An Bord Pleanála

Planning Appeal Form

083201-25

AN COIMISIÚN PLEANÁLA
LDG-
ACP-
29 SEP 2025
Fee: € 3000 Type: Card
Time: 16:47 By: In person

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a)	Name	Seskin Renewable Energy Limited
(b)	Address	5 Pery Square, Limerick City, Co. Limerick V94 EV1F

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a)	Agent's name	Alan McBride, MKO Ireland
(b)	Agent's address	Tuam Road, Galway, H91 VW84

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1	☐	**The agent at the address in Part 2**	✓

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Kilkenny County Council

(b) Planning authority register reference number

(for example: 18/0123)

25/60418

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Seskin, Ballyconra, Ballynaslee and Moatpark, Co. Kilkenny

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see Grounds of Appeal Statement

Supporting material

6. If you wish you can include supporting materials with your appeal. Supporting materials include:

   - photographs,
   - plans,
   - surveys,
   - drawings,
   - digital videos or DVDs,
   - technical guidance, or
   - other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing	☐
No, I do not wish to request an oral hearing	✓

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

Plain English
Approved by NALA

The Secretary,
An Coimisiún Pleanala
64 Marlborough St.,
Dublin 1,
D01 V902

Our ref: 231103

Your ref:

Date: 29th September 2025

Re: First Party Appeal of Decision to Refuse Permission – Kilkenny County Council Pl. Ref. 25/60418

Dear Sir/Madam,

MKO of Tuam Road, Galway, H91 VW84 have been instructed on behalf of our client, Seskin Renewable Ireland Limited of 5 Pery Square, Limerick City, Co. Limerick, V94 EV1F, to prepare and lodge this First-Party Grounds Of Appeal (GOA) against the decision of Kilkenny County Council to refuse planning permission for a proposed renewable energy development comprising of 6 no. wind turbines, a permanent 38kV substation compound, underground electrical and communications cabling to the existing Ballyragget 110kV substation and other ancillary works to facilitate the Wind Farm located in the townlands of Seskin, Ballyconra, Ballynaslee and Moatpark, Co. Kilkenny.

The planning application was lodged with KCC on 9th of July 2025 and was assigned the planning reference Pl. Ref. 25/60418. The planning application was accompanied with an Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) along with all required statutory planning application documentation. Permission was refused by KCC on the 2nd of September 2025. The deadline for the submission of this appeal to An Coimisiún Pleanála (the Commission) is the 29th of September 2025, by 5.30pm.

This GOA is being made in respect of a wind farm development known as the 'Seskin Renewables Wind Farm' which comprises 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.

The elements of the Seskin Renewables Wind Farm development located in Co. Kilkenny the subject of this GOA. The remaining elements, comprising 2 wind turbines and associated works, are located in Co. Laois. These were the subject of a separate, concurrent application to Laois County Council, which was refused and is now the subject of a separate First-Party Grounds of Appeal being submitted to the Commission.

Galway - MKO, Tuam Road, Galway, H91 VW84 **(Correspondence address)**
Dublin - MKO, 90 Beckett Way, Park West Business Park, Dublin, D12 XN9W
+353 (091) 735 611 | mko-ireland.ie | info@mkoireland.e

Please find enclosed the completed Planning Appeal Form, along with the GOA which sets out the Applicant's Grounds of Appeal against the reasons for refusal given by Kilkenny County Council in their decision to refuse permission.

The proposed development remains that as set out in the public notices as follows:

'The proposed development, subject of this application, will consist of:

i. *The construction of 6 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. *A permanent 38kV substation compound (control building with welfare facilities, all associated electrical plant and apparatus, security fencing including vegetative screening, underground cabling, wastewater holding tank, site drainage and all ancillary works);*

iii. *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);*

iv. *Underground electrical and communications cabling connecting the wind turbines and meteorological mast to the on-site substation;*

v. *A meteorological mast with a height of 100m above ground and associated foundation and hard-standing area;*

vi. *Upgrade of existing tracks and roads and the provision of new site access roads;*

vii. *All works associated with the upgrade of the existing agricultural access off the L58333 local road (including the installation of fencing and steel gates);*

viii. *2 no. temporary construction compounds (including temporary site offices and welfare facilities);*

ix. *Accommodation works along the N77 National secondary road in the townland of Ballynaslee, Co. Kilkenny to facilitate the delivery of turbine components and other abnormal sized loads;*

x. *A borrow pit;*

xi. *Spoil Management;*

xii. *Hedgerow removal;*

xiii. *Biodiversity Management and Enhancement Plan measures (including establishment of new hedgerow, translocation of existing hedgerow and enhancement of existing hedgerow);*

xiv. *Site Drainage;*

xv. *Operational stage site signage; and,*

xvi. *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 GOA Report outlines the project background, the reasons for Kilkenny County Council's refusal, and the Applicant's Grounds of Appeal. It directly addresses and refutes the three refusal reasons, demonstrating that they are fundamentally flawed and that the Proposed Development aligns with proper planning and sustainable development. As such, it argues that Kilkenny County Council's decision should be overturned and planning permission granted by the Commission. Additionally, the GOA Report highlights the Commissions legal obligations under the Climate Action and Low Carbon Development Act 2015 (as amended) and the Planning and Development Act 2000 (as amended) in assessing renewable wind energy projects. The Proposed Development, if permitted, will contribute towards national wind energy target of 9GW. The importance of the Proposed Development with regards to the climate goals cannot be overlooked.

Ultimately, it is considered that the Proposed Development is in accordance with the provisions of proper planning and sustainable development and should be granted planning permission in respect of the suitability of the site and the need for renewable energy development. It is the policy of the government to rapidly accelerate the roll-out of renewable energy technology. However, if suitable sites are ruled out, such as the Proposed Development, it is unlikely that any acceleration will be seen.

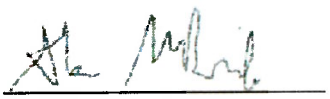
To combat the effects of climate change, Ireland must decarbonise its economy by 2050. There is no "silver bullet" to do so. It will take hundreds, if not thousands, of individual renewable energy projects to decarbonise the Irish economy. The scale of the challenge we face to decarbonise the Irish economy is enormous, but the climate change implications of not doing so are even greater. There is no other way to decarbonise a modern society except through renewable energy projects such as the Proposed Development.

Therefore, it is respectfully requested that the Commission overturn the decision of Kilkenny County Council and resultingly grant planning permission for the Proposed Development- in accordance with the provisions of proper planning and sustainable development.

The sum of €3,000 will be paid by card upon submission of this appeal.

If you have any queries, please do not hesitate to get in touch.

Yours sincerely,



Alan McBride

Project Planner MKO

Enclosed

- Completed Appeal Form
- Grounds of Appeal Report

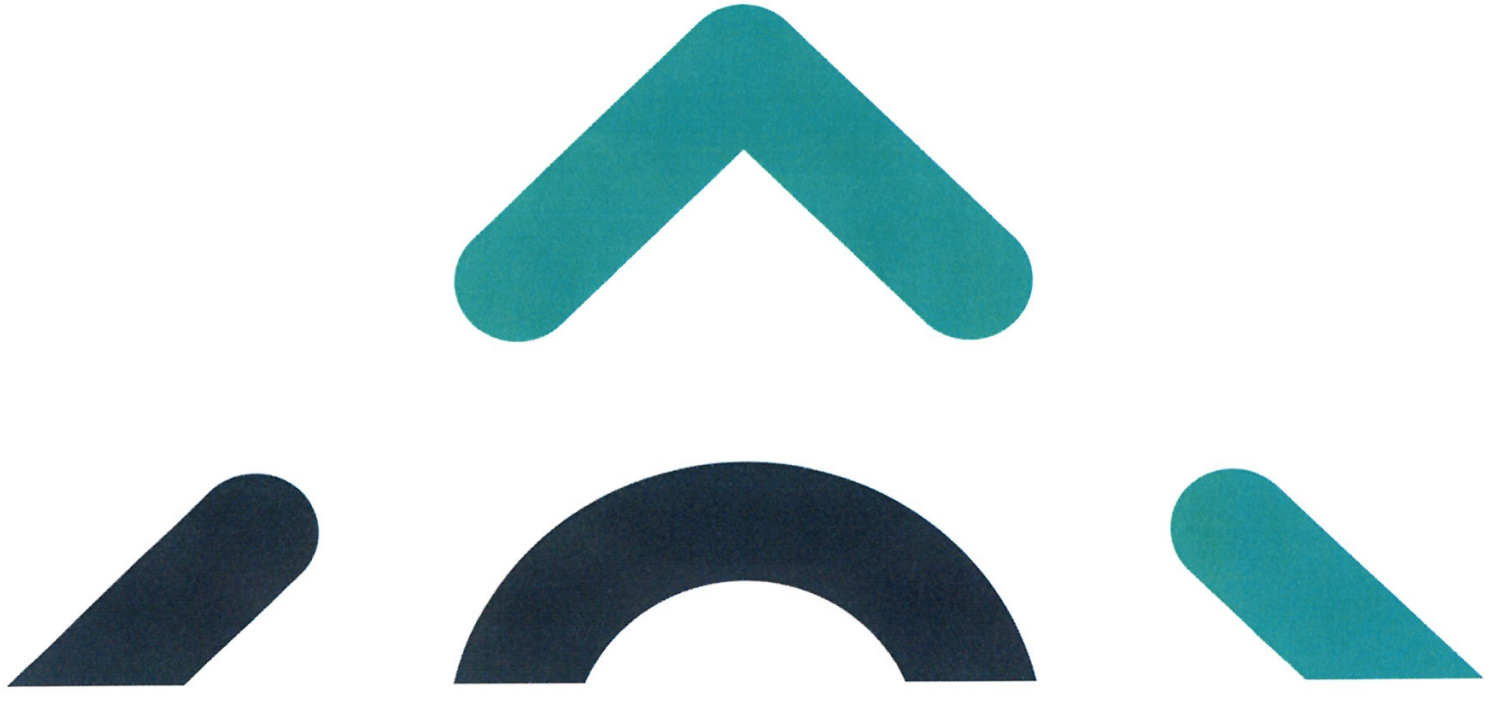
Galway - MKO, Tuam Road, Galway, H91 VW84 **(Correspondence address)**
Dublin - MKO, 90 Beckett Way, Park West Business Park, Dublin, D12 XN9W
+353 (091) 735 611 | mko-ireland.ie | info@mkoireland.ie

Planning and Environmental Consultants

First Party Grounds of Appeal

Seskin Renewables Wind Farm

Kilkenny County Council Pl. Ref: 25/60418



DOCUMENT DETAILS

Client:	Seskin Renewable Energy Ltd
Project Title:	Seskin Renewables Wind Farm
Project Number:	231103-j
Document Title:	First Party Grounds of Appeal
Document File Name:	231103-j Seskin KCC FGOA F1

Prepared By:

MKO
Tuam Road
Galway
Ireland
H91 VW84

Planning and Environmental Consultants

Rev	Status	Date	Author(s)	Approved By
01	Draft	16/09/2025	AMB	
02	Draft	25/09/2025	AMB	
03	Final	29/09/2025	AMB	AC/BK

Table of Contents

TABLE OF FIGURES

EXECUTIVE SUMMARY

MKO has been appointed by Seskin Renewable Energy Ltd to submit a First-Party Grounds of Appeal (GOA) against Kilkenny County Council's refusal to refuse planning permission for the construction of 6 no. wind turbines, a 38kV on-site substation, a 38kV underground grid connection, underground electrical and communications cabling to the proposed 38kV on-site substation and other ancillary works to facilitate the proposed Seskin Renewables Wind Farm ('the Proposed Development'). Kilkenny County Council refused permission on the 2nd of September 2025 (Planning Application Ref: 25/60418). The deadline for the submission of this appeal to An Coimisiún Pleanála is the 29th of September 2025, by 5.30pm.

The planning application was submitted with Kilkenny County Council on the 9th of July 2025 and was assigned planning reference 25/60418 and validated by Kilkenny County Council on the 9th of July 2025. The planning application was accompanied by an Environmental Impact Assessment Report, a Natura Impact Statement, and all necessary documentation. Kilkenny County Council refused planning permission on the 2nd September 2025 citing 3 no. refusal reasons. This appeal demonstrates the Proposed Development's suitability in terms of proper planning and sustainable development.

This GOA sets out the background to the Proposed Development, the reason for refusals issued by Kilkenny County Council and sets out the Applicant's Grounds of Appeal. The GOA provides a response and rebuttal to the three reasons for refusal demonstrating that the Proposed Development is appropriate in terms of proper planning and sustainable development, and therefore Kilkenny County Council's decision should be overturned, and planning permission granted by An Coimisiún Pleanála.

The Proposed Development is strongly supported by European and national policy and legislation. At a European Union level the Proposed Development is supported by the EU Renewable Energy Directive and REPowerEU. At a national level, the Proposed Development is supported by the National Planning Framework First Revision, Climate Action Plan 2025 (CAP25), the National Energy Security Framework, among other national climate and energy policies. The local planning policy framework is also supportive with the Kilkenny City & County Development Plan 2021-2027 which provides for the development of indigenous energy resources, with an emphasis on renewable energy supplies. The Council acknowledges the importance of renewable energy in reducing anthropogenic GHG emissions and the contribution of renewable energy in achieving national and EU targets of net zero GHG emissions by 2050.

An Coimisiún Pleanála has clear legal obligations under the Climate Action and Low Carbon Development Act 2015 (as amended) and the Planning and Development Act 2000 (as amended) when assessing planning applications for renewable wind energy developments. An Coimisiún Pleanála is required to make decisions consistent with national climate policies and objectives, including the latest climate action plan, national adaptation frameworks, and the overarching goal of reducing greenhouse gas emissions. This obligation takes precedence over the requirement to simply *"have regard to"* local planning policies.

The continued refusal of viable wind energy projects poses a serious risk to Ireland's ability to meet its CAP25 targets and legally binding EU climate commitments. Ireland must deploy at least 5GW of new onshore wind capacity by 2030 to meet its renewable electricity targets, yet recent planning trends jeopardise these goals. Failure to meet EU climate targets could result in financial penalties, increased carbon credit costs, and greater reliance on fossil fuel imports, undermining Ireland's energy security and economic stability. Moreover, prolonged planning delays create uncertainty for investors, threatening job creation and regional economic growth. An Coimisiún Pleanála has a statutory duty to consider the national interest and the strategic importance of renewable energy expansion. Without a shift in approach to ensure alignment with national climate objectives, Ireland risks missing its climate targets, incurring financial consequences, and undermining its energy security. Every viable renewable energy project plays a crucial role in meeting Ireland's climate targets. The approval of well-planned projects, such as the Proposed Development is not just beneficial – it is imperative.

Section 4 of this document outlines the First-Party Grounds Of Appeal against Kilkenny County Council's refusal, addressing in turn each of the stated reasons for refusal.

Reason for Refusal 1

1. *Having regard to the size and scale if the proposed development, the Planning Authority considers that the proposed six (6no.) turbines with 175metre tip height and the siting and design of the proposed 38kV substation compound, will give rise to excessive levels of adverse effects on residential amenity in the area, due to the cumulative effects of visual intrusion, combined with noise, shadow flicker and disturbance of access, on a significant number of nearby dwellings in the immediate receiving environment. These effects are integral and incapable of being mitigated because they arise from the extent and scale of the proposed works and their proximity and position relative to dwellings. Therefore, notwithstanding the National imperatives on renewable energy, it is considered that the proposed development on its own and in combination with other windfarms already constructed and proposed in the area, will have a disproportionate undue and unreasonable impact on the visual landscape amenity of the area and in particular, will severely impact negatively the residential amenity of the community in close proximity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

Reason for Refusal 2

2. *The Government's Climate Action Plan 2024 (CAP24) states that for all renewable energy developments requiring grid connection to the national grid, it is recommended that a full assessment of all route alternatives for grid connection takes place, including alternatives to public road, where appropriate, to demonstrate clearly that the 'optimal solution' in accordance with CAP 24 requirements is proposed. The applicant has failed to demonstrate to the satisfaction of the Planning Authority, that the proposed grid connection route is the optimal solution. The proposed underground grid connection route along the public road network, 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. In addition, grid connections accommodated on national roads have the potential to, inter alia, to result in technical road safety issues impacting on ability and cost of general maintenance, upgrades and safety works to existing national roads. Consequently, the proposed grid connection works are considered contrary to the proper planning and sustainable development of the area.*

Reason for Refusal 3

3. *A significant portion of this site lies within a karst aquifer which was verified by APEX Geophysics Limited in the submitted EIAR, and it has been recommended that further boreholes be excavated to investigate increased fissuring/karstification at T03, T05, T06, T07, T08 and substation. There is also a swallow hole on site which could indicate the presence of underground rivers or caves. The karst aquifer further increased karstification of the area and presence of a swallow hole leads to a high chance that there are karst conduits running throughout this site. No further investigations have been carried out in this regard and the applicant has not conclusively demonstrated that the proposed development would not impact the groundwater in this regard. It is therefore considered that the applicant has not conclusively demonstrated that the proposed development would not be contrary to the protection of groundwater resources and the environment.*

In conclusion, this First-Party Grounds Of Appeal challenges Kilkenny County Council's refusal of planning permission for the Seskin Renewables Wind Farm. The Proposed Development aligns with European, national, regional, and local energy policies, supporting Ireland's target of 9GW of onshore wind. It has been demonstrated that the Proposed Development will not cause excessive adverse effects on residential amenity, that the EIAR is robust, and that appropriate mitigation will ensure that no

adverse effects on European Sites will occur as a result of the Proposed Development. Given Ireland's urgent need to accelerate renewable energy deployment to meet climate targets, refusing appropriately located and well-designed projects like this will hinder decarbonisation efforts. An Coimisiún Pleanála is therefore respectfully urged to overturn the refusal and grant planning permission for the Proposed Development in line with proper planning and sustainable development.

