

UWF Grid Connection EIA Report (2019)

Volume C2: EIAR Main Report

Chapter 3: The Scoping Consultations



October 2019

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Appendices referenced in this chapter can be found in **Volume C4 EIAR Appendices**.

Glossary of Terms

Term	Definition
EIA Directive	European Union Directive 2011/92/EU (as amended by Directive 2014/52/EU)
Consented Windfarm	Upperchurch Windfarm – 22 wind turbines, substation, windfarm roads and ancillary works, consented in August 2014 under Planning Reference: Tipperary County Council 13/51/0003, ABP PL 22.243040
Element	One of the 5 No. elements listed in ‘Whole UWF Project’ below.
Whole UWF Project	Whole project made up of 5 No. elements – Element 1: UWF Grid Connection; and the Other Elements - Element 2: UWF Related Works, Element 3: UWF Replacement Forestry, Element 4: Upperchurch Windfarm and Element 5: UWF Other Activities.

List of Abbreviations

Abbreviation	Full Term
ABP	An Bord Pleanála
BCI	Bat Conservation Ireland
BWI	Birdwatch Ireland
DAU	Developments Application Unit of Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs
EDL	Ecopower Developments Limited
EPA	Environmental Protection Agency

Abbreviation	Full Term
IFI	Inland Fisheries Ireland
NPWS	National Parks and Wildlife Services of Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs
SAC	Special Area of Conservation
SPA	Special Protection Area (for wild birds)
UGC	Underground Cable

Executive Summary

Article 6 of the EIA Directive requires consultations with two different groups on the content of the EIA Report – (1) public authorities and NGOs who are likely to be concerned, and (2) the public.

The **principal bodies consulted, who engaged with the EIA Report Team**, included

- An Bord Pleanála (Strategic Infrastructure Division)
- Tipperary County Council (Planning and Roads Departments)
- Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs; Development Application Unit (DAU)
- National Parks and Wildlife Service (NPWS)
- Inland Fisheries Ireland (IFI)
- Irish Water
- Transport Infrastructure Ireland (Tii)
- National Federation of Group Water Schemes.

As well as personal contact with landowners associated with the Mountphilips Substation and the Consented UWF Substation and landowners generally involved in the consented Upperchurch Windfarm, part of the public consultation included a **Public Consultation and Information Day**.

The public are informed before the Planning Application is lodged with An Bord Pleanála, through the EIA Portal hosted by the Department of Housing, Planning and Local Government. Also, the planning documents submitted to An Bord Pleanála, are available for inspection at their office at 64 Marlborough Street, Dublin 1, and on the Applicant's **dedicated project website** at www.upperchurchwindfarmgridconnection.ie.

3 THE SCOPING CONSULTATIONS

The main provisions of the EIA Directive on consultations are Articles 6 and 7. Article 7 relates to projects which are likely to have significant effects on the environment in another Member State, i.e. transboundary effects, so just Article 6 is relevant here. Article 6 requires consultations with two different groups on the content of the EIA Report 1) public authorities when they are likely to be concerned and 2) the public.

Scoping consultation in the form of written consultation and responses and/or face-to-face meetings took place with the Competent Authorities and with Statutory Bodies and Other Parties that are likely to be concerned. Landowners involved in the project were consulted throughout the design stage and a Public Information Day was held prior to completion of EIAR to appraise the public, in the general area, of the proposed development and invite their views of the proposal.

The consultees and the public were appraised of the details of the UWF Grid Connection. All feedback received was considered and given due consideration in the final design of the subject development; in the content and the extent of the information contained in the EIA Report; and in the methodology employed to examine all factors in the Report.

