

File With _____

SECTION 131 FORM

Appeal NO: ACP 180-322154-25Defer Re O/H ☐Having considered the contents of the submission dated/ received 24/11/25from + NoraTom HoganI 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: 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 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 Tom + Nora Hogan's response to
SJI notice**4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐Re-submit

	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

Catherine Flynn

From: Tom Hogan <thogankilmanagh@gmail.com>
Sent: Monday 24 November 2025 10:22
To: Appeals2
Subject: Attention: Daniel O'Connor
Attachments: SubmissionReACP322154-25.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.

ACP: 322154-25
Planning Authority Ref: 2560003

Hi Daniel,
Please find submission attached.

Kind Regards,
Tom & Nora Hogan

Kilmanagh Ballycallan Tullaroan (KBT)

Responsible Energy

Details

Submitter:

Name	Tom & Nora Hogan
Address	Knockeenglass, Kilmanagh, Co. Kilkenny R95 K283
Date	24/11/2025

In relation to application

An Bord Pleanála Planning Reference	ABP-322154-25
KCC Planning File	256003
Name	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.

1. Purpose of this Submission

Due to the limited time set out to reply to your letter dated 5th November 2025, we have been unable to compile a thorough report in response to the significant and new information contained within the Further Information response. We are grateful to note that the appellant will be requested to re-advertise to allow us, and the wider public, a further five weeks to make additional submissions once the revised notices are published regarding the new information.

This report is intended to summarise concerns raised by the local community, the over 500 individuals who signed the community submission to Kilkenny County Council, and its experts which have not been resolved in relation to the proposed Briskalagh Renewable Energy Development (7 x 185 m turbines and associated infrastructure near Kilmanagh, Co. Kilkenny). This is not intended to be an exhaustive report and we reserve the right to submit further responses as part of the aforementioned five-week public consultation.

This report draws on:

- KBT Responsible Energy previous submissions to Kilkenny County Council and An Bord Pleanála (now An Coimisiún Pleanála)
- Individual and group community submissions and third-party observations
- Expert reports: Grosvenor Consultancy (noise & planning), Huson & Associates, Hydro-G (hydrology/flooding), Roger Goodwillie (ecology), FP Logue (legal/planning), IARO noise study, etc.
- Kilkenny County Council (KCC) Planning Report and Refusal
- CAAS EIAR Review and CAAS NIS Review for KCC
- The applicant's First Party Grounds of Appeal and subsequent Response to Further Information (FI) to An Coimisiún Pleanála, including updated bat surveys and hydraulic modelling

Across all of these, the consistent community position is:

The Briskalagh proposal is inappropriately scaled, poorly-sited and procedurally flawed. Its proposed location is within an area already making a significant contribution to national renewable energy targets.

The EIAR, NIS, appeal and FI responses do not resolve serious deficiencies as identified by residents, experts, KCC or CAAS.

"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 due principally to the combined effect of potential visibility and noise, as well as flicker and disruption of material assets, especially roads, during a prolonged period.

While proximities between individual turbines and individual dwellings appear to fall at, or close to, minimum standards, 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.**

2. Overarching Concerns

Across documents, the key themes are:

1. Residential amenity and human health: unacceptable risk from noise (including low-frequency/infrasound), shadow flicker, construction disturbance and proximity of 185 m turbines to two villages and circa 218 homes within 2 km and the subsequent impact on property value.
2. Inadequate and flawed EIAR/NIS: substantial deficiencies in baseline data, cumulative assessment, hydrology, ecology, noise, visual impact and human health, confirmed by CAAS.
3. Water, groundwater and flood risk: significant risk to a vulnerable aquifer, group water schemes and already flood-prone Kilmanagh village due to the proposed borrow pits, foundations, spoil areas and new river crossings.
4. Biodiversity and Appropriate Assessment: unreliable botanical and ornithological baselines, insufficient bat and mammal data, and an NIS deemed non-compliant with the Habitats Directive by CAAS.
5. Cumulative impact: failure to properly assess the cumulative impact of multiple wind farms in the area on landscape, noise, health, ecology and community.
6. Landscape / visual impact: under-representation of worst-case views, particularly from the most affected homes and from Kilmanagh, Ballycallan & Tullaroan communities.
7. Traffic and haul route: serious construction traffic impacts and unfair burden to the community, including safety risks for local children and schools due to haul routes and construction compounds close to Kilmanagh.
8. Planning policy & site suitability: the site is not designated suitable for large wind development under the operative wind energy strategy (Figure 10.2 of the 2014–2020 Plan), and the proposal materially contravenes multiple local and national policy objectives.
9. Community engagement & Aarhus: persistent failure to engage meaningfully, repeated errors in identifying receptors, and poor-quality, shifting information over time, contrary to Aarhus principles.
10. Company structure & accountability: serious concerns about a limited, asset-light vehicle, offshore ownership and parallels with other problematic wind farm developments.

