First Party Appeal - Further Information Response

Proposed Seskin Renewables Wind Farm, Co. Kilkenny and Co. Laois

ACP-323775-25

DOCUMENT DETAILS

Client:	**Seskin Renewable Energy Limited**
Project Title:	**Proposed Seskin Renewables Wind Farm, Co. Kilkenny and Co. Laois**
Project Number:	**231103-k**
Document File Name:	**Seskin Renewables Wind Farm Appeal FI-Laois - 2026.09.18 - 231103-k**
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Rev	Status	Date	Author(s)	Approved By
01	Draft	26/08/2026	AMB/ER	EMC
02	Draft	01/09/2026	AMB/ER	EMC
03	Final	18/09/2026	AMB/ER	EMC

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1. INTRODUCTION

MKO has been instructed by Seskin Renewable Energy Limited (the Applicant) to prepare this Response to Further Information (RFI) in respect of the Proposed Seskin Renewables Wind Farm First Party Appeal under Ref No. ACP-323775-25, following the Further Information Request issued by An Coimisiún Pleanála (the Commission) on 18th May 2026 in connection with the appeals relating to the Proposed Development.

The Proposed Development comprises the Seskin Renewables Wind Farm and associated grid connection infrastructure, as described and assessed in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) submitted with the planning applications. The overall project comprises 8 no. wind turbines and associated infrastructure, including the proposed 38 kV substation, underground electrical and communications cabling, access and accommodation works and all associated ancillary development. The elements located within County Laois comprise 2 no. turbines and associated works, while the remaining elements, including 6 no. turbines, the proposed substation and grid connection infrastructure, are located within County Kilkenny.

The Commission's Further Information Request seeks clarification and additional information in relation to a range of matters including land, soils, geology and water; noise and vibration; landscape and visual effects; biodiversity and Appropriate Assessment; consideration of reasonable alternatives; material assets and the proposed grid connection; archaeological, architectural and cultural heritage; and the implications of the Supreme Court judgment in Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5.

This report responds to each of the matters raised by the Commission and should be read in conjunction with the Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) and planning documentation already submitted, together with the updated and supplementary information contained in the accompanying appendices. Where relevant, the response identifies amendments, clarifications or additional assessment arising from the Further Information Request and confirms whether those matters affect the conclusions of the original environmental assessments.

For ease of reference, the terminology used in the original EIAR is retained throughout this response. The term "Proposed Development" refers to the overall Seskin Renewables Wind Farm and associated grid connection infrastructure assessed in the EIAR and NIS, while "Proposed Wind Farm" and "Proposed Grid Connection" refer to the respective constituent elements of that overall project.

1.1 Proposed Development Description

The Proposed Wind Farm as set out in the public notices is as follows:

The Proposed Development, subject of this application, will consist of:

i. The construction of 2 no. wind turbines with an overall turbine tip height of 175 metres; a rotor blade diameter of 150 metres; and hub height of 100 metres, and associated foundations and hard standing areas;
ii. Upgrade of existing tracks and roads and the provision of new site access roads;
iii. Underground electrical and communications cabling connecting the wind turbines to a proposed 38kV on-site substation located in the townland of Ballynaslee Co. Kilkenny;
iv. Accommodation works along the N77 National secondary road in the townland of Durrow Townparks, Co. Laois to facilitate the delivery of turbine components and other abnormal sized loads;
v. Hedgerow Removal;

vi. *Biodiversity Management and Enhancement Plan measures (including establishment of new hedgerow, translocation of existing hedgerow and enhancement of existing hedgerow);*
vii. *Spoil Management;*
viii. *Site Drainage;*
ix. *Operational stage site signage; and,*
x. *All associated site development works, ancillary works and apparatus.*

A 10-year planning permission and 35-year operational life from the date of commissioning of the entire wind farm is being sought.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) accompany this planning application.

The EIAR and NIS submitted with the application assessed the full extent of the Seskin Renewables Wind Farm development which includes the construction of 8 no. wind turbines (overall tip height of 175m), a permanent 38kV substation compound, permanent underground electrical (38kV) and communications cabling to the existing Ballyragget 110kV substation, underground electrical and communications cabling connecting the wind turbines and meteorological mast to the on-site substation, a meteorological mast, site access works, temporary construction compounds, accommodation works to facilitate turbine delivery, a borrow pit, spoil and drainage management, hedgerow removal, Biodiversity Management and Enhancement Plan measures, site signage, and all associated site development works, ancillary works and apparatus.

2. FURTHER INFORMATION REQUEST

This section of the RFI addresses each of the individual FI items in detail. It should be read in conjunction with the relevant supporting information enclosed with and/or appended to this report. The Commission's FI items have been categorised as follows:

- Land, Soils, Geology and Water
- Noise and Vibration
- Landscape and Visual
- Biodiversity
- Consideration of Reasonable Alternatives
- Material Assets
- Archaeological, Architectural and Cultural Heritage,
- Coolglass Supreme Court Judgement,
- Summary of any changes to submitted documents.

A copy of the FI Request issued by the Commission (Ref. No. ACP-323775-25) has also been enclosed with this RFI as **Appendix 1** ***'An Coimisiún Pleanála Further Information Request'*** in the interests of clarity.

In response to some FI Request items, updated versions of Chapter 13 of the EIAR, Appendix 6-2 of the EIAR and the NIS have been provided for completeness. The updates made to these documents are not deemed significant as they have not altered the overall conclusions of the EIAR or the NIS with respect to the potential effects of the Proposed Development on the receiving environment. In addition, any other information presented in this RFI is to be read in conjunction with the submitted EIAR, NIS and associated planning application documents.

2.1 Land, Soils, Geology and Water

2.1.1 Further Information Item No.1

Reference is made within the EIAR submitted to the Planning Authority to four Groundwater Monitoring boreholes (MW1, MW2, MW3 and MW4), with specific reference to associated borehole logs contained in Appendix 8-1 of the EIAR.

However, a detailed review of the planning application documentation, including Appendix 8-1 of the EIAR, has not identified the referenced borehole logs. This information is required in order to adequately verify and assess the findings presented in Chapters 8 and 9 of the EIAR.

In this regard, you are required to:

- ***Submit the borehole logs for the four ground water monitoring wells (MW1, MW2, MW3 and MW4), as drilled in May 2024***
- ***To confirm that the submitted logs correspond to those referenced in the EIAR and that they include all relevant geological and hydrogeological data necessary to support the assessment.***

2.1.1.1 Response to FI Item No. 1

A summary of the lithological information recorded for boreholes MW1 to MW4 is presented in Chapter 8, Section 8.3.4.1 (Table 8-6) of the EIAR. However, the original logs for these logs were omitted in error from the submitted EIAR. These logs have now been included as **Appendix 2** of this document and it is confirmed that these logs correspond to boreholes MW1, MW2, MW3 and MW4 as

referenced in the EIAR. The logs include all geological and hydrogeological data as discussed and assessed in Chapter 8 and Chapter 9 of the EIAR.

2.2 Noise and Vibration

2.2.1 Further Information Item No.2

Relating to Chapter 12 of the EIAR regarding Noise and Vibration:

Noise Monitoring Locations (NML1)

Section 12.4.2.1 outlines the selection of noise monitoring locations with reference to the guidance set out in the Institute of Acoustics (IOA) document 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise (2013) (IOA GPG)' and Supplementary Guidance Notes.

It is noted that Noise Monitoring Location 1 (NML1) is position to the rear of receptor H028 (Figure 12-2), to the east of the proposed wind farm, and is considered representative of approximately 16 receptors along the L58333.

Having regard to the linear spatial distribution of these receptors, their separation distances, and their position to the east and northeast of the proposed turbines (including consideration of prevailing wind direction and downwind effects), you are required to:

- ***Provide a detailed justification for the selection of NML1 as representative of this receptor group; and***
- ***Clarify why an additional noise monitoring location was not established to adequately capture variability across this receptor cluster.***

2.2.1.1 Response to FI Item No. 2

Detailed justification for the positioning of NML1 and the clarification on why an additional noise monitor was not required is provided in **Appendix 3, Section 2,** of this RFI.

2.2.2 Further Information Item No.3

HDD Works at European Sites

The proposed grid connection route includes underground cabling works which will cross beneath the River Barrow and River Nore SAC (002162) and Rive Nore SPA (004233). It is noted that no information on the baseline noise conditions at this location and predicted noise/vibration levels associated with the HDD are included in the EIAR/NIS such that potential significant disturbance effects on QI Species can be determined. In this regard you are required to submit an updated EIAR/NIS which responds to this issue.

2.2.2.1 Response to FI Item No. 3

An assessment of the construction phase impacts of the proposed grid connection and underground cabling construction is presented in Chapter 12, Section 12.6.2.5 of the EIAR. A further noise survey has been undertaken in the area where HDD works are proposed, the results and assessment have been included as **Appendix 3, Section 3,** of this RFI.

It is noted that this FI Item requests that the submitted EIAR and NIS be updated with the information that is presented in response to this item. As it relates to the potential significant disturbance effects on

QI Species (namely kingfisher), the NIS has been updated and is included as **Appendix 4** of this RFI. It is not deemed necessary to update the EIAR and this RFI can be read in conjunction with the submitted documentation.

2.2.3 Further Information Item No.4

Substation Noise Assessment

In relation to Section 12.6.3.2.1 (Fixed Plant – Substation), you are required to:

- ***Provide detailed noise calculations for the operation of the proposed substation, including all input parameters used;***
- ***Demonstrate predicted noise levels at the nearest NSL (Ref. H007); and***
- ***Clarify whether the assessment includes consideration of downwind conditions and any associated increase in noise levels.***

2.2.3.1 Response to FI Item No. 4

The response to FI Item No. 4 is included in **Appendix 3, Section 4,** of this RFI.

2.2.4 Further Information Item No.5

Clarify the location of the nearest NSL to the proposed substation as Section 12.6.2.4 references NSL 9, whilst Section 12.6.3.2.1 references NSL 007.

2.2.4.1 Response to FI Item No. 5

The response to FI Item No. 5 is included in **Appendix 3, Section 5,** of this RFI.

2.2.5 Further Information Item No.6

In relation to Section 12.7.2.2 the EIAR states that "In the event that a complaint which indicates potential excessive amplitude modulation (AM) associated with the Proposed Lifetime Extension" Clarification is sought regarding to the reference to the "Proposed Lifetime Extension" as it as to how it relates to the proposed development.

2.2.5.1 Response to FI Item No. 6

The response to FI Item No. 6 is included in **Appendix 3, Section 5,** of this RFI.

2.2.6 Further Information Item No.7

Section 12.9 relates to Cumulative Impact, no reference is made to the existing Tirlan facility to the southeast of the proposed windfarm and to any potential cumulative noise impacts associated with this industrial complex. The EIAR has identified a number of Noise Sensitive Locations between the Tirlan facility and the proposed windfarm. However, no reference is made to the Tirlan facility in the cumulative assessment section. You are required to submit an updated EIAR which responds to this issue.

2.2.6.1 Response to FI Item No. 7

The response to FI Item No. 7 is included in **Appendix 3, Section 7** of this RFI.

2.3 Landscape and Visual

2.3.1 Further Information Item No.8

Relating to Chapter 14 of the EIAR regarding Landscape and Visual:

Section 14.7.3.2.7 of the EIAR relates to Residential Visual Amenity. The EIAR states that the proposed development exceeds the recommended 500m setback distance in the DoEHLG 2006 Guidelines and adheres with the 4-times tip-height setback distance set out in the Draft 2019 Guidelines, with the closest proposed turbine (T4) located 700m from the nearest residential receptor.