3.1 Consultation with Competent Authorities

3.1.1 Consultations with An Bord Pleanála

This is the 2nd Application for UWF Grid Connection (2019 Application). The 1st application which was submitted to An Bord Pleanála as Strategic Infrastructure Development, was refused permission on 17/12/2018 (2018 Application). Subsequently in January 2019, EDL commenced pre-application discussions with An Bord Pleanála regarding a revised application for UWF Grid Connection development, comprising the same new 110kV substation at Mountphilips but with a different route for the c.30km of 110kV underground cabling to ascertain if this revised 2019 application would equally constitute Strategic Infrastructure Development (ABP-303385-19). A meeting with An Bord Pleanála was arranged for February 2019.

Summary of February Meeting: A meeting was held on 27th February 2019 attended by An Bord Pleanála officials and EDL representatives in which

- EDL set out the background and planning history of UWF Grid Connection; and stated that the now proposed 2nd application would include a new substation largely the same as per the 2018 application and also a route for the underground cabling within the public road network to the south of the 2018 application cabling route. EDL also stated that two alternative public road routes were considered for the cabling - Newport Route and Toor Route - and that the Newport route was the preliminary preferred route option in the context of mitigation of effects on biodiversity and water. EDL said Tipperary County Council is now generally accepting of a public road cable route and that a meeting has taken place with the local authority on this matter and that a subsequent meeting will take place prior to the lodging of the planning application. EDL confirmed that an informal consultation had taken place with the Local Ranger (NPWS) regarding the location of hen harrier nests sites in the area, and that, generally, the ranger was also of the view that the Newport Route for the cabling, poses less risk of disturbance to the hen harrier in the Slieve Felim to Silvermines SPA. EDL confirmed that Inland Fisheries Ireland has expressed its wish to see a similarly extensive suite of measures to protect watercourses included in the subject application as was included in the previous 2018 application.

- The Board said that any revisions to Mountphilips Substation, from the 2018 application, should be clearly set out in the 2nd application and that if the proposed public road route of the underground cable should diverge off the road carriageway at any point(s), this should be addressed in the accompanying EIAR and NIS. The Board also advised that a detailed Outline Traffic Management Plan for the construction phase should be submitted with the application and that all alternatives to the grid connection method should be robustly addressed within the planning application given the sensitive environment and the constraints in relation to matters such as biodiversity and European Sites. The EIAR should consider alternative grid connection technologies such as overhead lines and alternative connection routes to the national grid, including any that might avoid the SPA altogether. When considering the matter of alternatives, consideration should be given to the weighting system used in the EIAR with an emphasis on environmental impacts.

Request from EDL to Issue a Declaration: On 29th May, 2019, EDL confirm that consultation with the Roads Department of Tipperary County Council has been concluded and EDL formally requested that the pre-application consultation phase of the SID process be closed and that the Board proceed to carry out its Determination.

Determination from An Bord Pleanála: The pre-application process was closed out by letter from An Bord Pleanála on 12th June, 2019. The letter formally served notice that the proposed development falls within the scope of section 182A of the Planning and Development Act, 2000 (as amended) because the Board concluded, based on their Inspector's report, that the proposal constituted Strategic Infrastructure Development on the basis that it relates to the "transmission" of electricity by means of a high voltage line (110kV) and that the proposed substation, although not necessarily SID in itself, forms part of the overall grid connection (conveying electricity at 110kV). Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act, 2000 (as amended). Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A (1) of the Act.

Relevant Appendix: Volume C4: EIAR Appendices

Appendix 3.1 Consultation with An Bord Pleanála (including the ABP Inspectors Report on the consultation)

3.1.2 Consultations with Tipperary County Council

The 2018 Application for UWF Grid Connection was refused by An Bord Pleanála mainly because the Board considered that the proposed grid connection cable, linking the Consented UWF Substation with the proposed Mountphilips Substation via a cross country route, would result in a significant intervention in the natural environment and adverse impacts to biodiversity and that sufficient consideration had not been provided regarding potential alternative routes for the cable, including the routing of the cable in the local road network.

