

An
Bord
Pleanála

Board Direction
BD-008637-21
ABP-309043-20

REQUEST received by An Bord Pleanála on the 22nd day of December 2020 from Oweninny Power 2 Designated Activity Company under section 146B of the Planning and Development Act 2000, as amended, to alter the terms of the permission for Oweninny Wind Farm, a strategic infrastructure development the subject of a permission under An Bord Pleanála reference number 16.PA0029.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 2nd day of June 2016,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- to construct a supplementary delivery route to bypass the Western Way Bridge on the N59. The proposed works are intended to further facilitate abnormal loads being delivered to the nearby Oweninny Wind Farm Phase 2 development, in particular wind turbine components.

AND WHEREAS the Board decided, in accordance with section 146B(2) of the Planning and Development Act 2000, as amended, that the proposed alteration

would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS, having considered the documents on file, all submissions and observations made in accordance with 146B(8)(b) of the Planning and Development Act 2000, as amended, and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE, in accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 22nd day of December 2020 and the 15th day of April 2021, for the following reasons and considerations.

Reasons and Considerations

Having regard to:

- a) the terms and conditions of the existing permission for the wind farm development, Strategic Infrastructure Development PA0029,
- b) the reasons for the proposed material alteration: to facilitate delivery of turbine components,
- c) the documentation including the Natura Impact Statement submitted,
- d) Submissions and observations received, and
- e) the Inspector's Report,

it is considered that, subject to compliance with the conditions set out below, the proposed alteration would not be likely to have significant effects on the environment, would not have significant adverse impact on the amenities of the area, would not give rise to any significant impact on the natural heritage of the area, and would be acceptable in terms of traffic safety and convenience of road users. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Owenduff / Nephin Complex Special Area of Conservation (Site code 00534), or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars submitted 22nd day of December 2020 as amended by the further plans and particulars submitted on the 15th day of April 2021 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The use of the track and river crossing the subject of this material alteration, is as a temporary supplementary delivery route to facilitate abnormal loads being delivered to the nearby Oweninny Wind Farm Phase 2 development and the crossing shall be removed at the end of that use and the site reinstated.

Reason: In the interest of clarity.

3. (a) The temporary access points to the N59, national road, shall be closed off with a temporary safety barrier when not in use for turbine component delivery, on completion of the wind farm construction, the temporary accesses be permanently closed.
- (b) Any damage caused to the pavement on the existing national road at the temporary entrance and egress to the site due to the turning movements of abnormal loads (e.g. tearing of the surface course) shall be rectified in accordance with TII Pavement Standards and details in this regard shall be agreed with the Roads Authority prior to the commencement of any development on site.
- (c) The recommendations of the Road Safety Audit shall be incorporated into final designs for construction and the Road Safety Audit recommendations shall be implemented as part of the project.
- (d) In the interests of road user safety, all works to the national road shall comply with TII Publications (formerly NRA DMRB), technical design standards for national roads.

Reason: In the interest of road safety.

4. (a) The pipes shall be embedded 300mm below the existing river-bed level and backfilled with the existing bed material. All instream work shall be carried out between the 1st day of July and the 30th day of September.
- (b) The stream crossing shall be fenced and a silt barrier constructed to prevent silt or debris entering the watercourse.
- (c) The road shall fall away from the crossing to prevent a preferential flow pathway towards the stream.
- (d) Material used for the construction of the roadway shall be of sufficient tensile strength so as not to give rise to fines and suspended solids as a result of traffic or erosion. Where sediment is generated, the road shall be

topped with additional material to prevent sedimentation of the watercourse.

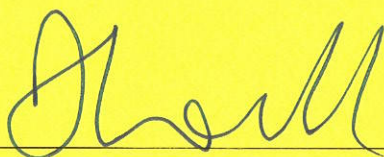
- (e) There shall be no direct discharge for the road construction site into the on-site stream. A detailed drainage design shall be provided prior to work commencing on site.
- (f) A screen or pump sock shall be used where over pumping is carried out.
- (g) The finalised method statement shall be provided to IFI one month prior to works commencing on site.
- (h) All environmental controls included in the NIS shall be put in place and included in the contract for construction.
- (i) Water quality monitoring shall be carried out during construction.

Reason: To protect surface waters from pollution.

- 5. Measures shall be put in place to prevent the spread of invasive species as a result of the operation of this site.

Reason: To protect the biodiversity of the site.

Board Member:



Date: 30/06/2021

Dave Walsh