However, the Draft 2019 Guidelines specify that the 4-times tip-height setback distance should be measured to the curtilage of the nearest residential receptor, rather than to the residential building itself. It is not clear from the information submitted whether the stated 700m setback distance relates to the curtilage of the relevant residential receptors.

Furthermore, based on a review of the submitted documentation, it would appear that not all residential receptors adhere to the stated 700m setback distances when measured to the curtilage, with at least six receptors falling within this distance.

In this regard you are required to:

- ***Submit detailed information demonstrating that the required setback distance, in accordance with the Draft 2019 Guidelines, is achieved for all residential receptors, measured to the curtilage of each property.***
- ***Provide mapping and supporting analysis clearly illustrating all relevant setback distances.***
- ***Where the required setback distances cannot be achieved, update Section 14.7.3.2.7 (Residential Visual Amenity) of the EIAR accordingly, including a revised assessment of potential impacts.***

2.3.1.1 Response to FI Item No. 8

At time of writing, the Draft 2019 Guidelines[1]are not yet finalised and are not in force, with the relevant guidelines for the purposes of section 28 of the Planning and Development Act 2000 (as amended) remaining those published in 2006 (DoEHLG 2006 Guidelines[2]). Notwithstanding this, however, as part of the design process for the Proposed Wind Farm, a four times tip height setback distance (700m) has been maintained between the proposed turbines and residential dwellings. This setback buffer is illustrated in Figure 3-1 of Chapter 3 of the EIAR. This ensured that the proposed turbine locations significantly exceeded the recommended minimum 500m setback distance from all residential dwellings, outlined within the DoEHLG 2006 Guidelines, which is also stated as the mandatory minimum setback requirement within the Draft 2019 Guidelines. The mandatory 500m setback distance and the 700m setback distance to residential dwellings is clearly illustrated in Figure 14-18 of Chapter 14 of the EIAR.

The assessment of Residential Visual Amenity (RVA) within Chapter 14 of the EIAR (Section 14.7.3.2.7) uses selected photomontage viewpoints that are representative of the views from residential receptors within 3km of the proposed turbine locations. This is in line with the Guidelines for Landscape and Visual Impact Assessment – 3rd Edition (GLVIA3) (Landscape Institute and IEMA, 2013). The 8 no. photomontage viewpoints (VP03-VP06, VP09, VP10, VP14, VP15) and 1 no. supplementary photowire viewpoint (PWVP-H) selected for the purpose of assessing effects on

[1] *Department of Housing, Planning and Local Government (2019)* Draft Revised Wind Energy Development Guidelines. *Dublin: Government of Ireland. Available at: gov.ie*
[2] *Department of the Environment, Heritage and Local Government (2006)* Wind Energy Development Guidelines. *Dublin: Government of Ireland. Available at: gov.ie*

residential visual amenity "*represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ*" (para 6.19 GLVIA3). It is not proportionate nor is it required for a thorough and robust assessment of landscape and visual effects to collect individual photomontages from all dwellings. The detailed photomontage viewpoint assessment tables are included in Appendix 14-3 of the EIAR.

In determining the significance of residual visual effects for those receptors located closest to the proposed turbines, the setback distance between the receptor and the closest proposed turbines is not the sole mitigating factor but is one of a number of mitigating factors considered. Other factors considered were:

- Screening from topography, vegetation and/or other non-residential buildings,
- The nature of the landscape within which the receptors and the turbines are located, which in this case, is a working agricultural landscape.
- The appropriateness of the siting, spacing and arrangement of the proposed turbines within the landscape.
- The number of visual receptors upon which visual effects will arise
- Whether or not the turbines are obstructing long-range, protected views.
- The general orientation and field of view of the dwellings relative to the turbines.

Of the selected viewpoints, **Significant** residual visual effects are anticipated at VP05, located east of the Site at Ballynaslee and VP14 and VP15 to the north and west of the Site. These locations represent high sensitivity receptors with open, short-range views of the proposed turbines. The proposed turbines appear large in scale, and of a wide horizontal extent, resulting in substantial visual change. These viewpoints are representative of the groups of residential receptors around which they are located. The are also representative of the residential receptors that are located closest to the proposed turbines (i.e. 700m distant).

As noted in the above request, there are 6 no. inhabited dwellings located at or close to 700m from the closest proposed turbine. An excerpt of Figure 14-18 of the EIAR is included as Plate 2-1 below and these 6 no. dwellings are circled in green.

Of these dwellings, two are located to the east of Turbine No. 1 (see Plate 2-2 below). While the turbines will be visible from these dwellings, partial screening of the turbine structures is provided by intervening topography and vegetation. A further two dwellings are located south of Turbine No.'s 7 and 8 (see Plate 2-3 and Plate 2-4 below), while another is located west of Turbine No. 8 (see Plate 2-5 below). All three of these dwellings are located within working, farmyard settings with some local screening provided by vegetation and agricultural buildings. The sixth dwelling is located northwest of Turbine No. 2 and views from this location towards the turbines are screened by vegetation in the immediate vicinity of the dwelling (see Plate 2-6 below). As stated in the preceding paragraph, while VP05, VP14 and VP15 are not specifically related to the locations of these 6 no. dwellings, they are representative of those dwellings that are located closest to the proposed turbines. The images referenced in this paragraph illustrate the line of sight between the nearest proposed turbine and the residential receptors, screening located along the line of sight and the setting of the receptor, where relevant.

It is acknowledged that wind farms inevitably cause some 'Significant' visual effects on proximate residential visual receptors due to the prominence of turbines within landscape views and the 'Substantial' magnitude of change which will arise in close proximity to a wind farm development. A key focus in the landscape and visual impact assessment is identifying the scenarios where the greatest likelihood of significant effects occurs. Significant residual visual impacts have been determined from three photomontage viewpoints representing residential visual amenity in closest proximity to the Proposed turbines (see Appendix 13-3). It is key to note that the residual significant impacts only occur for a small number of receptors and is not representative of effects on receptors in a vast proportion of the LVIA Study Area (as described in Chapter 14, Section 14.2.2 of the EIAR). Therefore, the assessment of Residential Visual Amenity within Chapter 14 of the EIAR does not require updating as

the conclusions are not solely reliant on the setback distances achieved between the proposed turbines and all residential dwellings.

As stated above, the mandatory minimum 500m turbine setback distance from all residential dwellings, outlined within the Draft 2019 Guidelines (also stated as the recommended minimum setback requirement within the DoEHLG 2006 Guidelines) has been significantly exceeded as part of the design of the Proposed Development. The mandatory 500m setback distance and the 700m setback distance (four times the tip height) to residential dwellings is clearly illustrated in Figure 14-18 of Chapter 14 of the EIAR.

The Commission's recent decision on Case No. ABP-322154-25 is considered particularly noteworthy and relevant to the Proposed Development and potential effects on residential visual amenity. The Proposed Seskin Renewables Wind Farm and that recently, permitted wind farm development are similar in scale and are both located within working, agricultural landscapes in Co, Kilkenny. In that case, while noting, as part of their assessment, that the wind farm development would give rise to significant residual visual effects on a number of residential receptors, the Commission's Inspector concluded that these effects were not sufficient to warrant refusal of permission, given the characteristics and value of the receiving landscape, the localised nature of the effects and the State's need to transition to renewable energy sources.

Separately, it should be noted that potential effects on sensitive receptors due to noise generated by the proposed turbines during the operational phase were assessed within Chapter 12 of the EIAR. Due to the separation distance (minimum 700m) achieved between noise sensitive receptors (residential dwellings) and the proposed turbines, the predicted operational noise levels associated with the Proposed Development will be within best practice turbine noise criteria at all locations with no significant cumulative impacts or effects. Therefore, no specific mitigation measures, such as turbine curtailment are required.



Plate 2-1 Excerpt of Figure 14-18 of the EIAR (relevant residential dwellings circled in green)

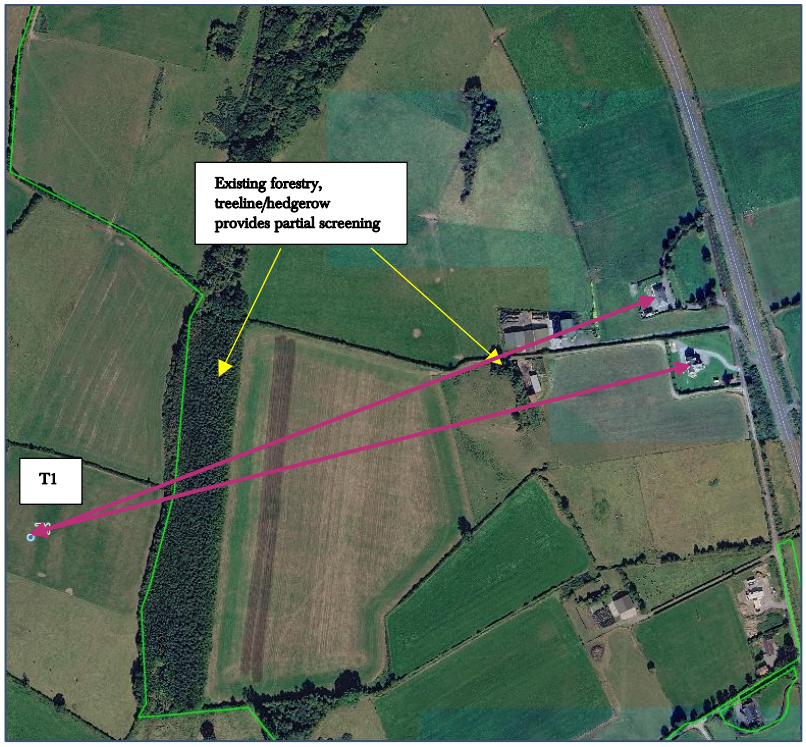

Plate 2-2 Closest Residential Dwellings relative to Turbine No. 1

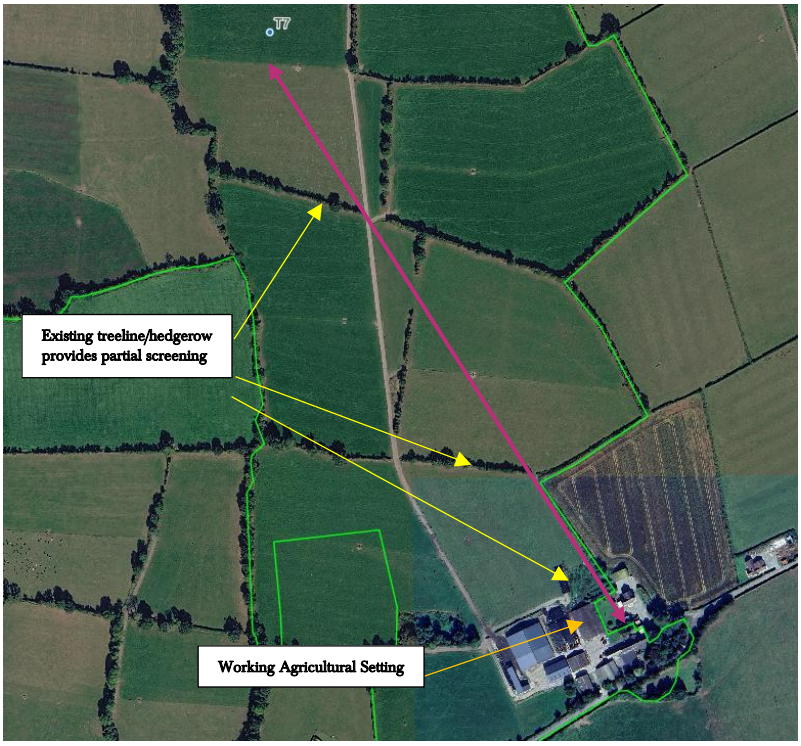

Plate 2-3 Closest Residential Dwelling relative to Turbine No. 7.