1. INTRODUCTION

MKO have been instructed by their client, Seskin Renewable Energy Limited (Ltd.) a subsidiary of Atlantic Infrastructure Renewables Ltd. (AIR), which is an Irish-owned, Limerick-based company, to prepare a First Party Grounds of Appeal in relation to the decision issued by Kilkenny County Council to refuse planning permission for the construction of 6 no. wind turbines, a 38kV on-site substation, a 38kV underground grid connection, underground electrical and communications cabling to the proposed 38kV on-site substation and other ancillary works to facilitate the proposed Seskin Renewables Wind Farm ('the Proposed Development'). Kilkenny County Council refused permission on the 2nd of September 2025 (Planning Application Ref: 25/60418). The deadline for the submission of this appeal to An Coimisiún Pleanála (the Commission) is the 29th of September 2025, by 5.30pm.

It is held that the Planning Authority's decision to refuse permission is unfounded, and planning permission should be granted for the Proposed Development. The Proposed Development will directly facilitate the State achieving its target of generating 9GW of electricity from onshore wind and reducing greenhouse gas emissions by 80% by 2030, as called for in the Climate Action Plan 2025 (CAP25).

This First Party Grounds of Appeal document sets out the background to the project, the planning policy context relevant to the Proposed Development, each reason for refusal issued by Kilkenny County Council and subsequently sets out the Applicant's Grounds of Appeal (GOA). The GOA provides a response and rebuttal to each reason for refusal, demonstrating that the Proposed Development is appropriate in terms of proper planning and sustainable development, and therefore Kilkenny County Council's decision should be overturned, and planning permission granted by the Commission. The refusal issued by the Planning Authority is attached to this Grounds of Appeal in Appendix 1 for reference.

1.1 Background

A planning application for the Proposed Development was lodged with Kilkenny County Council on the 9th of July 2025 for 6 no. wind turbines, a 38kV on-site substation, proposed 38kV grid connection and other ancillary works to facilitate the proposed Seskin Renewables Wind Farm, and was assigned planning reference 25/60418 and validated by Kilkenny County Council on the 9th of July 2025. A concurrent application was lodged with Laois County Council for the 2 no. turbine wind energy development and associated works for the proposed Seskin Renewables Wind Farm which was refused by Laois County Council under Planning Ref. No. 25/60414 and is the subject of a separate appeal to the Commission. Both planning applications were accompanied by an Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) along with all required statutory planning application documentation.

Kilkenny County Council – Planning Notice Project Description

i. *The construction of 6 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. *A permanent 38kV substation compound (control building with welfare facilities, all associated electrical plant and apparatus, security fencing including vegetative screening, underground cabling, wastewater holding tank, site drainage and all ancillary works);*

iii. *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);*

iv. *Underground electrical and communications cabling connecting the wind turbines and meteorological mast to the on-site substation;*

v. *A meteorological mast with a height of 100m above ground and associated foundation and hard-standing area;*

vi. *Upgrade of existing tracks and roads and the provision of new site access roads;*

vii. *All works associated with the upgrade of the existing agricultural access off the L58333 local road (including the installation of fencing and steel gates);*

viii. *2 no. temporary construction compounds (including temporary site offices and welfare facilities);*

ix. *Accommodation works along the N77 National secondary road in the townland of Ballynaslee, Co. Kilkenny to facilitate the delivery of turbine components and other abnormal sized loads;*

x. *A borrow pit;*

xi. *Spoil Management;*

xii. *Hedgerow removal;*

xiii. *Biodiversity Management and Enhancement Plan measures (including establishment of new hedgerow, translocation of existing hedgerow and enhancement of existing hedgerow);*

xiv. *Site Drainage;*

xv. *Operational stage site signage; and,*

xvi. *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 enclosed EIAR and NIS assess 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.

The elements of the Seskin Renewables Wind Farm development located in Co. Kilkenny, as described above in i. – xvi., are the subject of this planning application. The remaining elements, including the construction of 2 no. wind turbines, access roads, underground cabling, and all associated site development works, ancillary works and apparatus, are located in the townlands of Tinwear, Archerstown, and Durrow Townparks, Co. Laois. This is within the jurisdiction of Laois County

Council, and will be the subject of a separate, concurrent planning application to that Planning Authority.'

1.1.1 Pre-application Consultation

There were two pre-planning meetings held with Kilkenny County Council. The first was held on the and included representatives from AIP, MKO and Kilkenny County Council on the 22nd of May 2025 via Microsoft Teams.

A further pre-planning meeting was held with Kilkenny County Council on the 4th of June 2025 on Microsoft Teams. It was attended by representatives of Kilkenny County council, AIP and their agents MKO.

Engagement with Kilkenny County Council and other relevant bodies will continue at detailed design stage subject to a grant of permission.

Policy Overview

The following section provides a summary of the planning, renewable energy and climate policy context relevant to the Proposed Development a more detailed consideration of the policy context is set out in Section 6 of the Planning Report submitted with the Application. It is clear that the Proposed Development is strongly supported in principle by policy at all levels, as the Proposed Development is a critical piece of infrastructure for the provision of a renewable energy development, recognised as such under European Legislation as being in the overriding public interest such that it should be given "*priority when balancing legal interests*" in the planning process[1], and is consistent with achieving our national renewable electricity targets under the Climate Action Plan 2025. The following section contains a synopsis of the current policies in place and their relevance to the Proposed Development.

The Proposed Development sits within a policy framework characterised by several recent crises, which have significantly influenced policy changes in recent years. These crises have heightened the imperative to transition towards a renewable energy-focused electricity grid and have emphasised the necessity for diversifying our energy sources.

Figure 1-1: Main climate and renewable energy policy drivers

[1] *Regulation (EU) 2022/2577 of 22 December 2022, 'Laying down a framework to accelerate the deployment of renewable energy.', Article 3(2)*

Paris Agreement

On an international level, Ireland is a signatory of the Paris Agreement, a global initiative adopted in 2015 that aims to address climate change by limiting global warming to well below 2 degrees Celsius above pre-industrial levels, with efforts to limit the increase to 1.5 degrees Celsius. Under the Paris Agreement, countries submit Nationally Determined Contributions (NDCs), outlining their individual climate action plans and commitments. Ireland's contribution comes under the European Union's (EU) NDCs targets and is based on the European Union's 2030 emissions reductions targets.

Sustainable Development Goals

Also in 2015, Ireland became a signatory to the United Nations Sustainable Development Goals (SDGs), which frame national agendas and policies to 2030. The SDGs inform the strategic outcomes of Irish policy documents, such as Project Ireland 2040: National Planning Framework. SDG 7 seeks to achieve *'Affordable and Clean Energy'*.

European Green Deal

On a European level, the European Green Deal, initially introduced by the European Commission in December 2019, sets out the 'blueprint' for a transformational change of the 27-country bloc from a high- to a low-carbon economy. The European Green Deal is intended to work through a framework of regulation and legislation setting clear overarching targets, e.g. a bloc-wide goal of net zero carbon emissions by 2050 and a 55% cut in emissions by 2030 (compared with 1990 levels). This is a substantial increase compared to the existing target, upwards from the previous target of at least 40% (2030 Climate & Energy Framework), and furthermore, these targets demonstrate the ambition necessary to keep the global temperature increase to well below 2°C and pursue efforts to keep it to 1.5°C as per the Paris Agreement.

The EU Fit for 55

The EU Fit for 55 package was published in late 2021 with the aim of reducing EU emissions by at least 55% by 2030 compared to 1990 levels and making the EU carbon-neutral by 2050. This EU package is a set of proposals to revise all existing EU acts on climate and energy and increase the EU target for renewables in the overall energy mix from 32% in 2030 to 40%.

REPowerEU, Regulation 2022/2577 & the Renewable Energy Directive

Following the Russian invasion of Ukraine and the EU published the REPowerEU plan in May 2022. REPowerEU aims to make Europe independent from Russian fossil fuels including oil and gas by rapidly transitioning to renewable energy. The plan aims to accelerate the scale up of renewables by speeding up the permitting process. To give effect to these objectives the Council of the European Union adopted Regulation (EU) 2022/2577 on 22 December 2022, which provides that, in the planning and permit-granting process, renewable energy developments and related grid infrastructure are to be considered to be in the overriding public interest and afforded priority when balancing competing legal interests. Regulation 2022/257, which is directly effective without the requirement for national transposition, applies to all applications for renewable energy developments and related grid infrastructure made between 30 December 2022 and the 30 June 2025 and therefore the current application.

In November 2023, a revision of the Renewable Energy Directive[2] (RED III), came into force. RED III increases the EU wide renewable energy target from 32% set under the previous revision of the directive

[2] *Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast)*

to at 42.5%, with an ambition to reach 45% by 2030. RED III also extended the presumption that renewable energy projects and associated grid infrastructure are *'in the overriding public interest'* until such time as "*climate neutrality is achieved*" and provides a framework for the streamlining of the permit-granting process including setting maximum time periods for the processing and determination of applications.

On 6 August 2025, the European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. No. 274 of 2025) were adopted for the purpose of giving effect to Articles 15e(5), 16, 16b, 16c(2), 16d, 16e and 16f of the RED III Directive.

The legislation introduces new decision timelines based on a "completeness check" (ss.34E, 37JB, 295B): 52 weeks for new wind farms, 30 weeks for repowering projects, and one to two years for IROPI cases (two years for projects over 150 kW, one year for projects under 150 kW or repowering). Importantly, renewable energy developments, including related grid and storage infrastructure, are now presumed to be in the **overriding public interest.**

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

At a national level, the Climate Action and Low Carbon Development Act 2015 (as amended) (the 'Climate Act') brought into law for the first time the requirement for the State to reduce its carbon emissions by 51% by 2030 and climate neutrality by 2050. Under Section 15 of the Climate Act, public bodies are required to, in so far as practical, perform their functions in a manner consistent with the Climate Action Plan 2024, the National Energy & Climate Plan 2021 – 2030 and other national climate mitigation and adaptation plans. The implications of the obligations on Planning Authorities under Section 15 were recently the subject of a High Court Judgment (*Coolglass Wind Farm Limited v An Bord Pleanála [2025] IEHC 1*) which highlighted the imperative nature of the obligation placed on public bodies to exercise their discretionary powers in "*such a way as to support the outcome favouring climate goals*"[3]. Further discussion in relation to the legal obligations of the Planning Authority when deciding on an application which furthers climate goals is provided in Section 3 of this report.

Climate Action Plans

Originally published in 2019 and subsequently revised in 2021, 2023, 2024 and 2025 the Climate Action Plan (CAP) underscores the growing imperative to increase the presence of renewable energy generators on the national grid. Under CAP 24, the state has committed to achieving 6 GW of onshore wind energy by 2025 and 9GW by 2030. To achieve emissions abatement targets, CAP 24 has identified that an approximate eight-times increase of renewable energy deployment to **2.3 GW** annually would be needed between **2024 and 2030.** Over the course of 2023 and 2024, An Bord Pleanála granted permission for approximately 980 MW of onshore wind energy[4]. Ireland currently has an onshore wind energy capacity of approximately 5GW. At this current rate, it is clear that Ireland will not have 9GW of installed and operational wind energy by 2030.

The Climate Action Plan 2025 (CAP25) represents the third statutory update to Ireland's climate roadmap under the Climate Act. Building on the foundations laid by previous plans, CAP25 refines and strengthens the strategies necessary to deliver Ireland's legally binding carbon budgets and sectoral emissions ceilings. It sets out a clear trajectory to reduce greenhouse gas emissions by 51% by 2030 and to achieve climate neutrality no later than 2050.

A cornerstone of CAP25 is the decarbonisation of Ireland's electricity system through a substantial increase in renewable energy generation. The plan reaffirms ambitious targets for renewable electricity share which includes 80% by 2030, and 50% by 2025. This is to be achieved through the accelerated

[3] *Coolglass Wind Farm Limited v An Bord Pleanála [2025] IEHC 1 at para. 131*
[4] *Statement from An Bord Pleanála on renewable energy decisions (15th January 2025)*

deployment of onshore wind (2 GW by 2025; 9 GW by 2030), offshore wind (8 GW by 2030), and solar energy (up to 5 GW by 2025; 8 GW by 2030).

Project Ireland 2040

'Project Ireland 2040' comprises the National Planning Framework (NPF) and the National Development Plan (NDP) 2021 – 2030, both of which stress the urgency required to decarbonise Irish society. This is reflected in the NPF through National Strategic Outcome 8: *"Transition to a low carbon and climate resilient economy"*. The NDP emphasises the importance of addressing climate change, stating *"The next 10 years are critical if we are to address the climate crisis and ensure a safe and bright future for the planet, and all of us on it"*. The NDP sets out a Renewable Electricity Share (RES-E) target of 80% by 2030, calling for an "*unprecedented commitment to the decarbonisation of electricity supplies*".

National Planning Framework First Revision

In April 2025, the Government agreed to the publication of the National Planning Framework First Revision (First Revision NPF) for public consultation. The revision reflects changes to Government policy that have taken place since the initial publication of the NPF six years ago, such as climate transition.

The Revised NPF provides an updated projection for the population of Ireland, with the population expected to increase to 6.1 million by 2040. This population growth will place further demand on both the built and natural environment, and subsequently, the services required to meet said demands.

There is an increased emphasis on the importance of the renewable energy development and infrastructure needed to support this. Chapter 9 of the First Revision NPF acknowledges that the *"accelerated delivery of the additional renewable energy generation is... essential for Ireland to meet its climate targets."*

The First Revision NPF sets out regional renewable energy capacity allocations for wind and solar energy. The Proposed Development is situated both within the Eastern and Midlands Region and Southern Region. As outlined in the strategic document each Regional Assembly will prepare a Regional Renewable Electricity Strategy (RRES), whereby additional detail will be outlined on how the regional renewable electricity capacity allocations for the region can be achieved.

The introduction of renewable energy targets represents a more active and prescriptive approach to land use planning for renewable energy development. The First Revision NPF aligns itself with the national target of 9GW of onshore wind energy and with the policies and objectives of Local Authorities.

The NPF states that accelerated delivery of additional renewable electricity generation is therefore essential for Ireland to meet its climate targets, reduce its greenhouse gas emissions, and improve its energy security by reducing reliance on imported fossil fuels and diversifying its electricity supply

National Energy Security Framework

The National Energy Security Framework (NESF), was adopted in 2022, and implements many of the aims and objectives of REPowerEU on a national level, reinforcing the State's requirement to urgently diversify away from imported fossil fuels and accelerate the roll out of renewables. The NESF is supported by the recently published Energy Security Package 'Energy Security in Ireland to 2030'. The Energy Security Package provides further long-term energy security measures which includes the prioritisation of achieving a renewables-led energy system.

Regional and Economic Spatial Strategy for the Eastern and Midland Region

On a regional level, the Regional and Economic Spatial Strategy (RSES) for the Eastern and Midland Region, supports the implementation of the national plans and policies outlined above. The RSES supports an increase in the amount of renewable energy sources in the Region, including for wind energy noting that a 'secure and resilient' supply of energy is critical to a well-functioning region. Regional Policy Objective (RPO) 99 supports the sustainable development of renewable wind energy (on shore and offshore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines.

Kilkenny City & County Development Plan 2021 - 2027

The Kilkenny City and County Development Plan 2021-2027 ("KCDP") was adopted on 15th October 2021. The KCDP outlines the overall strategy for the proper planning and sustainable development of County Kilkenny and provides support for development which aid the achievement of climate targets.

The KCCDP provides for the development of indigenous energy resources, with an emphasis on renewable energy supplies. The Council acknowledges the importance of renewable energy in reducing anthropogenic GHG emissions and the contribution of renewable energy in achieving national and EU targets of net zero GHG emissions by 2050.

Climate change mitigation and adaptation objectives have been incorporated into the policies of the KCCDP. The strategic aim for climate change, as set out in Chapter 2, of the KCCDP is as follows:

> *"Strategic Aim: To provide a policy framework with objectives and actions in this City and County Development Plan to facilitate the transition to a low carbon and climate resilient County with an emphasis on reduction in energy demand and greenhouse gas emissions, through a combination of effective mitigation and adaptation responses to climate change."*

The KCCDP has aligned its policy and objectives with the Strategic Objectives of the National Planning Framework and the RSES to maintain and improve the County's attraction in order to maximise investment opportunities. The KCCDP sets out a number of Strategic Objectives relating to climate action including the following:

- *2B: To support the implementation of the National Climate Action Plan and the National Climate Action Charter for Local Authorities, and to facilitate measures which seek to reduce emissions of greenhouse gases by embedding appropriate policies within the Development Plan.*
- *2C: To promote, support and direct effective climate action policies and objectives that seek to improve climate outcomes across the settlement areas and communities of County Kilkenny helping to successfully contribute and deliver on the obligations of the State to transition to low carbon and climate resilient society.*
- *2E: To ensure that the Development Plan transposes, supports and implements strategic objectives of the National Planning Framework and the Southern Regional Spatial and Economic Strategy to create an enabling local development framework that: (a) promotes and integrates important climate considerations in local development and the assessment of planning applications and (b) supports the practical implementation of national climate policy and targets to assist in the delivery of the national transition objective.*
- *2G: To reduce energy related CO2 emissions of Kilkenny County Council.*
- *2H: To achieve the commitment under the European Climate Alliance to the reduction of greenhouse gas emissions by 10 percent every 5 years.*

The Renewable Energy chapter (Chapter 11) sets out the policy context for all renewables and includes an analysis of each type of renewable energy within the county, covering three aspects as follows:

- An analysis of the resource potential,
- An outline of development management guidelines including potential impacts and
- Objectives and policies for their future development.

The KCCDP acknowledges that Ireland and Kilkenny have excellent renewable energy resources, which will be a critical and growing component of Irish energy supply. The strategic aim for renewable energy, set out in Chapter 11 of the KCCDP, sets a clear, ambitious target:

> *"Strategic Aim: To generate 100% of electricity demand for the County through renewables by 2030 by promoting and facilitating all forms of renewable energies and energy efficiency improvements in a sustainable manner as a response to climate change in suitable locations having due regard to natural and built heritage, biodiversity and residential amenities."*

The following objective highlights the Council's support for the deployment of renewable energy projects in the county:

> *"11A: To support and facilitate the provision of energy in accordance with Ireland's transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan."*

It is estimated that, by 2030, County Kilkenny will use 633 Gigawatt hours (Gwh) of electricity, as stated in the KCCDP. If County Kilkenny is to reach its strategic aim of generating 100% of their electricity demand, they will need to install 253MW of energy or "2.09% of the Country's 12.1 GW combined onshore and offshore renewable energy target" as stated in the KCCDP.

