White Hill Wind Farm Electricity Substation & Electricity Line

Environmental Impact Assessment Report

Annex 1.5: Carlow County Council Scoping Response

White Hill Wind Limited

Galetech Energy Services
Clondargan, Stradone, Co. Cavan Ireland
Telephone +353 (0)49 555 5050
www.galetechenergyservices.com

COMHAIRLE CONTAE
CHEATHARLACH

CARLOW COUNTY COUNCIL

Oifigí an Chontae,
Bóthar Átha Í,
Ceatharlach, R93E7R7

County Buildings,
Athy Road,
Carlow, R93E7R7

T: 059 9170300
E: See carlow.ie/contact-us
W: carlow.ie

2nd May 2024

Galetech Energy Services,
Clondargan,
Stradone,
Co. Cavan,
H12 NV06.

RE: Your ref: WHI001SS.
Pre-Application Scoping Request for Proposed 110kV Electricity Substation & Underground Electricity Cables in County Carlow & County Kilkenny.

A Chara,

I refer to your correspondence dated 25th March 2024 in relation to the above.

Following a review of the content of the scoping document, and a planning appraisal of the site, it is recommended that the following comments are issued:

Grid Connection and Cumulative Impacts

You are advised to have regard to relevant case law stemming from the decision of the High Court in the judgement delivered for O'Grianna v. An Bord Pleanála (2014), namely the requirement for EIA to consider the cumulative impacts of the proposed turbines with the proposed grid connection. This follows that the proposed grid connection is an integral part of an entire wind farm project and therefore must be included in the EIAR when examining cumulative impacts. The aforesaid may have implications for the scope of the planning application and the extent of the proposed development for which permission will be sought. The '*Draft Revised Wind Energy Development Guidelines December 2019*', recently issued by the Department of Housing Planning and Local Government are further noted in this regard, which address the matter of grid connections in Section 4.7.4:

> *Under EU EIA guidance10, challenges in the EIA process are recognised for projects comprised of different elements which may be permitted at different stages, implemented by different parties and developed over a period of time.*
>
> *Case law on this issue acknowledges that the requirements of the EIA Directive may be satisfied by multiple consents necessitated by the different stages in delivering a project. It should be noted that the EU courts have also stressed that the purpose of the Directive cannot be circumvented by the splitting of projects.*
>
> *The Irish Courts have determined the need to assess such projects comprising both the wind energy development element and the subsequent grid connection element, as a single*

project for EIA purposes11, and in particular their cumulative effects. This approach is reflected in Recital (22) and Annex II.A, Annex III and Annex IV to the 2011 EIA Directive as revised by the 2014 Directive12. In addition, Recital (2), of the 2011 EIA Directive13 also emphasises that the importance of the effects on the environment should be taken into account at the earliest possible stage in all the technical planning and decision–making process.

In the context of EIA, best practice is that an integrated planning application is made for the whole project (i.e. the wind energy development and the grid connection and any other works which are ancillary to the development of the wind energy development) and that the EIAR submitted with the planning application addresses the cumulative impacts of the whole project.

It is acknowledged that an integrated application is not always possible, because of the distinction between power generation and transmission infrastructure from an energy regulatory framework perspective.

However, in order to ensure that the environmental issues arising in the overall project have been considered in an EIAR, and that neither project splitting nor its perception arises, wind energy development proposals must demonstrate that the effects on the environment of the whole project have been taken into account at the earliest possible stage in the technical planning and decision-making process and that issues arising from cumulative effects have been properly assessed.

The EIAR and planning application(s) for the substation and the grid connection must address the direct effects and any short, medium and long term, permanent and temporary, positive and negative, indirect, secondary cumulative and transboundary effects of the whole project, i.e. the wind energy development and the grid connection.

County Planning Policy

The windfarm site is located in the Killeshin Hills Landscape Character Area as set out in Appendix VII of the Carlow County Development Plan 2022-2028 in an 'Upland' landscape type with the highest landscape sensitivity rating. As identified in Section 3, the area is subject to a local land use policy wherein windfarm developments are not normally permissible in the upland areas.