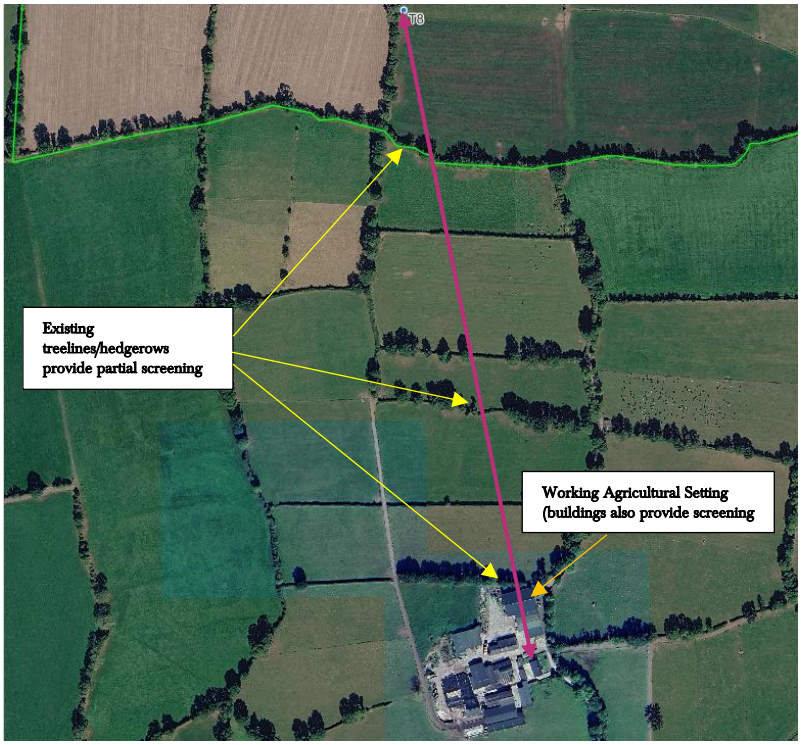

Plate 2-4 Closest Residential Dwelling relative to Turbine No. 8.

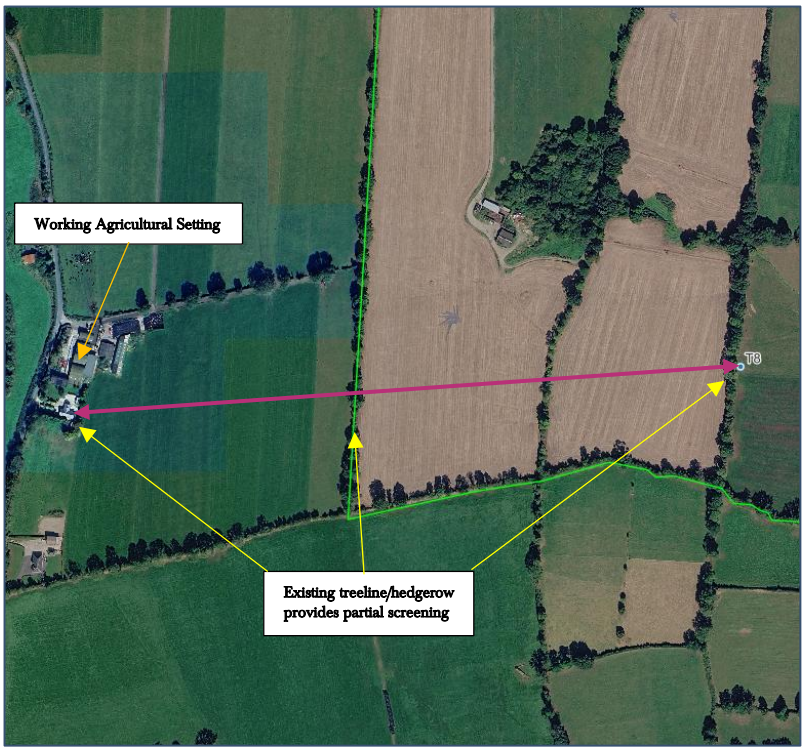

Plate 2-5 Closest Residential Dwelling relative to Turbine No. 8.

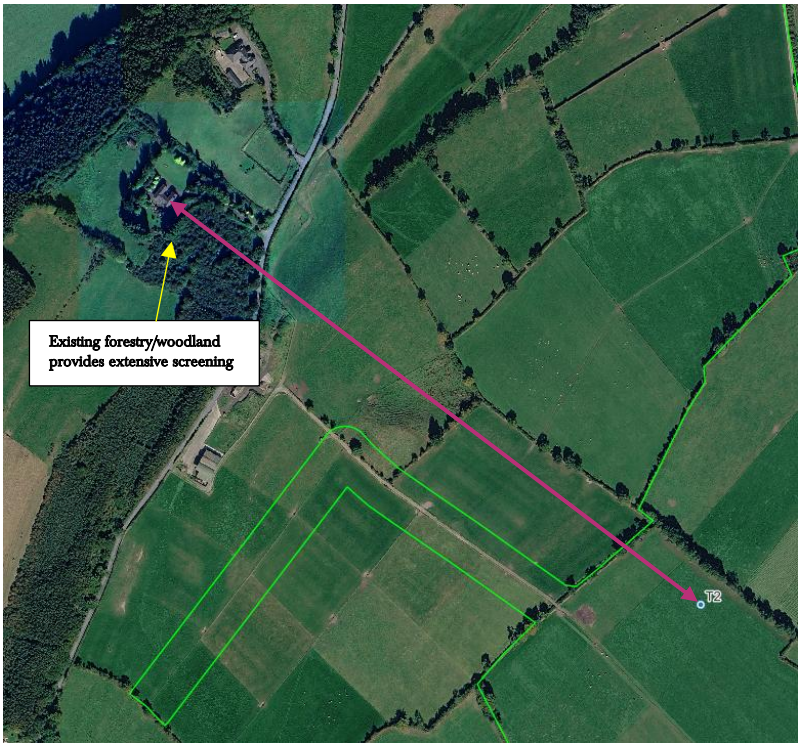

Plate 2-6 Closest Residential Dwelling relative to Turbine No. 2.

2.4 Biodiversity

2.4.1 Further Information Item No. 9

Relating to Chapter 6 of the EIAR and NIS regarding Biodiversity:

The submitted NIS details the conservation objectives for the River Barrow and River Nore SAC as published on the 19th July 2011. Revised conservation objectives for the site were published on the 6th June 2025. Therefore, you are required to submit an updated AA Screening Report and NIS reflecting the changes to the conservation objectives as published on the 6th June 2025.

2.4.1.1 Response to FI Item No. 9

As requested, an updated AA Screening Report and NIS have been prepared to reflect the revised conservation objectives for the River Barrow and River Nore SAC, published on 6th June 2025. The updated AA Screening Report and NIS is included as **Appendix 4** of this RFI. The NIS has also been updated to assess the potential significant disturbance effects on QI Species (namely kingfisher) using baseline and predicted noise level information presented in **Appendix 3**, **Section 3**, of this RFI. New text has been coloured green for ease of reference while obsolete text has been coloured red with a strikethrough.

2.4.2 Further Information Item No. 10

Relating to Chapter 6 of the EIAR and NIS regarding Biodiversity:

You are advised that updated guidance has recently been published from DHLGH on Regulation 54 derogation process for protected species listed on Annex IV (Application for Regulation 54 Derogations for Annex IV species, Guidance for Applicants, Version 1.0, 1 July 2025). In summary, this guidance requires any derogation to be granted before the approval of the consent to the proposed activity. You shall satisfy yourself that you can comply with the updated guidance.

2.4.2.1 Response to FI Item No. 10

Introduction

FI Item 10 relates to the Regulation 54 derogation process for species listed on Annex IV of the EU Habitats Directive and requires the Applicant to satisfy itself that the Proposed Development can comply with the updated guidance, including determining whether a Regulation 54 derogation is required in respect of protected species, including bats.

The original Bat Survey Report (Appendix 6-2 of the EIAR) committed to undertaking a confirmatory pre-construction survey of trees identified as having roosting potential prior to their removal. This survey would have established their roost status at the time of felling and informed any associated mitigation and licensing requirements. In response to FI Item 10 and the updated Departmental guidance, further inspections were brought forward from the pre-construction stage to establish, prior to determination of the application, whether a Regulation 54 derogation is required based on the current condition and roost status of the trees. A confirmatory pre-construction inspection remains proposed to account for any subsequent change in tree condition or bat occupancy prior to felling. A Ground-Level Tree Assessment (GLTA) and inspection of potential roost features (PRFs) within trees proposed for removal were undertaken within the Site on 26th June 2026. The survey was completed to inform the response to FI Item 10.

The Bat Survey Report, has been updated to incorporate the findings of the 2026 reassessment of the 23 no. trees proposed for removal. The updates include revised tree classifications, updated survey results in Table 4-8 and an updated Figure 4-2 showing the locations and classifications of the reassessed trees. The report has also been updated to have regard to information and guidance published after the application was submitted, including the 2025 Article 17 reports and the current Departmental guidance on Regulation 54 derogations. The original Bat Survey Report referred to the 2019 Article 17 reporting, which was the most recent reporting available when the application was submitted. These updates do not indicate a deficiency in the original assessment; rather, they ensure that the response to Item 10 and the updated Bat Survey Report consider the most recent available information. The updated Bat Survey Report is included as **Appendix 5** of this RFI. New text within the updated report has been coloured green for ease of reference while obsolete text has been coloured red with a strikethrough.

Response

As part of the bat surveys presented in Appendix 6-2 of the EIAR, trees within the Site were assessed from ground level for their potential to support roosting bats. This level of assessment was undertaken in accordance with the relevant best-practice bat survey guidance in effect at the time the application was submitted. The initial assessment identified 23 no. trees proposed for removal as supporting potential roost features (PRFs).

Following the request issued by An Coimisiún Pleanála, a reassessment of these 23 no. trees was undertaken in 2026. The purpose of the reassessment was to determine the nature and extent of the previously identified features, establish whether the trees could support roosting bats and determine

whether the proposed tree removal could require a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

The reassessment was undertaken with regard to current best-practice guidance, including *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edition; Collins, 2023), *Bat Roosts in Trees: A Guide to Identification and Assessment for Tree-Care and Ecology Professionals* (Andrews, 2018) and *Applications for Regulation 54 Derogations for Annex IV Species: Guidance for Applicants* (Version 2.0; Department of Housing, Local Government and Heritage, 2026).

The guidance referenced in the Further Information Item 10 request has since been updated and replaced by *Applications for Regulation 54 Derogations for Annex IV Species: Guidance for Applicants*, Version 2.0, published by the Department of Housing, Local Government and Heritage in June 2026. The findings and conclusions presented below have been considered with regard to this updated guidance.

Survey Methodology

The survey was undertaken on 26th June 2026 by suitably qualified bat ecologists Clare Mifsud (NPWS Survey Derogation DER-BAT-2026-125) and Emma Fitzgerald (NPWS Survey Derogation DER-BAT-2026-120). Both derogations authorised roost disturbance and associated survey actions in respect of all bat species.

Each of the 23 no. trees previously identified as supporting potential roost features was subject to a ground-level reassessment. Where potentially suitable features were identified, these were subject to close inspection using an endoscope to determine their extent, suitability and whether bats or evidence indicative of current or previous use by roosting bats were present. All identified PRFs were accessible from ground level, and no ladder or other access equipment was required.

