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From: Ken Fitzgerald <Ken.Fitzgerald@mwp.ie>
Sent: Monday 4 March 2024 17:30
To: SIDS
Subject: 23296. Response to submissions on ABP 318505 - 23
Attachments: Submission response document ABP - 318505-23.pdf

Follow Up Flag: Follow up
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Categories: Lauren

Dear Sir /Madam,

Please find attached our response to submissions received on the above-mentioned application.

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Ref. 23296.

4th March 2024.

An Bord Pleanála
64 Marlborough Street
Dublin 1

Re: ABP – 318505-23. Carrownagowan 110kV Grid Connection - Futurenergy Carrownagowan Designated Activity Company (DAC)

Dear Sir / Madam,

Malachy Walsh and Partners on behalf of Futurenergy Carrownagowan DAC (FuturEnergy) wish to submit this submission in response to a number of third-party observations made in relation to a planning application for a Strategic Infrastructure Development (SID) comprising of a 110kV grid infrastructure (ABP- 318505-23) to connect the previously granted Carrownagowan Wind Farm (Ref. 308799) (the **Parent Permission**) to the national grid at Ardnacrusha Power Station.

Having reviewed the contents of the submissions, we wish to state the following in the context of our response. Our response will address items or commentary that relate to the Grid Infrastructure application only (albeit the grid connection application contains a cumulative impact assessment on the grid connection and the works consented under the Parent Permission). Appendix 1 includes responses to a number of legal issues arising in the submissions received.

It should also be noted that the EIAR completed and submitted with the Parent Permission application assessed the entire project including the grid route to Ardnacrusha and this may have not have been apparent to a number of the people who made a submission.

Six submissions were received by An Bord Pleanála from the following entities:

- Brendan Sweeney;
- Transport Infrastructure Ireland (TII);
- The Department of Housing. Local Government and Heritage (DHLGH);
- Clare County Council;

ENGINEERING AND ENVIRONMENTAL CONSULTANTS

- Carrownagowan Concern Group; and
- Ute and Konrad Rumberger, supported by 12 other observers.

The following sections set our responses to each submission received.

Item 1: Brendan Sweeney

The first point in this submission relates to an assertion that the wind farm should never have been planned as it is contained within a peat bog surrounded by Slieve Bearnagh SAC. This is irrelevant to the grid infrastructure application before the Board for determination.

The second point relates to the drilling of a tunnel under a village road at Kilbane and states that this tunnel will impact on people's water supply. Table 3.2 of the EIAR sets out the bridge structures along the route and which method of construction is to be adopted. Section 3.1.3.3 of the EIAR explains what a Horizontal Directional Drill (HDD) approach entails. Drawing Number 05641 – DR – 227 shows how a HDD solution is used so as to not interfere with a water course by going underneath the river bed and to not interact with the watercourse in any way. The Kilbane Bridge requires a HDD solution so as to avoid interaction with the structure and watercourse. This approach ensures that the grid duct has no impact on the bridge or the water supplies in the area. It should be noted that the cable will not interact with the watercourse or any water supply infrastructure that serves the village. The HDD approach at Kilbane bridge avoids the structure and also avoids any water services in the locality and does not interact with those services.

Kilbane Bridge is a protected structure and accordingly there is no interaction with that structure. The design includes the use of an HDD approach at this location so as to avoid the structure and foundations/abutments of the bridge and to ensure no interference with the structure, as set out in Table 3.2 and Section 3.3.3.3 of the EIAR. This approach also avoids any direct interaction with the watercourse.

This submission includes an assertion that there is a risk of well contamination and damage to people's houses/foundations. There is no basis for, or any evidence to support such a statement. The proposed infrastructure is an underground cable trench containing a series of ducts that incorporate the 110kV cable. All are designed and will be constructed in accordance with Eirgrid specifications and requirements. The works are consistent with similar underground services provided along public roads across the country every single day, such as broadband, water, telecoms or electricity. There are no interactions with houses or property or with water supplies or wells.

This submission includes an assertion that no community or door to door calling was conducted. This is incorrect as this took place and is documented in the application documentation for the grid application and is referenced in Chapter 1, section 1.7.2 of the EIAR.

For the Proposed Development, the Applicant appointed two Community Liaison Officers (CLOs) and community consultation was completed in February 2023. The consultation included a newsletter drop to houses along the route and door to door interaction with residents. The newsletter delivered to houses along the route is included in Appendix 1.3 of the EIAR.

In addition, the project website provided a regular update on the progress of the grid design and application and there is also a live SID website for the project containing the published newspaper notices and site notices erected along the route.

It should be noted that a newsletter was circulated to all residents in the locality in respect of the proposed wind farm development and associated grid connection infrastructure at this location in February 2023. The Applicant engaged with Mr Sweeney in February 2023 during the delivery of the grid newsletter.

In relation to the traffic concerns raised in this submission, the design and application focuses on how the grid infrastructure will be constructed and managed, and this is set out in the Traffic Impact Assessment (TIA) in Appendix 2.3 of the EIAR and in the Environmental Impact Assessment Report (EIAR) in Sections 12.3.2 and 12.4.1.1 of the EIAR.