The Proposed Development will contribute towards achieving this important target by supplying 48MW of energy to the national electricity grid or 19% of the 253MW needed.

Development Management Guidance

Regarding wind energy Development Management Guidance, the KCCDP states that:

"all planning applications for wind energy developments shall be assessed against the DEHLG's Wind Energy Development Guidelines, 2006, (and any subsequent update of these guidelines) and the County Council's Wind Strategy".

In the absence of KCC's Wind Energy Strategy due to the draft ministerial direction on the KCCDP, it is noted that the design and layout of the Proposed Wind Farm follows the recommendations and guidelines set out in the Guidelines, published by the then Department of Environment, Heritage and Local Government (DEHLG) in 2006, and the 'Best Practice Guidelines for the Irish Wind Energy Industry' published by the Irish Wind Energy Association in 2012. The design and layout of the Proposed Wind Farm also has regard to the Draft Guidelines published by the DHELG in 2019. Should the Draft Guidelines be adopted in advance of a planning decision being made on Seskin Renewables Wind Farm, the Proposed Development will be capable of achieving the requirements of the Draft Guidelines as currently proposed.

Landscape Policy

Chapter 9 of the KCCDP sets out landscape policy for the development of County Kilkenny. The 'Landscape Character Assessment' divides the county into four landscape character types (LCTs); Upland Areas, Lowland Areas, River Valleys, and Transitional Areas. The portion of the Proposed Development in County Kilkenny is located in an area designated as 'Upland Area'. There are no protected views in close proximity to the site. Furthermore, the subject site area is not identified as being 'highly scenic' or 'visually pleasing' on the Landscape Character Assessment map.

'Development Management Requirements' are included in the KCCDP, with the following statement relevant to the Proposed Development:

'To facilitate, where appropriate, developments that have a functional and locational natural resource requirement to be situated on steep or elevated sites (e.g. reservoir, telecommunications or wind energy structures) with reference to the appropriate County strategies currently in place, and to ensure that any residual adverse visual impacts are minimised or mitigated.' (emphasis added)

This indicates that KCC support the principle of providing a wind energy development at the subject site, as the Proposed Development has a functional/locational requirement to be located on an elevated site. This is due to the fact that viable wind farm sites are often located in elevated areas due to the increased wind resource available and the lower population densities, allowing for reduced impacts on residential amenity.

Please refer to Chapter 14 of the EIAR (Landscape and Visual Impact Assessment), where an assessment of the landscape and visual impacts is reported and is cognisant of specific Development Management Requirements as set out in the KCCDP.

The Wind Energy Development Strategy (WEDS) for KCC forms Appendix K of the KCCDP. The WEDS provides a clear framework for the Council's objectives and methodology for identifying suitable locations for wind energy development in the county. By considering the relevant policy context, this strategy aims to guide and streamline the process of wind energy development in a way that aligns with the overall goals and priorities set by the Council. This approach ensures that sustainable and well-planned wind energy projects can be successfully implemented in the county. The key objectives of the WEDS are set out below:

- Recognise the importance of wind energy as a renewable energy source and ensure the security of energy supply by supporting, in principle and at appropriate scales and locations, the development of wind energy resources in the county.
- Promote the development of wind energy and other renewable energy sources in the county to meet national renewable energy targets (supplying a minimum of 100% of electricity consumption from renewable sources by 2030).
- Enable Kilkenny to generate the equivalent of 100% of its electricity needs from renewable energy.
- Identify strategic areas in the county for wind energy development.
- Provide specific criteria for wind energy development that the planning authority will take into account when considering any wind energy or related proposals.
- Investigate the potential for relatively small-scale wind energy developments within urban and industrial areas, and for small community-based proposals outside the strategic areas."

Chapter 5 of the WEDS characterises the county into three different policy areas aimed at facilitating wind farm growth. This division is the result of evaluating the feasibility in comparison to other factors. These zones are labelled as "Acceptable in Principle", "Open for Consideration" and "Not Normally Permissible."

The Proposed Development is located in an area designated as 'Open for Consideration'. These areas are defined as being "characterised by no significant conflict with environmental designations or sensitivities".

1.2 Rationale for the Proposed Development

Ireland's Climate Action Plan 2025 (CAP 25) sets ambitious yet essential targets for renewable energy, including 9GW of onshore wind capacity—with at least 5GW to be delivered by 2030—and an 80% share of renewable electricity by the same year. However, multiple assessments, including by the Climate Change Advisory Council (CCAC) Annual Review and the Environmental Protection Agency (EPA) emissions projections, confirm that Ireland is not on track to meet these targets. Significant gaps remain in renewable energy deployment, particularly in grid capacity expansion and wind farm development, while continued reliance on fossil fuels threatens national and EU climate commitments.

In this context, the Kilkenny County Development Plan (KCD) sets out in Policy Objective 11A:

> *"To support and facilitate the provision of energy in accordance with Ireland's transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan." ."*

In line with this objective, the Proposed Development will directly contribute to national and EU renewable energy targets, which in turn will support KCC's objective in reducing reliance of fossil fuels. In doing so it will help to strengthen the securing of energy supply and contribute towards addressing the climate crisis.

2. PLANNING AUTHORITY DECISION

Kilkenny County Council issued a Notification of Decision to Refuse permission for the Proposed Development dated 2nd September 2025, with three reasons for refusal as set out below.

Reason for Refusal 1

1. *Having regard to the size and scale if the proposed development, the Planning Authority considers that the proposed six (6no.) turbines with 175metre tip height and the siting and design of the proposed 38kV substation compound, will give rise to excessive levels of adverse effects on residential amenity in the area, due to the cumulative effects of visual intrusion, combined with noise, shadow flicker and disturbance of access, on a significant number of nearby dwellings in the immediate receiving environment. These effects are integral and incapable of being mitigated because they arise from the extent and scale of the proposed works and their proximity and position relative to dwellings. Therefore, notwithstanding the National imperatives on renewable energy, it is considered that the proposed development on its own and in combination with other windfarms already constructed and proposed in the area, will have a disproportionate undue and unreasonable impact on the visual landscape amenity of the area and in particular, will severely impact negatively the residential amenity of the community in close proximity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

Reason for Refusal 2

2. *The Government's Climate Action Plan 2024 (CAP24) states that for all renewable energy developments requiring grid connection to the national grid, it is recommended that a full assessment of all route alternatives for grid connection takes place, including alternatives to public road, where appropriate, to demonstrate clearly that the 'optimal solution' in accordance with CAP 24 requirements is proposed. The applicant has failed to demonstrate to the satisfaction of the Planning Authority, that the proposed grid connection route is the optimal solution. The proposed underground grid connection route along the public road network, 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. In addition, grid connections accommodated on national roads have the potential to, inter alia, to result in technical road safety issues impacting on ability and cost of general maintenance, upgrades and safety works to existing national roads. Consequently, the proposed grid connection works are considered contrary to the proper planning and sustainable development of the area.*

Reason for Refusal 3

3. *A significant portion of this site lies within a karst aquifer which was verified by APEX Geophysics Limited in the submitted EIAR, and it has been recommended that further boreholes be excavated to investigate increased fissuring/karstification at T03, T05, T06, T07, T08 and substation. There is also a swallow hole on site which could indicate the presence of underground rivers or caves. The karst aquifer further increased karstification of the area and presence of a swallow hole leads to a high chance that there are karst conduits running throughout this site. No further investigations have been carried out in this regard and the applicant has not conclusively demonstrated that the proposed development would not impact the groundwater in this regard. It is therefore considered that the applicant has not conclusively demonstrated that the proposed development would not be contrary to the protection of groundwater resources and the environment.*

2.2 Review of Kilkenny County Council's Decision

2.2.1 Policy Conclusions

The Kilkenny County Council Planner's Report outlines the policies and objectives of the following policy documents:

- National Planning Framework – Project 2040
- Renewable Energy Directive (REDIII) 2023
- REPower EU
- EU Commission European Green Deal 2019
- National Energy Security Framework
- The Climate and Low Carbon Development (Amendment) Act 2021
- Climate Action Plan 2024
- National Energy and Climate Plan (NECP) 2021 – 2030
- Wind Energy Development Guidelines – Guidelines for Pas, June 2006
- Draft Wind Energy Development Guidelines, 2019
- Ireland's 4th National Biodiversity Action Plan 2023-2030
- Regional Spatial and Economic Strategy Southern Region (RSES)
- Kilkenny City and County Development Plan 2021-2027

The Planner's Report identifies the key climate and energy targets within the national, regional and local policy documents listed above. All policies documents are supportive of the principle of development and recognise the fact that grid connections are an essential part of the energy transition, critical for the achievement of climate goals.

There is no consideration in the Planner's Report of the Planning Authority's legal obligation as a public body under Section 15 of the Climate Act. It is submitted that the policy section of the Planner's Report, although it does not identify any policies unsupportive of the Proposed Development, does not reflect the urgency of the most recent climate policy documents and targets.

2.2.2 EIA & AA Conclusions

Kilkenny County Council's Planners Report and the accompanying EIA, in its assessment of the EIAR submitted as part of the application, makes the following observations:

2.2.2.1 EIAR Conclusions

Reasonable Alternatives

The Council has stated that the site suitability selection process included considerations of environmental sensitivities and noted that the population density is low. However, the proximity of the site to multiple receptors and consequent potential for cumulative effects on the local population has not been considered in detail.

Applicant Response

Chapter 3 of the submitted EIAR describes the reasonable alternatives which were studied by the developer which are relevant to the Proposed Development and its specific characteristics. These characteristics include site location, other renewable energy technologies as well as site layout, connection to the national grid and transport route options to the Site. The chapter also sets out the

design considerations in relation to the proposed windfarm and grid connection. It explains the main reasons for selecting the chosen option.

The chapter followed the EU Guidance Document on the preparation of EIAR (EU, 2017) which outlines the requirements of the EIA Directive and states that the developer needs to provide a description of the reasonable alternatives studied and an indication for the main reasons for selecting the chosen option with regards to their environmental impacts. Section 3.2.1 of the EIAR submitted with the planning application sets out in detail the methodology used in dealing with the issue of reasonable alternatives.

The following aspects of the project were assessed in relation to reasonable alternatives:

- Site Locations and Site Selection
- Alternative Renewable Energy Technologies
- Alternative Project Design
- Alternative Road Layout
- Alternative Borrow Pit
- Alternative Turbine Component Delivery
- Alternative Internal Site Cabling Route
- Alternative Grid Connection Design Options
- Alternative Mitigation Measures

These assessments include multiple alternatives for each aspect of the project, details of which are included in Chapter 3 of the EIAR which was submitted with the planning application.

Description

The Council note the contents of the chapter but does not provide further comment on this.

Applicant Response

Chapter 4 of the EIAR 'Description' describes the Proposed Development and all its component parts. It notes that the proposed development involves two planning applications, one to Kilkenny County Council and the other to Laois County Council. The Description chapter describes elements of the overall project which are not subject to this planning application but are assessed in this EIAR.

Population and Human Health

The Council has expressed concerns that the cumulative impacts of effects have not been fully considered in the EIAR. These relate to visual impacts in combination with noise, flicker and potential for disturbance in relation to construction traffic and grid connection works on residents in particular in the Ballynaslee area.

Applicant Response

The submitted EIAR, including in Chapter 5 'Population and Human Health' assesses the cumulative and in-combination effects of the proposed development. Specifically, in this Chapter the cumulative and in-combination effects on employment and economic activity, tourism and amenity, traffic, air (dust), health and safety, property values, services, shadow flicker and residential amenity. In relation to amenity, the chapter assesses noise, landscape and visual impact and material assets.

In relation to the points of concern raised by the Council the EIAR found, in Section 5.10.5.3 that there is the potential for short-term slight effects to arise as a result of the combination of the construction of the Proposed Development along with nearby cumulative permitted and proposed developments.

However, with the proposed mitigation measures in place, the effects will be short term in duration and imperceptible in significance.

In relation to noise, existing permitted and proposed wind farm developments with the potential for cumulative impacts were considered as part of the Noise Impact Assessment. This Assessment, and the review of proposed and permitted wind farm developments in the wider study area which was undertaken, utilised the guidance contained in IOA GPG. This extensive assessment and review found, as there is no significant noise effects associated with the construction, operation or decommissioning of the Proposed Development, that there will be no significant cumulative effects in relation to noise.

The assessment of shadow flicker, set out in the EIAR found that provided that the mitigation measures set out in the EIAR were implemented the effects related to shadow flicker would not be significant. The assessment found that no dwellings will be impacted by shadow flicker from the Proposed Development in combination with other existing, permitted or proposed wind farms.

Biodiversity

The Planning Authority's assessment of Chapter 6 'Biodiversity' of the EIAR was deemed to be generally satisfactory for the planning authority. No concerns were raised by the Council in their discussion of the Biodiversity topic.

Applicant's Response

No concerns were raised by the Council in relation to Biodiversity and the ample information has been provided within the AA and NIS which were submitted as part of the planning application.

Birds

The Planning Authority's assessment of Chapter 6 'Birds' of the EIAR was deemed to be generally satisfactory for the planning authority. No concerns were raised by the Council in their discussion of the Birds topic.

Applicant Response

Chapter 7 of the EIAR, 'Birds', concluded that the Proposed Development will not result in any significant effects on any of the identified Key Ornithological Receptors (KORs). Furthermore, no significant effects were identified in relation to receptors of International, National or County Importance. The assessment stated that provided the Proposed Development is constructed, operated and decommissioned in accordance with the design, best practice mitigation and enhancement measures that are described in the EIAR, significant individual or cumulative effects on KORs are not anticipated.

Land, Soils, and Geology

Chapter 8 '*Land Soils and Geology*' presents the potential impact of the Proposed Development on the land soils and geology aspects of the receiving environment. The Chapter was reviewed by the Council's Environment Section who expressed no concerns with the contents of the assessment and did not request any further amendments.

Water

The Council stated that there is a swallow hole on the site which could indicate the presence of underground rivers or caves. The karst aquifer, further karstification of the area and presence of a swallow hole leads to a high chance that there are karst conduits running throughout the site.

The Council noted that there is a risk the development could alter or otherwise impact the recharge capabilities of the aquifer, and the applicant has not adequately assessed this risk or proposed measures to reduce the risk. The Council stated that the submitted EIAR does not adequately assess the potential impacts of the proposed development on groundwaters, private and public water sources and groundwater recharge.

Applicant Response

The concerns expressed by the Planning Authority in relation to Water are comprehensively considered as part of the Grounds of Appeal against Refusal Reason 3 in Section 4.4 below.

Air Quality

Chapter 10 '*Air Quality* presents the potential impacts of the Proposed Development on air quality. The Chapter was reviewed by the Council's Environment Section who expressed no concerns with the contents of the assessment and did not request any further amendments in this regard. A lack of specific dust control measures for blasting or rock breaking in relation to the proposed borrow pit has been noted by the Council.

Applicant Response

The Air Quality Chapter of the EIAR, in Section 10.3.2.2, notes that the overall risk if dust emissions impacts with no mitigation in place for the major dust generating activities during the construction phase of the Proposed Development is Low. Therefore, the potential effects of dust from the construction phase of the Proposed Development are considered to be equivalent to Short-term, Slight Negative effects.

Climate

The Council has noted the contents of the Climate chapter which states that the operation of the Proposed development will have a Direct Long-Term Moderate Positive Effect on climate due to a reduction in greenhouse gas emissions. The Chapter was assessed by the Council who expressed no concerns with the contents of the chapter and did not request and further detail.

Noise and Vibration

The Council has expressed concern in relation to the Nosie Guidelines, 2006 which were used stating that they do not include sufficient guidance. Particularly in relation to Amplitude Modulation (AM) and 'thump' AM noise which creates the 'whoosh' or 'thump' sound which has been found to cause nuisance. The Council found that the potential significant impacts of noise have not been adequately addressed to rule out the potential for impact.

Applicant Response

The potential noise and vibration impacts of the Proposed Development were considered in three stages within Chapter 12 'Noise and Vibration' of the EIAR. These are the short-term construction phase and decommissioning phase and the long-term operational phase.

The assessment of construction noise and vibration was carried out in accordance with best practice guidance contained in BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise and BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration.

Residual noise associated with the construction and decommissioned phases have been predicted to be below the proposed threshold values. The associated noise and vibration levels are not likely to cause significant effect at any NSL. Based on detailed information on the site layout, turbine noise emission

levels and turbine hub height, turbine noise levels have been predicted at NSLs for a range of operational wind speeds. The predicted noise levels associated with the Proposed Development will be within the best practice noise limits recommended in WEDGs. Therefore, it is not considered that a significant effect is associated with the Proposed Development. Operational noise from the proposed substation has been assessed and found to be within the adopted criteria. No significant vibration effects are associated with the operation of the site. Therefore, it is not considered that a significant effect is associated with the Proposed Development.

Cultural Heritage

The Planning Authority's assessment of Chapter 13 '*Cultural Heritage*' was deemed to be generally satisfactory for the planning authority. However, in relation to the impacts of development on the sites AH13 and AH29 the Council noted that little mitigation was proposed to counter these impacts. The Council stated that further information would be required to suggest a way of mitigating potential impacts that deemed moderate and significant.

Applicant's Response

The EIAR, in Chapter 13 'Archaeological Architectural and Cultural Heritage', notes that following the completion of all the construction mitigation measures there will be no significant residual effects on the archaeological, architectural and cultural heritage.

It goes on to note that there will be indirect effects on the two sites, AH 13 and AH 29, which have been referred to by the Council. These two sites will be indirectly significantly affected but whilst this is a long-term effect, it is not permanent.