The survey assessed:

- whether an opening led to a cavity, crevice or sheltered space capable of supporting a roosting bat;
- the dimensions, orientation and condition of each feature;
- the degree of shelter provided;
- the accessibility of the feature to bats; and
- the presence of bats or evidence indicative of current or previous use by bats.

The trees were classified in accordance with Table 4.2 of Collins (2023) as None, PRF-I or PRF-M. None applies where no potential roost features (PRFs) are present or where their presence is considered highly unlikely; PRF-I applies where a PRF is suitable only for individual bats or very small numbers of bats because of its size or the surrounding habitat; and PRF-M applies where a PRF is suitable for multiple bats and could therefore be used by a maternity colony.

Survey Results

Of the 23 no. trees reassessed in 2026, 20 no. were classified as *None*, as no PRFs were identified, while the remaining three trees were classified as PRF-I. Features previously recorded on the 20 trees classified as *None* were found, following inspection, not to comprise cavities, crevices or other sheltered spaces suitable for roosting bats.

Details of the three trees proposed for removal that were classified as PRF-I are provided below:

- **T02 – Irish Grid Reference S 41253 74923:** A mature oak with well-established ivy cover providing suitable, sheltered and accessible roosting opportunities. No bats or evidence of current or previous use by bats were recorded during the endoscope inspection.

- **T08 – Irish Grid Reference S 41916 72911:** A mature ash with well-established ivy cover, including thick woody stems that provided sheltered gaps between the ivy and the tree trunk. A broken limb with associated cracks provided an additional potential roosting feature. No bats or evidence of current or previous use by bats were recorded during the endoscope inspection.

- **T08 – Irish Grid Reference S 41912 72852:** A mature ash supporting two potential roost features, comprising a rot hole associated with localised decay and a larger cavity. Both features provided sheltered spaces potentially suitable for a small number of roosting bats. No bats or evidence of current or previous use by bats were recorded during the endoscope inspection.

No PRF-M trees were identified among the trees proposed for removal. The results of the reassessment, including the locations and classifications of the inspected trees, are provided in Table 4-8 of the updated Bat Survey Report. The locations of the three PRF-I trees are shown on Figure 4-2, *Ground-Level Tree Assessment (2026).*

Representative photographs of the reassessed trees and inspected features are provided in Plates 2-7 to 2-12.



Plate 2-7 Close-up of a small hole within a limb of an ash tree located within the T02 felling buffer. The feature was shallow, with no sheltered space suitable for roosting bats. The tree was therefore classified as None.

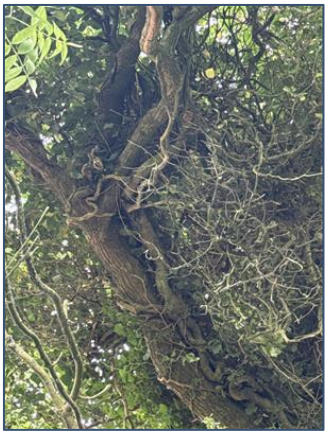

Plate 2-8 PRF-I on a mature oak within the T02 felling buffer (Irish Grid Reference: S 41253 74923). Thick, well-established ivy provided sheltered gaps with potential to support individual bats. No bats or evidence of use by bats were recorded during the inspection.



Plate 2-9 Ash trees located within the T03 felling buffer. No potential roost features were identified, and the trees were classified as None.



Plate 2-10 Ash tree with ivy cover located within the T06 felling buffer. The ivy comprised thin stems that did not provide sheltered spaces suitable for roosting bats. The tree was classified as None.



Plate 2-11 PRF-I on a mature ash within the T08 felling area (Irish Grid Reference: S 41916 72911). Thick, woody ivy stems provided sheltered gaps between the ivy and the tree trunk. No bats or evidence of use by bats were recorded during the inspection.



Plate 2-12 PRF-I on a mature ash within the T08 felling area (Irish Grid Reference: S 41912 72852), showing the hollow feature potentially suitable for a small number of roosting bats. No bats or evidence of use by bats were recorded during the endoscope inspection.

Requirement for a Regulation 54 Derogation - Trees

The 2026 reassessment confirmed that 20 no. of the 23 no. trees previously identified as supporting PRFs did not contain features suitable for roosting bats. Three trees were classified as PRF-I and were subject to close inspection using an endoscope. No bats or evidence indicative of current or previous use by roosting bats were recorded.

Accordingly, no bat roosts were identified within the trees proposed for removal. Based on the findings of the 2026 reassessment and having regard to *Applications for Regulation 54 Derogations for Annex IV Species: Guidance for Applicants* (Department of Housing, Local Government and Heritage, 2026), a Regulation 54 derogation is not required in respect of the proposed tree felling. The 2026 reassessment does not alter the conclusions of the original Bat Survey Report in respect of the proposed tree felling.

Requirement for a Regulation 54 Derogation – Structures

As detailed in Appendix 6-2 of the EIAR, three structures located within the Site boundary were identified as having potential to support roosting bats and were subsequently subject to dusk emergence surveys. The locations of these structures are shown on Figure 4-1 of the Bat Survey Report. Two of these structures were confirmed to support bat roosts.

A derelict farmhouse and adjoining shed located in the centre of the Site were confirmed to support a common pipistrelle roost, with two individuals recorded emerging during both dusk emergence surveys undertaken on 17th May and 28th June 2023. In addition, a single soprano pipistrelle was recorded emerging from a shed adjoining an inhabited farmhouse in the south of the Site during a dusk emergence survey undertaken on 23rd September 2024.

Both confirmed roost structures, together with their associated surrounding linear habitat features, will be retained and avoided by the Proposed Development. No demolition, modification or other works will be undertaken to the confirmed roost structures, and the Proposed Development will not result in the loss, damage or destruction of either roost. Subject to the implementation of the avoidance and mitigation measures set out in the updated Bat Survey Report, no disturbance of bats occupying these roosts is anticipated.

Accordingly, having regard to the design of the Proposed Development, the completed survey effort and *Applications for Regulation 54 Derogations for Annex IV Species: Guidance for Applicants* (Department of Housing, Local Government and Heritage, 2026), a Regulation 54 derogation is not required in respect of the confirmed bat roosts within the Site. This is consistent with the conclusions of the original Bat Survey Report.

Confirmatory Pre-felling Inspection

Bats are mobile species, and the condition and roosting potential of trees can change over time. Therefore, as a precautionary measure, the three identified PRF-I trees will be subject to a confirmatory pre-felling inspection by a suitably qualified and appropriately licensed bat ecologist prior to removal. This inspection will confirm the condition and roost status of the identified features at the time of felling.

The precautionary inspection does not represent a lacuna in the survey effort or defer the determination of whether a Regulation 54 derogation is required. The conclusion that no derogation is required is based on an up-to-date 2026 assessment, during which no bat roosts were identified within the trees proposed for removal. The confirmatory inspection is an additional precaution that recognises the mobile nature of bats and the potential for tree condition to change over time.

Should a bat or evidence of an occupied roost be identified during the confirmatory inspection or tree-removal works, all works affecting the relevant tree will cease immediately. The findings will be reviewed by the suitably qualified bat ecologist, in consultation with the NPWS where required. No works that could result in an offence under the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, will proceed unless all applicable legal requirements have been satisfied.

Conclusion

A total of 23 no. trees proposed for removal were subject to a reassessment in 2026. Of these, 20 no. were classified as None and three were classified as PRF-I. The three PRF-I trees were subject to close inspection using an endoscope, and no bats or evidence indicative of current or previous use by roosting bats were recorded. No bat roosts were identified within the trees proposed for removal.

Two confirmed bat roosts are present within structures in the Site. Both roost structures, together with their associated surrounding linear habitat features, will be retained and avoided. No works will be

undertaken to the confirmed roost structures, and no loss, damage, destruction or disturbance of the roosts is anticipated, subject to the implementation of the avoidance and mitigation measures set out in the updated Bat Survey Report.

Therefore, having regard to the completed survey effort, the design of the Proposed Development, the proposed avoidance and precautionary measures, and the current Departmental guidance on Regulation 54 derogations, a Regulation 54 derogation is not required in respect of either the proposed tree felling or the confirmed bat roosts within structures.

2.5 Consideration of Reasonable Alternatives

2.5.1 Further Information Item No. 11

Relating to Chapter 3 of the EIAR regarding Consideration of Reasonable Alternatives.

Having regard to the concerns raised by the Planning Authority and Transport Infrastructure Ireland (TII) in relation to the feasibility of the proposed development cabling route along the N77, you are required to provide further clarification responding to the issues raised.

2.5.1.1 Response to FI Item No. 11

The primary concerns raised by the Planning Authorities and TII in relation to the alignment of the Proposed Grid Connection underground cabling route along the N77 are as follows:

- The proposed grid connection route along the N77 will severely limit the public road capacity and the Local Authority's ability to carry out its functions in respect of maintenance works and future services provision.
- The Applicant failed to demonstrate that the proposed grid connection route is the "optimal solution".
- The potential for grid connection trenches accommodated within public roads to result in technical road safety issues, impacting on ability and cost of general maintenance, upgrades and safety works to existing national roads.
- The EIAR does not identify direct or indirect interactions with the N77.
- The EIAR does not include a clear record of the requirement for adherence to, and compliance with TII publications and procedures.

The above points formed the basis for Refusal Reason No. 2 set out by Kilkenny County Council and Refusal Reason No. 3 set out by Laois County Councils in their respective decisions to refuse planning permission for the Proposed Development. The refusal reasons were predominantly guided by the submissions of TII to both planning authorities.

As such, the response to this further information item has been largely informed by the first-party Grounds of Appeal (GoA) against these refusal reasons.

Public Road Capacity and Local Authority Functions

Practically every wind farm in the country that is already built and is generating renewable energy, or that has been permitted to do so by local authorities or the Commission, includes an off-site grid connection that utilises the public road network as a route for the wind farm's grid connection cabling from the on-site wind farm substation to the point on the national electricity grid where the wind farm must connect. Indeed, it is stated in the Draft 2019 Guidelines that underground cabling is the preferred method of grid connection for wind energy developments. It is not plausible to suggest that the wind farms required to meet the Government's 2030 renewable energy targets, can do so by any means other than by routing their necessary grid connections along the public road network.

The primary reason for the use of the public road network as a route for underground cabling connections is that public roads serve a multi-purpose function as both routes for the movement of traffic and as utility corridors. Public roads are the corridors that carry the vast majority of the country's water mains, wastewater sewers, telecoms cables, fibre broadband, gas pipelines and electricity cabling. Roads are multi-purpose infrastructure and communications corridors, and must be considered as such in the context of the Proposed Development. This grid connection cable, laid by a Statutory Undertaker, will become a state asset on energization, as will the substation on the Proposed Wind Farm site, and so is no different from any other utility being laid in the public road.

The proposed grid connection runs within the N77 corridor for only a distance of 2.2 kilometres, making it significantly shorter that most other wind farm grid connections already in operation or already permitted by the Commission.

Recognising that the N77 is a National Secondary Route, early pre-planning EIAR scoping consultation was undertaken with Transport Infrastructure Ireland (TII) as referenced in Section 15.1.1.4 (Table 15-1a) of the EIAR. TII's scoping response recognised and referenced Section 12.4.1.1 of the Climate Action Plan 2024 (CAP24) on 'Accelerate Renewable Electricity Generation' which outlines the objective of reaching 80% of electricity demand from renewable sources by 2030 through a range of measures, including; 'All relevant public bodies will carry out their functions in a manner which supports the achievement of the renewable electricity targets, including, but not limited to, the use of road and rail infrastructure to provide a route for grid infrastructure where this is the optimal solution'. In addition, the applicant requested a meeting with TII in February 2025 in order to discuss all works proposed along the N77 national secondary road, including the Proposed Grid Connection underground cabling route. Unfortunately, TII declined to facilitate such a meeting.