Following the refusal, in January 2019 consultation on utilising the public road network for the grid connection cable commenced with Tipperary County Council. A meeting was held in the Civic Offices in Nenagh on 14th February, 2019 attended by Tipperary County Council Roads Department; EDL and civil and electrical engineers from TLI Group when two potential routes were discussed. Both proposed routes are along the public road- One on the R503 mainly (Newport Route) and; a Second on the R503 and then on a series of Local Roads, north of the R503 through Toor (Toor Route).

Over the course of this meeting and subsequent email and phone contacts, the concern of the Roads Department about possible disruption to the Council's annual pavement works programme and particularly the planned programme for Newport Town, due to proposed cabling along the Newport Route, was

discussed. The Council expressed a preference for the Toor Route, which avoided Newport Town. EDL explained that in the context of effects on European Sites (Slieve Felim to Silvermines SPA and Lower River Shannon SAC) a preliminary examination of alternatives would indicate a preference for the Newport Route. A final route was eventually agreed between both parties. This agreed route utilises the R503 from the turn off with the local road L2264-50, for the Consented UWF Substation, to the edge of Newport Town at the GAA club and then follows the Local Road network around that town and as far as the proposed Mountphilips Substation. This is the best alternative in the context of protection of Biodiversity and Water, whilst avoiding interference with the Council's works programme for Newport Town. A **Letter of Agreement** to the use of this route was issued by **Tipperary County Council on 24th July, 2019**.

Julie Brett of EDL spoke to Sonja Reidy, Senior Executive Planner, Tipperary County Council by phone on 24th July, 2019. Ms Reidy confirmed that the planning department did not have any other particular requirements for the EIA Report and that her department were familiar with the consultation carried out with the Roads Department of Tipperary County Council.

Relevant Appendix: Volume C4: EIAR Appendices

Appendix 3.2: Consent of Roads Authority of Tipperary County Council to the Making of a Planning Application

3.2 Consultation with Statutory Bodies and Other Parties

3.2.1 Consultation with National Parks & Wildlife Service and Inland Fisheries Ireland

Consultation was undertaken with the Development Application Unit (DAU) of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (NPWS); and Inland Fisheries Ireland (IFI). These consultations were led by Inis Environmental Consultants, the authors of the Biodiversity topic chapter and the Appropriate Assessment Reporting. A schedule of these consultations is set out in Table 3-1 below.

Table 3-1: Chronology of formal Biodiversity related consultation both issued to and received from statutory and non- statutory environmental agencies and organisations

Date	Consultees	Action
18/01/2019	National Parks & Wildlife Services (NPWS)	Phone call to Áine Lynch (NPWS) on Jan 18 th responded to on January 22 nd , 2019 regarding any possible Hen Harrier nest locations along the new proposed route of the 110kV UGC or near to the consented Upperchurch Windfarm or UWF Related Works, and an informal opinion on the alternative Newport/Toor routes.
13/03/2019	Development Applications Unit (DAU)	Consultation letter (per Appendix 3.3) describing the proposed revised UWF Grid Connection development and associated mapping sent to Development Applications Unit.
13/03/2019	Inland Fisheries Ireland (IFI)	Consultation letter (per Appendix 3.3) describing the proposed revised UWF Grid Connection development and associated mapping sent to Jane Gilleran & Michael Fitzsimons, Inland Fisheries Ireland.
19/03/19	Inland Fisheries Ireland (IFI)	Email exchange of maps with Mike Fitzsimons (IFI), detailing watercourse crossing methods and Outline Construction Methodologies (OCMs).
21/03/2019	Inland Fisheries Ireland (IFI)	Onsite meeting with Mike Fitzsimons (IFI), methodology for watercourse crossing works discussed, watercourse crossing points visit with particular focus on bridge crossings along the 110kV UGC route.
22/05/2019	Development Applications Unit (DAU)	Consultation letter describing the final route of the 110kV UGC with the 110kV UGC avoiding the Newport town and map showing same, sent to Jane Gilleran & Michael Fitzsimons, Inland Fisheries Ireland.
05/06/2019	Development Applications Unit (DAU)	Email sent to DAU requesting confirmation of receipt of consultation letter originally sent on 22/05/2019
06/06/2019	Inland Fisheries Ireland (IFI)	Consultation letter describing the final route of the 110kV UGC with the 110kV UGC avoiding the Newport town and map showing same, sent to Jane Gilleran & Michael Fitzsimons, Inland Fisheries Ireland.
06/06/2019	Bat Conservation Ireland (BCI)	Consultation letter containing project description and map of proposed UWF Grid Connection sent to Bat Conservation Ireland.
06/06/2019	Birdwatch Ireland	Consultation letter containing project description and map of proposed UWF Grid Connection sent to Birdwatch Ireland.
09/08/19	Inland Fisheries Ireland (IFI)	Onsite meeting with Mike Fitzsimons (IFI), methodology for watercourse crossing works discussed, watercourse crossing points visit with particular focus on bridge crossings along the 110kV UGC route