Traffic will be managed in accordance with the EIAR. Any works, sequencing of works and traffic management will be the subject of prior agreement with the roads department of Clare Co Co and with An Garda Siochana as is normal practice for works of this nature. In addition, any works relating to the grid infrastructure will be the subject of a road opening licence. These measures ensure that the works will be managed and completed in a way that causes minimum disruption on local roads within a rural area. A dedicated Community Liaison Officer (CLO) will be appointed prior to the works commencing and will liaise with residents and businesses along the route, as the works are commencing and in conjunction with Clare Co Co roads department.

The Local Road L3046 passes through the mapped Glenomra Wood SAC and this road accommodates day to day traffic for the local community, for farm machinery, trucks and other vehicles on an ongoing basis all year round. This road is operated and maintained by Clare County Council and is a fully surfaced road meeting all requirements in terms of surface finish, drainage and roadside management. The proposed cable trench is situated entirely within the public road as it passes through Glenomra Wood SAC and accordingly the proposed grid connection will have no adverse affect on the SAC. The location of the trench in the public road as it passes through Glenomra Wood SAC can be seen on Drawing Number 05641-206 & 207.

As set out in Chapter 2 Description of the Proposed Development of the EIAR, trenching works will be completed in stages along this road and during times of suitable weather with minimal risk of water accumulating within a trench section or escaping from the trench to move off the road or into Glenomra Wood. Each section of road opened and excavated each day is then closed and backfilled in the evening so as to provide a well-managed road surface and without any risk of run off, pollution, contamination or any effects on Glenomra Wood.

Item 2: Transport Infrastructure Ireland (TII)

Transport Infrastructure Ireland's submission relates to development that would take place on the national road network or have an impact on that network. The submission notes that the proposed application has no direct impact on the strategic national road network.

The concern raised relates to abnormal loads and where those abnormal loads could have an impact on the national road network. We confirm that there are no abnormal loads associated with the laying of the 110kV grid connection cable and secondly there is no risk of any impact on the national road network as the proposed cable would run entirely under Regional and Local roads. The Applicant has no issue with proposed recommendations from TII but notes a number of them are not applicable as no abnormal loads arise.

Relative to the requirements set out in the submission by TII the applicant confirms that it will comply with the requirements as set out below, to the extent applicable :

- The obtaining of permits for transport of abnormal loads,
- Consulting with PPP companies, MMaRC contractors and roads authorities,
- Agreement of Deeds of Indemnity, if required for temporary works within any MMaRC Contract Boundary;
- Adherence with TII's publications and standards
- Relevant mitigation measures in the EIAR should be made conditions to the planning permission].

Item 3: The Department of Housing Local Government and Heritage

The Department of Housing Local Government and Heritage (DHLGH) made a number of observations in their submission that are addressed in the following paragraphs.

1.1 Location of Grid Route within an SAC

DHLGH noted in their submission that the "Site Description" in Section 3 of the Construction and Environmental Management Plan (CEMP) is incorrect as it states that "*the Proposed Development is not located within an SAC*". However the biodiversity chapter correctly states that "*Approximately 350m of the public road is encompassed with the SAC boundary*".

DHLGH is correct that the wording in the CEMP with respect to the location of the grid route in an SAC and note that the sentence in question should state "*the proposed development is not within an SPA*". However, the sentence before this wording clearly states "*The Proposed Development passes along the boundary of the Slieve Bearnagh Bog SAC (within 30m at the northern end of the Site, the SAC is upgradient of the Proposed Development at this location), as well as the Glenomra Wood SAC near Fahymore (passes along the public road within the SAC)*".

For clarity, it is accepted, and correctly identified in the biodiversity chapter, that approximately 350 m of public road is located within the Glenomra Wood SAC. The public road is owned, managed and maintained by Clare County Council. However, the conclusion in the AA Screening Report (at [ ]) that there is no likely significant effect on the SAC remains accurate as the grid cable will be placed within the public road and not within the SAC habitat . As set out at [ ] of the EIAR, the works associated with installation of the grid will be carried out in sections with a section of trench opened each day that will then be closed and temporarily re-instated each evening. Works will be completed in dry weather only

to avoid any water management issues or risk of run-off. The works within the public road in Glenomra Wood SAC will be completed within 3 days and are localised and contained within a limited footprint in the existing carriageway and typical of the type of works frequently carried out on public road for utilities.

1.2 Potential for Introduction of Invasive Species to SAC

The documentation submitted with the grid planning application included an Invasive Species Management Plan (the **ISMP**) which includes the location of the existing stands of invasives species that are located along the public road edge (See Table 6-5 and Figure 6-3 of the EIAR Biodiversity Chapter). There were no non-native invasive species identified along the 350 m section of grid route on the public road within Glenomra Wood SAC. While the introduction of non-native invasive species is identified as a threat to the conservation objectives of Glenomra Wood SAC it was not considered as a potential impact because of the location of the propsoed works i.e. being entirely within the carriageway of the public road, the localised nature and scale of the works (limited to the carriageway) and the short duration (3 days). There will be no trafficking within the SAC and as there was no non-native invasive species identified in this area the spread of such species was not considered as a risk.