It must also be highlighted that the section of the N77 on which the grid connection works are proposed, was recently realigned and upgraded, as approved by the Commission under Case Reference JP10.308824. The current road sits within a clearly delineated road corridor up to 25-metres in width, with a high-quality, two-lane carriageway of two lanes, hard shoulders on both sides and generous soft margins between the road corridor boundary and the edge of the hard shoulders (see Plate 2.5-1 below).

If there is not the capacity for accommodating a renewable energy grid connection with a trench width of approximately 600mm on a road corridor like that section of the N77, our ambitious national renewable energy targets are doomed to fail. The principle of a renewable energy project's grid connection being accommodated in a public road such as that section of the N77, must be considered acceptable.



Plate 2.5-1 Section of N77, recently realigned and upgraded, along which wind farm grid connection is proposed

As part of the design process, every effort has been made to locate the Proposed Grid Connection cabling trench off the existing road carriageway and within the hard shoulder or soft margin/grass verges, avoiding, insofar as possible, other existing underground services/utilities (Refer to Chapter 4, Section 4.8.2.4 of the EIAR). The existing carriageway of the N77 has been avoided apart from a short section measuring approximately 35m where the cabling trench crosses from west to east across the public road corridor. This equates to less than 2% of the approximate 2.2km proposed within the N77 corridor.

The exact location of the grid connection cabling within the curtilage of the public road network may be subject to minor modification following confirmatory site investigations, to be undertaken prior to construction of the proposed wind farm development. A Road Opening Licence will be sought from the Roads Authority i.e. Kilkenny County Council requiring all details to be confirmed before the licence is granted and work can commence. The agreement of such details will ensure that the Proposed Grid Connection cabling can be accommodated while ensuring the local authority can carry out its functions in respect of maintenance works and future services provision along this section of the N77.

Selection of Optimal Grid Connection Route

Chapter 3 of the EIAR (Consideration of Reasonable Alternatives) presented, as required by Article 5(1)(d) of Directive 2011/92/EU, as amended, the reasonable alternatives studied by the applicant which are relevant to the Proposed Development, their specific characteristics and an indication of the main reasons for the option chosen, taking into account the potential for environmental effects. It should also be noted that while EIA is confined to environmental effects that influence the consideration of alternatives, other non-environmental factors such as land-use, land availability and project costs may have equal or greater importance for a developer when considering the preferred or chosen option.

Section 3.2.6.2 of Chapter 3 includes a detailed consideration of four Underground Grid Connection Cabling Route Options (the chosen option and three alternative options). All four options originate from the proposed Seskin Renewables Wind Farm 38kV substation and are summarised as follows:

Table 2.1 – Grid Connection Route Options Considered

Grid Connection Route Option	Grid Connection Point	Brief Description

Option 1	Ballyragget 110kV Substation	This route has a total length of approximately 3.4km with 2.2km located within the N77 national secondary route corridor and 1.2km located within agricultural land.
Option 2	Ballyragget 110kV Substation	This route has a total length of approximately 5.7km with 4.1km located within the N77 national secondary route corridor, 1.3km within the R432 regional road corridor and the 0.3km located within agricultural land.
Option 3	Ballyragget 110kV Substation	This route has a total length of approximately 5.5km with 2.2km located within the N77 national secondary route corridor, 1km within the L5733 local road corridor and the 0.3km located within agricultural land.
Option 4	Tírlán 38kV Substation	This route has a total length of approximately 4km with 0.9km within the L5733 local road corridor and the 3.1km located within agricultural land.

A table comparing the potential environmental effects of all four options, under the impact assessment disciplines within Chapter 5 to 15 of the EIAR, was included in Section 3.2.6.2. It is acknowledged that while there are no significant differences in the potential for environmental effects between the options considered, this table does demonstrate that Option 1 (the chosen option) is the most environmentally prudent option.

The main factors that led to the Proposed Grid Connection Route being the chosen (optimal) option included both environmental and non-environmental factors, as follows:

- As stated in Chapter 3, Section 3.2.6.2, initial grid studies, undertaken by the Applicant, identified Ballyragget 110kV substation as the optimum connection node for the Proposed Development. This ruled out Option 4 as there is not sufficient capacity at the Tírlán 38kV Substation to accommodate the power output from the Proposed Development.
- Option 1 is the shortest route overall and is, therefore, the least costly as it will require fewer construction materials.
- Compared to Options 2 and 3, Option 1 is located within the public road corridor for the shortest distance.
- Option 1 is located within the N77 road corridor for 2.2km, the corridor is sufficiently wide enough so as not to require road closures during the construction of the grid connection cabling. Road closures would be required for all other options.
- Route Option 1 passes by the fewest sensitive receptors along its route when compared to the other three options with just 9 no. residential dwellings located within 100m of the route. Therefore, there is less potential for effects on local residents due to dust and noise emissions during the construction of the grid connection cabling.

In addition to the detailed comparison of environmental and non-environmental factors of the four route options, the chosen option was also considered against the option of an entirely overhead grid connection cabling route and an underground cabling route located entirely outside of the public road corridor.

As stated in Chapter 3 of the EIAR, while overhead lines are less expensive and allow for easier repairs when required, underground cabling will have no visual impact. For this reason, it was considered that

underground cabling would be a preferable alternative to overhead lines. Both the current and draft Wind Energy Guidelines also indicate a preference for underground cabling routes. Furthermore, a number of landowner agreements would be required for multiple pole sets and/or angle masts for the overhead cabling option. This requirement would significantly increase the time and cost of delivering the project.

An entirely off-road grid connection route through primarily agricultural pastoral land was considered at an early stage of the design process. However, this was discounted due to the requirement to construct significant lengths of access and maintenance tracks to access joint bays along the route that would be located within agricultural land, increasing the potential for environmental effects and construction costs compared to a route that predominantly follows existing roads. Also, similar to the overhead cabling option, the requirement for a significant number of landowner agreements along the length of the route would have significantly increased the time required to confirm the final proposed, design of the Proposed Development and driven up the overall costs associated with the project.

Based on the above and the information already presented in Chapter 3 of the EIAR, it is submitted that a comprehensive assessment of reasonable alternative grid connection route options has been undertaken and it is clearly demonstrated that the Proposed Grid Connection underground cabling route (Option 1) is the optimal solution for connecting the Proposed Development to the national grid.

It is noted that both the Planning Authorities (respective Planner's Reports) and TII (submissions to the local authorities) are of the opinion that a shorter, more optimal route is available. However, no description of any potential shorter route is provided in either the Planner's Report or the TII submission. The straight line distance between the proposed 38kV onsite substation and the existing Ballyragget 110kV substation is approximately 2.6km. The proposed underground cabling route measures approximately 3.4km, just 0.8km greater than the straight line distance. Therefore, taking into account environmental constraints, existing land uses, existing infrastructure corridor (i.e. the N77) and land available to the applicant, the proposed underground cabling route is considered to be the shortest and most optimal route.

Identification of Direct and Indirect Interactions with the National Road Network

It is submitted that appropriately detailed information in relation to the following interactions with the national road network has been included within the planning application documentation:

- Accommodation works along the N77 National secondary road, in the townlands of Durrow Townparks, Co. Laois (Location 1) and Ballynaslee, Co. Kilkenny, to facilitate the delivery of turbine components and other abnormal sized loads.
    - Drawing No.'s 231103-03A and 231103-03F within the Planning Permission Application Drawings pack illustrate the extent of the accommodation works areas at both locations along the N77.
    - Chapter 4, Section 4.4.3.1, of the EIAR provides a description of the accommodation works required at both locations along the N77.
    - The proposed route through both locations is shown for the turbine blade and tower delivery vehicles in Figures 15-7, 15-8, 15-9 and 15-10.
- Permanent underground electrical (38kV) and communications cabling to the existing Ballyragget 110kV substation in the townland of Moatpark (including joint bays, communication and earth sheath link chambers and all ancillary works along the route)
    - Drawing No.'s 231103-03F, 231103-03I to 231103-03K within the Planning Permission Application Drawings pack show, in detail, the position of the Proposed Grid Connection underground cabling route, and associated joint bays, within the N77 corridor. (Note: in response to Further Information Item No. 12 layout drawings, relevant to the Proposed Grid Connection 38kV underground cabling route, have been prepared at a scale of 1:1,000 @ A1.)

- Detail drawings of joint bays (231103-30), communications chambers (231103-31), cabling trench cross section (231103-32) and watercourse/culvert/service crossing methods (231103-33 to 231103-37) are also included in the Planning Permission Application Drawings pack.
- Chapter 4, Section 4.3.2.3, of the EIAR provides a description of the Proposed Grid Connection underground cabling route and refers to the length of the cabling route that is proposed to be located within the N77 corridor.
- Chapter 4, Sections 4.8.2.3, 4.8.2.4 and 4.8.2.5 provide methodologies for the construction and reinstatement of the cabling trench, the relocation of existing underground services (if required) and the installation of joint bays (two of which are located within the N77 corridor, outside of the carriageway).

Furthermore, existing traffic volumes on the N77 are presented in Chapter 15, Section 15.1.3, of the EIAR and a detailed assessment of the potential effects on traffic using the N77 during the construction, operation and decommissioning phases of the Proposed Development is included in Section 15.1.6. A specific assessment of the potential effects of the Proposed Grid Connection underground cabling works on traffic using the N77 is presented in Section 15.1.7. The mitigation measures proposed to minimise the potential traffic effects on the public road network, including the N77, are presented in Section 15.1.11.5.

As stated in Chapter 4 of the EIAR, the final design of the of the Proposed Grid Connection (both the substation and the cabling route (joint bays, link chambers and communication chambers) is subject to approval by ESBN and must follow their specifications. The exact location of the grid connection cabling within the curtilage of the public road network may be subject to minor modification following confirmatory site investigations, to be undertaken prior to construction of the proposed wind farm development. A Road Opening Licence will be sought from the Roads Authority, i.e. Kilkenny County Council, requiring all details to be confirmed before the licence is granted and work can commence. In addition it is stated in Chapter 15 all construction works along the national road network (including the cabling works) will be undertaken in accordance with current Department of Transport (under which TII operates) guidelines including the *Traffic Signs Manual, Section 8 – Temporary Traffic Measures and Signs for Road Works* and *Guidance for the Control and Management of Traffic at Roadworks*.

As also stated in Chapter 15 of the EIAR, all road surfaces and boundaries will be re-instated to pre-development condition, as agreed with the local authority engineers. All works will be done in accordance with the Department of Transport's *Guidelines for the Opening, Backfilling and Reinstatement of Openings in Public Roads.*

Within their response to MKO's EIAR Scoping request, TII stated that, '*any damage caused to the pavement on the existing national road arising from any temporary works due to the turning movement of abnormal loads (e.g. tearing of the surface course, etc.) shall be rectified in accordance with TII Pavement Standards and details in this regard shall be agreed with the Road Authority prior to the commencement of any development onsite*'. In response to this, as per row 16 of Table 15-1a of the EIAR, the applicant agrees to comply with this requirement which is assumed to require adherence to all relevant technical publications from TII in relation to the undertaking and reinstatement of works within the national road network.

As referenced in TII's submission, the applicant recognises the recent Department of Transport publications from April 2025, *Electricity Transmission Infrastructure Development - Roads Sector Engagement Framework* and *Interim Guidance to Road Authorities (placement of Medium or High Voltage electricity assets)*. The applicant commits to following the processes and procedures outlined in

this interim guidance and any future guidance that is produced upon the completion of the HV Forum[3].