Relevant Appendix: Volume C4: EIAR Appendices

Appendix 3.3: Letters sent by Inis Consultancy to Birdwatch Ireland; Bat Ireland; IFI; and NPWS

3.2.2 Consultation with other Statutory Bodies and Parties

Scoping consultations were also carried out with other statutory bodies including the environmental authorities and local and regional authorities, NGOs and other parties who were likely to have either or both, a thematically specific or area specific concern.

Written consultation in the form of the scoping document (and follow up meeting with Irish Water) took place with statutory consultees and other agencies or bodies – listed in Table 3-2.

Table 3-2: Other Statutory Consultees, Other Agencies or Bodies Contacted

Consultee	Type of Consultation	Summary of Feedback
Irish Water	Written – Reply in Appendix 3.5 Meetings in March & August 2019	General Reply about the required content of the EIA Report and site investigations prior to commencement of construction. Follow up meetings with Matthew O’Leary Newport Area Manager Irish Water in March 2019. Responsibility for Irish Water infrastructure from east of Newport Town to Mountphilips Substation Site. Donal Ryan Kilcommon Area Manager Irish Water in August 2019. Responsibility for Irish Water infrastructure from Consented Upperchurch Windfarm Substation to east of Newport Town. During these meetings the route of the 110kV trenching was driven and key Irish Water infrastructure was identified including wells northeast of Newport Town and drilling pits for recently placed pipes particularly in the R503. Discussion of the remedial action that would be required in the case of accidental damage to the main distribution pipes and those feeding directly into houses. General discussion on the layout of the pipes under the roads. Project Design Measure PD09 to ensure protection of Irish Water assets, was developed as a result of these meetings. See Chapter 5: Section 5.2.3.
Southern Regional Assembly	Written – No Reply	Reply to Scoping Consultation for the 2018 UWF Grid Connection will be taken into account in this EIA Report i.e SRA requested that account be taken of Regional Planning Guidelines and in particular the Mid-West Regional Planning Guidelines 2010-2022.
Department of Communications, Climate Action and Environment	Written – No Reply	
Office of Climate, Licensing & Resource Use, Environmental Protection Agency	Written – No Reply	
Department of Agriculture,	Written –	Reply Appendix 3.5

