



White Hill Wind Farm

# Environmental Impact Assessment Report

## Annex 1.4: Scoping Response from Carlow County Council

White Hill Wind Limited

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**10<sup>th</sup> June 2021**

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

**RE: Pre-Application Scoping Request: Proposed Wind Farm Development in  
County Carlow and County Kilkenny.**

A Chara,

I refer to your correspondence dated 23<sup>rd</sup> April 2021 on the above matter.

Following a review of the content of the scoping document, a planning appraisal of the site, and having regard to the observations received from the Council's Environment Section, Planning Authority wish to make the following comments and observations:

**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 2.7.4:

*Under EU EIA guidance<sup>10</sup>, 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 purposes<sup>11</sup>, 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 Directive<sup>12</sup>. In addition, Recital (2), of the 2011 EIA Directive<sup>13</sup> 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 wind energy development 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 Carlow County Development Plan 2015-2021 includes policies and related requirements and provisions for wind energy developments. Section 6.3.1 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 (turbines), having regard to possible adverse impacts associated with for example, residential amenities, landscape, including views or prospects, wildlife, habitats, designated sites, protected structures or bird migration paths, public rights of way and compatibility with adjoining land uses”.

- It is the policy of the Council under Energy – Policy 5 in Section 6.3.1 to “*Promote and facilitate wind energy development in accordance with current Wind Energy Development Guidelines by the DoECLG and best international practices and standards and subject to compliance with normal planning and environmental criteria and the development management standards*”.
- Section 11.18.2 of the Plan requires the following to be taken into account in the assessment of wind energy developments:

*All planning applications for wind energy turbines or windfarms shall be assessed against the DoEHLG’s publication Wind Energy Development Guidelines, 2006 (and any subsequent guidelines) and Carlow County Council’s Wind Strategy (see Appendix 5) and the following:*

- *The Landscape Character Assessment for the County (Appendix 6)*
- *Whether an area has significant wind energy potential on the basis of the nature and extent of the wind resources in the area*
- *The suitability/strength of the grid and accessibility to it*
- *Road access to the site during the construction phase*
- *The suitability of the site, having regard to other land use policies, including the need to protect areas of important built and natural heritage from inappropriate development*
- *Any other planning considerations, including measures to minimise the impact of proposed wind farms in the local environment*
- *Distances to national primary and secondary roads*
- *Zone of visual influence and visual impact of the structures*
- *Noise Impact*
- *Potential Shadow flicker*
- *Density of residential development in the area*

#### Wind Energy Strategy

- The siting, layout and design of the proposed development should be informed by the Wind Energy Strategy for County Carlow, which is contained in Appendix 5 to the Carlow County Development Plan 2015-2021. The ‘preferred locations’ for wind energy developments are dealt with in Section 3.0 of the Strategy and are identified at the western end of the county i.e. in the Killeshin Hills and the Ballymoon Esker.
- The proposed site is located within/adjoining an area identified as a ‘Preferred Location’ for wind farm development in the current Wind Energy Strategy. The proposed site development area should be cross referenced in detail with the mapping for these preferred areas, to ensure that full compliance with the Wind Strategy is demonstrated. The extent of the proposed development area may need to be amended in this regard.

#### 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 6 to the Carlow County Development Plan 2015-2021. On

the basis of the landscape character assessment and associated mapping, the site is located in the Killeshin Hills landscape character area. The landscape type in which the site is located is identified as Uplands, where a high level of visibility can occur, and for which a landscape sensitivity of 5 (from 1 to 5) is listed.