Landscape and Visual

The Council has stated that it has serious concerns regarding the visual impact of the proposed turbines and substation, in particular the visual impact on neighbouring dwelling houses located to the east and northeast of at Ballynaslee.

The Planning Authority has serious concerns about the proposed 38kV electricity substation, ancillary plant and equipment due to its siting on a prominent and elevated site to the west of a number of existing dwelling houses.

Applicant Response

The Proposed Wind Farm is located on a hilly landform in the northern portion of the Slieveardagh Hills to the west of the Castlecomer Plateau with the Nore Valley in between. Consequently, these landforms restrict visual exposure to the east and west. Most visibility occurs either in close proximity to the Site (within 5km) or in the lowlands of the Nore Valley.

The Site is located in a modified working landscape of agricultural fields, grazing pastures and mature hedgerows. The immediate setting is a sparsely populated, working landscape, set-back from large settlements and population centres. Site investigations determined a 'Low' landscape value and 'Low' sensitivity, with landscape attributes and characteristics making it eminently suitable for wind energy development from an LVIA perspective. The Site and landscape setting best represents the 'Hilly and Flat Farmland' Landscape Character Type of the Wind Energy Development Guidelines (DoEHLG 2006 Guidelines and Draft 2019 Guidelines) and the Proposed Development generally adheres to the siting and design guidance set out for this landscape type.

In relation to dwellings to the east and northeast of Ballynaslee, the EIAR in Chapter 14 'Landscape and Visual' accepts that there will be significant visual effects at Viewpoint 5, this is among the most highly sensitive receptors in the location 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. While Signficant visual effects will occur for 6.3% of residential receptors within 3km of the Proposed turbines, the design has incorporated appropriate best practice siting and set-back distances.

The substation construction will require cut and fill, the nature of this and the positioning of the proposed substation relative to the mature boundary vegetation minimises the visual exposure of the substation as the vertical profile of the tallest aspects of the substation will not be viewed against the skyline from most receptors at lower elevations to the east.

It is to be anticipated that wind farms inevitably cause some 'Significant' residual visual effects on proximate sensitive visual receptors due to the prominence of turbines within landscape views. The presence of wind turbines in the rural landscape of Ireland is consistent with evolving national climate policy and the changing character of Ireland's working landscapes. The Proposed Development is therefore considered acceptable in this context and is in alignment with emerging baseline trends.

Material Assets

The Planning Authority expresses concerns that public road capacity will be severely impacted should the numerous energy projects which are in the planning or development stage in the wider area utilise separate ducting runs.

This would impact the Local Authority's ability to carry out its functions in respect of maintenance works and future services provision.

Applicant Response

The cumulative effects of the Proposed Development alongside other proposed and permitted energy projects in the area have been assessed using the guidance set out in the Traffic and Transport Assessment Guidelines, PE-PDV-02045, May 2014, TII. As per these guidelines, 11 windfarms and 5 no. other developments were considered as part of this assessment.

The assessment found that in the event of other developments being constructed at the same time as the Proposed Development, the cumulative impacts would be negative, short-term and slight in terms of severity. Additionally, the EIAR, in Section 15.1.11.7, has stated that where possible the Proposed Development will be scheduled for construction so as not to overlap with the construction period of the identified wind farm developments in Cullenagh and Ballynalacken.

Major Accidents and Natural Disasters

In the Planning Authority's assessment of the Chapter 16 '*Major Accidents and Natural Disasters*', the Planning Authority states there is a potential risk of contamination from the Proposed Development but that mitigation measures have been included to reduce these risks. The Planning Authority also noted that the Proposed Development would be subject to a fire safety risk assessment should it be progressed.

Interactions

The interactions between the various environmental factors presented in the EIAR are not considered to be adequately addressed in Chapter 17 '*Interactions*'. This is because the Planning Authority found that the level of detailing and survey results are not adequate to carry out a robust assessment of the potential interactions.

2.2.2.2 NIS/AA Conclusions

The Council noted the contents of the Natura Impact Statement (NIS) and the sites which have been identified within the NIS forming the zone of influence. The Council note that the NIS states that there

will be no direct impacts on the conservation objectives of any Natura 2000 sites however it did identify indirect impacts on the Qis and SCIs associated with the River Nore and River Barrow SAC and the River Nore SPA.

The Council noted that the NIS states that only 1 no. watercourse crossing is proposed, the HDD under the River Nore, however, it notes that it is also proposed to cross a watercourse within the windfarm site which has not been addressed.

Applicant Response

The NIS submitted as part of the submitted EIAR was prepared in accordance with the following guidelines:

- European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites.
- Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2021)
- Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018)
- Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland-Guidance for Planning Authorities (DoEHLG, 2010)
- Appropriate Assessment Screening for Development Management. Office of the Planning Regulator, Dublin 7, Ireland OPR (2021).

As the baseline and impact assessment of the NIS was completed in line with the above, i.e., best practice, the Proposed Seskin Wind Farm Project is not contrary to the Appropriate Assessment Guidelines and EU Habitats Directive.

It is noted in the Planners Report that the NIS states that one watercourse crossing is proposed, at the River Nore, but that a second watercourse crossing is referenced within the windfarm site. Section 3.2.1.3 titled Watercourse Crossings, within the Appropriate Assessment and NIS states that there will be two watercourse crossings as part of the Proposed Development. It notes that the first watercourse crossing is within the Proposed Wind Farm site, located north of T8. This drain crossing will involve the construction of a clear span crossing. The second watercourse crossing will involve the crossing of the River Nore for the Proposed Grid Connection. This will require Horizontal Directional Drilling (HDD). It is important to note that no instream works are required for any watercourse crossings associated with the Proposed Development.

3. AN COIMISIUIN PLEANÁLA'S LEGAL OBLIGATIONS

An Coimisiún Pleanála will be aware of certain legal obligations in respect of the processing of certain planning applications and appeals for renewable energy developments, in particular:

- Certain obligations under the Climate Action and Low Carbon Development Act 2015 (as amended) (the "Climate Act") imposed on the Commision when exercising its decision-making functions in relation to planning applications for renewable energy infrastructure.
- Certain discretionary powers under the Planning and Development Act 2000 (as amended) (the "Planning Act") which must be exercised subject to the mandatory obligations set out in the Climate Act when the Commission is exercising its decision-making functions in relation to planning applications for renewable energy infrastructure.
- The presumption that the development of renewable energy generation and the related grid infrastructure is in the "overriding public interest and serving public health and safety" such that it must be given "priority when balancing legal interests in the individual case" prescribed under Article 3 of Regulation (EU) 2022/2577 and RED III.

The Government's Climate Action Plan 2025 requires an increase in the proportion of renewable electricity in Ireland to 80% by 2030. For onshore wind energy, a target of 6GW – from the current installed capacity of 5 GW – has been set for 2025, and a target of 9GW for 2030. More broadly, Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions emphasises the importance of decarbonising the electricity sector by taking advantage of Ireland's significant renewable energy resources while ensuring affordability and security in the national energy supply. To achieve these climate targets, grid connection infrastructure must be developed, in order to connect new renewable energy generators to the national electricity grid.

Obligations under the Climate Act and the Planning Act

When exercising its decision-making powers under the Planning Act, An Coimisiún Pleanála is obliged to perform its decision-making function (in so far as practicable) 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.

Specifically, Section 15(1) of the Climate Act provides that:

> *"A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—*
>
> - *the most recent approved climate action plan,*
> - *the most recent approved national long term climate action strategy,*
> - *the most recent approved national adaptation framework and approved sectoral adaptation plans,*
> - *the furtherance of the national climate objective, and*
> - *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State." (the "National Climate Policies and Objectives")*

The above requirement is a mandatory obligation.

The National Climate Policies and Objectives all support the development of wind energy projects and associated grid connections in accordance with proper planning and sustainable development.

The National Climate Policies and Objectives all support the development, and by implication the consenting, subject to proper planning, of wind farm developments.

The mandatory obligation of the Commission to exercise its decision-making functions *"in a manner consistent with"* National Climate Policies and Objectives takes precedence over the lessor obligation to merely *"have regard to"* the policies and objectives set out under Section 143(1) of the Planning Act.

Section 143(1) of the Planning Act provides that:

"The Board shall, in the performance of its functions (other than functions conferred by Chapter III of Part XXI), have regard to—

> *(a) the policies and objectives for the time being of the Government, a State authority, the Minister, planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns or other areas, whether urban or rural,*
>
> *(b) the national interest and any effect the performance of the Commission's functions may have on issues of strategic economic or social importance to the State, and*
>
> *(c) the National Planning Framework and any regional spatial and economic strategy for the time being in force."*

In effect, this means that the provisions of the Climate Act take precedence over the policies and objectives of planning authorities set out in development plans.

In practical terms, this means that where the Commission is determining whether or not to grant consent to a wind farm development, it is obliged to make its decision in a way in which is consistent with the National Climate Policies and Objectives.

This is in a context where a development plan is mandated by the Planning Act to be consistent with such national plans, policies or strategies as the Minister determines relate to proper planning and sustainable development (insofar as is practicable)[5] and where local authorities have an obligation under the Climate Act to exercise their development-plan making functions *"in a manner consistent with"* the National Climate Policies and Objectives (as far as practicable).

More broadly, the Commission is obliged to have regard to the national interest and any effect the performance of its decision-making functions may have on issues of strategic economic or social importance to the State[6]. The accelerated deployment of renewable energy developments is precisely such an issue of strategic economic and social importance to the State.

Given the critical role of wind energy in meeting national climate commitments, it is essential that national climate commitments take precedence over the more limited obligation to merely *"have regard to"* local planning policies.

Material Contraventions on Appeal

Where an appeal is before the Commission, it has the discretion to grant permission for a project that materially contravenes a development plan in certain specific circumstances. This is notwithstanding a

[5] *Section 9(6) of the Planning Acts.*
[6] *Section 143(1)(b) of the Planning Acts.*

planning authority having decided to refuse permission because a development materially contravenes the development plan. In this regard, Section 37(2)(a) of the Planning Act provides that:

> *"... the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates."*

The specific circumstances where permission may be granted notwithstanding a material contravention are set out in section 37(2)(b), which provides that:

"Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Commission may only grant permission in accordance with paragraph (a) where it considers that–

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan."

When the Commission is deciding whether or not it considers that notwithstanding a material contravention it should grant permission, it is under a mandatory obligation to make its decision in a manner consistent with the National Climate Policies and Objectives. Unlike other types of development, renewable wind farm developments as a matter of principle are supported by, and support, all of the National Climate Policies and Objectives.

Accordingly, the Commission must consider the following:

a) The mandatory obligation imposed on the Commission to exercise its decision-making functions in a manner consistent with National Climate Policies and Objectives under Section 15 of the Climate Act;

b) The mandatory obligation on the Commission to have regard to the national interest and any effect the performance of its decision-making functions may have on issues of strategic economic or social importance to the State, such as achievement of the State's National Climate Policies and Objectives, under section 143(1)(b) of the Planning Act;

c) The mandatory obligation on the Commission to exercise its decision-making functions "in a manner consistent with" the National Climate Policies and Objectives taking precedence over the lessor obligation to merely "have regard to" inter alia the "policies and objectives for the time being of planning authorities";

d) The mandatory obligation on local authorities to exercise their development-plan making functions "in a manner consistent with" the National Climate Policies and Objectives (as far as practicable);

e) The mandatory requirement that a development plan be consistent with such national plans, policies or strategies as the Minister determines relate to proper planning and sustainable development (insofar as is practicable); and

f) The compliance in principle of renewable wind farm developments with the National Climate Policies and Objectives;

Taking these legal duties into account, the Commission is entitled to apply a presumption in favour of granting permission for renewable wind energy projects, such as the Proposed Development, even where they materially contravene a local development plan, particularly when the local development plan is out of step with national policy.

The Commission also has the discretion to refuse permission. However, in exercising its discretion it must weigh the competing interests where a project is supported by and supports the achievement of the National Climate Policies and Objective but materially contravenes the policies and objectives of a local development plan.

Should the Commission be minded to exercise its discretion to refuse permission having arrived at the opinion that further information and / or modified plans would not enable permission to be granted, in doing so, it must in light of its obligations under the Climate Act in particular, provide its reasons as to why it considers that a refusal would not be in breach of the National Climate Policies and Objectives, including in particular, the CAP25 target of delivering 6GW of onshore renewable wind energy by 2025 and 9GW by 2030.

Coolglass Wind Farm High Court Judgement

The recent judgement of the High Court delivered on 10th January 2025 provides clarity on the obligations imposed on public bodies under section 15 of the Climate Act (*Coolglass Wind Farm Limited v An Bord Pleanála [2025] IEHC 1*). Mr Justice Humphreys undertook a detailed consideration of the interpretation of section 15 of the Climate Act and concluded that, when deciding upon an application relevant to the achievement of climate plans and objectives under S.15 of the 2015 Act, relevant bodies, in this case An Coimisiún Pleanála, is required to:

1. Consider which option available to it as the decision maker, grant or refuse permission, would contribute to achieving Ireland's climate targets and the wider objectives of section 15 – which Mr Justice Humphreys went on to conclude "in the case of renewable energy projects, the answer the answer to that will almost always be a grant of permission".

2. Consider whether granting permission is "precluded by a mandatory and non-fixable legal requirement" that does not grant the decision maker any flexibility in reaching an outcome favouring climate goals, i.e. a grant of permission.

3. If the decision maker is not precluded from granting permission, then how can the planning authority use its evaluative judgement and discretion to reach an outcome favouring these policy goals.

In the specific case of the Proposed Development subject of this appeal, the Proposed Development includes integral elements of a 48MW renewable energy wind farm development and proposed grid connection. For this reason, it is clear that the proposed development, if granted, would significantly contribute to Government climate and renewable energy targets.

At present, there are no mandatory legal requirements that prevent the Commission from reaching an outcome, in relation to the proposed development, that favours policy goals. The Proposed Development is supported by local, regional and national policy and has been designed in accordance with the latest national guidance and best practice. It has also 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.

Having regard to these matters, it is considered that the Commission is obliged to exercise its evaluative judgement in a manner that delivers an outcome favouring the Proposed Development, which directly contributes to the achievement of national and EU policy goals, in accordance with its statutory duty under Section 15 of the Climate Act.

4. GROUNDS OF APPEAL

4.1 Introduction

The first-party grounds of appeal, which the Applicant wishes to raise in respect of the refusal by Kilkenny County Council are set out in this section below. The Grounds of Appeal are set out against each of the reasons for refusal which can be summarised as follows:

- **Reason for Refusal 1:** : Impact of the Proposed Development on Residential and Landscape Amenity
- **Reason for Refusal 2:** Impact of the Proposed Development on Road Infrastructure
- **Reason for Refusal 3:** Impact of the Proposed Development on Groundwater

4.1.1 Why this Wind Farm is needed

The world is on fire!

To combat the effects of climate change, Ireland must decarbonise its economy by 2050. There is no "silver bullet" or magic solution to do so. It will take hundreds, if not thousands, of individual renewable energy projects to decarbonise the Irish economy. The scale of the challenge we face to decarbonise the Irish economy is enormous, but the climate change implications of not doing so are even greater. There is no other way to decarbonise a modern society except through renewable energy projects such as the Proposed Development.

In 2020, Ireland was confirmed as a world leader in onshore wind energy, with no other country providing a greater share of its electricity from onshore wind[7], when a total of 40.23% of the country's electricity was generated from renewable sources, the vast majority of which came from onshore wind. As a country, we only became world leaders by consenting and building one wind farm at a time. Now, with the Government's Climate Action Plan requiring the amount of onshore wind energy to increase from just over 4,000MW to 9,000GW by 2030 (just five years away), hundreds of additional wind farms will have to be connected to the national grid over the rest of this decade. In the same way we only achieved our 2020 target of 40% renewable electricity target one wind farm at a time, we will only get to our new target of 9,000MW of onshore wind energy by 2030, one wind farm at a time.

The Proposed Development will contribute towards the Government's Climate Action Plan's 9,000MW target for installed onshore wind energy and target of 80% renewable electricity. The 80% renewable electricity target must be achieved by 2030. Not 2040. Not 2050. By 2030.

The global climate is breaking down as a result of greenhouse gas emissions from the burning of fossil fuels. News stories of climate change-related extreme weather events are now a constant in the daily news cycle.

In his World Meteorological Day message on 23 March 2025, United Nations Secretary-General António Guterres said:

> *"The **dark predictions** of meteorologists are coming to pass. Our climate is **going up in flames**. Every one of the last 10 years has been the **hottest in recorded history**. Ocean heat is breaking records. And every country is feeling the effects – whether scorched by fires, swept by floods, or pummelled by unprecedented storms."*

In a speech in June 2024, Mr. Guterres said:

[7] https://www.ren21.net/wp-content/uploads/2019/05/gsr_2020_full_report_en.pdf

"We are playing Russian roulette with our planet."

On the back of unprecedented extremes experience in summer 2023, the UN Secretary-General, in September 2023 issued the following statement[8]:

> *"The dog days of summer are not just barking, they are biting.*
>
> *Our planet has just endured a season of simmering – the hottest summer on record.* ***Climate breakdown has begun.***
>
> *Scientists have long warned what our fossil fuel addiction will unleash.* ***Our climate is imploding faster*** *than we can cope with extreme weather events hitting every corner of the planet.*
>
> ***Surging temperatures demand a surge in action.***
>
> *Leaders must turn up the heat now for climate solutions.*
>
> *We can still avoid the worst of climate chaos – and* ***we don't have a moment to lose."***

The World Meteorological Organisation (WMO) report '*State of the Global Climate 2024*', published in March 2025, states that the year 2024 was the warmest year on observational record, with temperatures exceeding 1.5 degrees above pre-industrial levels[9].