The works to install the cable within the public road will be carried out while avoiding any interactions with stands of invasive species as the extent of the works area will not require any activity within the areas where invasive species are present adjacent to the proposed grid route. Prior to commencement of the works to install the cable, the location of any stands of invasive plants will be marked on site using plastic tape or similar used by Local Authorities and / or utility companies. This is good site management practice that is adopted on projects of this nature for reasons unconnected to the protection of the European Site but instead so as to be in compliance with other legal obligation including pursuant to EU Regulation 1143/2014.

To the extent that the Board deems it necessary, it may therefore have regard to the ISMP in its AA screening in order to screen out impacts on the Glenmora Wood SAC.

1.3 Glenomra Wood SAC Conservation Objectives

The AA screening report cites the following in the references section:

> "NPWS (2018a) *Conservation Objectives: Glenomra Wood SAC 001013. Version 1.* National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht."

This confirms that the correct version of the Conservation Objectives was considered in preparing the AA screening report and the reference to generic objectives was an error. The outcome of the AA screening report is based on the Site Specific Conservation Objectives (SSCO) "To maintain favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Glenomra Wood SAC" as referenced in the reference section of the report.

1.4 No Net Loss of Biodiversity

DHLGH also requests that the EIAR should outline how the proposed grid connection will avoid a net loss of biodiversity. The design process for the grid route sought in the first instance to avoid areas designated for nature conservation and to minimise any habitat loss. This was achieved by routing the cable primarily within the carriageway of public road where there will be no loss of habitat. The off-road sections of the cable route are located within agricultural lands, areas of cutover peatland, forestry tracks and conifer plantations. The detailed design and field surveys identified an alignment whereby the cable route avoids areas of habitat that are particularly diverse or uncommon.

The agricultural lands, forestry tracks and conifer plantation are all evaluated in the Biodiversity chapter as important at the Local level (lower). Upland blanket bog habitat (degraded) along 40 m of the grid route will be affected by installation of the cable. However, this habitat has been already drained and its hydrological regime has been altered as a result. The adjacent forestry has also negatively affected this habitat as a result of drainage. As a result this habitat was also evaluated in the Biodiversity Chapter as important at the Local level (lower). The habitat loss was not considered significant in the context of the already degraded condition of bog habitat, ongoing commercial forestry and agricultural operations. The residual effect of the loss of these habitats will therefore not be significant.

1.5 Heritage-related Observations

It is noted that the DHLGH submission is broadly in agreement with the findings of the EIAR and the Applicant has no issue with proposed recommendations.

Item 4: Clare County Council

1.6 Screening for appropriate assessment

Clare County Council contend in their submission that the report to inform screening for appropriate assessment fails to consider the potential effect of the proposed development on the Lower River Shannon SAC (Site Code 002165). Clare County Council states this SAC to be less than 2 km from the development and thus within the Zone of Influence of 5 km.

The AA screening report (Appendix 6.1 of the EIAR) states that the Zone of Influence (ZoI) for the project was identified through a review of the nature of the project, known impacts and effects likely to arise as a result of the project, distance from Natura 2000 sites and their qualifying interests and any landscape or ecological connectivity between the Proposed Development and Natura 2000 sites. The AA screening report also states that the ZOI of the Proposed Development was identified as 5 km and this was chosen based on the nature, scope, scale and location of the works required to install and operate the proposed grid connection. The report goes on to say that as there are no instream works proposed, taking account of distance and that watercourses will be crossed by horizontal directional drilling, it is considered that there is no potential for effects on aquatic Natura 2000 sites beyond the

ZOI of 5 km downstream or where there are indirect links to the Proposed Development via surface water pathways.

While the Lower River Shannon SAC at its closest, when measured in a straight line or "as the crow flies", is located ca. 1.6 km from the southern end of the proposed development, at Ardnacrusha, there is no surface water pathway (structural or functional connectivity) from the proposed grid connection route at Ardnacrusha to the Lower River Shannon. The closest watercourse crossing where there is a structural or functional pathway to the Lower River Shannon SAC is the Glenlon South Stream, a tributary of the Blackwater (Clare) River. This crossing point is ca. 7 km upstream of the Lower River Shannon SAC and will be crossed by directional drilling. In summary, the AA screening report correctly excludes the Lower River Shannon SAC as the nearest structural or functional pathway is greater than 5 km downstream of the grid route, the risk of effects on this SAC are not appreciable and there is no potential to undermine the conservation objectives of the SAC.

1.7 Excavated Material

Clare County Council also made an observation regarding the management of excavated material from the site which is proposed to be exported to a licenced facility. Three facilities are named as the licensed locations which will receive the excavated spoil material. However, Clare County Council notes that the named facilities generally do not provide for the disposal of large quantities of spoil material. It is not intended that one facility will receive large quantities of material.

A number of facilities were listed in the EIAR in order to have access to a number of facilities so no one facility will take a large quantity of materials, rather the surplus material can be dispersed at a number of facilities in smaller amounts.

The applicant confirms that all spoil materials will be exported to a suitable facility with the relevant planning and environmental consents.

1.8 Traffic

Clare Co Co requirements in terms of road closures noted on Page 4 of their submission area acceptable and will be agreed with Clare Co Co as part of the Planning Compliance and Road Opening Licence process.

There is a 1km section of the R466 over which the grid route passes. If a road closure is not viable here then this 1km section can be completed using a stop go system and agreed with Clare Co Co Roads Dept as part of the Road Opening Licence process.