Policy WE P4 of the Carlow County Development Plan 2022-2028 also refers;

WE P4: '*Wind farm development will not normally be permissible in the Uplands Landscape Type as shown in Figure 6 of the Carlow County Landscape Character Assessment included as Appendix VII to this Plan. This provision shall not apply to micro energy generation and community energy projects as provided for in Section 7.10.3.5, where deemed appropriate and subject to compliance with proper planning and environmental considerations.*'

The principle of the development is contrary to the foregoing provisions of the Carlow County Development Plan 2022-2028 and associated Renewable Energy Strategy.

Notwithstanding, permission has been granted and as such any subsequent planning application for associated infrastructure will be assess on its own merits. In this regard the following is also noted;

- Section 7.10.3.1 of the Plan seeks to achieve a reasonable balance between responding to overall positive Government policy on renewable energy and enabling the wind energy resources within County Carlow to be harnessed in a manner that is consistent with proper planning and sustainable development. The section further states that *"Site suitability is an important factor in determining the suitability of wind farms, having regard to possible adverse impacts associated with, for example, residential amenities, landscape, including views and scenic routes, wildlife, habitats, designated sites, protected structures or bird migration paths, and compatibility with adjoining land uses. The Council is required to achieve a reasonable balance between responding to overall positive Government policy on renewable energy and enabling the wind energy resources of the County area to be harnessed in a manner that is consistent with proper planning and sustainable development".*

- It is the policy of the Council under Climate Action and Energy – Policy RE P1 to *"Encourage and facilitate the production of energy from renewable sources, such as from wind, solar, bioenergy, hydroelectricity, and geothermal, subject to compliance with proper planning and environmental considerations".*

Carlow County Renewable Energy Strategy 2021 (RES) Appendix 2b - VI.

The application site is located in the Killeshin Hills Landscape Character Area as set out in Appendix VII of the Carlow County Development Plan 2022-2028 in an 'Upland' landscape type with the highest landscape sensitivity rating.

Section 6.1 addresses wind energy which considers onshore wind in County Carlow, defining the resource and the associated energy conversion technologies, identifying potential development, and setting out policy and objectives to support wind energy developments, which can contribute to renewable energy targets, while minimising any adverse impact on the environment.

Landscape and Visual Impact Assessment

The assessment of landscape and visual impacts should take account of Carlow County Landscape Character Assessment and Schedule of Protected Views, included as Appendix VII to the Carlow County Development Plan 2022-2028. On the basis of the landscape character assessment and associated mapping, the site is located in an Uplands Landscape Character Type and has the highest sensitivity rating (5 on the matrix scale of 1-5) as identified in the Landscape Character Assessment of the Carlow County Development Plan 2022-2028 (Appendix VII), whereby the landscape has a moderate capacity to accommodate wind farm development.

Part of the application site is located in an elevated landscape known as the Castlecomer Plateau, which unlike other upland areas is an unbroken expanse of land where the cumulative impact may be more significant than in a more undulating area. Overall, the Planning Authority consider that there is a low capacity in the area to absorb wind turbines, overhead cables and masts, particularly in the upland areas and have concerns regarding the accumulative impact of the proposed development, in conjunction with the Bilboa Wind Farm c. 4.5km and Gortahile Wind Farm, c. 5.5km to the northeast.

The Carlow County Landscape Character Assessment also identifies a number of designated scenic views and routes in the rural area in which the proposed development will be located. These scenic views and routes should also inform the examination and assessment of visual impacts, as the proposed development has the potential to negatively impact on designated scenic views and routes. Of the protected views listed in Table 9.3 of the CDP, two are of particular importance with respect to the proposed development. These are listed below:

- View Point 31 - Vista east, panorama across central plain to Blackstairs-Ridge Cross.
- View Point 32 - Vista east, panorama from Killeshin Hills across central plain to Blackstairs- Tuolcreen Cross.