"*The Status of Ireland's Climate 2020*" produced by MET Eireann[10], similarly reflects on clear and distinct impacts arising from climate change effects within an Irish context:

Greenhouse gas emissions continue to rise:

- Background carbon dioxide (CO_2) concentrations reached 414 ppm in 2020 which is approximately a 50% increase compared to pre-industrial levels.
- Methane (CH_4) concentrations are at 1940 parts per billion (ppb) - which is approximately a 170% increase compared to pre-industrial levels.
- Nitrous oxide (N_2O) concentrations are now above 330 ppb - which is approximately a 20% increase compared to pre-industrial levels.

Annual average amounts of precipitation are increasing:

- Annual precipitation was 6% higher in the period 1989 to 2018, compared to the 30-year period 1961 to 1990. The decade 2006 to 2015 was the wettest on record.

Annual average air temperature is rising:

- The annual average surface air temperature in Ireland has increased by approximately 0.9°C over the last 120 years, with a rise in temperatures being observed in all seasons.
- An increase in the number of warm spell days the last 60 years with very little change in cold spell duration.

Sea level continues to rise:

- Satellite observations indicate that the sea level around Ireland has risen by approximately 2-3mm/year since the early 1990s. Analysis of sea level data from Dublin Bay suggests a rise of approximately 1.7mm/year since 1938 which is consistent with global average rates.

The ocean is becoming more acidic:

---

[8] https://www.un.org/sg/en/content/sg/statement/2023-09-06/secretary-generals-message-the-hottest-summer-record?_gl=1*1ofxg1o*_ga*MTYwNzQ4MzU1LjE3MDE4NDg3NTI.*_ga_S5EKZKSB78*MTcwMTg4NzgwNS4xLjAuMTcwMTg4NzgwOS41Ni4wLjA.*_ga_TK9BQL5X7Z*MTcwMTg4NzQwMS4yLjEuMTcwMTg4NzgwNS4wLjAuMA..

[9] *State of the Global Climate 2024 (World Meteorological Organisation, March 2025)*

[10] *Climate Status Report for Ireland 2020 (Environmental Protection Agency, Marine Institute, Met Éireann, August 2021)*

- Measurements in the surface waters to the west of Ireland between 1991 and 2013 indicate an increase in ocean acidity which threatens calcifying species such as corals, shellfish and crustaceans.

The ocean is getting warmer:

- The average sea surface temperature at Malin Head over the 10 years between 2009 and 2018 was 0.47°C above the 1981-2010 mean.

There is an increase in river flows across most of the country:

- Data analysis from the last 50 years identifies an increase in the magnitude of the river flows across most of the country
- There is evidence in more recent years of an increase in potential drought conditions especially in the east.

There is now an overwhelming consensus amongst scientific and political leaders on the need for rapid, dramatic and systemic change to combat the effects of climate change and decarbonise the global and Irish economies through the use of renewable energy. This is highlighted in the following comments and report extracts.

> *"Leaders must act now to save humanity from the worst impacts of climate chaos, and profit from the extraordinary benefits of renewable energy. That means ending our fossil fuel addiction by shrinking supply, driving down demand, and accelerating the renewables revolution, as part of a just transition."*
> António Guterres, United Nations Secretary-General – November 2023

> *"Never before have the alarm bells been ringing so loudly. We must rise to this challenge. I believe we can. We cannot prevent climate change, we're well past that point, but by acting urgently now, we can limit its extent and mitigate its worst effects."*
> Former Taoiseach Leo Varadkar, in his address to COP 28, 2nd December 2023

> *"Significant emissions reductions across all sectors are urgently required to meet our national and international commitments. More of the same will not deliver the results we need and the insufficient progress on emissions reductions reinforce the recent concerns raised by the Council and the Fiscal Council about the risk of the high cost on failing to comply with our obligations under EU law."*
> Marie Donnelly, Chair of the Climate Change Advisory Council – July 2025

> *"We need faster progress on the actions set out in national climate action plans to decarbonise and transform all sectors of Ireland's economy, to stay within National Carbon Budgets and reduce our Greenhouse Gas emissions by 51 per cent by 2030."*
> Laura Burke, Director General, EPA, launching the Greenhouse Gas Emission Inventory 1990-2022 Report[11]

> *Ireland will not meet the targets set in the first and second carbon budget periods unless urgent action is taken immediately and emissions begin to fall much more rapidly.*
> Climate Change Advisory Council – Annual Review 2023[12]

> *The world is on a disastrous trajectory. Crossing one harmful tipping point could trigger others, causing a domino effect of accelerating and unmanageable change to our life-support systems.*
> The Global Tipping Points Report 2023. University of Exeter, Exeter, UK[13].

[11] https://www.epa.ie/news-releases/news-releases-2023/irelands-2022-greenhouse-gas-emissions-show-a-welcome-decrease-but-much-work-remains-to-be-done.php
[12] https://www.climatecouncil.ie/councilpublications/annualreviewandreport/CCAC-AR-2023-FINAL%20Compressed%20web.pdf
[13] https://global-tipping-points.org/download/4608/

Hundreds of additional wind farms will have to be built in Ireland over the coming years if Ireland is to meet its binding climate obligations and decarbonise our energy system.

Every wind farm project counts.

Seskin Renewables Wind Farm will count.

4.1.2 The Importance of Approving Well-Planned Renewable Energy Projects

The timely approval of well-planned, appropriately located renewable energy projects, such as the Proposed Development is essential to Ireland's ability to meet CAP 25 targets and also its legal commitments under national and EU law. CAP 25, the CCAC Annual Reviews for 2023 and 2024, and Ireland's Updated National Energy and Climate Plan (published in July 2024) all highlight the central role of renewable energy targets in addressing climate change.

Reports from the CCAC and the Environmental Protection Agency's 2023 and 2024 emissions projections indicate that the electricity sector is not on track to meet these targets. Accelerated deployment of onshore wind is essential if Ireland is to reach the CAP 25 goal of 9GW of onshore wind capacity—of which at least 5GW must be delivered by 2030—and an 80% share of renewable electricity by the same year.

Failure to meet binding EU targets will expose Ireland to financial penalties, increased carbon credit costs, and continued dependence on fossil fuel imports—posing serious risks to energy security and economic stability. Furthermore, Ireland's national interest, as outlined in Section 143(1) of the Planning Act, requires the rapid expansion of renewable energy, making this a matter of strategic economic and social importance.

Beyond environmental and energy security concerns, the economic consequences of such projects not being brought forward are severe. Investors require certainty before committing to renewable infrastructure projects. Prolonged planning delays create uncertainty, discouraging investment and undermining job creation and regional economic growth. Given the direct link between wind energy expansion and Ireland's economic resilience, energy independence, and compliance with EU climate mandates, rejecting projects that align with national policies represents a failure to uphold this statutory duty.

Every viable renewable energy project plays a crucial role in meeting Ireland's climate targets. The approval of well-planned, appropriately located renewable energy projects, such as the Proposed Development is not just beneficial, it is imperative. Without decisive action to facilitate renewable energy deployment, Ireland risks missing national and EU commitments, incurring financial penalties, and undermining energy security.

4.2 Reason for Refusal 1

Having regard to the size and scale of the proposed development, the Planning Authority considers that the proposed six (6no.) turbines with 175metre tip height and the siting and design of the proposed 38kV substation compound, will give rise to excessive levels of adverse effects on residential amenity in the area, due to the cumulative effects of visual intrusion, combined with noise, shadow flicker and disturbance of access, on a significant number of nearby dwellings in the immediate receiving environment. These effects are integral and incapable of being mitigated because they arise from the extent and scale of the proposed works and their proximity and position relative to dwellings. Therefore, notwithstanding the National imperatives on renewable energy, it is considered that the proposed development on its own and in combination with other windfarms already constructed and proposed in the area, will have a disproportionate undue and unreasonable impact on the visual landscape amenity of the area and in particular, will severely impact negatively the residential amenity of the community in close proximity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4.2.1 Grounds of Appeal against Refusal Reason 1

4.2.1.1 Introduction

The refusal of the proposed development due to effects on residential amenity, is not a reasoned or credible justification for refusing planning permission for a wind farm in the context of the current climate crisis and overarching Government policy that clearly requires a further 3,500MW of wind energy to be installed in the Irish countryside before 2030, alongside the local communities and residents already in situ.

The 2019 Draft Revised Wind Energy Guidelines deal with residential amenity at length. Section 6.18 of those guidelines states:

> *"Because of historical development in Ireland and rural settlement patterns in particular, introducing of (sic) large non-noise related mandatory setbacks for wind energy developments would effectively rule out very large swathes of the country for such developments or would push such development into environmentally sensitive upland and wilderness areas that can be otherwise inappropriate for development.*
>
> *On the other hand, a reasonable degree of separation or setback between wind turbines and surrounding developments and communities, while not normally necessary as a noise mitigation measure due to technological advancements in noise abatement and the development of quieter turbines (see Chapter 5 for details of noise considerations), setbacks can nevertheless be an effective tool in blending such developments into the pre-existing contexts, given their increasing visual scale particularly during the past decade."*

Every wind farm is going to have some effect on the residential amenity of the dwellings located closest to a project's turbines. Practically every one of the 350+ wind farms that contributed to Ireland meeting its 2020 target of generating 40% of its electricity from renewable sources, will have had some effect on the residential amenity of the dwellings located closest to those projects. Inevitably, every wind farm that is required to achieve the Government's 2030 target of generating 80% of its electricity from renewable sources, will also have some effect on the residential amenity of the dwellings located closest to those projects. The proposed wind farm's effect on residential amenity must be considered in the context of the number of dwellings in proximity to the proposed turbines and the significance of the effect on the residential amenity of those dwellings, while balancing those effects with the overarching need for more wind farms to achieve Government renewable energy targets.

This appeal will demonstrate that:

- The locations of the proposed turbines exceed the recommended 500m set-back distance in the DoEHLG 2006 Guidelines and fully comply with the 4-times-tip-height set-back distance (in this case, 700m) prescribed for the protection of residential visual amenity in the Draft 2019 Guidelines.
- A methodical, robust and comprehensive landscape and visual impact assessment (LVIA) was undertaken and presented in Section 14 of the EIAR, which rigorously adheres to industry-standard, benchmark best practice guidance documents.
- Significant visual effects will only occur for 6.3% of the residential receptors within 3km of the proposed turbines.
- Noise and shadow flicker effects at even the closest neighbouring properties can be controlled to stay below any guideline or conditioned levels, thereby making no significant contribution to effects on residential amenity.
- The Planning Authority's reason for refusal conflates unrelated potential effects of the proposed wind farm, in a subjective manner that is not based on any quantifiable data or objective assessment.

There are many factors that can contribute to a wind farm's effect on residential amenity. It is important to distinguish and differentiate between the potential effects that are temporary (for a construction phase of the project) or long-term (for the operational phase). It is also important to distinguish and differentiate between those potential effects that are related to a wind farm's proposed turbines and other infrastructure, such as the electricity sub-station, which each have a different potential to give rise to effects on residential amenity.

Any potential effect because of construction traffic, or "disturbance of access" as referenced in the Planning Authority's reason for refusal, is a short-term effect, no different to the inconvenience to any road user or near neighbour around any construction site. While the full roads and traffic effects of the proposed development are assessed comprehensively in Section 15 of the EIAR, the critical point relating to disturbance of access is that it is temporary and limited to the construction phase of the project. Once operational, the number of vehicle movements the wind farm will generate, as detailed in Section 15 of the EIAR, is imperceptible and could not be said to effect residential amenity.

It is fundamentally incorrect for the Planning Authority to state in its reason for refusal in relation to the effects on residential amenity that *"these effects are integral and incapable of being mitigated"*. Shadow flicker can be mitigated, and a detailed proposal for the mitigation of shadow flickers is outlined in Section 5.10.3.2.7 of the EIAR. Noise can be mitigated, and a detailed proposal for the mitigation of noise is outlined in Section 12.7 of the EIAR. Visual intrusion has already been mitigated in the design of the proposed development, in full compliance with the requirements of the 2019 Draft Revised Wind Energy Guidelines. Those guidelines, in Section 6.18.1 state:

> *"... a setback distance for visual amenity purposes of 4 times the tip height should apply between a wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development, subject to a mandatory minimum setback of 500 metres."*

The proposed development complies in full with the 4 times tip height setback requirement to safeguard visual and residential amenity.

Disturbance of access because of wind farm traffic during the operations phase is insignificant.

Shadow flicker from the proposed development can be entirely eliminated through the control mitigation measures outlined in Section 5.10.3.2.7 of the EIAR, or as has been conditioned in every other wind farm recently permitted by An Comisiún Pleanála (ACP).

Noise from the proposed development can also be controlled through the control mitigation measures outlined in Section 12.7 to comply with the proposed noise limits, or any other limits that might be

imposed by a grant of planning permission or required by new guidelines, as with every other wind farm recently permitted by ACP.

If potential effects on visual amenity, shadow flicker and noise have already been mitigated in the project design, in the same manner that has been accepted and deemed appropriate by ACP when granting planning permission for other wind farms, and there is no significant disturbance of access during the operational phase of the project, then the proposed development must be considered wholly appropriate and in line with the proper planning and sustainable development of the area.

4.2.1.2 Detailed Response

The Planning Authority's refusal reason cites visual intrusion, visual landscape amenity, noise, shadow flicker and disturbance of access. These individual elements and potential effects are comprehensively assessed in the submitted EIAR in the following chapters:

- **Chapter 5** – Population and Human Health (Shadow Flicker)
- **Chapter 12** – Noise and Vibration
- **Chapter 14** – Landscape and Visual
- **Chapter 15** – Material Assets (Traffic)

Where the Planning Authority refers to the *"cumulative effects"* in its refusal reason, it is assumed that this is intended to refer to the interaction or combination of effects under the headings listed above. Again, it can be confirmed that this consideration of the interaction of all potential effects arising from the proposed development has been undertaken in Chapter 17 of the EIAR. Furthermore, the combination of the potential visual, noise, shadow flicker and traffic impacts and the subsequent effects on residential amenity were considered in Chapter 5 of the EIAR.

As stated in Chapter 5, Section 5.8, of the EIAR, residential amenity relates to the human experience of one's home, derived from the general environment and atmosphere associated with the residence. The potential overall effect on residential amenity from the proposed development is derived from a comprehensive assessment of the combination of impacts due to shadow flicker, visual amenity, noise, traffic and general disturbance.

Residential Visual Amenity

A comprehensive assessment of effects of the proposed development on residential visual amenity is addressed in Section 14.7.3.2.7 of the EIAR, as part of the Landscape and Visual Impact Assessment (LVIA) of the proposed project. ACP will have access to the project EIAR and therefore the assessment of the proposed project on Residential Visual Amenity from the EIAR's LVIA will not be repeated here. ACP will note that the LVIA was informed by ZTV mapping, field surveys, a route screening analysis and verified photomontages. The methods and processes followed during the LVIA and the preparation of Chapter 14, Appendices and Visualisations included in the EIAR were methodical, detailed and rigorous, and fully in accordance with the frameworks, specifications and standards set out by benchmark best practice guidance for the LVIA of Wind Energy Developments in Ireland, as detailed in Appendix 14-1 of the EIAR, LVIA Methodology.

The LVIA in Chapter 14 of the EIAR outlines how the proposed development is scaled and sited appropriately in a working rural landscape suitable for effectively accommodating wind energy development. Before directly addressing effects on residential visual amenity, it is re-iterated that the LVIA for the proposed development concludes that no residual significant effects are likely to occur on any designated landscape and visual receptors or landscape and scenic sensitivities of county, regional or national renown within the 20km LVIA Study Area.

As stated in Section 14.7.3.2.7 of the EIAR, 8 no. photomontage viewpoints (VP03-VP06, VP09, VP10, VP14, VP15) and 1 no. supplementary photowire viewpoint (PWVP-H) are located within 3km of the

proposed turbines and represent views from residential receptors. It is noted that the photomontage locations of the LVIA represent views for all relevant areas of residential receptors. 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. In line with the GLVIA3 (LI & IEMA, 2013) guidance, the viewpoints selected for the LVIA were informed by "ZTV analysis, fieldwork, and desk research" (para 6.18, GLVIA3). Furthermore, the selected viewpoints *"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 submitted that the number of viewpoints collected for the LVIA is sufficient to represent the residential receptors within the LVIA Study Area, including the "distribution of population" (para 6.18, GLVIA3).

The residential amenity of the various clusters of houses immediately surrounding the site of the proposed development, is considered in sub-sections of Section 14.7.3.2.7 of the EIAR. The clusters individually considered are located to the east (Ballynaslee), south-east (Ballyconra and Ballyragget), south-west (Lisdowney) and west and north (Aharney, Archerstown and Durrow Townparks), with each of those locations represented amongst the 8 no. photomontages prepared from within 3km of the site of the proposed development.

Slight residual effects on residential visual amenity are deemed to arise at the houses in the vicinity of viewpoints VP03, VP07, VP08, VP09, VP11 and VP12 where views are either more distant or heavily filtered by vegetation and local landform. In these cases, only partial turbine components (such as blade-tips) are visible, and overall change to the visual environment is limited.

Moderate residual effects on residential visual amenity are deemed to arise at the houses in the vicinity of viewpoints VP01, VP02 and VP04 to the east and south-east of the proposed wind farm. The proposed turbines will be prominent new features within open or partially open views with a wide horizontal extent. The number of affected receptors is relatively small within a sparsely populated landscape.

Significant residual effects on residential visual amenity are anticipated at the houses in the vicinity of VP05, located east of the site at Ballynaslee and at the houses in the vicinity of 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.

However, the residual effect on residential visual amenity of the 16 houses located immediately east of the site of the proposed development in the townland of Ballynaslee along the L58333 local road that is now a cul-de-sac east of the N77, could be overstated by solely relying on the view represented by the VP05 photomontage. The VP05 photo location is on the eastern side of the N77, and the 16 houses are along the L58333 located west of the N77. Therefore, VP05 presents a worst-case scenario and does not give the true sense of how the effects on residential visual amenity will be lessened by the houses' surroundings. Any person walking or driving along the L58333 considering the proposed wind farm development, will be able to see first-hand, how the effects on the residential visual amenity of these houses will be less than that portrayed in the VP05 photomontage.

