



An
Bord
Pleanála

Inspector's Report

ABP-307261-20

Development	Section 146B Planning application for amendments to An Bord Pleanála case reference PA0029 for Oweninny Wind Farm
Location	Oweninny Wind Farm , Co. Mayo
Planning Authority	Mayo County Council
Applicants	Oweninny Power 2 DAC
Type of Application	Section 146B Alteration Request
Inspector	Dolores McCague

1.0 INTRODUCTION

1.1.1. The project, which the Board approved on the 2nd June 2016, ref. no. PA0029, under the Strategic Infrastructure Development (SID) provisions of the legislation, comprised:

Proposed wind farm development in the townlands of: Bellacorick, Corvoderry, Croaghaun West, Doobehy, Dooleeg More, Formoyle, Kilsallagh, Knockmoyle, Laghtanvack, Moneynierin, Shanvodinnaun, Shanvolahan, Sheskin, Srahnakilly and Tawnaghmore, County Mayo, (approximately 30 kilometres west of Ballina).

1.1.2. The proposed development was initially proposed to primarily consist of the following:

- construction of a wind farm comprising 112 wind turbines with a maximum electricity generating capacity of approximately 370 megawatts. The wind turbines to have a hub height of up to 120 metres and a rotor diameter of up to 120 metres. The overall height of the structures (i.e. tip height) to be up to 176 metres.
- 8 permanent meteorological masts up to 120 metres in height.
- electrical requirements associated with the wind farm: 4 x 110 kilovolts electrical substations each of which will include two number control buildings; 2 x 110 kilovolts overhead lines (approximately 2.4 kilometres and 1.7 kilometres respectively) and 4 x 110 kilovolts underground cables all required for connecting the substations to the national electricity grid; and underground cabling connecting the wind turbines to the wind farm substations.
- a visitor centre associated with the wind farm with ancillary parking for buses and cars;
- an operation and maintenance building.
- reuse of 3 existing site entrances off the N59 and signage at the main wind farm entrance and on the public road adjacent to the main entrance.
- Additional associated and ancillary developments including: hardstandings; an upgrade of the bridge traversing the Oweninny River; approximately 85 kilometres of access tracks within the wind farm site; replacement of culverts within the site and

drainage control systems comprising settlement ponds, access track drains and finger drains; and sewage treatment systems.

- Temporary developments / works associated with the construction phase include: contractor compounds; one number concrete batching plant; one number borrow pit; one number peat repository area; and material stockpile areas.
- A 15 year permission and a 30 year operational life from completion of entire wind farm was sought for the proposed development

1.1.3. Proposed amendments were submitted as significant additional information to the Board on the 19th day of October, 2015, (notices were published on the 18th day of November, 2015) which modified the project by omitting phase 3 of the original proposal, resulting in a 172 Mega Watts (MW) wind farm, comprising:

- 61 (2.5–3.5 MW) wind turbine generators and included the following details:,
- 2 electrical substations, underground cables from the wind turbines to the substations,
- 2 x 110kV overhead lines comprising angle masts and twin wooden pole sets connecting proposed substations to the existing Bellacorick substation (1.7 km from Electrical Substation 1 and 2.5 km from Electrical Substation 2) with undergrounding of electricity cables for a distance of up to 2km on the approach to Bellacorick substation,
- 6 permanent wind measurement anemometer stations, operation and maintenance building,
- 49 kilometres of access tracks, including c 6km of upgraded existing track, 2 site entrances for construction traffic,
- visitors centre and
- grid connection to the existing Bellacorrick 110 kV substation, and upgraded existing transmission network, including Bellacorick to Castlebar 110kV and Bellacorick to Moy 110kV overhead line.
- Condition no. 1 of the grant of permission required compliance with the further information submission.

1.1.4. Previous alterations to the scheme have come before the Board:

PM0011, application date 2nd November 2016, decision date 17/02/2017 - for modification of the approved 3.7 kilometre connection between the wind farm substation and the national electricity grid, from the approved: part overhead and part underground circuit, to a fully underground circuit. This results in the underground cabling being extended by approximately two kilometres and the removal of approximately two kilometres of approved overhead line. The Board decided, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned, decided that the proposed alteration would not result in a material alteration to the terms of the development the subject of the permission, and altered the decision subject to conditions.

