



An
Bord
Pleanála

Inspector's Report

ABP-309043-20

Development	Section 146B application for amendments to An Bord Pleanála case reference PA0029 for Oweninny Wind Farm
Location	Oweninny, Bellacorick, Co. Mayo
Planning Authority	Mayo County Council
Applicants	Oweninny Power 2 DAC
Type of Application	Section 146B Alteration Request
Date of Site Inspection	5 th February 2021
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;
- 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 2/11/2016, 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.

307261-20 application date 27/05/2020, decision date 29/07/2020 for 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; and

- c) The omission of an overhead line (OHL) / underground cable (UGC) connection from Substation 2 to Bellacorick ESB Substation as approved under PA0029.

The Board decided that the making of the alterations did not constitute the making of a material alteration to the terms of the development as granted permission under ABP Ref. 16.PA0029.

2.0 Legislative Basis

- 2.1.1. Section 146B (1) of the Planning Acts 2000 to 2011, 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.
- 2.1.2. 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 must engage in public notification/consultation prior to making a determination in relation to the likelihood of significant effects on the environment.
- 2.1.3. 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.

3.0 Proposal

- 3.1.1. The proposal is to make amendments to development consented under PA0029. The alterations to the approved scheme comprise:

Construction of 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, as shown on site layout map (scale 1:20,000).

- 3.1.2. Hydrological and hydraulic assessments to a Q30 standard have been carried out, and as agreed with the OPW, a diameter of 1.8m is proposed. To mitigate against a flood event in excess of Q30 the crossing and access tracks will be designed and constructed to facilitate flood waters overtopping the structure without any impacts on the nearby N59. This may be subject to change following detailed design.
- 3.1.3. An operational width of 6m is envisaged. The length of the crossing will be c12.5m, however this will be determined by the depth from finished level to channel level and the combining multiples of concrete pipe standard units. The crossing will be removed following completion of abnormal load deliveries.
- 3.1.4. Tracks will be constructed on the existing access tracks where appropriate, using stone and geogrid, as required and capped with a layer of class 804. The proposed stream crossing will be constructed using pipes. These pipes will be delivered to the site by lorry and lifted into place using certified lifting equipment, e.g. excavator. The stream will be dammed temporarily upstream of the crossing and the stream will be pumped downstream of the crossing to facilitate the construction. Construction works will be completed, cognisant of the overhead 110kV line and appropriate precautions will be taken to ensure the works are completed safely.
- 3.1.5. The development will consist of approx. 175m of access track and a stream crossing. The track will be constructed on the alignment of the existing success tracks, using stone and geocomposite as required, and capped with a layer of CI 804. An operational width of 6m is envisaged for the crossing, the width will be determined by combining multiples of concrete standard units.
- 3.1.6. The current expected methodologies for installation of the temporary crossing are set out in the report 'Construction Methodology for Western Way Bridge Bypass'. These approaches may require variation during detailed design and construction, depending on the best working practices and preferred construction techniques of the selected contractor, but are stated to be adequate for an understanding by the consenting authority for the proposed development.
- 3.1.7. Each wind turbine delivery will involve approx. 12 loads using articulated haulage trucks likely comprising 4 towers, 3 blades, 2 nacelle, 1 hub and 2 spall parts. Delivery of components of the nacelle will involve the heaviest loads; delivery of turbine blades, the longest loads. Although the turbine blades are relatively light, the

blade delivery typically determines both vertical and horizontal alignment requirements.