Item 5: Carrownagowan Concern Group

Carrownagowan Concern Group's (CCG) submission consists of a 4 page letter and is accompanied by 9 images and 2 standalone reports. The pictures attached to the submission seem to be of a localised drain/soil erosion at a road edge within the wider forest plantation and have no relevance to the

proposed grid route. The EIAR describes the impacts of the proposed development (including on soils) and assesses the impacts of the development and the mitigation measures which will be applied so as to ensure there will be no likely significant effects on the receiving environment).

While there have been minor changes to the grid route in the current application, since the application for the Parent Permission, the conclusions of the EIAR and Appropriate Assessment carried out as part of the Parent Permission application do not change in light of these minor alterations along the grid route.

In assessing the grid connection in the EIAR for the Parent Permission, the grid route was assessed within a corridor and dealt with anything that may be affected along that corridor, be it a road surface, a bridge crossing, passing by house, dealing with traffic etc. When finalising the grid route drawings for the present application a few areas were adjusted in order to improve the design, reduce environmental impacts, reduce disturbance locally and allow a more efficient build out, if consent, but these areas remain within the area assessed as part of the EIAR for the Parent Permission. A more detailed note on the changes is appended to this letter.

The main points made in the submission are addressed in the following paragraphs.

1.9 Hen harrier

The potential impacts and effects of the wind farm and grid connection on hen harrier were fully assessed and addressed in the documentation submitted with the Parent Permission application. The findings of the impact assessments in the relevant EIAR chapters demonstrate that there is no change in terms of environmental considerations and outcomes of the assessments including for biodiversity, hydrology, material assets etc from those set out in the EIAR submitted with the Parent Permission when assessing the minor alterations to the grid route made since that EIAR was submitted. The conclusions of the chapters in the EIAR and Article 6 Assessments have not changed in light of those minor alterations to the grid route. There is nothing in the revised underground cable route that will negatively impact upon compliance with the habitat protection and hen harrier specific measures included in the wind farm EIAR.

The CCG submission focuses on the potential cumulative effect of the proposed development on hen harrier in the Slieve Aughty SPA, in combination with the windfarm development. The proposed grid route development will be solely underground along an existing public road for almost all of its length. The grid route proceeds in a southerly direction away from the wind farm and the SPA. The areas where the grid route is located off the public road are at least 8 km south of the SPA and are sufficiently distant to avoid any effects on hen harrier. Therefore, there will be no effect on hen harrier or Slieve Aughty SPA either alone or in-combination with other plans and projects due to the construction and operation of the grid connection. This is primarily due to the location of the cable underground and in the public road.

The report submitted by *Lorcan O'Toole* relates solely to the assessment of birds in the ornithology chapter of the EIAR submitted with the Parent Permission application. The report by Mr O'Toole contains no mention whatsoever of the proposed grid infrastructure application.

The report submitted by EMR Consulting is 8 pages in length with the last page being a list of references. As with the submission by Mr O'Toole above, the remaining 7 pages almost entirely relate to the Carrownagowan Wind Farm EIAR Ornithology chapter, associated reports, Collision Risk, Modelling and the RFI items relating to birds. Point A of the report prepared by Dr Rooney raises lack of bird surveys along the grid route, which is the only issue raised relative to the proposed development.

Bird surveys were not carried out along the length of the grid route for a several reasons but primarily that there are no likely significant effects on birds arising from the development or operation of the underground cables. Given the nature of the proposed development primarily within an artificial surface and the low ecological value of this habitat, the ecological surveys demonstrated that there was no need for specific bird surveys. The proposed development is linear and largely located in an area subject to regular traffic and associated noise and hedgerow maintenance so any birds utilising the adjacent habitats will be habituated to such disturbance. The birds likely to utilise adjacent habitats are common passerines that might nest and forage in these areas, but these habitats will not be affected by the proposed development. The habitats immediately adjacent to the grid route do not provide suitable habitat for hen harrier. It is noted that numerous ecological surveys, including habitat, watercourse and non-native species surveys were carried out along the proposed grid route and no birds of high conservation value were recorded at these times.

Accordingly, while the Applicant would take issue with a number of finding within Mr O'Toole's and Dr Rooney's reports, other than the point addressed above relative to bird surveys, the reports simply do not bear upon the proposed development.

1.10 Cumulative Assessment

The appellant states that *"it is established law that the grid connection for a windfarm is part of the windfarm project, and for that reason the EIA for the windfarm is required to also address the impacts of the grid connection"*. We agree with this statement and highlight that the Parent Permission EIA did assess the potential grid connection route from the windfarm to the Ardnacrusha substation for the reasons set out above. Minor deviations between the grid route in the wind farm application and the proposed grid route do not alter the assessments carried out as part of the windfarm EIAR. There have been no changes to the receiving environment since the EIAR for the windfarm planning application was submitted in November 2020. As such, the mitigation measures outlined at Chapter 7, Sections 7.8.2 – 7.8.4 of the EIAR, including the acquisition of hen harrier habitat improvement lands, remain sufficient and effective to adequately mitigate impacts of the wind farm development on hen harrier and its habitat and the Applicant commits to fully implementing these mitigation measures. It should also be noted that the EIAR accompanying this application has completed its own assessment of impact and considered the cumulative impacts of same with the development permitted under the Parent Permission in Chapter 7 of the EIAR. No in combination effects have been identified regarding the hen harrier.