Map 9.5 of the CDP illustrates the designated scenic routes throughout County Carlow of particular relevance to the proposed development. Scenic Route 7: L3037-11, from Ridge Cross Roads, running north to the Butts Cross Roads, directly passes the main site entrance into the Wind Farm and has views across the Central Plain.

Scenic Route 6: L7123-0 at Ridge Crossroads, running northeast towards Seskinrea, also has views of the Central Plain and is less then 1km from the entrance to the subject Windfarm.

In addition, Scenic Route 8: L7130-26 at Tomard Wood, is in close proximity of the application site. The potential for the proposed development to impact negatively on these panoramic vistas needs to be assessed in detail. Combined visual impacts with existing wind farm developments in the area will also need to form part of this assessment. Views from individual residential properties in the area should be taken into account. The proposed siting and design must be able to demonstrate that the integrity of the landscape character area will be maintained.

Natural Heritage

The assessment of the existing and proposed development, in respect of the content of both EIA and Appropriate Assessment, needs to consider the following:

- The close proximity of the River Barrow and River Nore SAC to the proposed site. The project site is located in the catchment of the specified Freshwater Pearl Mussel (FPM) populations, which is the qualifying interest of the River Barrow and River Nore Special Area of Conservation (SAC). In addition, all of the surface waterbodies draining the grid connection route drain into the River Barrow and River Nore SAC and the River Nore SPA. Given the features of interest of the River Barrow and River Nore SAC, it is considered to be very sensitive to the effects of water quality deterioration; while a deterioration in water quality could also affect the Kingfisher which is present in the River Nore SPA.
- Information should be provided regarding the protection of retained ecological features, in particular the protection of trees and hedgerows during on-site construction activities.
- Consideration should be given to a tree replanting proposal to compensate for the loss of trees and to mitigate ecological impacts.

In relation to the Appropriate Assessment, you are advised to have regard to the following:

- Must clearly identify the European Sites potentially impacted by the proposed development and explain the basis on which these have been identified in a way that makes it clear that there is no scientific doubt that there could be adverse effects on the integrity of any other European Sites (ecological or hydrological corridors).

- Must clearly explain why each of the identified European sites have been designated.

- Must clearly identify the conservation objectives for each European site (by reference to NPWS published data).

- Must clearly set out all relevant and available data in relation to each qualifying interest, including all documentary sources available.

- Must set out all investigations and examinations that have been carried out.

- Must be apparent that regard has been had to the best scientific knowledge.

- Must contain a detailed analysis and evaluation of all available data with no lacunae or gaps.

- Must identify and analyse, in the light of the best scientific knowledge in the field, all aspects of the proposed development which can, by itself or in combination with other projects or plans, affect the European Sites in the light of its conservation objectives. That analysis should distinguish between temporary and permanent impacts and has to address the impacts on the flora, fauna and habitats for which the site was designated and the impacts on the conservation objectives for the site.

- Must identify mitigation measures which will reduce impacts on the European Site and specify precisely how they will be implemented and why they will be effective. There cannot be any scientific doubt about the effectiveness of the mitigation measures, and it will not be acceptable to say that these will be developed post-consent.

- Must contain clear, precise, and definitive findings as to what the residual impacts will be on the European Site.

- Complete project details, including a Construction Environmental Management Plan (CEMP), needs to be provided in order to allow an adequate appropriate assessment to be undertaken. It should be demonstrated that the CEMP and other such plans are adequate and effective mitigation, supported by scientific information and analysis, and that they are feasible within the physical constraints of the proposed site. The CEMP should also include methods to ensure invasive alien species are not introduced or spread.