- 3.1.8. Based on the current road infrastructure due to the horizontal alignment of the N59, abnormal load deliveries will be required to turn into the entrance to Oweninny Phase 1 and reverse along a section of the N59 to the sharp right-hand bend on the N59 where it will negotiate a difficult right hand turn on the R312 before proceeding on the N59. Due to the size of the deliveries and the number of abnormal load deliveries associated with this development, a less onerous route through this section of road is being sought.
- 3.1.9. The supplementary access will remain in use for the duration of abnormal load deliveries, currently expected to be approximately 6 months. Upon completion of abnormal load deliveries the temporary stream crossing will be removed and the area will be reinstated. Mayo Co Co have expressed a preference for the access tracks to be retained after completion, and OP2DAC are willing to facilitate this preference.
- 3.1.10. It is anticipated the supplementary route will be used predominantly by transport vehicles engaged in the delivery of abnormal loads, but it may also be used for other construction traffic in exceptional circumstances. This route is intended purely for wind farm construction vehicles and will not be accessible to the public.
- 3.1.11. To provide the required embedment the pipe invert level will be 300mm below bed level. The pipe sections will be installed below the finished invert level of the stream. Specific requirements as set out by IFI will be adhered to.

4.0 Site Description

- 4.1.1. The land where the proposed amendment is located is in the townland of Moneynierin, north of Bellacorick Co Mayo, c30km west of Ballina.
- 4.1.2. The land the subject of the alteration request is a flat area largely made up of cutover bog, a hard surfaced area extends across most of the development area. The site also crosses a tributary of the Muing River. This small river rises in bogland to the south and flows north to join the Muing River, a tributary of the Oweninny River, c250m to the north.

- 4.1.3. The national secondary road, N59, is to the south east and south west, forming a sharp bend to the south. Bellacorick Bog Complex SAC extends to the opposite side of the road and the site is therefore separated from the proposed alteration by a distance the width of the road.

5.0 Planning History

In addition to the planning history for PA0029, referred to earlier in this report, other planning histories in the general area include:

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 - upgrading 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 - upgrade of the existing Bellacorick to Moy 110kV overhead line, planning permission granted.

15/611 ESB Networks Refurbishment / Upgrade 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.

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 the following documents:

Planning Report

Report for AA Screening

A Construction Methodology for Western Way Bridge

Built Heritage Statement

Stage 1 & 2 Road Safety Audit

Board Orders

and

Drawings:

Site location map – P000379-PM00-0010, scale 1:50,000

Site layout, sightlines plan and other details – P000379-PM00-0011, scales 1:500, 1:2,000, 1:100 and 1:50

Vehicle Swept Path – P000379-PM00-0012, scale 1:750

Figure 1 - Site location map QE-000039-11-D460-003-001-000, scale 1:50,000

Figure 2 - Site Layout Map QE-000039-11-D460-003-002-000, scale 1:1,500

Figure 3 - Ecology Map QE-000039-11-D460-003-003-000, scale 1:10,000

Figure 4 - Distribution of SACs & SPAs within 15km radius of Oweninny site QE-000039-11-D460-003-004-000, scale 1:170,000

Figure 5 - Oweninny Rivers QE-000039-11-D460-003-005-000, scale 1:10,000

6.1.2. The request includes information set out in schedule 7A to the Regulations:

a) A description of the proposed development,

b) A description of the aspects of the environment likely to be significantly affected by the proposed development,

c) A description of any likely significant effects of the proposed development on the environment.

7.0 Board Correspondence

7.1.1. The request was received on the 22nd December 2020.

7.1.2. The Board wrote to Mayo County Council on the 4th January 2021 stating that the request had been received and enclosing a copy of the request for their information.

7.1.3. The planning authority was not invited to make any submission at this stage.

8.0 Materiality of the Alterations

8.1. Approved Project

- 8.1.1. On the 2nd of June 2016 the Board decided to approve the wind farm development ref. no. PA0029, in accordance with 20 conditions. The conditions included condition no. 1 which required the development to be carried out in accordance with the plans and particulars lodged and the further information submitted, subject to any amendments required to comply with the other 19 conditions.
- 8.1.2. The applicant makes the case that the proposed amendments are non-material and that section 146B(3)(a) is the appropriate mechanism by which the Board should determine the application.