The houses that line the L58333, generally face eastwards, away from the site of the proposed development. Along the L58333, there is a lot of vegetation and screening both between the houses along the road itself, and to the rear (west) of the houses, which creates a sense of enclosure, as opposed to the open and more expensive view across the valley to the east. There is a very clear pattern of small fields and enclosures to the rear (west) of the houses that line the L58333, including agricultural farm buildings to the rear of some of the houses. Further to the rear (west) of the houses, when looking towards the top of the hill that forms the skyline, treelines and substantial hedgerows on the intervening land between the road and the crest of the hill further limit the of the views available in that direction. The views from the houses that line the L58333, in the direction of the proposed wind farm, are limited to a few hundred metres in horizontal extent before terminating at the skyline. That

limited extent, combined with the enclosed nature and extensive vegetation to the west of those houses, will lessen any effect on the residential visual amenity of those houses.

On the western side of the site, there are only six houses in the immediate vicinity of the VP14 and VP15 photomontage locations. Four of the six houses are located to the west of the local road and face east, looking towards the proposed wind farm. The point of highest elevation on this section of road coincides with the area where there are no houses. The four houses on elevated sites east of the road, will have a view of the proposed turbines, but primarily just of the four proposed turbines in the northern half of the site.

Notwithstanding the further mitigating factors that limit the view of the propose turbines from the closest turbines to the east, west and northwest of the site, the LVIA in the EIAR assessed the visual effects on houses in these areas as being 'significant'. However, that assessment of significance only relates to 6.3% of residential receptors within 3km of the proposed wind farm development, primarily due to the project design incorporating appropriate best practice siting and set-back distances.

Shadow Flicker

As outlined in Chapter 5 of the EIAR, with the benefit of the shadow flicker mitigation measures outlined in Section 5.10.3.2.7 of the EIAR, and with turbine control software, any turbine to be installed onsite will be able to comply with any shadow flicker limit imposed by future planning guidelines or by any condition attached to a grant of planning permission. This would eliminate any potential for shadow flicker or reduce it to whatever level is deemed acceptable by ACP or by any new planning guidelines (should they be published before a decision is made on this appeal).

The shadow flicker methodology and assessment within the EIAR are based on compliance with the current 2006 wind energy guidelines, which remain the current adopted guidelines. However, the proposed turbines can ensure compliance with any other requirements of the draft 2019 Guidelines through the stricter implementation of the mitigation measures outlined in Section 5.10.3.2.7 of the EIAR. The EIAR has demonstrated how the 2006 guidelines' shadow flicker thresholds of 30 minutes per day or 30 hours per year can be fully complied with, thereby reducing the potential shadow flicker to a level deemed acceptable under current that guidance. The same mitigation methodology and turbine control mechanisms can similarly ensure compliance with the 2019 draft guidelines' requirement of "zero" shadow flicker.

With these proposals and controls available, shadow flicker will not exceed any stipulated or mandated limit and thereby, will not contribute to any significant impact on residential amenity.

Noise

An assessment of the operational wind turbine noise levels has been undertaken in accordance with best practice guidelines and procedures as outlined in Section 12.3.2.5 as part of the 66-page noise and vibration impact assessment presented in Chapter 12 of the EIAR. The findings of the assessment, presented in Section 12.6.3.1 has confirmed that the predicted operational noise levels associated with the proposed development will be within current best practice turbine noise criteria at all locations with no significant cumulative impacts or effects.

The findings of the noise impact assessment confirmed that the predicted operational noise levels from the proposed development will be within the relevant best practice noise criteria for the detailed potential turbine specification. Therefore, no specific mitigation measures are required.

If alternative turbine models are considered for the proposed development, an updated noise assessment will be prepared to confirm that the noise emissions will comply with the noise criteria outlined in Section 12.5.3 and/or the relevant operational criteria associated with any grant of planning permission. With the benefit of turbine control software, any turbine to be installed onsite will also be capable of complying

with any future noise limit imposed by future planning guidelines. This would further eliminate any potential for unacceptable noise effects, or reduce it to whatever level is deemed acceptable by ACP or by any new planning guidelines (should they be published before a decision is made on this appeal).

With the noise impact assessment already undertaken predicting no significant cumulative impacts or effects, and controls available to ensure wind turbine noise will not exceed any guidelines or conditioned limit, noise will there not contribute to any significant impact on residential amenity.

Disturbance of Access

As with any proposed wind farm development, every wind farm that is already operational or must be built by 2030, any potential effects relating to the 'disturbance of access' will be primarily during the temporary construction phase.

Section 15.1.11.6 of the EIAR determines the residual effect of construction-stage traffic and transport effects of the proposed development as follows:

> *"During the 12-18 month construction stage of the Proposed Development, it is forecast that the additional traffic that will appear on the public road network serving the site will have a short-term slight negative effect on existing road users for the majority of the delivery route, and a short-term moderate negative effect on existing road users and residents on the L58333 approaching the site. While the severity of the traffic effects relates to the additional volumes of traffic movements generated during the construction of the Proposed Development, the implementation of the mitigation measures included in the proposed traffic management plan will ensure a controlled and efficient operation during this stage, and minimise the impacts on local road users."*

Section 15.1.11.3 of the EIAR assesses the traffic impact during the operational phase of the proposed wind farm as being negligible on the surrounding local highway network given that there will only be an average of 3 trips made to and from the Proposed Development site by car or light goods vehicle per day, with none required for the Grid connection underground electrical cabling route. The effects of the maintenance traffic on the surrounding highway network, or on any perceived potential for disturbance of access, will therefore be imperceptible.

With temporary traffic and transport effects for existing road users and residents on the L58333 approaching the site only amounting to short-term, moderate negative effect, and no perceptible effects during the operational phase of the proposed development, disturbance of access will not contribute to any significant impact on residential amenity.

Substation

While the majority of focus of this section of the response has been on the proposed wind turbines' potential effects on residential amenity, the proposed on-site 38kV substation and compound is also referenced in the Planning Authority refusal.

The proposed substation was individually assessed in terms of its potential visual effects in Section 14.7.3.2.9 of the EIAR, using 'Digital Twin' modelling techniques and viewshed analysis from a number dwellings immediately east of the site. The comprehensive assessment undertaken confirms that the substation will be partially visible from the direction of those houses, but a considerable effort was made in the project design and project layout to mitigate and minimise the visual effect of the substation to the greatest possible extend. The visual effects of the substation will be relatively localised and will be lessened over time as a result of the surrounding screening vegetation in the intervening lands between the substation location and the nearest visual receptors.

4.2.1.3 Conclusion

This section of the GOA has deconstructed the Planning Authority's reason for refusal relating to residential amenity, by demonstrating that noise and shadow flicker effects are below all current guideline levels and can be maintained below any future guideline or conditioned limits, disturbance of access will not affect residential amenity to any perceptible degree, and significant visual effects will only occur for 6.3% of the residential receptors within 3km of the proposed turbines. This response has also clearly demonstrated that the individual factors that contribute to effects on residential amenity, can be and have been mitigated to an acceptable degree.

Every wind farm is going to have some effect on the residential amenity of the dwellings located closest to a project's turbines. The proposed wind farm's effect on residential amenity must be considered acceptable in the context of the low number of dwellings in proximity to the proposed turbines and low magnitude of the individual and in-combination effects that could impact on the residential amenity of those dwellings. The extend and magnitude of the effects on residential amenity in the immediate vicinity of the site of the proposed development, must be considered acceptable in the context of the overarching need for more wind farms to achieve Government renewable energy targets, and further considered appropriate and in line with the proper planning and sustainable development of the area.

4.3 Reason for Refusal 2

The Government's Climate Action Plan 2024 (CAP24) states that for all renewable energy developments requiring grid connection to the national grid, it is recommended that a full assessment of all route alternatives for grid connection takes place, including alternatives to public road, where appropriate, to demonstrate clearly that the 'optimal solution' in accordance with CAP 24 requirements is proposed. The applicant has failed to demonstrate to the satisfaction of the Planning Authority, that the proposed grid connection route is the optimal solution. The proposed underground grid connection route along the public road network, 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. In addition, grid connections accommodated on national roads have the potential, inter alia, to result in technical road safety issues, impacting on ability and cost of general maintenance, upgrades and safety works to existing national roads. Consequently, the proposed grid connection works are considered contrary to the proper planning and sustainable development of the area.

4.3.1 Grounds of Appeal against Refusal Reason 2

In this section of the GOA the applicant submits a response to this reason for refusal under the following headings:

- Selection of the Optimal Grid Connection Route
- Identification of Direct and Indirect Interactions with the National Road Network
- Potential Precedent set for Other Relevant Developments

It is noted that this reason for refusal appears to be largely guided by the submission of Transport Infrastructure Ireland (TII) and as such this response will also address some of the key concerns raised by TII.

In addition to being a route for the movement of road traffic, public roads serve a multi-purpose function 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 and this appeal.

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 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. It is simply implausible 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.

With respect to the N77, as is stated in Section 4.3.2.3 of the EIAR and as shown on the layout drawings for the proposed development:

> *"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. 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."*

The proposed grid connection runs along the N77 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 ACP.

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 were unable 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 An Bord Pleanála 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. If there is not capacity for accommodating a renewable energy grid connection 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.

Figure 4.1 Section of N77, recently realigned and upgraded, along which wind farm grid connection is proposed

Selection of Optimal Grid Connection Route

Chapter 3 of the EIAR 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 Farm38kV substation and are summarised as follows:

Table 4.1 – 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	Tirlán 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 Tirlán 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. In addition, 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 was considered at an early stage of the design process, however, this was discounted due to requirement to construct significant lengths of access and maintenance tracks to access joint bays along the route, increasing the potential for environmental effects 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 Authority and TII are of the opinion that a shorter, more optimal route is available. However, no description of any potential short, 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 (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 contended by the Planning Authority and TII that the application submitted does not clearly identify direct or indirect interactions with the national road network by the proposed development. 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.
- 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[14].

Potential Precedent set for Other Relevant Developments

The Planning Authority is 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 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[15]. 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 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 this reason for refusal is not justified. 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, 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.

[14] 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

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

4.4 Reason for Refusal 3

A significant portion of this site lies within a karst aquifer which was verified by APEX Geophysics Limited in the submitted EIAR, and it has been recommended that further boreholes be excavated to investigate increased fissuring/karstification at T03, T05, T06, T07, T08 and substation. There is also a swallow hole on site which could indicate the presence of underground rivers or caves. The karst aquifer further increased karstification of the area and presence of a swallow hole leads to a high chance that there are karst conduits running throughout this site. No further investigations have been carried out in this regard and the applicant has not conclusively demonstrated that the proposed development would not impact the groundwater in this regard. It is therefore considered that the applicant has not conclusively demonstrated that the proposed development would not be contrary to the protection of groundwater resources and the environment.

Grounds of Appeal against Refusal Reason 3

A detailed response to Refusal Reason 3 has been prepared Hydro Environmental Services (HES) and included in Appendix 2 of this document. HES were responsible for the preparation of Chapter 8: Land, Soils & Geology and Chapter 9: Water (Hydrology and Hydrogeology) of the EIAR as well as the drainage design drawings for the Proposed Wind Farm, included in Appendix 4-3 (Appendix A) of the EIAR.

In summary, the response outlines that:

- A comprehensive site investigation dataset, comprising of trial pits, monitoring well drilling, borehole drilling, a geophysical survey, infiltration tests, logging of subsoil exposures and laboratory analysis of recovered soil/subsoil samples, was accrued as part of the baseline characterisation of the Proposed Wind Farm site in the EIAR. This site-specific dataset informed the robust impact assessment which was presented in the EIAR;
- Direct site investigation works were completed before, concurrently, and after the site based elements of the geophysical survey work. Apex did not have those data at the time of compiling their report, and therefore recommended further investigations that were in part already complete. HES compiled and interpreted all the available geological data and decided there was sufficient data to proceed with the EIAR;
- The geological and hydrogeological information obtained from the site investigations led to a detailed understanding of the geology and hydrogeology of the site, and that understanding underpins the conclusions of the impact assessments presented in the EIAR;
- Direct investigations were completed before, concurrently, and after the geophysical survey was undertaken, and other than the one identified (from desk study and ground truthing) swallow hole, no widespread karst features were found during any direct site investigation works, no increase in karstification was identified, and no karst conduits were found to run through the site. The site based evidence does not support the conclusion formed by Kilkenny Co. Co.; and,
- With the implementation of the tried and tested, best practice mitigation measures there will be no potential for effects on surface water or the underlying groundwater aquifer as a result of the proposed Seskin Renewables Wind Farm.

Therefore, it is submitted that this refusal reason is not justified. The impact assessments presented in the EIAR are informed by a comprehensive site investigation dataset and rely upon the tried and tested, best practice mitigation measures which ensure the protection of the receiving environment. Similar mitigation measures have been successfully applied during the construction of countless wind farm developments across the country and were also presented in the EIARs for several recently permitted wind farm developments.

5. CONCLUSION

This First Party Appeal is being lodged in respect of the decision issued by Kilkenny County Council to refuse planning permission under Pl. Ref.25/60418. This First Party Appeal document has set out Kilkenny County Council's reasons for refusal; a summary of their assessment of the Proposed Development with responses to issues raised provided by the Applicant where appropriate; An Coimisiún Pleanála's obligations and a detailed Grounds of Appeal.

The provision of the Proposed Development is strongly supported by International, National, Regional and local policies aimed at achieving the transition to a low carbon and climate resilient economy, increasing renewable energy generation, and enhancing energy security. Specifically, the Proposed Development will contribute to achieving the State's target of generating 9GW of electricity from onshore wind and reducing GHG emissions by 80% by 2030 as set out in the CAP24.

In summary, the Proposed Development is strongly supported by the following:

European & National Energy and planning policy, guidance and legislation, including

- REPowerEU, Regulation (EU) 2022/2577 and Renewable Energy Directive III,
- Project Ireland 2040 National Planning Framework (including the Draft Revised NPF),
- National climate and energy policy including the CAP 24, with regard to the acceleration of renewable energy roll-out and greenhouse gas emissions reductions,
- The Climate Act, in particular Section 15, which requires public bodies to carry out their functions in accordance with the national climate policies and objectives,
- The provisions of the Wind Energy Development Guidelines, Guidelines for Planning Authorities issued in 2006, and the Draft Wind Energy Guidelines issued in 2019,
- The National Energy Security Framework and Energy Security in Ireland to 2030 – Energy Security Package.

Regional and Local Level Policy, including:

- The Regional Spatial and Economic Strategy,
- The policies of the planning authority as set out in the Laois County Development Plan 2021-2027 in relation to grid connection development and achieving national climate and renewable energy targets and addressing climate change.

The response to Refusal Reason 1 demonstrates that the Planning Authority's reason for refusal relating to residential amenity, that the individual factors that contribute to effects on residential amenity, can be and have been mitigated to an acceptable degree. This has been achieved by demonstrating that noise and shadow flicker effects are below all current guideline levels and can be maintained below any future guideline or conditioned limits, disturbance of access will not affect residential amenity to any perceptible degree, and significant visual effects will only occur for 6.3% of the residential receptors within 3km of the proposed turbines. This response has also clearly demonstrated

Every wind farm is going to have some effect on the residential amenity of the dwellings located closest to a project's turbines. The proposed wind farm's effect on residential amenity must be considered acceptable in the context of the low number of dwellings in proximity to the proposed turbines and low magnitude of the individual and in-combination effects that could impact on the residential amenity of those dwellings. The extend and magnitude of the effects on residential amenity in the immediate vicinity of the site of the proposed development, must be considered acceptable in the context of the overarching need for more wind farms to achieve Government renewable energy targets, and further considered appropriate and in line with the proper planning and sustainable development of the area.

It is submitted that reason for refusal no. 2 is not justified. 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.

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, 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.

Finally, it is submitted that refusal reason no. 3 is not justified. The impact assessments presented in the EIAR are informed by a comprehensive site investigation dataset and rely upon the tried and tested, best practice mitigation measures which ensure the protection of the receiving environment. Similar mitigation measures have been successfully applied during the construction of countless wind farm developments across the country and were also presented in the EIARs for several recently permitted wind farm developments

APPENDIX 2

KILKENNY COUNTY COUNCIL NOTIFICATION OF DECISION TO REFUSE PERMISSION

APPENDIX 2

HYDRO-ENVIRONMENTAL SERVICES (HES) RESPONSE TO REFUSAL REASON NO. 3

KILKENNY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)

NOTIFICATION OF DECISION TO REFUSE

TO: Seskin Renewable Energy Limited
Feithlinn Morgan
9c Beckett Way
Park West Business Park
Dublin 12
D12 XN9W

Planning Register Number: 25/60418

Valid Application Received: 09/07/2025

Further Information Received Date:

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kilkenny County Council has by Order dated 02/09/2025 decided to REFUSE TO GRANT PERMISSION for development of land, namely:-

for development at this site.The proposed development, subject of this application, will consist of: i. The construction of 6 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. A permanent 38kV substation compound (control building with welfare facilities, all associated electrical plant and apparatus, security fencing including vegetative screening, underground cabling, wastewater holding tank, site drainage and all ancillary works); iii. 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); iv. Underground electrical and communications cabling connecting the wind turbines and meteorological mast to the on-site substation; v. A meteorological mast with a height of 100m above ground and associated foundation and hard-standing area; vi. Upgrade of existing tracks and roads and the provision of new site access roads; vii. All works associated with the upgrade of the existing agricultural access off the L58333 local road (including the installation of fencing and steel gates); viii. 2 no. temporary construction compounds (including temporary site offices and welfare facilities); ix. Accommodation works along the N77 National secondary road in the townland of Ballynaslee, Co. Kilkenny to facilitate the delivery of turbine components and other abnormal sized loads; x. A borrow pit; xi. Spoil Management; xii. Hedgerow removal; xiii. Biodiversity Management and Enhancement Plan measures (including establishment of new hedgerow, translocation of existing hedgerow and enhancement of existing hedgerow); xiv. Site Drainage; xv. Operational stage site signage; and, xvi. 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. AT Situated in the townlands of Ballynaslee, Seskin,

Ballyconra, Moatpark, Co. Kilkenny IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

For the reason and considerations stipulated on the First Schedule hereto.