The submission also raises the following issues, which are not relevant to the proposed development but have been fully addressed in the EIAR submitted under the Parent permission application.

1. impacts on wild birds outside the SPAs,
2. Risk of peat slides Peat slides are not relevant to the grid route
3. Reliance on degradation by other projects to justify conclusion that no likely significant effects (by reference to Ch 6 Tables 6-9 and NTS para 5-2)

Item 6: *Ute and Konrad Rumberger and others*

The submission prepared by Ute and Konrad Rumberger is very detailed and we acknowledge that there are 12 no. attached submissions supporting this report. The main relevant areas of concern in this submission are in relation to the potential impact on water, the Glenomra Wood SAC, the Kilbane Bridge (protected structure), unsuitability of local roads/ traffic and the lack of community engagement. These concerns have all been addressed above.

The submission states that the impacts on landscape and visual have been downplayed and have not been taken seriously. There is no basis advanced for the statement and they are incorrect: the proposed development is for an underground grid connection and therefore there is no potential for an impact once the proposed grid route is operational. Impacts during the construction phase will be temporary and localised. as set out at Section 13.4.3 and 13.4.4 of the EIAR. A landscape and visual impact assessment is contained within the EIAR Chapter 13.

A concern was raised in relation to the potential noise impact during the construction and operational phase of development and it is stated that no mitigation is proposed. This is incorrect as the mitigation measures are outlined in Section 9.5 of Chapter 9 of the EIAR. No mitigation measures are provided for the operational phase as once operational there will be no noise emissions from the buried cable.

The submission also states that there will be cumulative effects in relation to noise during the construction and operational phases with other proposed developments. This was addressed in the noise chapter 9 where it was concluded that should there be overlap with other developments during the construction phase, the developer will consult with the Local Authority to agree an approach to minimise and mitigate traffic impacts through the Road Opening Licence process. In section 9.4.4.3 it addresses the possible cumulative effects with other projects that could be constructed at similar times. It states "each *project that progresses with a grid connection located within the public road network will have to apply to the local authority for a road opening licence, where timelines will be agreed, and connections sequenced. Early engagement with the local authority will allow them to decide on how the sections of public road are managed during the laying of the underground grid trenching, so as to avoid disruption. In the event that the Fahy Beg underground grid and the Proposed Development construction works need to be done at similar times within the public road network then the Local Authority through the Road Opening Licence process will agree the best solution. The solution may be to close a short section of road and do a traffic diversion, or it may dictate each developer stagger the duration of the*

overlap on the public road so as to control and mange impacts locally; thereby avoiding any significant cumulative effects."

This process avoids cumulative effects in terms of noise, traffic and localised disruption based on management and engagement with the Roads Authority.

As stated above there will be no noise emissions during the operational phase so no cumulative impact.

Cumulative Assessment of other wind farm developments in the area

A desktop search of proposed and existing planning applications was undertaken in October 2022 and updated in June and October 2023. The search used publicly available data from Clare County Council, Limerick County Council planning application portal and ABP's online database. The purpose of this search was to inform the cumulative impact assessments within this EIAR. The scope of the search was based within a 10 km radius taken from the approximate centre point and along the full length of the Proposed Development. The initial search flagged planning applications within a period dating back to 2011 (12 years).

Any refused, invalid or withdrawn applications were omitted from the search. The criteria then focused on foreseeable developments to be considered in line with the Proposed Development. In respect of this, any small-scale residential type developments, such as; extensions and modifications, minor amendments to existing dwellings and changes of use developments were omitted from the search as there is no potential cumulative impact with same.

The relevant planning application search is listed in the EIAR Appendix 1-5, Volume III. The findings show medium-large scale developments within the 10 km radius that have been granted planning permission. The in-combination effects of the Proposed Development with other existing and/or proposed developments have been assessed within each relevant chapter of this EIAR.

Although the submission does note a number of other wind farm developments which have not been listed in the planning application search included in this EIAR, these other wind farm developments were not in the planning system at the time of completion of the EIAR. The only wind farm that was in the system at the time was Fahybeg Wind Farm to the east and that was considered in the cumulative assessment. The EIARs for all other wind farms mentioned in the submissions are required to incorporate a cumulative impact assessment of their project with both the development permitted under the Parent Permission and the present proposed development.

Given the scale and nature of the works required to install the underground cable, a zone of 10 kilometres was considered sufficient in considering cumulative effects. This distance is deemed a highly precautionary approach relative to the nature of completing an underground cable, the impacts of which would have limited interaction with other proposed wind farm developments in the area.

The zone of influence for the project is considered considerably less than 10km, as environmental features will not be affected by biophysical changes as a result of the proposed project and associated activities beyond this distance.

Water supplies, contamination and effects on privately owned wells

As identified in section 7.3.8 of the EIAR submitted with this application, there are 2 no. Group Water Schemes (GWS) and associated abstraction points located within 5km of the proposed development. In addition, a total of 12 no. mapped wells were identified within 2km of the proposed development using GSI well database (www.gsi.ie). This section of the EIAR demonstrates that there are no likely significant effects on Ground Water or privately owned wells.