8.2. Significance of Alterations

- 8.2.1. A haul route for the transport of oversized / abnormal loads from a port to site is a necessary part of the project and was part of application PA0029. It was acknowledged during the project application that works might be required to facilitate haulage to the site at various locations. Third parties at the oral hearing sought to examine the detail of lands where works to the haulage route would require landowner negotiations and were unable to do so due to the unavailability of such information at that time.
- 8.2.2. The works, which include development on cutover bog and a river crossing, are on land outside of the original site boundary and could not have been contemplated by the Board in its decision on PA0029.
- 8.2.3. There is reference in the documentation to the first party having been involved in consultations with Mayo County Council (MCC) in relation to the proposed amendment and that the modifications are supported by MCC. However, due to the location alongside a National Secondary Route the Board may consider that formal consultations with the planning authority/roads authority and Transport Infrastructure Ireland are necessary.
- 8.2.4. In my opinion the proposed works should be considered a material alteration of the subject project, PA0029.

8.3. Consultation

- 8.3.1. If the Board decides that the alterations are material, notice must be given and information relating to the request must be made available either by the Board or by the referrer. Submissions must be invited in relation to whether or not the alteration would be likely to have significant effects on the environment.

9.0 EIAR

- 9.1.1. Having regard to:

- (a) The nature and scale of the proposed development,
- (b) The location of the site on lands remote from any dwellings or other sensitive receptors,
- (c) The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001,
- (d) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- (e) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

- 9.1.2. I wish to advise the Board, subject to any information which occurs in the consultation process, that the environmental issues which appear to arise in this case relate to natural heritage and traffic safety.

10.0 Appropriate Assessment

- 10.1.1. The development has been described earlier in this report in section 3 above and in summary comprises the construction of a supplementary delivery route on an area of trackway within cutover bog to bypass the Western Way Bridge on the 59 to facilitate the delivery of abnormal loads. The proposal includes the installation of a temporary

stream crossing of a tributary of the Muing River. The Muing river is a tributary of the Oweninny River c. 250m to the north. The national secondary road, N59, is to the south east and south west, forming a sharp bend to the south. Bellacorick Bog Complex SAC extends to the opposite side of the road and the site is therefore separated from the proposed alteration by a distance the width of the road.

- 10.1.2. The proposed alteration is located wholly outside the Belacorick Bog SAC.
- 10.1.3. The request is accompanied by a Screening Report for Appropriate Assessment prepared by BiosSphere Environmental Services which examines the proposed alternation for the potential for any likely significant effects on European Sites.
- 10.1.4. The Board has before it sufficient information to enable it to carry out screening for appropriate assessment.

10.2. **Development Description**

- 10.2.1. The screening report for Appropriate Assessment submitted as part of the request provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA Screening report concludes that it has been demonstrated that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any Natura site, and that a stage 2 Appropriate Assessment is not required.
- 10.2.2. I concur with the report's description of the site and context:

The location of the 146B amendment application is on a tributary stream of the river Muing approximately 80m downstream of the existing stone bridge over the stream.

At the proposed crossing point, the stream is approximately 1.5m in width and was c30cm depth with good water clarity at time of survey. The bed is of gravel.

The stream rises in bogland at Derry Lower approx. 2.5km south of the existing stone bridge at the N59. Commercial forestry has been planted in the area of the source stream but the remainder flows through blanket bog and close to the R312. After passing beneath the N59 the stream flows for a further 400m to join the River Muing. The River Muing flows west for 600m and enters the Oweninny River at Bellacorick Bridge. The Oweninny merges with the Owenmore River just south of the

bridge and then flows westwards towards Bangor (11km), entering the sea at Tullaghan Bay approx. 5km west of Bangor.

While surrounded by bog, the proposed access routes from both sides of the bridging point on the stream channel to the N59 have been previously disturbed and essentially comprise built and disturbed ground from previous work carried out prior to 1995. The previous works extended close to the stream banks. West of the stream, the area extending (west) to the N59 and (south to) the existing bridge is dominated by scrub, bracken and rank grasses. East of the stream, the area extending (east) to the N59 and (south) the existing bridge is dominated by blanket bog that has been cut in the past.