Consultee	Type of Consultation	Summary of Feedback
Food and the Marine	Acknowledgement only	
Commission for Regulation of Utilities	Written – No Reply	
Health and Safety Authority	Written – No Reply	
Health Services Executive - Naas	Written – No Reply	Reply to Scoping Consultation for the 2018 UWF Grid Connection will be taken into account in this 2019 EIA Report i.e HSE requested that the assessment should include particulars of Public Consultation, Noise, Ground and Surface Water protection.
Institute of Public Health	Written – No Reply	
Transport Infrastructure Ireland	Written – Reply in Appendix 3.5	Requirements set out for any proposed works to the National Roads Network (N/A). Request that a TTA be carried out. Haul routes to be identified and examined. TII Publications to be used as reference documents for the TTA; the EIAR and assessment, design, construction and maintenance standards. Reply Appendix 3.5
The Heritage Council	Written – No Reply	
An Taisce	Written – No Reply	
IDA Ireland	Written – No Reply	
Coillte Teo	Written – No Reply	
Waterways Ireland	Email – No Reply	
An Chomhairle Ealaíonn (Arts Council of Ireland)	Written – No Reply	
Fáilte Ireland		
Irish Aviation Authority	Written – No Reply	
Office of Public Works	Written – No Reply	Reply to Scoping Consultation for the 2018 UWF Grid Connection will be taken into account in this 2019 EIA Report, i.e OPW Limerick office requested that Section 50 Application for new or altered water crossing structures to be made to the OPW following the receipt of planning permission. Advised that 2013 Guidelines are followed, 900m minimum diameter of new crossing structures, bedding in of structures and sizing of structures to cope with a minimum 100 year flood event.
Geological Survey of Ireland	Written	

Consultee	Type of Consultation	Summary of Feedback
	– No Reply	
National Federation of Group Water Schemes	Email correspondence with NFGWS and Tipperary County Council.	NFGWS and Tipperary County Council confirmed that they have no concerns regarding Group Water Schemes in the area. Appendix 3.5
Sustainable Energy Authority of Ireland (SEAI)	Written – No Reply	
Friends of the Irish Environment	Written – No Reply	

Relevant Appendix: Volume C4: EIAR Appendices[Appendix 3.4: EDL Consultees Schedule & Sample Letter](#)[Appendix 3.5: Replies from Statutory Bodies to EDL Consultation](#)

3.3 Consultation with the Public

3.3.1 Public Consultation prior to Submission of the Application

As part of the public consultation element, EDL held an information day in the following two venues (at the same time and date) - Rear Cross Community Centre and Lee's Bar, Newport - on Friday 5th July, 2019, from 3pm to 7pm. The events were advertised in the two newspapers widely read locally – the Tipperary Star and the Nenagh Guardian and the Rear Cross Kilcommon Newsletter; by word of mouth through the landowners involved in the windfarm; posterage in and around the two venue locations and by email to the local authority members representing the relevant municipal districts i.e Templemore Thurles Municipal District and Nenagh Municipal District.



Plate 3-1: Public Information Day at Rear Cross Community Centre

EDL representatives were present to provide information, answer any questions and engage in consultation on the details and timing of the Subject Development and on the other elements of the Whole UWF Project. The EDL representatives were;

- Phil Kenealy (EIA Coordinator) and Pat Brett (CEO EDL) attended Rear Cross.
- Julie Brett (EIAR Coordinator) and Jack Brett (Project Design Team & Landowner Liaison, EDL)

Most attendees were landowners involved in the windfarm. The landowners had a general interest in the whole Upperchurch Windfarm project and in the new routing of the underground cable. Of the 3rd parties who attended all were local to the subject development area. Their interests in the project are listed below:

- Proximity of the cabling works to their private property
- Watercourse Crossing works (particularly in the Lower Rive Shannon catchment and SAC) and protection measures that will be put in place
- General interest in protection of archaeology

Action from the events:

- None required.

Relevant Volume C4 EIAR Appendices

Public Consultation was carried out according to **Appendix 3.6: Community Liaison & Consultation Strategy**.

Advertising details in **Appendix 3.7: Public Information Day**.

3.3.2 Public Consultation on Submission of the Application

The public will be informed before the Planning Application is lodged with An Bord Pleanála, through the EIA Portal hosted by the Department of Housing, Planning and Local Government

<http://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

The planning documents submitted to An Bord Pleanála are available for inspection at their offices in 64 Marlborough St, Rotunda, Dublin 1, D01 V902 and at the offices of Tipperary County Council, Civic Offices, Nenagh, County Tipperary.

In addition, all the application documents are available on the Applicant's dedicated project website at www.upperchurchwindfarmgridconnection.ie. The project website will also include details of the submission/observation procedure for the public and contact details of the Applicant.