- The Killeshin Hills is listed as an area as almost entirely a rural agricultural landscape with a moderate level of sensitivity and moderate potential capacity to absorb different types of development. Subject to appropriate mitigation measures there may also be moderate scope to absorb extractive industry and wind farming. Overhead cables and masts would have to be selectively located, for example on farmed secondary ridges where the primary ridge would form the backdrop, or in the lowland farming area.
- The Carlow County Landscape Character Assessment also identifies a number of designated scenic views and routes in the rural area in which the proposed site is 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.
- In addition to the foregoing, the Killeshin Hills on its east facing slopes enjoy sweeping panoramic views over most of the County which should be protected from inappropriate development. The potential for the proposed development to impact negatively on these panoramic vistas needs to be assessed in detail. Combined visual impacts with existing, permitted and proposed wind farm developments in the area will also need to form part of this assessment.
- There are a number public roads proximate to the site, meaning that the proposed development will be able to be seen at closer distances, which can lead to the amplification of visual impacts.
- Figures 1 and 2 included with the submitted scoping report identifies indicative turbine locations close to the public road to the north of the site, the L30371. The L7123 and L3937 are designated scenic routes (no. 6 – Ridge Cross, no.7 road to Butts). The proposed development has the potential to negatively impact on the scenic value of this route.
- Views from individual residential properties in the area should be taken into account.
- Note the use of wide angle views in proposed photomontages tend to make images of proposed wind turbines in the landscape appear smaller as they occupy less of the area of the image. The use of photomontages should therefore be cognisant of what a member of the public would likely see and perceive in terms of what a photograph from a normal camera would show.
- The assessment of landscape and visual impacts should consider cumulative effects with regard to existing and permitted wind farm/turbine developments in the area.

- Photomontages should detail existing and permitted wind farm developments in the study area.
- Consideration should be given to landscaping and replanting proposals to mitigate potential visual impacts.
- 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 proximity of the River Barrow and River Nore SAC boundary to the proposed site circa 1.6km to the north/northeast of the nearest turbine site.
- Existing watercourses that traverse the proposed site, which drain to the River Dinin and which are hydrologically connected to the River Barrow and River Nore SAC.
- Field studies should be carried out at optimal survey times and be supported by an Ecological Report.
- Field studies should examine the potential for biodiversity within the proposed site, including habitats for protected species.
- The extent of clearfelling to facilitate the proposed development should be clearly detailed.
- 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 all 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 plans (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, borrow pits, 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.
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### **Archaeological Heritage**

- There are recorded monuments in the general area, including CW011-006 (Enclosure) and CW011-015 (Ringfort). It is advisable to consult with the Development Applications Unit, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media to determine whether an Archaeological Impact Assessment is required given the proximity to same and the overall large scale nature of this proposed development site.

### **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) proposed turbines, site entrance(s), 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 clearly identifying the distance to same.
- Consideration should be given to the mapping of shadow flicker results and overlapping this with mapping for dwellings. This would be beneficial to clarify potential impacts as identified and assessed in text.

### **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. 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**

- 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.
- Proposed access route(s) for turbine delivery should be clearly identified on suitably scaled maps. Access routes should seek to predominantly utilise main roads, and therefore minimise the use of and impacts on county and local roads.
- 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 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.
- A swept path analysis should be carried for the proposed turbine delivery route(s).
- Estimated load of turbine components should be provided.
- All structures on the proposed access route(s) to the site should be evaluated for ability to carry respective weights of transportation vehicles and turbines i.e. including width and structural capacity of proposed access routes.
- A condition survey of the public roads from which the site is proposed to be accessed should be carried out.
- Proposals to upgrade a road or structure where it is shown to be structurally unsuitable should be provided.

### **Environment Department Comments**

The applicant is advised that the Council's Environment Department have requested the following to be considered in the preparation of the EIAR Report;

- Compliance with Schedule 6 requirements of the Planning and Development Regulations 2001, as amended.
- Compliance with "Guidelines on the Information to be Contained in Environmental Impact Assessment Reports" (EPA, 2017).
- Grid connection works should be included, as set out in the relevant case law on project splitting.
- Transport routes should be included.
- Consideration is required for the main alternatives, taking into account at least environmental effects, as set out in the relevant case law.
- Compensatory planting, if being considered, should be included.

- Population and Human Health: EMF effects should be included.
- Biodiversity: Appropriate Assessment should be carried out, Ecological Impact Assessment should be carried out (CIEEM guidelines).
- Land & Soil: A Geological Report should be done (include slope stability assessment).
- Water: Consideration of impacts on water supplies should be included.

If you have any further queries in relation to this matter, please contact us at (059) 9136229 or [planningdevman@carlowcoco.ie](mailto:planningdevman@carlowcoco.ie).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alison Scanlon', written over a horizontal line.

Alison Scanlon  
Planning Department