The Construction Methodology notes the rigorous controls that will be applied to avoid impacts on surface waters during construction of the wind farm and removal of the temporary supplementary route. Control measures will be applied in two ways, namely mitigation by avoidance and mitigation by engineering design.

Construction works will be supervised and monitored by a suitably qualified ecologist (Ecological Clerk of Works - ECoW) as required,

Agreed drainage control measures will be put in place in advance of all other construction works,

The access tracks to the temporary bridge will be profiled so that overtopping of the crossing may occur in the event of a flood event,

Requirements as set out by IFI will be strictly adhered to.

10.2.3. The applicant examined the possibility of any connections to European sites within 15km of the proposal:

Bellacorick Bog Complex SAC (site code 0922)

Bellacorick Iron Flush SAC (site code 0466)

Laugh Dahybaun SAC (site code 02177)

River Moy SAC (site code 02298)

Carrowmore Lake SAC (site code 0476)

Owenduff/Nephin SAC (site code 0534)

Glenamoy Bog Complex SAC (site code 0500)

Slieve Fyagh Bog SAC (site code 0542)

Newport River SAC (site code 02144)

Broadhaven Bay SAC (site code 0472)

Owenduff/Nephrin SPA (site code 004098)

Carrowmore Lake SPA (site code 004052)

Blacksod Bay / Broadhaven Bay SPA (site code 004037)

Killala Bay/Moy Estuary SPA (site code 004036)

Lough Conn & Lough Cullin SPA (site code 004228)

10.2.4. The conservation objectives are generally to maintain or restore the favourable conservation condition of the qualifying interest/special conservation interest species for which the sites have been selected.

10.2.5. Of the 15 sites considered in the submission only 4 have connectivity with the development:

Bellacorick Bog Complex SAC (site code 0922)

Owenduff/Nephrin SAC (site code 0534)

Owenduff/Nephrin SPA (site code 004098)

Blacksod Bay / Broadhaven Bay SPA (site code 004037)

10.2.6. I accept the argument made in relation to the identification and assessment of potential impacts, that important attributes of the proposed project are:

the location outside of a designated site,

the relatively small scale nature of the proposed project, i.e. a temporary bridge crossing over a tributary stream,

the linkage of the project to the Oweninny Wind Farm development which operates under rigorous planning conditions relating to the environment.

10.3. Potential Impacts

- 10.3.1. The proposed development would be accommodated on bog adjoining the protected Bellacorick Bog Complex SAC but on land which has previously been disturbed and developed, such that no loss of habitat would arise.
- 10.3.2. There is potential for contaminants, mainly suspended solids, to enter the local watercourses, and, via Rivers Muing and Oweninny, to reach the Owenmore River which forms the boundary to the Bellacorick Bog Complex SAC (along the 1km section west of Bellacorick Bridge) and skirts parts of the northern boundary of Owenduff/Nephin SAC/SPA. Although the Owenmore River discharges to Tullaghan Bay, which is part of Blacksod Bay / Broadhaven Bay SPA the distance involved (17km of river channel) means that any impact on this protected site can be discounted.

10.4. Appropriate Assessment - Screening

- 10.4.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on European sites.
- 10.4.2. Upgrading of existing river crossings and the construction of new crossing locations over streams is part of the development permitted under PA0029. However the site under current assessment is outside the permitted site, and this development could not have been contemplated when the Board carried out Appropriate Assessment for PA0029.
- 10.4.3. The screening report prepared by the applicant places reliance on measures intended to avoid or reduce impacts on European Sites downstream of the watercourse in the form of best practice measures expressly designed for watercourses protection: the use of silt fences, silt traps and check dams; with emphasis placed on prevention of hydrocarbon releases to local watercourses; and the construction supervised and monitored by a suitably qualified ecologist, ECoW.
- 10.4.4. Notwithstanding that this proposal is connected with the already permitted windfarm and approved amendments to same, screening the proposal (alone) for Appropriate Assessment cannot take any such measures into consideration in the identification of potential significant effects on any European Sites.