The community view is that the developer's appeal, the Further Information and updated technical reports largely re-state the original position and do not resolve these substantive issues as they are incapable of being remediated.

As per **Kilkenny County Council's Planning Report, page 73**

"that there are 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" and "that 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", and "that there is evidence that the proposed development by reason of its size and scale will give rise to excessive levels of adverse effects on residential amenity due to the

*cumulative effects of visual intrusion, combined with noise, flicker and disturbance of access on many nearby dwellings in and around the settlements of Tullaroan, Kilmanagh, and Ballycallan. **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.***" (our own emphasis)

The FI response does not alter these facts.

3. Residential Amenity & Human Health (Including Noise & Flicker)

As per CAAS EIAR, page 19 "*Cumulative and In-Combination Effects* The assessment of cumulative effects on population and human health, particularly the latter, are undermined by issues identified elsewhere in this review in relation to the methodology adopted for assessment of cumulative effects and deficiencies in the assessments of effects on the factors which have potential to affect human health as identified in later parts of this review."

Kilkenny County Council Planning Report, Page 50 "*Kilkenny County Council considers 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. Throughout the review of each of the specialist topic EIAR chapters the finding of inadequate assessment of cumulative effects recurs. This is considered a serious flaw in the EIAR and is as a result 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.*" (our own emphasis)

It continues to be our contention that there remains significant and unresolved concerns regarding the impact on human health and residential amenity.

3.1 Proximity and unprecedented scale

- Turbines of this size and scale, in combination with multiple windfarms in the locality is unprecedented
- CAAS stated that the proposed development would "*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*"

3.2 Noise, low-frequency noise and infrasound. The FI response does not change the fundamentals of the issues at hand.

Community and expert concerns remain in relation to:

- Inadequate scope
- Existing noise burden
- Predicted exceedances & underestimation
- Wake effects and turbine spacing issues remain unaddressed

CAAS explicitly states that due to deficiencies in the EIAR, "**a reasoned conclusion on effects on human health cannot be made**" and that the efficacy of mitigation measures cannot be determined. (Our own emphasis)

In light of the above, we ask An Coisiún Pleanála to ensure that this community is not treated as test subjects for the potential health effects associated with this proposed development.

The developer's FI response continues to minimise health risks, relying heavily on dated literature. The community therefore maintains that there is an unacceptable health risk.

3.3 Shadow flicker

Residential properties will be exposed to shadow flicker exceeding the accepted threshold. These shadow flicker impacts are significant, long-term and not reliably mitigated.

The FI response does not change this.

4. Water, Hydrology, Flooding & Aquifer Protection

4.1 Groundwater & group water schemes

- The site overlies a regionally important, highly vulnerable aquifer feeding the Kilkenny West Group Water Scheme, the Tullaroan Group Water Scheme, the Callan Town public Water Scheme in addition to numerous private wells.
- KCC and Hydro-G express serious concern about turbine foundations, borrow pits, spoil management on or near the drinking water source, with a risk of direct interception of the water table and contamination pathways.

HES's original hydrology chapter is considered insufficient by CAAS and Hydro-G. The FI response and new hydraulic modelling provide more detailed analysis but do not address key gaps raised by Hydro-G and KBT.

4.2 Flood risk and Kilmanagh village

- Kilmanagh has a history of serious fluvial and pluvial flooding. The proposed new access road, crossings and extensive hardstands have potential to alter runoff patterns and worsen downstream flood risk.
- CAAS and KCC explicitly state that the original EIAR does not provide enough information to reach a reasoned conclusion on water impacts or the effectiveness of mitigation.