Potential Precedent set for Other Relevant Developments

The Planning Authorities and TII are also not satisfied that the Proposed Development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would not adversely affect the safe use of a national road by traffic.

In response to this concern, it is submitted there is already significant precedent, across the entire country, for the consenting, safe construction and operation of underground grid connection cabling along the public road network, including the national road network. ESB Networks report that there are approximately 22,000km of underground cabling installed as part of the country's distribution system[4], the majority of which is laid beneath public roads in both urban and rural areas. As stated above, practically every wind farm in the country that is already built and is generating renewable energy, or that has been permitted to do so by local authorities or the Commission, includes an off-site grid connection that utilises the public road network as a route for the wind farm's grid connection cabling from the on-site wind farm substation to the point on the national electricity grid where the wind farm must connect.

As demonstrated in Chapter 15 of the EIAR, the construction and operation of the Proposed Grid Connection underground cabling route will not have any significant negative effect on traffic using the N77. A Traffic Management Plan (outline plan included as Appendix 15-2 of the EIAR) will be developed and agreed with the local authority (and any other relevant bodies) ahead of the commencement of the construction phase of the Proposed Development.

Conclusion

In conclusion, it is submitted that the concerns raised by the Planning Authorities and TII can be addressed through the Road Opening Licence process and adherence to TII policy and procedures.

The EIAR clearly demonstrates that the Proposed Grid Connection underground cabling route is the optimal solution for connecting the Seskin Renewables Wind Farm to the national electricity grid and that there is no shorter, more optimal route. The documents submitted as part of the planning permission application outline, in detail, the direct and indirect interactions that the Proposed Development will have with the N77. Compliance with the Traffic Management Plan and relevant TII standards will ensure that the construction of the grid connection cabling will not give rise to any technical safety issues. There is significant precedent for the consenting, safe construction and operation of underground grid connection cabling within the public road network to facilitate the connection of wind energy developments to the national grid.

Finally, it is reiterated that if there is not capacity for accommodating a renewable energy grid connection on a road corridor like that section of the N77 nor the cooperation by the relevant local authorities as expressly stated in the Climate Action Plan 2025, our ambitious national renewable energy targets are doomed to fail. The principle of a renewable energy project's grid connection being accommodated in a public road such as that section of the N77, must be considered acceptable.

[3] To support development of high voltage electricity networks, an HV Forum was initiated between key Partners within the electricity and road sectors to bring together stakeholders in open dialogue to establish the ways of working that will deliver on CAP23. The Partners are EirGrid, Commission for Regulation of Utilities (CRU), ESB Networks, Transport Infrastructure Ireland, Department of the Environment, Climate & Communications (DECC), CCMA – on behalf of local roads authorities, Department of Transport

[4] https://www.esbnetworks.ie/about-us/company/our-network

2.6 Material Assets

2.6.1 Further Information Item No.12

Relating to Chapter 15 of the EIAR regarding Material Assets:

Having regard to the concerns raised by the Planning Authority and Transport Infrastructure Ireland (TII) in relation to the proposed grid connection route along the N77, particularly the potential for technical and safety issues (including differential settlement arising from trench backfilling, with implications for road maintenance, upgrades, and safety works), you are required to submit the following further information:

Detailed Layout Plans

The drawings submitted to date are at an insufficient scale to adequately assess the potential impact of the proposed grid connection on the N77. You are therefore required to:

- *Submit a series of site layout plans at an appropriate scale to clearly demonstrate the precise location of the proposed underground cable along the N77. Ensuring that such plans clearly illustrate the existing carriageway surface, road margins on both sides, and the exact alignment of the grid connection route, including the location of any associated infrastructure such as joint bays.*

Structural Impact Assessment

- *Provide detailed information demonstrating that the proposed installation of the underground cable and associated works will not compromise or structurally undermine the structural integrity of the N77. This should include engineering assessments and construction methodologies as appropriate.*

Consideration of Alternative Installation Methods

- *Clarify whether Horizontal Directional Drilling (HDD) has been considered at the location where the proposed grid connection crosses the N77.*

Interaction with Existing Utilities

It is noted that the proposed grid connection route travers existing underground utilities and services associated with the Tirlan facility. You are required to:

- *Submit detailed information demonstrating that the proposed grid connection installation will not adversely impact these existing underground utilities and services.*

2.6.1.1 Response to FI Item No. 12

Detailed Layout Plans

Firstly, it should be noted that the scale of the layout drawings prepared and submitted with the application for the Proposed Development (Drawing No. 231103-03F, Drawing No. 231103-03I to Drawing No. 231103-03K) were agreed with both local authorities prior to the submission of the applications.

With respect to the Proposed Grid Connection 38kV underground cabling route, the previously submitted drawings, specifically Drawing No.'s 231103-03F, 231103-03I, 231103-03J and 231103-03K, clearly show the exact alignment of the cabling route within the corridor of the N77 National Secondary Road and the locations of the joint bays (3 no.). The locations of the reception and launch pits for the horizontal directional drilling works beneath the River Nore are shown within agricultural land to the east of the public road corridor.

In response to this request for further information, layout drawings, relevant to the Proposed Grid Connection 38kV underground cabling route, have been prepared at a scale of 1:1,000 @ A1. These layout drawings supplement the drawings previously submitted and illustrate the existing carriageway surface and grass verge (margins) within the corridor of the N77. The proposed cabling route has been overlain to demonstrate the exact alignment of the cabling trench and the extent of which is located within the carriageway surface and the grass verge.

As stated in Chapter 4, Section 4.3.2.3, of the previously submitted EIAR, as part of the detailed design process, every effort has been made to locate the Proposed Grid Connection cabling trench off the existing road carriageway and within the hard shoulder or soft margin/grass verges, avoiding, insofar as possible, other existing underground services/utilities (Refer to EIAR Section 4.8.2.4). The proposed underground cabling route runs for approximately 2.2km. The existing carriageway of the N77 has been avoided apart from a short section measuring approximately 35m (~1.6% of the total length of cabling within the public road corridor) where the cabling trench crosses from west to east across the existing carriageway.

The exact location of the grid connection cabling and joint bays within the curtilage of the public road network may be subject to minor modification following confirmatory site investigations, to be undertaken prior to construction of the proposed wind farm development. A Road Opening Licence will be sought from the Roads Authority i.e. Kilkenny County Council requiring all details to be confirmed before the licence is granted and work can commence. The layout drawings are included as **Appendix 6** of this RFI.

Structural Impact Assessment

As stated above, just 35m of the proposed underground cabling is located within the existing carriageway of the N77. The majority of the 2.2km of underground cabling route located within the N77 public road corridor (>98%) is proposed to be located within the grass verge/margins, completely avoiding the existing carriageway surface. Therefore, it is considered that the potential for the cabling trench works to significantly undermine the structural integrity of the N77 carriageway is very low and as such a Structural Impact Assessment has not been undertaken at the planning stage of the Proposed Development.

The methodology for the installation of the grid connection cabling within the public road (refer to Chapter 4, Section 4.8.2.3 of the EIAR) is in line with industry best practice guidelines and will be supplemented with any studies or assessments deemed necessary as part of the Road Opening Licence process.

Furthermore, as committed to in Chapter 15, Section 15.1.11.5, a pre-condition survey of roads associated with the Proposed Development will be carried out prior to construction commencement to record the condition of the road including the N77 carriageway surface. A post construction condition survey will be carried out after works are completed. Where required the timing of these surveys will be agreed with the local authority. All works will be done in accordance with the Department of Transport's *Guidelines for the Opening, Backfilling and Reinstatement of Openings in Public Roads*[5] and all road surfaces and boundaries will be re-instated to pre-development condition, as agreed with the local authority engineers.

[5] https://assets.gov.ie/static/documents/guidelines-for-managing-openings-in-public-roads.pdf

As part of the pre-construction condition survey, the Applicant commits to undertaking a structural impact assessment of the section of the N77 carriageway where it is proposed to cross from the western side to the eastern side of the corridor.

Consideration of Alternative Installation Methods

While it has been proposed to use the standard trenching methodology (Chapter 4, Section 4.8.2.3 of the EIAR) for the section of the proposed underground cabling route that crosses the existing carriageway of the N77, it is acknowledged that horizontal directional drilling (HDD) is also an option for crossing beneath the carriageway.

If the HDD methodology were to be utilised, launch and reception pits would be required to be located within the grass verge/margins either side of existing carriageway. The works would follow a methodology similar to that outlined for the HDD crossing of the River Nore in Chapter 4, Section 4.8.2.6.1 of the EIAR. The findings of the EIAR with respect to potential effects on traffic utilising the N77 while the cabling works were taking place would remain the same, regardless of the methodology chosen (i.e. a "Stop & Go" traffic management system will be in operation in order to retain a 2-way flow on the N77).

It is considered that the standard trenching methodology proposed for the installation of the cabling trench within the public road corridor will not undermine the structural integrity of the N77 carriageway.

A Road Opening Licence will be sought from the Roads Authority i.e. Kilkenny County Council requiring all details to be confirmed before the licence is granted and work can commence. As part of this process the final methodology for the installation of the proposed underground cabling across the N77 corridor will be agreed.

Interaction with Existing Utilities

The presence of existing services along the Proposed Grid Connection underground cabling route has been considered as part of the design phase of the Proposed Development. Through consultation with ESB and Uisce Éireann, both of whom supplied mapping data of their underground services, and viewing publicly available Open Eir infrastructure mapping[6], it is known that water supply, wastewater, underground electrical and underground broadband services are present along the Proposed Grid Connection route, including those services which are connected to the Tírlan facility. The proposed route has been aligned, within the public road corridor, so as to reduce, insofar as possible, the potential for significant effects on both the carriageway and on existing underground services. However, it is acknowledged that detailed surveys will be required to ground-truth the information provided by the service providers mentioned above and to identify any other existing services such and underground gas, telecommunications and private water supply. This has been outlined in Section 4.8.2.4 of Chapter 4 of the EIAR, which states,

> *"The location and avoidance of existing underground services (e.g. watermains, other underground electricity cables, fibre broadband etc.) was a key consideration in determining the position and alignment of the Proposed Grid Connection underground electricity cabling route. However, notwithstanding this consideration, in order to facilitate the installation of an underground grid connection, it may be necessary to relocate existing underground services such as water mains or existing cables. In advance of any construction activity, the contractor will undertake additional surveys of the proposed route to confirm the presence or otherwise of any services. If found to be present, the relevant service provider will be consulted with in*

[6] https://cei.openeir.ie/emaps/index.html#/map/53.460272,-7.700213,7z

order to determine the requirement for specific excavation or relocation methods and to schedule a suitable time to carry out works.

If existing low voltage underground cables are found be present, a trench will be excavated, and new ducting and cabling will be installed along the new alignment and connected to the network on either end. The trench will be backfilled with suitable material to the required specification. Warning strip and marking tape will be laid at various depths over the cables as required. Marker posts and plates will be installed at surface level to identify the new alignment of the underground cable, the underground cables will then be re-energised.

In the event that water mains are encountered the water supply will be turned off by the utility so work can commence on diverting the service. The section of existing pipe will be removed and will be replaced with a new pipe along the new alignment of the service. The works will be carried out in accordance with the utility standards."

It is considered best practice to undertake detailed surveys of existing services prior to the commencement of the construction phase. This will allow the contractor to take account of any potential amendments to existing services currently located along the route and potential additional services that may be installed along the route between now and the point at which construction of the Proposed Development commences.