PM0013 - application date 21/08/2017, decision date 29/06/2018 - for further alteration to this development: modification of a section of the N26 in the vicinity of Cloongullaun Bridge in order to facilitate the delivery of turbine components; the section of road immediately west of Cloongullaun Bridge approximately 3.5 kilometres north west of Swinford Town. The Board invoked the provisions of section 146B(8)(a) of the Planning and Development Act, 2000, as amended, to invite submissions or observations in relation to the matter, from members of the public and prescribed bodies. Having considered all of the documents, submissions etc, 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 and altered the decision subject to conditions.

2.0 Site Location and Description

- 2.1.1. Where the alterations are proposed is in the townlands of Srahnakilly and Croghaun, north of Bellacorick Co Mayo, c30km west of Ballina.
- 2.1.2. The area of the site the subject of the alteration request is largely made up of cutover bog, there is also a small bog remnant, and this segment of the site crosses a local road and the Oweninny River.

3.0 Proposed Development

3.1.1. The applicant is seeking alterations, summarised in the documentation as:

- a) Construction of radial underground cables from permitted but as yet unbuilt Turbine T82 to the existing Substation 1 (constructed as part of phase 1). This includes a crossing of the Srahnakilly local road (L52925) and the Oweninny River (via the existing bridge, constructed as part of Phase 1).
- b) Omission of Substation 2,
- c) The omission of an overhead line (OHL) / underground cable (UGC) connection from Substation 2 to Bellacorick ESB Substation as approved under PA0029.

It is as shown on site layout map (scale 1:20,000).

In the application it is stated that the proposed undergrounding of the radial cable between both points is minor in nature and similar to many kilometres of previously constructed underground cabling within phase 1 of the Oweninny Wind Farm and that already consented for phase 2.

The undergrounding is described as trenching and ducting the cables across the Srahnakilly Road (L52925) and then bringing cables across the existing bridge over the Oweninny River and onto the substation in a similar manner to Phase 1 radial cables. Similar work has already been done to bring the 110kV underground cable to Bellacorick ESB Substation.

An alternative to trenching and ducting across the Srahnakilly Road would be a trenchless technology such as horizontal direction drill (HDD). This would achieve the same outcome but involves drilling beneath the road structure rather than cutting across it. Whilst this is a commonly used technique for underground cables to pass under existing structures and rivers, it has not been used on the Oweninny project to date.

Cable installation involves excavating a trench, installing ducting, installing cables and backfilling and reinstatement of lands. As part of underground cabling, joint bays are required approximately every 600-800m along the cable route. The joint bays are where the separate cable lengths are joined together. The selection of the cable route and joint bay locations involved technical and environmental evaluation

of the area to ensure it is suitable for construction works. Site investigations have already been carried out to prove the suitability of these locations prior to construction

The ducting trench will be laid alongside a permanent track. The track already exists for much of the route, notably between Srahnakilly Road and the existing substation 1, other than where it will cut a corner at chainage 2 north of the visitor's centre. A section of track will be constructed between T82 and the Srahnakilly road, permitted as part of the planning permission as it relates to phase 2, using the methodology for the permitted phase 1 and phase 2 access tracks.

4.0 Section 146B

- 4.1.1. Section 146B (1) of the Planning Acts 2000 to 2019, allows a person who intends to carry out a strategic infrastructure development to request the Board to alter the terms of the approved development. The Board must decide whether to do so would constitute a material alteration in the terms of the development. If it decides that it would not be material, the Board must alter the permission. Prior to making this decision the Board may invite submissions and have regard to those submissions.
- 4.1.2. If the Board decides that it would be material, it may make the alteration, make an alteration that would be different to that requested, or refuse to make the alteration, after determining whether such alteration would be likely to have significant effects on the environment. The Board, if it decides that the alteration would be material, must¹ engage in public notification/consultation prior to making a determination.

