pleanála needs to satisfy itself that the AA screening and NIS (revised) are fit for purpose in arriving at its decision. This will ensure that any decision is robust and can withstand any potential challenge under the judicial review process.
2. In relation to the Otter species the Commission has correctly identified that the Otter is a protected species. As in point 1 above the commission needs to satisfy itself as to the adequacy of the information provided for its assessment and ensure that sufficient protection is provided for the Otter as a Q1 species.
3. For item 3 the Commission needs to satisfy itself that the proposed development will not impact on the Kingfisher which is the designated species for the SPA. This includes not only any mitigation proposed but that the survey work is sufficient and robust for its purpose.
4. Items 4- 7 of further information request are noted and that the Commission is seeking details on the River Nore crossing a landscape plan and section diagram for the riparian buffer along the Tullaroan stream. It

should be noted by the Commission that in assessing the application before it, Kilkenny County Council considers notwithstanding the further information request from An Coimisiún Pleanála that the proposed development has significant potential for adverse impacts due to cumulative impacts. The applicant's presentation of the assessment of cumulative effects generally fails to identify if there is real potential for cumulative effects to occur as a result of any specific other plans, projects or activities in the area; or the environmental factors under which such effects may arise.

The response to item 7 by the applicant demonstrates clearly the inaccuracies of the information supplied to the Council as Planning Authority. An additional 120m of hedgerow loss has been identified with a total loss proposed of 1,508 m. Overall the Planning Authority considers this as a significant loss of hedgerow.

5. Item 8 of the further information requires details of the possibility of a derogation from Annex IV. Given the national commitments under the National Biodiversity Plan the Planning Authority would be very concerned that any derogation would be allowed. A redesign of this aspect of the project would be the very minimum required and the preference of the Planning Authority would be to refuse the application. It is a further demonstration of the poor quality and ill-considered nature of the overall design of the project.
6. Items 9, 10 and 11 the Planning Authority has no comment.

Noise

Item 1 – 4: From the information requested by the Commission it is clear that the level of detailed information with the application was incomplete and insufficient to enable the Planning Authority to adequately assess the effects of the proposal. While this particular issue relates to noise this has also been the case in relation to biodiversity and impacts on the SAP and SPA and protected species such as Bats and Otters. It is noted that a commitment is given that at construction stage the contractor will “coordinate with contractors for other projects to ensure that works do not coincide so as to cause cumulative impacts along the proposed grid connection route”. It demonstrates the uncertainty around the impacts of

the project. The impacts cannot be adequately assessed given that the timing of the works are undetermined (winter/summer) and along the public road.

Hydrology and Hydrogeology

Items 1 – 5: It is a requirement of the Water Framework Directive that waters used for the abstraction of drinking water are protected so as to avoid deterioration in quality. The proposed wind turbine site is located in the groundwater abstraction catchment zone of contribution for the Callan public water supply and group water supply schemes, and the proposed grid connection route is located in the surface water abstraction catchment for the Kilkenny City (Troyswood) Water Supply. The proposed cabling route crosses a number of watercourses / tributaries which flow towards the Troyswood abstraction point on the River Nore. The documentation submitted fails to provide a comprehensive mapping and assessment of all actively flowing watercourses through the site or to adequately consider the surface water abstraction catchment the Troyswood scheme. The applicant in the application to Kilkenny County Council failed to demonstrate that the proposed grid connection route will not adversely impact Uisce Eireann infrastructure including along the local road L5023 in Tullaroan, along the R694 road at Freshford and at Ballyragget on the N77.

The Planning Authority notwithstanding the further information request by the Commission is not satisfied that the applicant has demonstrated that the proposed development will not lead to unacceptable risks to groundwater within groundwater and surface water abstraction catchment zones, or impact on existing water services infrastructure contrary to public health.

Roads and Traffic

The Planning Authority would refer the commission to the roads report by the Roads department of Kilkenny County Council which highlighted the concern regarding the lack of plan led strategy and co ordinating mechanism for the delivery of private led infrastructure connections to energy projects. Each being planned and designed on an individual basis. There are practical difficulties with this approach as highlighted in the roads report. An alternative approach is required for the connection routes to energy projects. It is considered by Kilkenny County Council that this project should

be considered premature until a suitable connection route is provided/design/approved.

Cultural Heritage

No further comment in relation points 1 and 2 of cultural heritage.

Landscape and Visual Impact.

Effects on landscape include the extent to which the proposed development affects the overall

landscape through its visibility as well as effects on other media that can affect how the

landscape is perceived, such effects can include noise, flicker, and disturbance. Consideration of the overall accumulation of effects is relevant, particularly when moving about within the receiving environment.

In relation to impacts on landscape, Kilkenny County Council have considered a number of contributing factors, including:

- Reviews of the documentation provided by the applicant including Landscape Visual Impact Assessment and photomontages
- Public Submissions
- Referral responses
- The context of relevant policy guidelines
- Site visits to the development site and surrounding areas and landscapes
- Site visit to wind farm of similar scale in at Drumlins Park, Co. Monaghan
- Independent review of the application and EIAR commissioned by Kilkenny County Council

A dispersed pattern of residential and traditional farmhouse structures is indicative of a low population density. However, the site of the proposed development lies within a topographic enclosure that contains two settlements – Kilmanagh and Tullaroan.

The proposed development will consist of seven wind turbines, each with a height in excess of 185m as well as the laying of underground 38kV cabling

for approximately 23km in length under public roads to connect to the national grid at Ballyragget. The development will take place within 1 km of over 40 dwellings.

As stated in the EIAR by the applicant "the landscape character of the proposed windfarm site will undergo major changes in the landscape by the introduction of vertical man-made structures, ancillary infrastructure and hardstanding areas. There will be a substantial magnitude of change to the landscape in the localised areas within the proposed windfarm site where the landscape is materially altered (infrastructure footprint)."

However, this clarity in relation to the magnitude of change in the landscape is not reflected accurately elsewhere in the EIAR and it is the considered view of the Planning Authority that irrespective of the further studies and documentation submitted as part of the response to the further information requested by An Coimisiún Pleanála that this fundamental principle has not been addressed by the applicant.

Conclusion

Notwithstanding the request for further information by the Commission, the cumulative effects of the proposed development will impose an unreasonable and disproportionate environmental loading on the character of a rural area with a locally concentrated population. The scale of the development is unprecedented in Kilkenny due to the size of the turbines and their location on lowlands surrounded and closely overlooked by a large number of houses.

Kilkenny County Council respectfully request the commission to refuse the proposed development in line with the Council's decision of the 27/02/25.

Is Mise le meas,

A handwritten signature in dark ink, appearing to read 'Denis Malone', written in a cursive style.

Denis Malone
Senior Planner