In deciding the Planning Application the Planning Authority have regard to submissions or observations received in accordance with the Regulations.

Signed on behalf of Kilkenny County Council

CHIEF EXECUTIVE

DATE: 02nd September, 2025

See final page for details of appeal procedures.
Tel no. Planning Section: 056-7794010
Website: www.kilkennycoco.ie

Note: An applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the appropriate period – *"the appropriate period"* means the period of four weeks beginning on the day of the decision of the planning authority – appeal to An Coimisiún Pleanála against a decision of a planning authority under Section 34.

AN APPEAL SHALL BE MADE

(a) by sending the appeal by prepaid post to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1,Tel 01.8588100 or LoCall 1890 275175

(b) by leaving the appeal with an employee of An Coimisiún Pleanála, at the offices of the Board during office hours (as determined by the Board) or

(c) by such other means as may be prescribed.

APPEALING A DEVELOPMENT CONTRIBUTION.

(a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.

(b) An appeal may be brought to the Board where an applicant for permission under Section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

AN APPEAL SHALL

(a) be made in writing

(b) state the name and address of the appellant and of the person, if any, acting on his or her behalf

(c) state the subject matter of the appeal

(d) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based

(e) in the case of an appeal under *Section 37* by a person who made submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the planning authority of receipt of the submissions or observations

(f) be accompanied by such fee (if any) as may be payable in respect of such appeal in accordance with *Section 144* and

(g) be made within the period specified for making the appeal.

FEES FOR APPEAL

(a)	**Appeals against decisions of Planning Authorities**	
	Appeal	
	(i) 1st party appeal relating to commercial development where the application included the retention of development	**€4,500 or €9,000 if an EIS or NIS involved**
	(ii) 1st party appeal relating to commercial development (no retention element in application)	**€1,500 or €3,000 if EIS or NIS involved**
	(iii) 1st party appeal non-commercial development where the application included the retention of development	**€660**
	(iv) 1st party appeal solely against contribution conditions (s) – (2000 Act section 48 or 49)	**€220**
	(v) Appeal following grant of leave to appeal	**€110**
	(vi) An appeal other than referred to in (i) to (v) above	**€220**
(b)	**Referral**	**€220**
(c)	**Reduced fee for appeal or referral (applies to certain specified bodies)**	**€110**
(d)	**Application for leave to appeal (section 37(6)(a) of 2000 Act)**	**€110**
(e)	**Making submission or observation (specified bodies exempt)**	**€50**
(f)	**Request for oral hearing under section 134 of 2000 Act**	**€50**
Note:	**The above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above)**	

ORAL HEARINGS

The Board may, in its absolute discretion, hold an oral hearing of an appeal. A party to an appeal may request an oral hearing of the appeal. A request for an oral hearing of an appeal shall be made in writing to the Board and shall be accompanied by such fee (if any) as may be payable in respect of the request in accordance with *Section 144*.A request for an oral hearing of an appeal which is not accompanied by such fee (if any) as may be payable in respect of the request shall not be considered by the Board.

A request by an appellant for an oral hearing of an appeal under *Section 37* shall be made within the appropriate period referred to in that section (the period of four weeks beginning on the day of the decision of the Planning Authority) and any request received by the Board after the expiration of that period shall not be considered by the Board.A request by a party to an appeal other than the appellant for an oral hearing of an appeal shall be made within the period referred to in *Section 129(2)(a)* (within a period of 4 weeks beginning on the day on which a copy of the appeal is sent to that party by the Board) within which the party may make submissions or observations to the Board in relation to the appeal, and any such request received by the Board after the expiration of that period shall not be considered by the Board.

Further details are available on the Board's website – **www.pleanala.ie**

FIRST SCHEDULE

REASONS & CONSIDERATIONS FOR REFUSAL ON PLANNING REF 25/60418

1. Having regard to the size and scale of the proposed development, the Planning Authority considers that the proposed six (6no.) turbines with 175metre tip height and the siting and design of the proposed 38kV substation compound, will give rise to excessive levels of adverse effects on residential amenity in the area, due to the cumulative effects of visual intrusion, combined with noise, shadow flicker and disturbance of access, on a significant number of nearby dwellings in the immediate receiving environment. These effects are integral and incapable of being mitigated because they arise from the extent and scale of the proposed works and their proximity and position relative to dwellings. Therefore, notwithstanding the National imperatives on renewable energy, it is considered that the proposed development on its own and in combination with other windfarms already constructed and proposed in the area, will have a disproportionate undue and unreasonable impact on the visual landscape amenity of the area and in particular, will severely impact negatively the residential amenity of the community in close proximity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The Government's Climate Action Plan 2024 (CAP24) states that for all renewable energy developments requiring grid connection to the national grid, it is recommended that a full assessment of all route alternatives for grid connection takes place, including alternatives to public road, where appropriate, to demonstrate clearly that the 'optimal solution' in accordance with CAP 24 requirements is proposed. The applicant has failed to demonstrate to the satisfaction of the Planning Authority, that the proposed grid connection route is the optimal solution. The proposed underground grid connection route along the public road network, 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. In addition, grid connections accommodated on national roads have the potential, inter alia, to result in technical road safety issues, impacting on ability and cost of general maintenance, upgrades and safety works to existing national roads. Consequently, the proposed grid connection works are considered contrary to the proper planning and sustainable development of the area.

3. A significant portion of this site lies within a karst aquifer which was verified by APEX Geophysics Limited in the submitted EIAR, and it has been recommended that further boreholes be excavated to investigate increased fissuring/karstification at T03, T05, T06, T07, T08, and substation. There is also a swallow hole on site which could indicate the presence of underground rivers or caves. The karst aquifer, further increased karstification of the area and presence of a swallow hole leads to a high chance that there are karst conduits running throughout this site. No further investigations have been carried out in this regard and the applicant has not conclusively demonstrated that the proposed development would not impact the groundwater in this regard. It is therefore considered that the applicant has not conclusively demonstrated that the proposed development would not be contrary to the protection of groundwater resources and the environment.

HYDRO ENVIRONMENTAL SERVICES

22 Lower Main St
Dungarvan
Co.Waterford
Ireland

tel: +353 (0)58 44122
fax: +353 (0)58 44244
email: info@hydroenvironmental.ie
web: www.hydroenvironmental.ie

Date: 15th September 2025
Our Ref: P1653-1-0015

An Coimisiún Pleanála
64 Marlborough Street,
Dublin 1,
D01 V902.

To whom it may concern,

Re: An Coimisiún Pleanála Appeal Submission

Geological, Hydrological and Hydrogeological Responses to KCC and LCC refusal to grant permission to the proposed Seskin Renewables Wind Farm, Co. Kilkenny & Co. Laois

KCC Planning Ref: P25/60418
LCC Planning Ref: P25/60414

Hydro-Environmental Services (HES) were requested by MKO Ireland (MKO) to respond to Kilkenny County Council's and Laois County Council's refusal to grant planning permission for the proposed Seskin Renewables Wind Farm, located in Co. Kilkenny and Co. Laois.

This appeal letter responds to Item 3 of the Reasons & Considerations for refusal within the Kilkenny County Council Decision (25/60418), which relates to groundwater, while also making reference to items relating to Hydrology/Hydrogeology within the Laois County Council refusal (25/60414), which does not specifically include Hydrology/Hydrogeology within the reasons for refusal, but does however provide an opinion on the EIAR Water Chapter (9) and the assessment contained therein.

Please note that the Kilkenny County Council Refusal Items 1 and 2, as well as the Laois County Council Refusal Items 1-3 are being addressed by others.

1 STATEMENT OF EXPERIENCE – WIND FARM DRAINAGE

Hydro-Environmental Services (HES) has extensive wind farm drainage and hydrogeological experience relevant to this project. Wind farm environmental impact assessment in respect of geology, hydrology, and hydrogeology has been, and is currently, a core business area for HES over the past 22 years. Wind farm drainage design/management requires experience both as a civil/drainage engineer, a hydrologist, and as a hydrogeological specialist. HES has these combined experiences and expertise. HES has worked on over 100 wind farm projects in Ireland and Northern Ireland. Many of these required assessments of existing drainage features and streams and water quality data. HES work at all stages of wind farm developments including feasibility stage, layout design & preliminary drainage design/planning stage, FRAs, and also at construction management stage.

HES's experience also covers the key area of water quality and drainage controls and mitigation during the construction phase of wind farm developments. HES work at EIAR/planning stage to assist with the development of the optimal site layout which involves the development of hydrological constraints maps and interaction with geotechnical and ecological specialists and with site designers. HES also provide a follow-on consultancy service (if planning is granted and the development proceeds to construction) of detailed drainage design and construction management for drainage during wind farm development/construction stage. This practical on-site experience is invaluable, as it has led to the development of improved preliminary and detailed drainage layouts and also many improvements/optimisations to standard drainage mitigation measures.

HES have core expertise in karst hydrogeology, which includes EIAR chapters (and associated site investigation works) for Seven Hills Wind Farm and Laurclavagh Wind Farm, both located within mapped karst environments, as well as EIAR chapters for quarries located within karst areas and groundwater supply drilling programmes for Uisce Éireann within karst aquifers. We also complete flood risk assessments for all types of developments across the country.

All these experiences are particularly relevant to this project, and they have been applied through the project development phase, the constraints mapping phase, and EIAR preparation work, including the cumulative impact assessment. This response submission has been prepared by Adam Keegan and Michael Gill. Adam and Michael prepared the Land, Soil and Geology and Water Chapters of the Seskin Renewables Wind Farm EIAR, and their qualifications, competencies, and experience are already presented in the EIAR (Section 9.1.2).

2 APPEAL RESPONSE RELATED TO GROUNDWATER

2.1 KILKENNY COUNTY COUNCIL REASON FOR REFUSAL - ITEM 3

Item 3 of the Kilkenny County Council reason for refusal reads as follows:

> *"A significant portion of this site lies within a karst aquifer which was verified by APEX Geophysics Limited in the submitted EIAR, and it has been recommended that further boreholes be excavated to investigate increased fissuring/karstification at T03, T05, T06, T07, T08 and substation. There is also a swallow hole on site which could indicate the presence of underground river or caves. The karst aquifer, further increased karstification of the area and presence of a swallow hole leads to a high chance that there are karst conduits running through this site. No further investigations have been carried out in this regard and the applicant has not conclusively demonstrated that the proposed development would not impact the groundwater in this regard. It is therefore considered that the applicant has not conclusively demonstrated that the proposed development would not be contrary to the protection of groundwater resources and the environment"*

Introduction – EIAR Scoping and initial assessment of project

Prior to beginning the EIAR process relating to Land, Soils and Geology and Hydrology/Hydrogeology, a feasibility study was conducted by HES to determine what potential effects the Proposed Development could have on the Site, and to identify key potential sources of effects, as well as potential pathways and receptors.

The initial scoping/feasibility completed in November 2023, highlighted at the outset that the Limestone bedrock underlying the eastern and southern section of the Proposed Development site had the potential for karstification, and that this area was mapped within a karst aquifer. This was highlighted at the very outset of the project and was a key driver in the design of the EIAR monitoring programme of groundwater levels, the design and drilling of new groundwater monitoring wells across the site and the specification of the site investigation works.

The site investigation works and monitoring programme was, and is, intended to provide sound scientific data on the characterisation of the groundwater aquifer within the Proposed Development site and also to ensure that any karst anomalies that may be identified during the site investigation then feeds iteratively into the design of the Wind Farm site layout, ensuring that the Proposed Development will not have an effect on the underlying groundwater regime.

As such, the sensitivity and karstified nature of the Durrow GWB was known from the outset of the project, and one of the primary goals in terms of the Hydrology/Hydrogeology assessment within the EIAR was to investigate the potential occurrence of karstified Limestone within the Site, and if identified, to avoid development at these locations (through iterative design) and to avoid any form of surface water drainage to any identified features also.

HES Response:

The reason for refusal above details a number of related statements regarding the interpretation of the data contained within the EIAR, as well as statements about the groundwater aquifer more broadly. For this reason, the refusal will be broken down into its constituent parts:

"A significant portion of this site lies within a karst aquifer, which was verified by APEX Geophysics Limited in the submitted EIAR"

The presence of a Regionally Important limestone aquifer below the site is clearly set out in the EIAR (refer to Section 9.3.6.1.1), and all the completed site investigation and monitoring work were focused at understanding the geology and hydrogeology of the site.

Apex Geophysics Ltd ("Apex"). were engaged in order to perform geophysical surveys at 12 no. locations (T1 to T8, substation, borrow pit and 2 no. locations near the mapped and observed swallow hole). The Apex report was included in Appendix 8-1, appended to the Land, Soils and Geology Chapter (LSG). The Apex report is a subset of all the available geological and hydrogeological data for the Proposed Wind Farm site.

Apex provided interpretations on the ground conditions at the 12 no. locations based on the survey data collected, as well as direct site investigation data from Ground Investigations Ireland (GII) which included trial pits at each location. There is no text within the Apex report which states that the karst nature of the underlying aquifer was "verified".

There is a portion of the site which is mapped within the Durrow GWB, identified as a Regionally Important Karstified (diffuse) [Rkd] Aquifer; the Apex Geophysics report includes this fact in the desk study information of the report, however the Apex Geophysics Report in no way verifies this, it simply provides an interpretation of ground conditions (soil/subsoil/bedrock geology) and the interpreted depths of each strata, at each survey location. These interpretations do not identify karstified bedrock, but do identify "Highly weathered Limestone", Moderately weathered Limestone" and "Slightly weathered to fresh Limestone". The bulk of the areas where Limestone is identified are interpreted as "Slightly weathered to fresh Limestone".

To be clear, the EIAR assessment completed in the LSG Chapter (8) and the Water Chapter (9) was based on all collated and collected data and not just the Apex report. The presence of a Regionally Important Aquifer below part of the site does not in itself preclude development. HES are satisfied that appropriate design responses (through avoidance and mitigation) have been incorporated into the layout design to ensure protection of the underlying groundwater aquifer (both in terms of quantity and quality of groundwater).

it has been recommended that further boreholes be excavated to investigate increased fissuring/karstification at T03, T05, T06, T07, T08 and the substation"

Further investigations were completed at these locations prior to, concurrently, and after the Apex geophysical survey. Apex did not have those data at the time of compiling their report, and therefore recommended investigations that were in part already completed. We explain this below.

Details regarding the site investigation works (using direct and indirect methods) undertaken as part of the assessment are presented in Section 9.2.2 of the EIAR, with additional information provided on Figure 9-10 (groundwater monitoring locations) and Appendix 9-3 (plots of groundwater levels recorded at monitoring locations).

The intrusive (direct) and extrusive (indirect) site investigations were conducted between May 2024 – January 2025 to provide detail and clarity on the nature and extent of subsoils and bedrock as well as any evidence for potential karstification of the Limestone bedrock. The completed investigations comprised:

- 4 no. groundwater monitoring boreholes drilled at locations MW1-MW4 in May 2024;
- 1 no. geophysical survey completed by Apex Geophysics between 14th – 21st October 2024;
- 1 no. rotary core borehole drilled between 08th -11th November 2024;
- 27 no. trial pits excavated by machine between 04th – 11th November 2024;
- 10 no. infiltration tests carried out between 04th -11th November 2024; and,
- A further 4 no. trial pits excavated near Turbine T3 in January 2025, within the Proposed Borrow Pit area.

During these site investigation works, no evidence of karstification was observed, there were no karst type features encountered during the monitoring well drilling and there is no visible karst type response in the groundwater hydrographs (typically high transmissivity karst systems display sharp peaks and recessions similar to surface water system as groundwater rapidly enters and exits the system).

While the Apex Geophysics Ltd. report makes a recommendation to drill at T03-T08 and at the substation, in order to further refine the geophysical interpretation and report, ultimately it is HES who are collating and interpreting all of the available site investigation data gathered between 2024-2025 in order to complete the Environmental Impact Assessment on the water environment (the majority of this data was not available to those compiling the geophysical interpretation). For instance, monitoring wells were drilled in May 2024 near T05 (MW2), T06 (MW3) and T07 (MW4). There were no karst features identified during this drilling, no major water inflows encountered and no characteristics of a karst system in the groundwater level monitoring completed over a 12-month period. In retrospect, the logs of these boreholes should have been provided to Apex Geophysics to further refine the geophysics model, but in error, they were not passed on. Nonetheless, the logs of the boreholes were included as Appendix 8-1 of the EIAR submitted with the planning permission application and therefore were available to third parties, the Planning Authority and are available to the Commission for consideration as part of this appeal.

In addition to the above site investigation, the following is a summary of the seasonal hydrological and hydrogeological monitoring that has been undertaken. The locations of these monitoring points are shown in Figure 9-10 of the EIAR:

- Seskin Group Water Scheme BH - 12 months of monitoring groundwater level data obtained at 15 minute intervals;
- Seskin Group Water Scheme Sump 1 - 12 months of monitoring groundwater level data obtained at 15 minute intervals;
- Seskin Group Water Scheme Sump 2 - 12 months of monitoring groundwater level data obtained at 15 minute intervals;
- MW1 - 12 months of monitoring groundwater levels at 2 hour intervals;
- MW2 - 12 months of monitoring groundwater levels at 2 hour intervals;
- MW3 - 9 months of monitoring groundwater levels at 2 hour intervals;
- MW4 – 12 months of groundwater levels data at 2 hour intervals;
- Domestic Well 1 (DW1) - 12 months of monitoring groundwater levels at 2 hour intervals;
- Tirlán GW1 - 5 months of monitoring groundwater levels at 2 hour intervals;
- Tirlán GW3 - 12 months of monitoring groundwater levels at 2 hour intervals;
- Tirlán GW4 - 5 months of monitoring groundwater levels at 2 hour intervals;
- Tirlán PW1 (formerly Ballyconra PWS source) - 12 months of monitoring groundwater levels at 2 hour intervals;
- GPS survey of groundwater wells in the area to determine water levels in metres OD;
- Surface water sampling completed at 2 no. locations in April 2025; and,
- Groundwater sampling completed at 2 no. locations in April 2025.