We note the Fluvio R&D Limited report, submitted as part of the appellants Further Information response. Our initial review of this new document finds serious and multiple erroneous statements. One such example can be found on page 50 of the Fluvio R&D Limited report which states that special attention was given to flood levels in Kilmanagh village. In particular, and as highlighted in Figures 33 & 34 of the report, it is explicitly stated that during the occurrence of a Q100cc (1 in 100 year + climate change) or a Q1000cc (1 in 1000 year + climate change) the output of the hydraulic modelling exercise demonstrates that the hurling pitch immediately downstream of Kilmanagh bridge does not flood. **This is a significant and concerning erroneous statement and miscalculation.**

The hurling pitch at this location is known to be subject to flood inundation on a regular basis. Figure 1 below illustrates the hurling pitch following one of three flood events in October and November 2023. And as recently as 11th November 2025, this flooding recurred at this location once again.



Figure 1

This demonstrates that this Site Specific Hydraulic Modelling exercise is significantly flawed and does not provide any confidence whatsoever in relation to the potential adverse impact of the proposed wind farm development on the existing hydrological regime of the area

5. Ecology, Biodiversity & Appropriate Assessment

5.1 Botanical

- Goodwillie's review shows significant errors in species lists (e.g. *Alopecurus aequalis*, a Flora Protection Order species, listed but not flagged; unrealistic ground flora assemblages), bringing the reliability of the entire habitat classification into question. The FI response does not respond to the errors named.
- CAAS echoed these concerns, stating that misclassification of grasslands and failure to properly interrogate the survey species lists "*calls into doubt the accuracy and reliability of the botanical report which supports the habitats identified for the NIS.*"

5.2 Birds & NIS non-compliance

- CAAS concluded the NIS is non-compliant with the Habitats Directive, noting a "*significant lack of supporting information for certain ecological receptors (such as birds)*" and insufficient basis for ruling out adverse effects on European sites beyond reasonable scientific doubt.

- KBT highlight the contradiction between the Briskalagh Biodiversity Poster (used in public consultation, listing species such as curlew, lapwing, greylag, etc. as present onsite) and the EIAR/NIS, where these species are then treated as absent or irrelevant. The FI response does not respond to this.

5.3 Bats and mammals

- Original surveys for otter and other mammals were carried out in sub-optimal seasons; bat survey coverage and treatment of potential roost features and corridors were criticised by CAAS. While new bat and otter surveys have been conducted, this is significant new information which will be addressed thoroughly in the next submission as part of the public consultation.

5.4 Updated NIS

A review of the revised NIS will be submitted by KBT Responsible Energy as part of the five-week consultation process however at this juncture we wish to highlight that

5.4.1 Despite the extra pages, the updated NIS still fails to meet the legal standards of the Habitats Directive, for several reasons:

- Fundamental baseline errors remain
- Incomplete bird datasets

SCI treatment remains unresolved, no explanation has been given as to why only one species was analysed while others remain ignored species known locally e.g. curlew, lapwing, greylag goose, golden plover, etc.

This means the NIS still cannot rule out impacts on SPA bird populations beyond reasonable scientific doubt.

Under EU case law (CJEU C-258/11), mitigation cannot substitute for certainty in baseline or impact prediction. The updated NIS still breaches that requirement.

CAAS said: *"A reasoned determination cannot be made due to the absence of critical information in the NIS."*

"Reasonable scientific doubt remains."

The new information in the FI stage does not alter those failings because:

- No new bird data (other than Kingfisher) was collected,
- Hydrological doubt persists,
- Mitigation is still uncertainty-based, and
- The same defective EIAR chapters support the updated NIS.

Thus the NIS remains legally non-compliant with Articles 6(3) and 6(4) of the Habitats Directive.

The updated NIS is still fundamentally inadequate and does not resolve the reasons KCC refused permission or the concerns raised by CAAS, the community or independent ecologists.

6. Landscape & Visual Impact

- The LVIA systematically understates visual impacts, especially from the nearest homes, Kilmanagh village and key local amenities (e.g. Ballykeeffe Amphitheatre and Nature Reserve).
- Viewpoints tend to avoid worst-case views and many photomontages are obstructed by trees or features in a way that does not reflect actual daily experience. Community-produced montages show that the 185 m turbines would dominate the skyline.

The FI response emphasises compliance with guidance and adds one clarification but does not rectify the underlying selection bias or provide a genuine worst-case visual assessment for the core residential receptors. The appellant has ignored the community requests for specific site location photomontages.