In addition, a detailed survey of existing services along a proposed grid connection route on the public road network would require excavations within the road corridor. Therefore, a Road Opening Licence (ROL) from the local authority will be required. It is considered best practice to apply for one ROL that will cover both detailed surveys prior to and the construction of the Proposed Grid Connection. This application would only be made following a grant of planning permission for the Proposed Development.

Diversions of existing services are considered standard practice as part of the construction of grid connections for renewable energy projects. Once the mitigation measures outlined in Section 4.8.2.4 of the EIAR, the potential effects on local utilities and services and the users of the same will be short term, slight and negative.

For the purposes of the environmental impact assessment as part of the planning application process, it is necessary to assess a proposed development regarding the potential environmental impacts with a full understanding of the physical elements of that development. Detailed design is a follow-on process that is undertaken pending a successful planning decision, in accordance with proper planning and sustainable development. As part of the Detailed Design stage, a ROL is applied for to the local authority, and an Enduring Connection Policy (ECP) licence is applied for to the Eirgrid/ESB. An ECP GSS1 applicant was submitted to Eirgrid in September 2025. Both applications, the ROL and ECP, require detailed design information and therefore design survey investigations are carried out to present the most up-to-date, detailed information to the relevant authorities. The level of detail provided in the EIAR is robust enough to undertake an environmental assessment of the proposed works which will employ the suite of methodologies outlined in Chapter 4, Section 4.8.2 of the EIAR. Furthermore, the level of detail provided in the EIAR is of a standard that is presented in renewable energy development planning applications that are submitted to and that is commonly presented to both local authorities and An Coimisiúin Pleanála – in both Strategic Infrastructure Development applications and in an Appeals case of a local authority decision.

2.7 Archaeological, Architectural and Cultural Heritage

2.7.1 Further Information Item No.13

Relating to Chapter 13 of the EIAR regarding Archaeological, Architectural and Cultural Heritage:

It is noted that the proposed Turbine Delivery Route (TDR) traverses the Durow Architectural Conservation Area (ACA), including The Square, Mary Street and Carrigan Street within the town centre. It is further noted that Chapter 13 of the EIAR does not assess the potential impact of the TDR on the ACA, notwithstanding that accommodation works are proposed to facilitate turbine delivery.

Having regard to the above, you are required to submit the following further information:

- ***Update the EIAR to include a detailed assessment of the potential effects of the Turbine Delivery Route on the Durrow ACA.***
- ***This assessment should specifically consider the impact of any accommodation works, including potential effects on the character, setting, and architectural significance of the ACA.***
- ***Where impacts are identified, the applicant shall propose appropriate mitigation measures to avoid, reduce, or remedy adverse effects.***

2.7.1.1 Response to FI Item No. 13

The Archaeological, Architectural and Cultural Heritage assessment, included as Chapter 13 of the submitted EIAR, was undertaken by IAC Archaeology (IAC). As requested, IAC have now prepared an updated version of Chapter 13 to include a detailed assessment of the potential effects of the Turbine Delivery Route on the Durrow ACA. The updated chapter is included as **Appendix 7** of this RFI. New text has been coloured green for ease of reference.

2.8 Recent Coolglass Supreme Court Judgement

2.8.1 Further Information Item No. 14

You are invited to respond to the recent Supreme Court Judgement [2026] IESC 5.

2.8.1.1 Response to FI Item No. 14

This significant development in Irish planning law in relation to the obligations on public bodies in accordance with Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended (the Climate Act) is directly relevant to the determination of the Proposed Development. The legal analysis of Section 15 of the Climate Act has arisen from a challenge to a decision of the Commission to refuse planning permission for a wind farm in County Laois. The Supreme Court issued a judgment on this matter on 4th February 2026 in Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5.

The Climate Action and Low Carbon Development Act 2015 (as amended)

The Climate Act establishes a legislative precedent to reduce Ireland's carbon emissions, legally binding Ireland to achieve net-zero emissions no later than 2050, and to a 51% reduction in emissions by the end of this decade.

The Climate Act also incorporates the following key provisions:

- Embedding the process of setting binding and ambitious emissions reductions targets in law;
- Providing for a national climate objective, which commits to pursue and achieve no later than 2050, the transition to a climate resilient, biodiversity-rich, environmentally sustainable and climate-neutral economy;
- Setting out that the first two five-year carbon budgets proposed by the Climate Change Advisory Council should equate to a total reduction of 51% over the period to 2030, relative to a baseline of 2018;
- Strengthening the role of the Climate Change Advisory Council;
- Setting out that the government must adopt carbon budgets that are consistent with the Paris agreement and other international obligations;
- Actions for each sector will be detailed in the Climate Action Plan which must be updated annually; and
- Local Authorities must prepare individual Climate Action Plans which will include both mitigation and adaptation measures and will be updated every five years.

Section 15(1) of the Climate Act places an obligation on public bodies to perform their functions in a manner which favours climate action, unless it is objectively impracticable to do so.

"A relevant body shall, in so far as practicable, perform its functions in a manner consistent with:

a) *the most recent approved climate action plan,*
b) *the most recent approved national long term climate action strategy,*
c) *the most recent approved national adaptation framework and approved sectoral adaptation plans,*
d) *the furtherance of the national climate objective, and*
e) *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State."*

Significance of the Coolglass Judgement

The Supreme Court establishes that consenting authorities must make decisions *'in so far as practicable'* in a manner '*consistent with*' the approved national long term climate action strategy and the approved national long term climate action strategy as set out in Section 15(1) of the Climate Act. This means that departure from climate objectives is permissible, but only where there are genuine practical difficulties that make full alignment impracticable.

Consenting Authorities, such as the Commission, must therefore meaningfully engage with national climate objectives when exercising their functions, including decision-making and must also demonstrate how those functions have been carried out in a manner consistent with, in so far as practicable, national climate objectives.

Taking these legal duties into account, the Commission is required to attribute significant weight to national climate policy and the delivery of renewable energy infrastructure, such as the Proposed Development, even where they materially contravene a statutory development plan, particularly when that plan is out of step with national policy.

The significance of the judgement is that Consenting Authorities, including the Commission are now under clear, legal duty to give meaningful consideration of the contribution made to the achievement of national climate targets by renewable energy developments, such as the Proposed Development. This is of particular importance where a development would advance decarbonisation targets.

Relevance of the Proposed Development

The Proposed Development comprises of a renewable energy development, which will make a meaningful contribution to the fulfilment of national climate objectives, including those set out in the Climate Action Plan 2025 (CAP25), which sets out targets to achieve an 80% electricity share as well as 9GW of renewable energy by 2030.

Considering the Coolglass Supreme Court Judgement, the Commission is required to attribute a significant weight to the following benefits in their assessment of the Proposed Development:

- The Proposed Development will contribute to compliance with Ireland's sectoral ceilings and Ireland's carbon budgets,
- It will generate renewable electricity and help to displace fossil-fuel based generation,
- It will further national climate objectives, including the CAP25 target of an 80% renewable electricity share as well as 9GW of renewable energy by 2030,
- It will support Ireland's legally binding commitments under national, European and International climate law.

Therefore, a decision to grant permission for the Proposed Development would represent the performance of the Commission's functions in a manner that is consistent with Section 15(1) of the Climate Act.

Compliance with Section 15(1) of the Climate Act

Having regard to these functions, **Table 2-2** demonstrates how, in determining the applications for the Proposed Development, the Commission would be performing its functions in a manner consistent with Section 15(1) of the Climate Act.

Table 2.2 – Compliance with Section 15(1) of the Climate Act

Section 15(1) Requirement	Proposed Development Compliance	Conclusion
Most recent approved climate action plan	The Proposed Development, which will contribute directly towards the CAP25 goals of 9GW of wind energy by 2030 and renewable electricity share of 80% by 2030. Onshore wind is identified as being critical in the decarbonisation of the electricity, and as such the Proposed Development should be considered in that regard. The Proposed Development will have a total power output of 48MW. On this assumption, the Proposed Development will result in the net displacement of approximately 30,934 tonnes of carbon dioxide (CO2) per annum, including accounting for back-up generation.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with CAP 25, insofar as is practicable.
Most recent approved national long term climate action strategy	The Proposed Development will support the national long term climate action strategy as the development represents critical renewable energy infrastructure, that will make a meaningful contribution to achieving the State's reduced emissions targets and the transition towards a climate resilient society.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with the most recent approved national long term climate action strategy, insofar as is practicable.
Most recent approved national adaptation framework and approved sectoral adaptation plans	The Proposed Development will aid Ireland in adhering to, or limiting the exceedance of, the country's carbon budgets. The electricity sector failed to remain within the designated sectoral ceiling q for the first carbon budget period from 2021 to 2025. The delivery of renewable energy infrastructure such as the Proposed Development, which will result in the net displacement of approximately 30,934 tonnes of carbon dioxide (CO2) per annum, is integral to the reduction of emissions from electricity generation and the transition towards a low carbon, climate resilient society. The national renewable energy targets and the carbon budgets are integral to the government's response to the climate crisis.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with the most recent approved national adaptation framework and approved sectoral adaptation plans, insofar as is practicable.
The furtherance of the national climate objective	The Proposed Development, aligns with national climate policy objectives. The Proposed Development, with a total output in the region of 48MW, will make a significant contribution (approximately 0.53%) to achieving the CAP 25 target of 9GW of onshore wind energy by the year 2030.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with the furtherance of the national climate objective insofar as is practicable.
The objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State	The Proposed Development will support the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State through the generation of wind energy and displacing electricity that would otherwise be produced from fossil fuel sources.	A grant of permission would constitute the performance of the Commission's functions in a manner consistent with the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

Conclusion

The decision of the Supreme Court in Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5 confirms that Section 15 of the Climate Act imposes a binding obligation on consenting authorities, including the Commission, to determine planning applications, insofar as practicable in a manner that is consistent with the fulfilment of national climate objectives and to give adequate reasons demonstrating that consistency.

The Proposed Development is supported by regional, national and international policy and has been designed in accordance with the latest national guidance and best practice. It has been demonstrated, in the EIAR and NIS, that the Proposed Development will not give rise to any significant adverse effect on the environment or on the integrity of European Sites.

Crucially, the Proposed Development will have a total power output in the region of 48MW and will result in the net displacement of approximately 30,934 tonnes of carbon dioxide (CO2) per annum, including accounting for back-up generation, making a significant contribution towards the CAP25 goals of 9GW of wind energy by 2030 and renewable electricity share of 80% by 2030.

Accordingly, the Commission can lawfully exercise its planning judgement to grant permission for the Proposed Development in a manner consistent with its statutory duty under Section 15 of the Climate Act and the principles clarified in the Coolglass Judgement, whilst also aligning with EU and national policy objectives.

2.9 General

2.9.1 Further Information Item No. 15

Having regard to this further information request, you are required to provide a summary of all amendments to the EIAR, NIS and other supporting information. All changes are to be clearly identified. The applicant is also invited to submit any errata/corrections to the EIAR, NIS and any other supporting information with its response to this further information request. As above, all changes are to be clearly identified.

2.9.1.1 Response to FI Item No. 15

A summary of all of the amendments and made to and correction of errata within the EIAR and NIS, and their supporting documents, has been compiled in this section of the RFI.

2.9.1.1.1 *Environmental Impact Assessment Report*

Chapter 3: Consideration of Reasonable Alternatives

In response to FI Item 11, a summary and discussion of the consideration of alternative grid connection technologies and routes within Chapter 3 of the EIAR is presented under the heading *Selection of Optimal Grid Connection Route* is to be read in conjunction with Section 3.2.6.2 of Chapter 3.