¹ S 134B (extract from Law Reform Commission Administrative Consolidation of the Planning and Development Act 2000 Revised. Updated to 22nd May 2020)

(8) (a) Before making a determination under F473 [a determination under *subsection (3)(b)(ii)*] or (4), the Board shall—

(i) make, or require the person who made the request concerned under *subsection (1)* to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

- 4.1.3. If the Board decides that there is a likelihood of significant effects on the environment, the proposer will be required to prepare an Environmental Impact Statement and a consultation process must precede Environmental Impact Assessment by the Board (146C).

5.0 Planning History

16. PA0029 permission was granted in 24th May 2016 for the subject development. PA0031 Application by Coillte for Wind Farm Development at Cluddaun, refused planning permission.

02/1278 EirGrid - proposed modification of the existing Bellacorick substation, planning permission granted (October 2002).

15/456 EirGrid - extension and upgrade of the existing Bellacorick substation, planning permission granted (October 2015).

PI16.244534 Planning Authority Reg Ref 14/410 - EirGrid - uprating of 19.5km section of the existing Bellacorick to Castlebar 110kV overhead line, planning permission granted.

PL16.245415 (appeal against Development Contribution) Planning Authority Reg Ref 15/45 EirGrid - uprate of the existing Bellacorick to Moy 110kV overhead line, planning permission granted.

15/611 ESB Networks Refurbishment / Uprate of the Bellacorick to Bangor Erris 38kV overhead line; planning permission granted.

PL16.245355 Planning Authority Reg Ref 14/666 - Proposed Wind Farm at Tawnanasool – planning permission refused.

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

(b) The Board shall have regard to any submissions or observations made to it in accordance with an invitation referred to in *paragraph (a)*.

15/825 ABO Wind Ireland Ltd 8 wind turbines at Sheskin, Bellacorick, planning permission granted.

6.0 REQUEST DOCUMENTS

- 6.1.1. The request is accompanied by a single bound volume which sets out the purpose of the application, the reason for the proposed amendment, the planning context, legislative context, environmental evaluation of proposed amendment which includes reference to the NIS, Ecological Assessment, Cultural Heritage Assessment, Assessment of Other Environmental Considerations and Environmental Conclusions. The Overall Conclusion is that the proposed amendment would be limited in nature and extent and would not be likely to have any significant effect on the environment, or on any Natura 2000 site or on any other aspect of the proper planning and sustainable development of the area, that would differ in any significant way from the likely effects of the approved development.

The application is accompanied by:

A Construction Method Statement, and drawings

(Appendix 1) Board Orders

(Appendix 2) Natura Impact Statement

(Appendix 3) Construction Method Statement

(Appendix 4) A Cultural Heritage Report

Drawings:

P000379-PM00-0002, overall plan, scale 1:5000

P000379-PM00-0003, plan sheet 1 of 3, scale 1:2500

P000379-PM00-0004, plan sheet 2 of 3, scale 1:2500

P000379-PM00-0005, plan sheet 3 of 3, scale 1:2500

P000379-PM00-0006, Srahnakilly road crossing, scale 1:500, aerial photography (12th March 2020) showing as built.

P000379-PM00-0007, Srahnakilly road crossing area plan HDD option, scale 1:500, aerial photography (12th March 2020) showing as built.

7.0 Assessment

7.1. Consideration of Materiality

- 7.1.1. As indicated in the preceding section outlining the legislative provisions, the first consideration in relation to this request to alter the terms of ABP Ref.16.PA0029 is to determine if the making of the alteration would constitute the making of a material alteration of the terms of the development as granted.
- 7.1.2. The original application was subject to an EIA and an AA and included the necessary documentation to enable the Board carry out those assessments. The original application was subject to a Further Information request which included a reduction in the overall scale of the development proposed, effectively removing phase 3 of the development at the eastern end of the site, well removed from the subject area, and which has no bearing on the subject alteration.

The original notices published in connection with the application included ‘four substations’, in an itemised list, which ‘*the proposed development will primarily consist of*’.