7. Cumulative Impacts

The cumulative impact context for Briskalagh is unprecedented in Ireland. We have been unable to find another other community in this state which hosts:

- Turbines of 185 metres in height,
- Located as close as 1 km to a village centre,
- In a landscape already containing a concentration of existing and permitted turbines comparable to Ballybay, Foyle, An Cnoc, Kyleballyoughter, Ballincurry and Farranrory. (Appendix 1)

This community is already carrying a disproportionate share of the national renewable energy burden. The Briskalagh turbines, at 185m, would be the tallest ever developed in County Kilkenny and the tallest in the State. Their introduction into an already turbine-saturated area represents a significant escalation in both visual and acoustic dominance.

7.1 Cumulative Noise and Health Effects

Independent evidence (IARO acoustic recordings, Huson & Associates review) confirms that residents already experience intrusive turbine noise from existing developments. The potential additive effect of Briskalagh, has not been modelled comprehensively.

Given international evidence that cumulative noise exposure increases health risks, the absence of robust assessment is a major deficiency.

7.2 Cumulative Landscape and Visual Impacts

The combined presence of Ballybay, Foyle, Farranrory, Kyleballyoughter, Ballincurry and the proposed Briskalagh development would turn the rural valley into a continuous industrial wind zone. This cumulative transformation has been:

- underrepresented in applicant photomontages,
- downplayed in the LVIA,
- not assessed from key community amenities (e.g. school entrances, community centre, housing estates), and
- not addressed in the FI response.

7.3 Cumulative Hydrological and Flood Risks

Multiple wind farms within the same catchment mean multiple access roads, hardstands, drainage alterations, cable routes, and ground disturbances. The Briskalagh EIAR and updated NIS do not assess the combined hydrological load of these developments.

In an area already prone to flooding and with recent severe events in Kilmanagh, this omission is unacceptable and contrary to the precautionary principle.

7.4 Cumulative Ecological Impacts

The EIAR and updated NIS fail to:

- evaluate cumulative displacement of bird species across multiple wind farms,
- examine cumulative habitat fragmentation for bats and mammals,
- assess the combined impacts of several large turbines on sensitive hedgerow corridors.

The FI response does not address any of these issues raised by the community and experts.

7.5 A community at or beyond saturation threshold

Given the scale, height, and proximity of Briskalagh's proposed turbines, and the already heavy turbine presence in the area, the addition of this development would push the local community past any reasonable saturation point.

This is not a standard cumulative scenario, it is one that is unmatched anywhere else in the State, making it inappropriate to impose further industrialisation on this rural population.

8. Property Prices- Residential Amenity

Property value concerns are inherently tied to amenity impacts.

Given the:

- unprecedented turbine height (185m),
- proximity to Kilmanagh village (1km),
- over 215 homes within 2km,
- existing and cumulative noise/light/visual intrusion.

KCC acknowledged "significant residential amenity concerns". This in turn, surely goes without saying, that the impact on property prices cannot be underestimated in the manner the applicant continues to suggest.

Given the significant concerns regarding residential amenity, local property value concerns continue to be valid as property value is inherently tied to amenity impacts.

In addition, concerns for future residential development viability remain. We note recent instances of wind farm developers objecting to residential planning applications along with

mortgage refusals on the basis of proximity to proposed wind farm development.

9. Traffic, Haul Route & Construction Disturbance

- Principal turbine delivery and construction routes pass through Kilmanagh, with a construction compound and spoil area located close to the village and approximately 120 m from St. Aidan's NS entrance.
- Concerns include child safety, congestion, noise/dust, and significant disruption to daily life, events and farming over an extended construction period (up to two years).

The FI response provides additional traffic details and some mitigation proposals but does not change the fundamental geometry- large volumes of HGVs, abnormal loads and employee traffic would still move through the heart of the community.

10. Planning Policy, Wind Strategy & Site Suitability

- FP Logue's legal opinion and KBT's submissions state that due to the Ministerial Direction, Figure 10.2 of the 2014–2020 Kilkenny County Development Plan remains operative under Section 31(6)(b) PDA 2000, and that the site for the proposed Briskalagh wind farm **is not** zoned for large-scale wind. (Appendix 2)
- The Board Direction in relation ABP-315365, where the Board expressly relied on Figure 10.2 as the operative wind strategy at page 7.