The geophysical survey was one element of a programme of works, specified in order to determine the nature of the ground conditions at points of infrastructure within the Proposed Wind Farm site, in combination with the intrusive site investigation works listed above, as well as feeding into the conceptual hydrogeological model of the proposed Seskin Renewables Wind Farm Site.

The totality of this collected data, including the trial pit data, the borehole drilling data from the 3 no. monitoring wells and 1 no. rotary core borehole, the monitored water levels, the infiltration tests across the site and the geophysics survey, provided a significant and robust dataset to underpin the EIAR assessment, based on scientific principles, that the Proposed Development would not have a negative impact on the underlying aquifer.

A total of 31 no. trial pits were excavated across the site, the details of which are included in Table 8-5 of Chapter 8. A summary of the trial pits excavated at the 8 no. turbine locations and the substation is provided in **Table A.**

Table A: Trial Pit data at Turbine Locations and substation

Turbine ID	Trial Pit ID	Total depth of TP (m)	Depth to rock (mbgl)
T1	TP-T01	0 – 0.15: TOPSOIL 0.15 – 0.4: Soft to firm, brown, slightly sandy, slightly gravelly CLAY 0.4 – 0.6: Presumed Weathered Bedrock recovered as grey slightly sandy clayey angular fine to coarse Gravel with low cobble content 0.6 – 0.9: Presumed Weathered Bedrock recovered as grey slightly clayey slightly sandy angular fine to coarse Gravel with low cobble content	0.6
T2	TP-T02	0 – 0.20: TOPSOIL 0.20 – 0.80: Soft to firm, brown, slightly sandy, slightly gravelly CLAY 0.80 – 2.0: Firm, brownish grey, slightly sandy, gravelly CLAY with medium cobble and boulder content 2.0 – 2.30: Presumed Weathered Bedrock recovered as slightly clayey slightly sandy angular fine to coarse Gravel with low cobble content	2.0
T3	TP-T03	0 – 0.20: TOPSOIL 0.2 – 0.80: Soft, brown, slightly sandy, slightly gravelly CLAY 0.80 – 3.20: Firm to stiff, brownish grey, slightly sandy, gravelly CLAY with medium cobble and boulder content	Not met at trial pit. Siltstone/mudstone met at 12.5m during drilling of MW1
T4	TP-T04	0 – 0.20: TOPSOIL 0.20 – 0.60: Soft to firm, brown, slightly sandy, slightly gravelly CLAY 0.60 – 2.0: Firm, brownish grey, slightly sandy, gravelly CLAY with low cobble and boulder content	Not met
T5	TP-T05	0 – 0.20: TOPSOIL 0.20 – 0.50: Firm, brown, slightly sandy, slightly gravelly CLAY with low cobble content 0.50 – 0.70: Presumed Weathered Bedrock recovered as Cobbles with some clayey angular fine to coarse Gravel	0.5m from TP. Limestone bedrock met at 2.6m during drilling of MW2
T5	TP-T05A	0 – 0.30: TOPSOIL 0.30 – 0.60: Firm, brown, slightly sandy, slightly gravelly CLAY with low cobble content 0.60 – 0.80: Presumed Weathered Bedrock recovered as Cobbles and Boulders with some clayey angular fine to coarse Gravel	0.6
T6	TP-T06	0 – 0.15: TOPSOIL 0.15 – 0.70: Soft to firm, brown, slightly sandy, slightly gravelly CLAY 0.70 – 2.60: Firm, brown, slightly sandy, gravelly CLAY with medium cobble and boulder content 2.60 – 3.10: Very stiff, light grey, slightly sandy, gravelly CLAY with medium cobble and boulder content	Not met at trial pit. Mudstone/shale met at 3.2m during drilling of MW3
T7	TP-T07	0 – 0.30: TOPSOIL 0.30 – 0.70: Soft to firm, brown, slightly sandy, slightly gravelly CLAY 0.70 – 2.80: Firm to stiff, greyish brown, slightly sandy, gravelly CLAY with medium cobble and boulder content	Not met at trial pit. Weathered limestone met at 10.6m during drilling of MW4.

T8	TP-T08	0 – 0.15: TOPSOIL 0.15 – 0.60: Soft to firm, brown, slightly sandy, slightly gravelly CLAY 0.60 – 2.90: Firm to stiff, greyish brown, slightly sandy, gravelly CLAY with medium cobble and boulder content 2.90 – 3.5: Stiff, grey, slightly sandy, gravelly CLAY with low cobble content	Not met
Substation	TP-SS01	0 – 0.20: TOPSOIL	Hard Limestone met at 0.2m
Substation	TP-SS02	0 – 0.25: TOPSOIL	Hard Limestone met at 0.25m.

The summary data above in **Table A** demonstrates that site investigation works were undertaken at each turbine location, as well as at the substation (while additional trial pitting and infiltration testing was performed across the site at the location of proposed access tracks). This data was analysed through the use of GIS software and combined with the on-site field mapping of the Seskin Renewables Wind Farm Site to create the following geological model of the Site (contained in Section 8.3.9 of Chapter 8), namely:

- There is no peat present at the Proposed Wind Farm Site;
- There are shallow soils/subsoils across the Proposed Wind Farm site, which are derived from a mixture of Namurian sandstone/shale (predominantly to northwest) and/or limestone parent material (predominantly to southeast) which are typically 0.5-2.0m thick, but extend deeper to ~12.5m depth in parts (as at MW1);
- The soils/subsoils are underlain by a layer of typically moderately weathered bedrock at surface (both the Namurian sandstone/shale and the limestone are typically weathered/fractured near surface) which generally exists within the top 1-3m of the bedrock; and,
- Below this zone of moderate weathering, the bedrock becomes hard and competent. This is evident from the monitoring well drilling and rotary core drilling. No evidence of wide scale karstification was observed. No karst type water strikes (i.e. significant water with clay returns) were encountered during the drilling of the monitoring wells.

For clarity, it is considered that the site investigations completed at the Proposed Wind Farm site, including the trial pits, and the depth of those trial pit excavations, are appropriate for the EIAR phase of the project for the following reasons:

- The use of point location geotechnical investigations (*i.e.* boreholes and trial pits) are a reliable and trusted method of site investigations in order to characterise the baseline geological environment;
- These geotechnical investigations provide precise geological information at a given location, and the wider site geology can be understood if there is a suitable quantity of point investigations completed at a given site, in combination with any available geophysical survey data;
- The quantum of site data gathered to characterise the baseline soils and geological environment, comprising of 36 no. point investigations (31 no. trial pits, 4 no. monitoring wells/boreholes and 1 no. rotary core borehole) combined with site walkover surveys, logging of exposed soils/subsoils at the site and laboratory analysis of recovered soil samples, is considered to be suitable for the scale of the Proposed Development (8 no. turbine wind farm and substation) and the geological/hydrogeological setting of the site;
- The geology of the Proposed Wind Farm site is therefore broadly predictable with clay overburden over Limestone within the eastern ~50% of the site, while the western 50%

of the site is underlain by clay overburden overlying mudstone and shale bedrock, all within a gently sloping site which slopes to the east;

- The soils, subsoils and bedrock encountered during the site investigations largely corresponded with the GSI mapped geology (www.gsi.ie), including the existence and location of a faulted contact between the Namurian sandstone/shale/mudstone to the west and the Limestone to the east;
- One karst feature was noted during the desk study, and this karst feature was found during the site walkover, photographed and described (refer to Section 8.3.8.4 of the EIAR), while 2 no. geophysical survey profiles were completed at and near this karst feature to determine the soil, subsoil and geology underlying this feature. No further karst features are mapped and no further karst features were observed during numerous site walkovers, nor during any of the direct site investigation works;
- Regardless of the depth of the trial pits, the impact assessment presented in Chapter 8: Land, Soils and Geology and Chapter 9: Water of the EIAR takes a precautionary approach whereby both gravity and piled foundations are assessed, particularly at T03, where the geophysics interpreted depth to bedrock at 10m, while the trial pitting encountered firm clay to 3.2m; and,
- Ultimately, the mapping of broad scale mapping of the site with ~50% of the site within a karst aquifer should not and does not preclude development, especially where the site investigation works have not identified any evidence of karst features at the points of infrastructure. Approximately 30% of Ireland is mapped as being underlain by a karst aquifer;

For these reasons, it is considered that the site investigations completed at the Proposed Wind Farm site are appropriate, and were more than sufficient to characterise the baseline geological environment. As noted above, additional Site Investigation works were completed, which were not fed back into the geophysics report, but were used in the overall EIAR assessment process on both the Land, Soils and Geology environment and the Water environment.

"There is also a swallow hole on site which could indicate the presence of underground river or caves. The karst aquifer, further increased karstification of the area and presence of a swallow hole leads to a high chance that there are karst conduits running through this site. No further investigations have been carried out in this regard and the applicant has not conclusively demonstrated that the proposed development would not impact the groundwater in this regard."

There is a recorded and observed swallow hole at this site, located at E241961, N173398. This feature is mapped by the GSI as a swallow hole within the GSI's karst features registry[1]. This feature was also observed during the site walkover(s), and is described in detail within Section 8.3.8.4 of the EIAR.

The swallow hole is described by HES in this section:

> *"During a visit, the wooded/scrub area north and northeast of T6 was investigated. A small spring emerges as a seepage face near a farm track. This then flows down a stream channel which becomes increasingly steep as it flows south. The channel ravine becomes 2-3m deep in sections. The hydrochemistry of this water indicates it is derived from or flowing over the siltstone/mudstone rather than limestone (i.e. low conductivity water between 150-200 µS/cm).*
> *The water then flows into a swallow hole situated 180m north of T6 (~1-2 L/s), while some of the water (~0.25 L/s) cascades over a limestone face."*

[1] https://dcenr.maps.arcgis.com/apps/MapSeries/index.html?appid=a30af518e87a4c0ab2fbde2aaac3c228

The following site investigation was carried out at and proximal to the known swallow hole:

- A monitoring well (MW3) was drilled at the proposed location of turbine T6. Turbine T6 is situated 180m south of the swallow hole. The drilling of the monitoring well encountered the following lithologies:
    - 0-0.3m Topsoil
    - 0.3-3.2m: Firm brown gravelly CLAY
    - 3.2-3.9m: Firm to stiff, grey, gravelly, silty CLAY with medium cobble content [BOULDER CLAY]
    - 3.9 – 17.5m: Soft black MUDSTONE/SHALE
    - 17.5-45m: Strong grey LIMESTONE

  The recorded geology above clearly demonstrates that at the location of T6, there is no karstified limestone underlying the turbine location, situated 180m south of the swallow hole.
- 2 no. lines of geophysical surveying were undertaken (HY1 and HY2). The HY1 survey line was completed across the ground at the head of the seepage face which leads to the channel and the swallow hole, while HY2 was carried out approximately 10m from the swallow hole.

  The data from the geophysical survey lines is interpreted as mudstone overlain by thin gravelly silt at the head of the seepage face (HY1), while at HY2 weathered Limestone overlies slightly weathered to fresh Limestone. A fault is also interpreted on the HY2 profile, which is mapped by the GSI and interpreted by HES, within Section 8.3.8.4, as the likely cause of the swallow hole (i.e the faulting weakened the Limestone which was subsequently preferentially weathered by slightly acidic rainfall and the water from the seepage);
- The swallow hole was measured at 6m deep; and,
- A sample of the water flowing into the swallow hole was taken for laboratory analysis and field hydrochemistry of the water was recorded on-site.

The swallow hole was very clearly described and assessed in both the Land, Soils and Geology Chapter and the Hydrology/Hydrogeology Chapter of the EIAR. Particular care was paid to this sensitive area and site investigation was carried out to determine the nature and extent of karstification at and around the swallow hole, which demonstrated that karstification was localised to this feature and that the surrounding geology, particularly at turbine T06 was Mudstone and not Limestone. Mudstone is not subject to karstification. The drainage from turbine T06 (which is downgradient of the swallow hole anyway) and the access roads near the swallow hole were designed in such a way as to prevent any surface water drainage to this feature, with a self-imposed 50m buffer around the swallow hole and the watercourse which drains towards it.

The statement that the "karst aquifer, further increased karstification of the area and presence of a swallow hole leads to a high chance that there are karst conduits running through this site" is a statement which is not borne out by any of the collected site data. It would be considered a reasonable concern at the scoping stage of such a project, but after the collation of all the site investigation data described in both Chapter 8 and Chapter 9, and the assessment of the potential effects on the wider environment, it is a statement which is contrary to the collected data and can no longer be substantiated following the collection and presentation of this site specific data within the EIAR.

"It is therefore considered that the applicant has not conclusively demonstrated that the proposed development would not be contrary to the protection of groundwater resources and the environment"

We refer the Commission to the following sections within the EIAR Hydrology and Hydrogeology Chapter (9) relating to potential effects on the groundwater environment which have been assessed in full, in light of all the collated site investigation data including long term monitoring of groundwater levels:

- Section 9.4.2.1 – Potential release of suspended sediments entrained in surface water
- Section 9.4.2.2 – Potential Effects on Groundwater Flows and Levels due to alteration of recharge (including activation of potential karst)
- Section 9.4.2.3 - Potential Effects on Groundwater Levels and Local Groundwater Well Supplies During Excavation Works
- Section 9.4.2.4 - Potential Effects Associated with Piled Foundations
- Section 9.4.2.7 - Groundwater and Surface Water Contamination from Wastewater Disposal
- Section 9.4.2.11- Potential Effects Hydrologically Connected Designated Sites
- Section 9.4.2.12 - Potential Effects on Public Water Supplies/Group Water Schemes
- Section 9.4.2.13 - Potential Effects on Domestic Water Supplies
- Section 9.4.2.14 - Potential Effects on Water Framework Directive Status

HES are satisfied that the Proposed Development has been comprehensively investigated and assessed from a LSG and Water environment perspective.

2.2 LAOIS COUNTY COUNCIL ASSESSMENT

Laois County Council provided the following summary and statement in relation to the Water Chapter of the EIAR, contained within Appendix A of the Planners Report:

> *"This chapter relates to potential effects on water resources resulting from the construction, operation and decommissioning of the proposed development. This chapter is a follow-on from Chapter 8. Land, Soils & Geology. Consultation was undertaken with relevant organisations such as Uisce Eireann and GSI as part of the EIAR scoping to inform the assessment. The chapter provides a baseline study of the existing water environment, both surface and groundwater and identifies likely positive and negative effects of the proposed development on that environment. Appropriate mitigation measures to limit any identified significant effects are presented. I am satisfied that this assessment was completed by a suitably qualified and competent person. I am generally satisfied with the content of this chapter."*

The Laois County Council Planners Report has scrutinised and assessed the EIAR for the entire project and as per the paragraph above, is satisfied with the conclusions of the Water Chapter of the EIAR, that there will be no significant effects on the water environment as a result of the Proposed Development.

As such, there is a clear conflict between the assessment of Kilkenny County Council and Laois County Council in relation to residual effects on the hydrological and hydrogeological environment, following the implementation of the mitigation measures contained within the Water Chapter

3 SUBMISSION SUMMARY

In summary:

- A Desk Study was completed prior to the inception of the project with the intention of highlighting any and all potential receptors which might be affected

by the Proposed Development, as well as potential sources and pathways. The mapping of the site within a karst aquifer was highlighted as a key concern and as such an iterative approach to site investigation and design was proposed at the outset of the project;

- A comprehensive site investigation dataset, comprising of trial pits, monitoring well drilling, borehole drilling, a geophysical survey, infiltration tests, logging of subsoil exposures and laboratory analysis of recovered soil/subsoil samples, was accrued as part of the baseline characterisation of the Proposed Wind Farm site in the EIAR. This site-specific dataset informed the robust impact assessment which was presented in the EIAR;
- Direct site investigation works were completed before, concurrently, and after the site based elements of the geophysical survey work. Apex did not have those data at the time of compiling their report, and therefore recommended further investigations that were in part already complete. HES compiled and interpreted all the available geological data and decided there was sufficient data to proceed with the EIAR;
- The geological and hydrogeological information obtained from the site investigations led to a detailed understanding of the geology and hydrogeology of the site, and that understanding underpins the conclusions of the impact assessments presented in the EIAR;
- As outlined direct investigations were completed before, concurrently, and after the geophysical survey was undertaken, and other than the one identified (from desk study and ground truthing) swallow hole, no widespread karst features were found during any direct site investigation works, no increase in karstification was identified, and no karst conduits were found to run through the site. The site based evidence does not support the conclusion formed by Kilkenny Co. Co.; and,
- With the implementation of the tried and tested, best practice mitigation measures there will be no potential for effects on surface water or the underlying groundwater aquifer as a result of the proposed Seskin Renewables Wind Farm.

We respectfully submit to An Coimisiún Pleanála that this letter response reiterates the conclusions of the detailed impact assessments presented in EIAR Chapter 8 (Land, Soils and Geology), EIAR Chapter 9 (Hydrology and Hydrogeology), the associated Flood Risk Assessment (Appendix 9-1) and WFD Compliance Assessment Report (Appendix 9-3).

The impact assessments presented in the EIAR are informed by a comprehensive site investigation dataset and rely upon the tried and tested, best practice mitigation measures which ensure the protection of the receiving environment. Similar mitigation measures have been successfully applied during the construction of countless wind farm developments across the country and were also presented in the EIARs for several recently permitted wind farm developments.

As a result of the above, we urge An Coimisiún to issue a positive decision with respect to this appeal submission.

Yours sincerely,

Michael Gill

Michael Gill PGeo
Civil Engineer and Hydrogeologist
B.A., B.A.I., M.Sc., Dip Geol, MIEI, MCIWEM

Adam Keegan PGeo
Hydrogeologist
B.Sc., M.Sc., Adv Dip Law