- The positions, locations and sizes of construction infrastructure and mitigation, such as settlement ponds, disposal sites and construction compounds, may significantly affect European sites, designated sites, habitats, and species in their own right and could have an effect for example on drainage, water quality, habitat loss, and disturbance. If these are undetermined at time of the assessment, all potential effects of the development on the site are not being considered. If applicants are not in a position to decide the exact location and details of these at time of application, then they need to consider the range of options that may be used in their assessment so that all issues are covered.

Archaeological Heritage

- There are no protected structures in close proximity to the proposed development site. There is one recorded monument circa. 80m south of the proposed access track serving the Wind Farm -RMP CW011-006: enclosure. The monument is recorded as a bank enclose a circular area measuring 16m in diameter (www.archaeology.ie). The site is recorded on the First Edition 1:10,560 Ordnance Survey map (1839), but is not shown on later edition cartographic sources.

Impacts on Residential Amenity and Adjoining Land Uses

- Potential impacts on residential properties and on existing adjoining land uses should be examined and assessed. Proximity to (inter alia) access roads, grid connection route, and other site infrastructure should be considered in detail.

- The assessment of impacts on residential amenity and other sensitive land uses in the area should be accompanied by accurate mapping of all such properties. This map should be of a scale that allows easy identification of these properties.

Noise, Vibration and Dust

- Suitably scaled mapping should be provided, which accurately identifies existing and proposed noise and dust monitoring stations relative to sensitive receptors.
- The assessment of noise impacts needs to consider noise generated from construction activities and operational noise e.g. including accumulation of noise impacts from the permitted wind farm, such as rotating turbine noise and blade swish noise.
- Noise associated with the construction of access roads and cable routes should be assessed and should include restrictions on the hours of operation to prevent noise nuisance at dwellings and other adjoining land uses/sensitive locations.

Flora and Fauna

The existing site and proposed site should be surveyed for invasive species and recommendations for control measures made as part of EIAR, and in an Invasive Species Management Plan.

Water Quality

Geological Survey and EPA mapping should be referred to regarding potential surface water and groundwater vulnerability in the area.

Surface Water Drainage

The majority of the grid connection route passes through the Gowran_010 and Nore_190 river waterbodies, which have been assigned a Moderate Status. The Fane_020 river water body, to which the replanting lands drains, has a Moderate Status. With respect to groundwater, the wind farm site and the northern section of the grid connection route are located in the Castlecomer GWB. Sections of the grid connection further south are mapped in the Shanragh GWB, the Ballingarry GWB and the Kilkenny GWB (IE_SE_G_078) before terminating in the Clifden GWB. The haul route works, and replanting lands are located in the Newtown GWB and Louth GWB respectively.

All GWBs in the area of the project as assigned 'Good Status', which is defined based on the quantitative status and chemistry.

A detailed survey of all existing and proposed on site drainage should be provided, clearly identifying where all on site water drains will discharge to and how drainage will be maintained. Detailed drainage design must be shown on the submitted plans.

Traffic and Transportation

The assessment of traffic and transportation issues should take account of the following:

- The provision of a traffic impact assessment for the construction phase.
- Details of the anticipated traffic types and volumes for the development should be provided and assessed, and broken down in daily, weekly, and monthly figures. Details should also include expected peak site traffic, day to day hours and duration.
- Potential traffic impacts from HGVs negotiating built up areas should be considered, as well as the feasibility of avoiding routing HGV traffic through such locations.
- Full design details for the entrance(s) to the substation site should be provided to demonstrate adequate turning movements for HGVs and sightlines. Accommodation works on third party lands must have written agreement of third-party landowners.
- Pre and Post construction condition survey of the roads involved in accordance with the "Pavement Survey Standard for Regional and Local Roads" should be carried out.
- Proposals to upgrade a road or structure where it is shown to be structurally unsuitable should be provided and where excessive damage to public road(s) is identified based on the Pre and Post surveys.

If you have any further queries please contact the undersigned at 059 91 36229 or planningdevman@carlowcoco.ie

Yours sincerely,

P.P

Shirley O'Neill,
Administrative Officer.