The planning application and the Strategic Infrastructure Development (SID) process

This application was submitted to An Bord Pleanála under Section 182A of the Planning and Development Act 2000 (as amended) for a grid development to provide a connection to the national grid from the consented Carrownagowan Wind Farm in Co. Clare (ABP Ref: 308799-20).

The application for the Proposed Development is being made directly to ABP as the project is deemed a Strategic Infrastructure Development (SID) in accordance with the Planning and Development (Strategic Infrastructure) Act 2006. MWP commenced pre-application consultation for this Application with ABP on the 20th of October 2022 (under Section 182E of the Planning and Development Act 2000 (as amended)). At the conclusion of the pre-application consultation meeting the Board indicated a preliminary view that the Proposed Development was strategic infrastructure. On the 4th April 2023, ABP confirmed that the Proposed Development was Strategic Infrastructure Development. A copy of the Board's determination was submitted with the application.

The Applicant notes a number of observations and complaints made about the SID process and the planning process more generally. The Applicant has complied with its legal obligations relative to this application.

Details of cabling to be used

Chapter 2 of the EIAR, entitled 'Description of the Development', discusses details of the proposed development including an overview and description of various sections throughout the grid route. Specifically, Table 2-1 in this Chapter outlines each section of the route and includes description of works and materials involved.

In addition, Chapter 3 of the submitted EIAR includes details of all Civil Engineering works involved in this project. All relevant terminology is outlined clearly in this chapter and Figures 3-4, 3-5, 3-6, 3-7 and 3-8, 3-9 and 3-10 all include images of cables and associated infrastructure typically used in grid route connections.

The materials used in construction of the grid route are shown on Drawing Number 05641-221 and 05641-222. The specification for materials is set out in the EIRGRID specifications for 110kV underground grid routes. The drawings referenced above show the sectional layout of the trench and shows the PVC ducts installed along with bedding and surround, protection tapes and finished road surfaces. The materials used do not include lead materials.

Details of listed structures along the grid route

Chapter 10 of the EIAR, entitled 'Cultural Heritage', includes a full list of cultural heritage assets within the receiving environment of the project in Table 10-5. As assessment of all assets was carried out in this chapter in respect of their distances from the proposed grid route. Following on from this, a series of mitigation measures were proposed in both the construction and operational phases of

development to ensure that there will be no significant impacts on cultural heritage assets within the vicinity.

Population and Human Health Assessment

The study area for the purpose of this assessment on Population and Human Health primarily focuses on the local receiving human environment in the vicinity of the Proposed Development site. These include those who reside, work, visit, or use the local road networks in the general area. Electoral Divisions (EDs) are the smallest legally defined administrative areas in the State for which Small Area Population Statistics (SAPS) are published from the Census of Population. Therefore, in order to discuss the receiving human environment and other statistics in the vicinity of the Proposed Development site, the Study Area for this assessment has regard to EDs within or located close to the Proposed Development site.

Although potential impacts on Shannon town were not considered in this chapter, Kilbane and Ardnacrusha towns were considered in Chapter 5 Population and Human Health of the EIAR.

Given the location of Shannon Town relative to the proposed grid route, there are no likely significant effects from the proposed development.

Community Consultation

A newsletter with information on the proposed wind farm and associated infrastructure, including the grid connection, was delivered by hand to all residents within the locality prior to the lodgement of this application. This newsletter is attached as an appendix to the EIAR as submitted with this application (Appendix 1-3).

Groundwater vulnerability

Section 7.3.6.1 of the EIAR as submitted with the application states that the *"Groundwater vulnerability along the Proposed Development site ranges from low to extreme, dependent on the depth of soil/subsoil."*

The groundwater vulnerability range mentioned are factual and taken from Geological Survey Ireland (GSI) mapping. So, this a factual classification of groundwater aquifer. It's not an assessment, its merely stating what the baseline situation is or categorisation of that area in terms of ground water vulnerability.

All potential effects on ground water in the area were assessed in Section 7.4.1.7 of the EIAR and appropriate mitigation measures were proposed in order to ensure that any potential impact arising from both the construction and operational phases of this development are kept to a minimum. Accordingly, there are no likely significant effects on groundwater due to the construction or operation of the proposed grid route.

Additional construction traffic as a result of removal of waste

Section 12.4 of the EIAR submitted with this application includes details of anticipated traffic volumes arising as a result from the construction phase of this development including the removal of waste from the site. Although the removal of waste will impact on traffic volumes arising from the construction phase of this development, it is anticipated that the overall additional traffic volumes will

be 'negative, temporary and negligible' in terms of effect on the receiving environment. In addition, a series of traffic management measures are proposed and included in this section of the EIAR in order to ensure that any potential negative impacts are kept to a minimum during the construction phase. These measures include full road closures, diversions and reinstatement of road pavements where necessary. Accordingly, there are no likely significant effects in terms of traffic due to the construction or operation of the proposed grid route.

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Concerns in relation to dust and exhaust emissions

Section 11.4.1.1 of the EIAR submitted with this application assesses the impacts of Dust and Emissions arising from the construction phase of this development. It is stated that dust and emissions arising from the construction stage of this development will be 'temporary, negative and imperceptible'. Section 11.4.2.1 of the EIAR discusses dust and emissions arising from the operational phase of this development, and given the transmission of renewable energy arising from this development once constructed, it is considered that there will be a 'long term, positive and moderate effect' on air quality as a result of the operational phase of the proposed development.