When significant revisions were submitted, following the Board’s request for further information, the amendments included a reduction to two substations.

- 7.1.3. It is proposed to install approx. 4,260m of trench for radial cables between T82 and the existing substation 1, which will be operating at a voltage of 33,000V. At turbine T82, 12 no. power cables and 3 no communications cables will be placed into a trench approximately 3m wide. The quantity of cables may be adjusted during detailed design. A cross section of the proposed trench (4 radials) is shown in Fig 1 of the Construction Method Statement. The proposal to provide 12 cables in a trench will have an associated increase in trench width in excess of the cabling originally envisaged. The amendment may involve horizontal direction drill (HDD). This technique has not been used on the Oweninny project to date and was not part of the proposal on which the Board based its decision in PA0029. I note that the proposed cable route will cut through bog remnant number 16, described in the EIS for PA0029, appendix 9B as follows: ‘a narrow (c.50 metres) strip of dry blanket bog located between a road and Bord na Móna cutaway, just to the north of Area 15. The area is similarly dry and *Molina Caerula* dominates the vegetation. Spagnum cover is

generally low, i.e. <30%,’ approximate area 2.4ha, ecological importance – local (lower value) importance.

- 7.1.4. Although most of the development will occur within the wind farm site, where it crosses Srahnakilly Road it will occur in an area in public use. The ‘Construction Methodology for Proposed Link of Phase 2 Radial Cables to Substation 1’, states that it is proposed that Srahnakilly Road is temporarily realigned at the crossing point while the ducting is laid through it; this will allow ducting to be installed, whilst traffic can continue to pass. The submission does not refer to public consultation although it is of relevance in relation to this proposal.
- 7.1.5. The topics addressed in the EIS on PA0029 have been reviewed in the context of the alterations proposed. As regards: -
- human beings - any additional impacts arising from works crossing the local road, would be mitigated as part of the CEMP;
 - fauna and flora - no additional impact are identified outside of those identified in the original EIS;
 - soil, water, air, climatic factors or the landscape - no additional impacts are envisaged outside of those identified in the original EIS;
 - material assets, including the architectural and archaeological heritage, and the cultural heritage - the mitigation measures in relation to archaeological heritage protection are applicable; no other additional impacts are envisaged outside of those identified in the original EIS; and
 - the inter-relationship between the above factors - no additional impacts are envisaged.
- 7.1.6. In my opinion no new considerations arise, in relation to impact on the environment, which were not considered in the assessment of impacts for PA0029, for which an EIA was conducted.
- 7.1.7. The Board carried out Appropriate Assessment for the project (PA0029). The Board carried out screening in relation to the potential for impacts on nearby European sites:

Broadhaven Bay SAC (000472)

Slieve Fyagh Bog SAC (000542)
Glenamoy Bog Complex SAC (000500)
Lough Dahybaun SAC (002177)
Owenduff/Nepin Complex SPA (004098)
Lough Conn and Lough Cullin SPA (004228)
Carrowmore Lake SPA (004052)
Blacksod Bay/Broad Haven Bay SPA (004037)
Killala Bay/Moy Estuary SPA (004036)
Mullet Peninsula SPA (004227)
Duvillaun Islands SPA (004111)
Inishglora and Inishkeeragh SPA (004084)
Inishkea Islands SPA (004004)
Termoncarragh Lake and Annagh Machair SPA (004093)
Illanmaster SPA (004074)

and carried out an appropriate assessment in relation to the Natura sites:

Bellacorick Iron Flush SAC (000466)
Bellacorick Bog Complex SAC (001922)
Owenduff/Nepin Complex SAC (000534)
River Moy SAC (002298)
Carrowmore Lake Complex SAC (000476),

including considering the nature of the proposal, and the mitigation measures proposed; and concluded that it was beyond reasonable scientific doubt that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of the above European sites, in view of the conservation objectives of those sites, or any other European site.

7.1.8. Notwithstanding the Appropriate Assessment conducted by the Board for the consented windfarm, the proposed amendments involving the installation of a (previously unassessed) underground cable linking phase 2 to the existing substation 1 requires examination.