Chapter 4: Description of the Proposed Development (Appendix 4-1 Proposed Development Layout and Detail Drawings)

In response to FI Item No. 12, layout drawings, relevant to the Proposed Grid Connection 38kV underground cabling route, have been prepared at a scale of 1:1,000 @ A1. These layout drawings supplement the layout drawings included in Appendix 4-1 to Chapter 4 of the EIAR, specifically

Drawing No. 231103-03F and Drawing No. 231103-03I to Drawing No. 231103-03K, and illustrate the existing carriageway surface and grass verge (margins) within the corridor of the N77. The proposed cabling route has been overlain to demonstrate the exact alignment of the cabling trench and the extent of which is located within the carriageway surface and the grass verge.

Chapter 6: Biodiversity (Appendix 6-2 Bat Survey Report)

In response to FI Item 10 and the updated Departmental guidance, further inspections were brought forward from the pre-construction stage to establish, prior to determination of the application, whether a Regulation 54 derogation is required based on the current condition and roost status of the trees. A Ground-Level Tree Assessment (GLTA) and inspection of potential roost features (PRFs) within trees proposed for removal were undertaken within the Site on 26th June 2026. The survey was completed to inform the response to FI Item 10.

The Bat Survey Report (included as Appendix 6-2 to Chapter 6 of the EIAR), has been updated to incorporate the findings of the 2026 reassessment of the 23 no. trees proposed for removal. The updates include revised tree classifications, updated survey results in Table 4-8 and an updated Figure 4-2 showing the locations and classifications of the reassessed trees. The report has also been updated to have regard to information and guidance published after the application was submitted, including the 2025 Article 17 reports and the current Departmental guidance on Regulation 54 derogations. The original Bat Survey Report referred to the 2019 Article 17 reporting, which was the most recent reporting available when the application was submitted. These updates do not indicate a deficiency in the original assessment; rather, they ensure that the response to FI Item 10 and the updated Bat Survey Report consider the most recent available information. The updated Bat Survey Report is included as **Appendix 5** of this RFI. New text within the updated report has been coloured green for ease of reference while obsolete text has been coloured red with a strikethrough.

The updated report is supplementary to and can be read in conjunction with Sections 6.2.3.4.4, 6.3.1.5, 6.4.7.4, 6.5.2.2.4 and 6.5.3.2.1 of Chapter 6 ((Biodiversity) of the EIAR.

Chapter 8: Lands, Soils and Geology

A summary of the lithological information recorded for boreholes MW1 to MW4 is presented in Chapter 8, Section 8.3.4.1 (Table 8-6) of the EIAR. The corresponding borehole logs were inadvertently omitted from the EIAR as submitted. Copies of the four borehole logs are now provided in Appendix 2 to this RFI. It is confirmed that these are the logs for monitoring boreholes MW1, MW2, MW3 and MW4, drilled in May 2024 and referenced in the EIAR. The logs contain the geological and hydrogeological information relied upon in the assessments presented in Chapters 8 and 9.

The submission of the logs corrects the omission from the original application documentation. It does not result in any change to the assessments or conclusions set out in Chapters 8 and 9 of the EIAR.

Chapter 12: Noise and Vibration

The responses provided to FI Items 2 to 7 have not required the amendment to Chapter 12 of the EIAR or its supporting appendices. The following list sets out the sections of Chapter 12 with which the responses are to be read in conjunction.

- Response to FI Item 2 is to be read in conjunction with Section 12.4.2.1 of Chapter 12 of the EIAR.
- Response to FI Item 3 is to be read in conjunction with Sections 12.4.4 and 12.6.2.5 of Chapter 12 of the EIAR.
- Response to FI Item 4 is to be read in conjunction with Sections 12.3.2.6, 12.5.4 and 12.6.3.2.1 of Chapter 12 of the EIAR.

- Response to FI Item 5 corrects a typographical error in Section 12.6.2.4 of Chapter 12 of the EIAR.
- Response to FI Item 6 corrects a typographical error in Section 12.7.2.2 of Chapter 12 of the EIAR.
- Response to FI Item 7 is to be read in conjunction with Section 12.9 of Chapter 12 of the EIAR.

Chapter 13: Archaeological, Architectural and Cultural Heritage

Chapter 13 of the EIAR has been updated in response to FI Item 13. This item requires the chapter to be updated to include a detailed assessment of the potential effects of the Turbine Delivery Route (TDR) accommodation works on character, setting, and architectural significance the Durrow Architectural Conservation Area (ACA).

New text within the updated chapter has been coloured green for ease of reference and appears in the following sections of the chapter:

- Section 13.1 - Introduction: New text included to set out that the chapter has been updated to respond to the FI Item 13 request.
- Section 13.2.3 – Field Inspection: New text provided to note that a site visit of the proposed TDR accommodation works area was visited by IAC Archaeology in September 2025.
- Section 13.4 – The Receiving Environment: New text provided to include a more detailed reference to the proposed TDR accommodation works in the town of Durrow. Two images have also been included to show the location of the TDR accommodation works within the Durrow ACA.
- Sections 13.4.2.2 and 13.4.2.3 – Cartographic Analysis: New text included to highlight that the greenspace and water pump within which the TDR accommodation works are located was not present in the 1842 Ordnance Survey (OS) Map but were illustrated in the 1906 OS Map. Images of both OS maps with the accommodation works area overlain have been included for context.
- Section 13.4.3.2 – Record of Protected Structures: New text included to outline that there are three protected structures within 50m of the proposed TDR accommodation area. A new section has been added to Table 13-6 to list these protected structures and their proximity to the accommodation works area.
- Section 13.4.3.3 – Architectural Conservation Areas: New text has been added to this section outlining the cultural heritage features within and around the proposed TDR accommodation works area within the Durrow ACA. A photograph of the greenspace taken in the 1950s has been included for additional context.
- Section 13.4.7 – Cultural Heritage: A new section has been added to Table 13-9 listing all of the cultural heritage features within and around the proposed TDR accommodation works area. Photographs taken during the September 2025 site visit have also been added.
- Section 13.5.2 – Construction Phase: New text has been added to this section describing the potential for direct and indirect effects on the Durrow ACA, and specifically the greenspace, during the construction phase of the Proposed Development.
- Section 13.5.5 – Residual Effects: New text has been added to clarify that no significant residual effects on the Durrow ACA will occur following the reinstatement of the greenspace within which the proposed TDR accommodation works are located.

The updated Chapter 13 is presented in **Appendix 7** of this RFI.

2.9.1.1.2 *Natura Impact Statement*

As requested in FI Item No. 9, an updated AA Screening Report and NIS have been prepared to reflect the revised conservation objectives for the River Barrow and River Nore SAC, published on 6th June 2025. The updated AA Screening Report and NIS is included as **Appendix 4** of this RFI. The NIS has also been updated to assess the potential significant disturbance effects on QI Species (namely kingfisher) using baseline and predicted noise level information presented in **Appendix 3, Section 3**, of this RFI.

New text has been coloured green for ease of reference while obsolete text has been coloured red with a strikethrough. Updates have been made to the following sections of the NIS:

- Section 1.1 – Background: Text has been added to provide the full development description, planning history and RFI background, including the requests to address updated SAC conservation objectives and HDD noise effects.
- Section 1.3 – Statement of Authority: Confirms that updates have been made by Caroline Kelly (Senior Ecologist) and reviewed Corey Cannon (Project Director – Ecology).
- Section 1.4.2 – Ecological Survey Methodologies: Text added to update the updated Bat Survey Report references and to include the July 2026 noise-monitoring methodology, equipment and survey conditions.
- Section 3.2.4 – Noise Survey: New text included to outline the findings of the noise survey which recorded baseline noise level of 62 dB near the River Nore HDD crossing and identifies the main background-noise sources.
- Section 4.1 – Identification of Relevant European Sites: New text included to add *Reefs* as an SAC qualifying interest, to update the SAC and SPA conservation-objective references and assesses potential temporary HDD noise disturbance to foraging kingfisher. Text has been omitted to delete the Nore pearl mussel as a separate qualifying interest and deletes superseded 2011 and 2022 conservation-objective information.
- Section 5.1.1 – River Barrow and River Nore SAC: New text included which replaces the former Nore freshwater pearl mussel assessment with an updated freshwater pearl mussel assessment reflecting its genetic reclassification; adds current distribution and restoration targets, Reefs, updated species/habitat conservation statuses, and revised water-quality risk tables based principally on 2024–2025 NPWS information.
- Section 5.2.1 – River Nore SPA: New text included to update the kingfisher conservation objective and add an assessment of HDD noise, foraging disturbance and current site-specific targets covering population, productivity, nesting, foraging, water quality and connectivity.
- Section 6.2.1 – Hydrological Impact – Water Quality/Habitat Degradation: New text included to add the River Nore SPA/kingfisher as a potential indirect receptor.
- Section 6.2.2 – Impacts to Kingfisher – Disturbance: New text included the update HDD disturbance assessment using baseline noise and predicted HDD works noise levels, concluding that breeding effects are not expected but precautionary mitigation is required for possible foraging effects; HDD works must occur outside March–July, with a pre-construction survey and suspension of works if an occupied nest is found within 100 m.
- Section 7 – Assessment of Residual Adverse New text included to add “restoring” to confirm that the development will not prevent qualifying interests from achieving, maintaining or restoring favourable conservation status.
- Bibliography: Cutts et al. (2013), the 2024 River Nore SPA objectives, the 2025 River Barrow and River Nore SAC objectives, the 2025 Article 17 species and habitat assessments, and Stace (2010) added to the list of references while the superseded 2011 SAC objectives, 2019 Article 17 overview and 2022 SPA objectives have been removed.

3. CONCLUSION

This Response to Further Information in relation to the Seskin Wind Farm First Party Appeal in Co. Laois, together with the accompanying appendices and updated supporting documentation, provides a comprehensive response to the matters raised by An Coimisiún Pleanála in its Further Information Request of 18th May 2026.

The additional information submitted addresses the matters raised in relation to land, soils, geology and water; noise and vibration; landscape and visual effects; biodiversity and Appropriate Assessment; reasonable alternatives; material assets and the proposed grid connection; archaeological, architectural and cultural heritage; and the implications of the Supreme Court judgment in *Coolglass Wind Farm Limited v An Coimisiún Pleanála* [2026] IESC 5. The response also identifies the amendments, clarifications and supplementary information arising from the Further Information Request and should be read together with the EIAR, NIS and original planning application documentation.

The additional surveys, assessments and clarifications undertaken in response to the Commission's request provide further information on the environmental effects of the Proposed Development and, where appropriate, update the relevant elements of the EIAR and NIS. In particular, the response provides updated Appropriate Assessment documentation, additional ecological and bat survey information, further assessment of the Proposed Grid Connection and its interaction with the N77, updated archaeological and architectural heritage assessment, supplementary noise information and additional landscape and visual clarification.

The Proposed Development will provide approximately 48 MW of renewable electricity generation capacity and will contribute towards the achievement of national renewable electricity and climate objectives, including the Climate Action Plan 2025 targets for 9 GW of onshore wind capacity and an 80% renewable electricity share by 2030. The Commission is also required, in the performance of its functions, to have regard to the statutory climate framework, including the obligations arising under Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended, and the principles clarified by the Supreme Court in *Coolglass*.

Having regard to the information contained in the original application documentation and the further information now submitted, it is considered that the matters raised by the Commission have been adequately addressed and that the Proposed Development can be appropriately assessed on the basis of the complete planning and environmental record before it.

Accordingly, having regard to the planning, environmental, climate and renewable energy policy context, it is respectfully submitted that the Proposed Development is consistent with the proper planning and sustainable development of the area and that planning permission should be granted, subject to such appropriate conditions as the Commission considers necessary.