In respect of the balance of the points raised in the submission, we respond as follows:

1.The submissions states that the grid route borders the Lough Derg SPA, will have impacts on Biodiversity and will have negative effects in terms of Noise and Vibration.

Lough Derg SPA is confined to Lough Derg while the wind farm site is located west of Lough Derg and does not border the WF site. The townland of Carrownakilly stretches from Lough Derg at its eastern extent to the townland of Coumnagun to the west. The proposed grid connection is > 2.6 km from the townland of Carrownakilly and >6 km from Lough Derg when measured in a straight line. Lough Derg SPA was not considered to be within the zone of influence of the proposed grid route due to nature, scope, scale and location of the works required to install and operate the proposed grid connection in addition to the lack of functional hydrological connectivity between the grid route and the SPA

2. The EIAR addresses potential effects on aspects such as Biodiversity, Noise, Landscape etc and all of the points submitted are dealt with within the EIAR submitted with the grid line application in the relevant section of the EIAR. There are no significant effects identified in the EIAR for the construction or operational phase of the proposed project.

Should you require any further clarification on aspect of the above or submissions please contact the undersigned.

Sincerely

Ken Fitzgerald

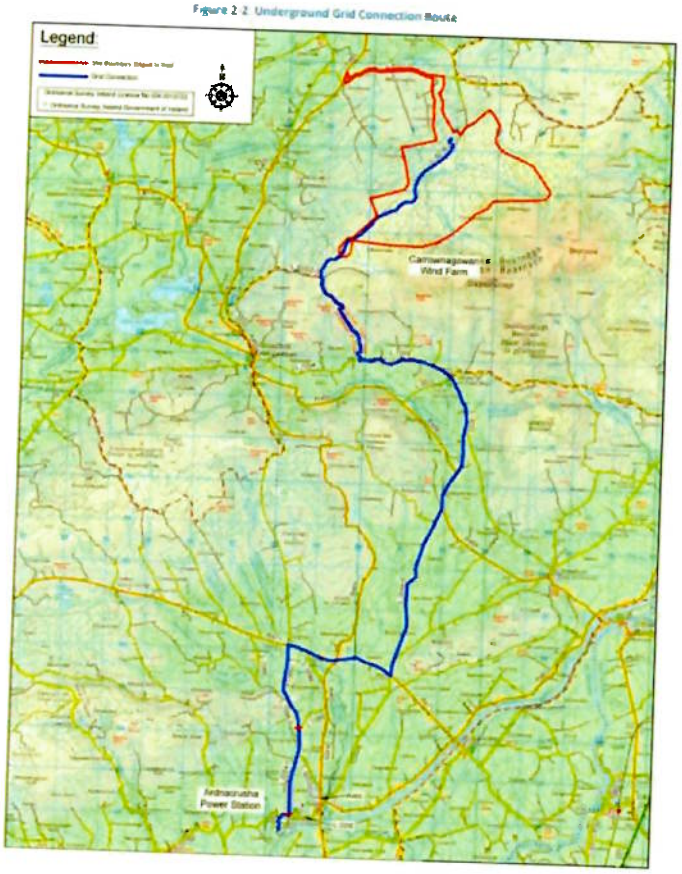
Ken Fitzgerald Associate Director
For and behalf of Malachy Walsh and Partners

APPENDIX 1 –

Minor amendments to grid route

Figure 2.2 below from the Wind Farm EIAR sets out the route that was assessed. It shows the route from the 110kv substation within the granted wind farm to the connection point within Ardnacrusha power station to the south.

Figure 2.2: Underground Grid Connection Route



I had a look through the GIS maps provided (see attached) and they accurately set out the location of the minor adjustments to the grid route that was assessed in the original wind farm EIAR.

The fundamentals of the route in terms of the road infrastructure it follows from the granted 110KV wind farm substation down to the Ardnacrusha substation is the same.

In assessing the grid connection in the wind farm EIAR you are effectively assessing the grid route within a corridor and dealing with anything that be affected along that corridor, be it a road surface, a bridge crossing, passing by house, dealing with traffic etc.

When finalising the grid route drawings for the Grid Connection application a few areas were adjusted in order to improve the design, reduce environmental impacts, reduce disturbance locally and allow a

more efficient build out, should it receive planning. This process also includes looking at buildability, future proofing in terms of grid specs and the practicalities of delivering underground services on roads in rural areas.

The following sections address the changes at each Location. I have included zoomed in aerial photography showing where the grid design was amended to make the construction simpler, reduce disruption, avoid road closures and to reduce environmental impact.

1. Within Ardnacrusha power Station.

In the original layout we had shown the grid route entering the substation lands from the western entrance and proceeding south towards the existing GIS building within the substation complex. A portion of that route was located on an existing track and a portion of it was going through a green open space area with some trees and vegetation. At the time we did not have a landowner's consent for within Ardnacrusha and secondly, we weren't applying for the grid route, nor were we red lining the exact fixed footprint of the cable trench. Rather we were assessing the grid route based on the corridor we had and based on the road route that was optimum at the time.