The applicant's appeal and FI argue that the newer, but suspended, wind strategy cannot be used, yet in the same breath they rely on categories ("acceptable in principle", "open to consideration") drawn from that suspended mapping. The community characterises this as selective and disingenuous.

It remains the fact that Figure 10.2 of the 2014–2020 Kilkenny County Development Plan remains operative under Section 31(6)(b) PDA 2000, and that the area of land selected for the proposed Briskalagh wind farm is not zoned for large-scale wind.

KCC also identifies multiple conflicts with:

- KC&CDP objectives on natural heritage, flooding, rural settlement, landscape protection and community well-being;
- the National Planning Framework and Climate Action Plan, which require renewables at appropriate locations, not at any cost.

The FI goes no way to addressing the ongoing conflicts with planning policy and site suitability.

11. Company Structure & Accountability

- Briskalagh Ltd is a Special Purpose Vehicle with no asset base or trading history, ultimately controlled through offshore arrangements, despite that applicant's assertion that it is an Irish owned company. This raises concerns about liability, decommissioning, remediation and financial responsibility in the event of environmental damage.

- Community submissions reference previous high-profile failures (e.g. Meenbog WF, Slievecallan WF and Knockduff WF) involving the same consulting actors, to illustrate the risks of trusting complex, remote ownership structures with high-risk developments.

The appeal and FI response do not meaningfully engage with this point beyond standard assurances, therefore the community's concerns remain.

12. Community Engagement, Aarhus & Procedural Fairness

Throughout this process:

- Information has been described by locals as piecemeal, contradictory and heavily technical, with key clarifications often emerging only late in the process (or not at all), undermining meaningful engagement.
- Important receptors (e.g. Giant Steps Montessori) were misidentified (H093 vs H104) and located on the wrong road in the appeal, calling into question the reliability of shadow flicker and noise predictions and the basic care taken with sensitive receptors.
- The Aarhus Convention rights to environmental information, participation and access to justice are regarded by the community to have been disrespected by this applicant.

13. Heritage

The FI response fails to evaluate or protect the cultural heritage value of Kilmanagh Creamery and St Aidan's Church.

The FI response does not include:

- Photomontages from the church grounds,
- Photomontages from the Creamery forecourt or approach roads,
- Any 3D or digital reconstructions showing turbine dominance.
- Views at these receptors have been minimised or omitted.

The FI response does not examine:

- How the 185m turbines alter the cultural landscape,
- The loss of contextual integrity,
- How industrial structures undermine protected vistas.

The appellant repeatedly uses the flawed "distance=no impact" logic, ignoring:

- Elevation differences
- Line-of-sight corridors
- Cumulative turbine backdrop from Ballybay, Foyle and Farranrory
- Daily-use community perspectives (school drop-off, Mass, events, funerals)

14. Conclusion: Status of community concerns

- The core concerns first raised by the community have not been addressed by the applicant's appeal or their FI responses.
- While the FI stage has added volume (e.g. extended bat surveys, hydraulic modelling, revised NIS and noise appendices), it has not cured the original deficiencies identified by CAAS, KCC and the community's experts.
- On key issues such as health & noise, hydrology & flooding, biodiversity & NIS compliance, landscape & cumulative impacts, and planning policy, the applicant's position remains essentially the same- they insist their original EIAR and NIS are adequate and rely heavily on climate and energy policy urgency to justify permission.

The community's consolidated position is therefore:

The Briskalagh wind farm development remains an inappropriately scaled, poorly sited and a procedurally defective project in a sensitive, densely settled rural landscape already making a disproportionate contribution to national renewable energy.

The applicant has not addressed the fundamental concerns raised by residents, experts, Kilkenny County Council or CAAS. There are ongoing reasonable scientific and planning doubts about its impacts on human health, water, ecology, landscape and community well-being.

It is wholly irresponsible to expose this community to unquantified and potentially significant health risks arising from this proposal.

In these circumstances, the only outcome consistent with proper planning, sustainable development and Ireland's legal obligations is to uphold Kilkenny County Council's refusal and again refuse permission.

Kind regards,

Tom Hogan / Nora Hogan

Tom & Nora Hogan

APPENDIX 1