This has been made clear in a number of legal judgements including:

- Heather Hill Management Company clg v. An Bord Pleanála [2019] IEHC 450.

One of the successful grounds for challenge in that case was that the screening determination relied upon 'best practice measures' in reaching the conclusion that the proposed housing development would not be likely to have a significant effect on the European site.

- Sweetman v. An Bord Pleanála (IGP Solar) [2020] IEHC 39. One of the two successful grounds for challenge was reliance on mitigation measures during stage one screening.

10.4.5. The intention of the measures referred to by the applicant in the screening report can be interpreted as being expressly for the prevention of discharge of silt and hydrocarbons into the local watercourse which is hydrologically connected to the Ownemore River via the Muing and Oweninny rivers.

10.4.6. With the requirement for instream works there is potential for contaminants, mainly suspended solids, to enter the local watercourses and ultimately the Owenmore River. The section of the Owenmore River which skirts the SAC is approx. 5km from the temporary bridge site. The entry of contaminants could potentially affect the qualifying interests of the SAC:

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche Batrachion vegetation,
- Salmon (*Salmo salar*) (only in fresh water),
- Otter (*Lutra lutra*).

10.4.7. Having regard to the inclusion of mitigation measures, the Board is precluded from screening out the proposal for Appropriate Assessment based on the information provided by the applicant.

10.5. Screening Determination

10.5.1. Having regard to the inclusion of mitigation measures, as part of the proposed development, to avoid the potential for contaminants to enter the local watercourse and ultimately the Owenmore River, where the qualifying interests of the SAC:

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche Batrachion vegetation,
- Salmon (*Salmo salar*) (only in fresh water), and
- Otter (*Lutra lutra*)

could potentially be affected, this AA screening concludes that a appropriate assessment, (stage 2), is required.

10.6. The preparation of a NIS, by the applicant, is required, to allow the Board to consider measures capable of avoiding or reducing any significant effects on the protected sites through the process of appropriate assessment when a comprehensive analysis of those measures can be carried out and a determination reached as to whether they will or will not be effective (*Sweetman v. An Bord Pleanála (IGP Solar)* [2020] IEHC 39).

11.0 Recommendation

11.1.1. In view of the above, I recommend that the Board:

- make a determination under section 146B(2) of the Planning and Development Acts 2000-2011 that the making of the alteration to which this request relates would constitute a material alteration to the terms of the development concerned,
- make a determination under section 146B(4) of the Planning and Development Acts 2000-2011 and that the preparation and submission of an environmental impact assessment report is not required,
- make a determination under section 177U of the Planning and Development Acts 2000-2011 that the submission of a NIS is required.
- require, under section 146B(8), in the manner that the Board considers appropriate, the person who made this request to make available to the public and the consultees that were prescribed for the application PA0029, the information submitted to the Board, and the NIS; and to notify them that the information is available and that submissions on the request may be made to the Board within a stated period of time.

12.0 Reasons and Considerations

1 The alterations the subject of this request would involve in-stream works to an unnamed stream, a tributary of the River Muing, with potential impacts on ecology in the area; would involve access/egress to/from the National Road N59 with potential impacts on traffic safety; and be outside of the original site boundary. The alteration would therefore constitute a material alteration to the terms of the permitted development and the public and certain prescribed bodies should be afforded the opportunity to make submissions, before the Board decides whether the amendments sought would be likely to have significant effects on the environment and whether to make the alteration sought.

2 The alterations the subject of this request involve in-stream works and there is the potential for contaminants to enter the local watercourse and ultimately the Owenmore River, where the qualifying interests of the SAC:

- Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche Batrachion vegetation,
- Salmon (*Salmo salar*) (only in fresh water), and
- Otter (*Lutra lutra*)

could potentially be affected. Such impacts cannot be excluded without consideration of mitigation and therefore cannot be excluded at screening stage. The development must be subject to Appropriate Assessment.

Planning Inspector

22 February 2021

Appendix 1 Photographs taken at the time of site inspection and map key.