At the outset of the design process for the grid application we engaged with the station manager at Ardnacrusha and identified a route that would avoid the trees/vegetation/green area and would instead follow an existing track through the woodland and then proceed to the final connection point. This was better solution as it minimised or avoided the need for felling, it was a simpler route to construct and it also was acceptable to the station manager as it gave him greater comfort in terms of spatial constraints for any future infrastructure they may have to accommodate on site. There are no aspects of this design amendment that changes the outcome of any of the assessments completed in the main wind farm EIAR. The EIAR prepared for the grid route planning application assessed the impacts of these localised design changes and also confirmed no significant effects.

So, in short, this amendment had a lesser environmental impact, was easier to construct and met the requirements of the station manager.

2. Turn north at Chainage 17500 – Clongaheen West.

In the original layout the cable turned north off the L7044 and then headed north around sharp bends with a narrow road width on the L-2022-8. In order to avoid road closures here and to also facilitate a simpler construction approach the grid route left the L7004 and turned north passing through ag land and then continuing within ag lands to the right of the L3022-8 inside the hedge line until it reaches chainage 18300. At that point it re-enters the L3022-8 and crosses to the opposite western side.

Moving the cable off road here and inside the hedge line on the western side avoids road closures, reduces disturbance locally, is easier to construct and faster to deliver on the ground.
There are no aspects of this design amendment that changes the outcome of any of the assessments completed in the main wind farm EIAR. The EIAR prepared for the grid route planning application assessed the impacts of these localised design changes and also confirmed no significant effects.

3. Avoidance of tightly constrained bend at chainage 18950 on L3022-8.

At this location there is an acute bend which turns easterly, then north and eventually to the west. This alignment would be difficult to construct, would lead to a road closure and disruption. The solution was to modify the direction of the grid at Chainage 18950 and continue north within the ag fields and then to turn northwest within the field boundary hedge line on the left-hand side. This approach avoids road closures, lessens disruption and lends itself to a simpler and faster construction. It also simplified the placement of the cable pull pits which are large and bulky precast units.

There are no aspects of this design amendment that changes the outcome of any of the assessments completed in the main wind farm EIAR. The EIAR prepared for the grid route planning application assessed the impacts of these localised design changes and also confirmed no significant effects.

4. Chainage 18300 to 19840 within Coillte lands.

On this section of the route the road is narrow and in order to avoid a road closure and a difficult construction process the grid cable was moved off road and inside the ditch on the left hand side. This led to a simpler construction approach, avoided disruption locally and enabled the road to be kept open. It also facilitated a simpler solution in the placing of cable pull pits as they are large precast units.

There are no aspects of this design amendment that changes the outcome of any of the assessments completed in the main wind farm EIAR. The EIAR prepared for the grid route planning application assessed the impacts of these localised design changes and also confirmed no significant effects.


19600 m
19800 m
20000 m
19400 m
19200 m
19000 m

Appendix 2 - LEGAL SUBMISSION

A&L Goodbody

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Date	4 March 2024
Our ref	ABR/01441578
Your ref	

An Bord Pleanála
64 Marlborough Street
Dublin 1
Our Client: FuturEnergy Carrownagowan DAC
Re: ABP – 318505-23 Carrownagowan 110kV Grid Connection – Response to Public Submissions

Dear An Bord Pleanála

We refer to your letter dated 6 February 2024 and wish to make the following submission on behalf of our Client, in response to a number of legal arguments made in third-party observations on planning application for a Strategic Infrastructure Development (SID) comprising of a 110kV grid infrastructure (ABP-318505-23) connecting the proposed development under ABP-308799 (the **Parent Permission**) to the national grid.

1 Remedial obligation

Michael McNamara on behalf of Carrownagowan Concern Group states that there is a remedial obligation on An Bord Pleanála (the "**Board**") to request the Applicant submit information to allow the Board carry out an Environmental Impact Assessment and Appropriate Assessment in relation to impacts of previous forestry activities on the windfarm site cumulative with the proposed wind farm. The High Court recently held that no such remedial obligation arises in these circumstances ([2023] IEHC 579 Humphreys J)[1] in the context of the judicial review of the Parent Permission. (We note this judgment is currently under appeal to Court of Appeal for June 2024.) The Court held:

"*The remedial obligation means that any effects of any breach of EU law should be rectified. That presupposes it being established that there has been such a breach, that there are effects of that breach, and that specified action is required to rectify those effects.*"[2]

Humphreys J found that the applicant for judicial review had not however established any such breach, it had not attempted to obtain documentary evidence of any failure in EIA or AA from the consenting authority in the context of the Parent Permission application. In this instance, there are no actual breaches of EU law identified and the submissions in this regard are not supported by any evidence of any such breach.

The proposed development in this case does not involve the continuation or extension of, or works or physical interventions connected with the previous forestry activities on the windfarm site. In such circumstances, the Court in *Carrownagowan* also noted that "*it is hard to see any immediate support for the idea that this* [i.e. a remedial obligation] *would apply to an unrelated development*"[3]. There is no connection between the grid

[1] *Carrownagowan Concern Group & Ors -v- An Bord Pleanála & Ors [2023] IEHC 578*
[2] *Para 96*
[3] *Para 93*