7.2. Screening:

7.2.1. A Natura Impact Statement which included a screening exercise was submitted with the 146B Application. The installation of the underground cable, including the use of trenchless technology as an alternative to trenching across the Srahnakilly Road, will require management of soils etc during the excavation. The trench will largely be adjacent to existing roadways but will require excavation into peat substrate which requires management of surface water to prevent ingress into the surface water system which includes the Oweninny River.

7.2.2. The applicant employed a precautionary 15km screening radius for identifying European Sites that may be affected by the proposed alteration. It is considered that only those which have hydrological connectivity via the Oweninny stream require further examination and the other sites can be screened out.

Four sites were identified as having a hydrological connection via the Oweninny stream:

Bellacorrick Bog Complex SAC [001992]

Oweneduff/Nephin SAC [00534]

Owenduff/Nephin SPA [005098]

Blacksod Bay/Broadhaven Bay SPA [004037]

7.2.3. These sites were screened in for AA in the NIS provided, based on the potential for pollutants to enter the Oweninny River in the absence of mitigation measures. There was however no examination of the potential effects on the conservation objectives of these sites, or a determination of likelihood of a significant effect occurring.

7.2.4. The likely significant effects on a European site, arising from the potential that pollutants generated during construction could enter the Oweninny River, is the issue to be addressed.

7.3. Screening determination:

7.3.1. Taking into account the proposed works which would require soil management and measures to avoid harmful effects to the Oweninny River and downstream connections which include SAC sites with conservation objectives related to water quality, the likelihood of significant effects cannot be excluded for the following sites:

Bellacorrick Bog Complex SAC [001992]

Oweneduff/Nephin SAC [00534]

Blacksod Bay/Broadhaven Bay SPA [004037]

7.3.2. The Conservation objectives related to the Owenduff/Nephin SPA (Merlin and Golden Plover) are not dependent on water quality targets and objectives and notwithstanding the overlap with the SAC, significant effects can be excluded for this European site in view of its conservation objectives.

7.4. Appropriate Assessment

7.4.1. The applicant has listed mitigation measures that are designed to remove the potential for ingress of peat/ silt laden surface water into the River Oweninny which would prevent effects on European Sites downstream.

7.4.2. While these are standard measures and there is no doubt as to their effectiveness in a general sense, once correctly applied, the NIS does not comprise a detailed assessment of these measures, on the conservation objectives of the sites screened in for AA.

7.4.3. Although the NIS does not list the conservation objectives of the European Sites or explain how the proposed mitigation measures will ensure that the conservation objectives are safeguarded, the measures proposed are virtually the same as those proposed in relation to the overall project, PA0029, and no new impacts, not previously considered, require to be considered in connection with the proposed alterations. On this basis, in my opinion, the Board can reach a conclusion in relation to appropriate assessment.

7.5. Conclusion

7.5.1. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites No 001922, 000534, or 004037, or any other European site, in view of the site's Conservation Objectives.

7.6. Conclusion on Materiality

7.6.1. Although the proposal, particularly the 4260m radial cable route to be provided with 12 power cables and 3 communication cables and with joint bays at 600-800m intervals, is substantial, I am of the opinion, having fully considered the alterations and having considered the proposal as granted under PA0029, that the Board would

not have determined PA0029 differently had the alterations, as now proposed, formed part of PA0029 at that application stage. In this regard, I consider it reasonable to conclude that the proposed alterations, subject of the request, do not constitute the making of a material alteration of the development as granted under PA0029.

- 7.6.2. As previously stated, it is open to the Board to invite submissions and have regard to those submissions, prior to making a decision on whether or not the proposed alterations are material. I recommend that the Board utilise the provisions of S146B(2) (b) and invite submissions from the public in relation to the issue of whether or not the proposed alterations are material.

8.0 Recommendation

- 8.1.1. I recommend that the Board decides that the making of the alterations the subject of this request do not constitute the making of a material alteration to the terms of the development as granted permission under ABP Ref. 16.PA0029.

Planning Inspector

8th July 2020