# Inspector's Report
# ABP-309043-20

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| **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** | 5th February 2021 |
| **Inspector** | Dolores McCague |

# Contents

## 1.0 Introduction

1.1.1. This report should be read in conjunction with Inspector's Report R309043 dated 22nd February 2021. Following the Board determination, dated 25th February 2021, that the making of the alteration to which the request relates would constitute a material alteration to the terms of PA0028, (per section 146B(2) of the Planning and Development Acts 2000-2011), and that the potential impact of the alterations were such as to require the preparation of a NIS, the Board (per section 146B(8)) required the person who made the request to make available to the public and the consultees that were prescribed for the application PA0029 (listed in the Boards letter of 4th March 2021), the information submitted to the Board and the NIS, and to notify them of the availability of the information and that submissions on the request might be made to the Board within a stated period of time.

## 2.0 Notification

2.1.1. Notices were published in the Western People (13th April 2021) and the Irish Independent (13th April 2021) and were erected on site (19th April 2021); and the relevant prescribed bodies were notified.

## 3.0 Additional Documentation

3.1.1. The additional documentation received comprises a Natura Impact Statement (NIS), prepared by BioSphere Environmental Services (BES).

3.1.2. The NIS includes:

An assessment of potential impacts in absence of mitigation using the Source-Pathway-Receptor (S-P-R) conceptual model for environmental management risk assessment.

Confirmation that there is no pathway (hydrological or otherwise) between the potential impact source (i.e. bridge project area) and sensitive receptors including the following European sites:

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),

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),

Carrowmore Lake SPA (site code 004052),

Killala Bay/Moy Estuary SPA (site code 004036), or

Lough Conn & Lough Cullin SPA (site code 004228).

A hydrological linkage (stream) exists between the project location (source) and four European sites (receptors). In the absence of protective measures which constitute mitigation the applicant finds that there is potential for contaminated water emanating from the development site to have impacts on the qualifying interests/ and general environmental quality of these four sites:

Bellacorick Bog Complex SAC (site code 0922),

Owenduff/Nephin SAC (site code 0534),

Owenduff/Nephin SPA (site code 004098), and

Blacksod Bay / Broadhaven Bay SPA (site code 004037).

The significance and any subsequent effect on the qualifying interest/special conservation interests of the European sites would vary depending on the type of pollutant, as well as the magnitude and duration of the event. As the conservation objectives of these European sites could potentially be affected adversely, measures are required to avoid or reduce harmful effects of the proposed project (i.e. mitigation measures). Therefore, as the risk of potential significant effects cannot be ruled out in respect of the proposed development, information to allow the competent authority to carry out Appropriate Assessment is provided.

## 3.2. NIS Potential impacts on identified European sites in view of their conservation objectives

3.3. Bellacorick Bog Complex SAC (site code 0922)

Direct impacts on the SAC are not anticipated. All works will be confined to the specific works area, with construction traffic arriving and departing from the site, strictly at the dedicated location along the N59. There are no entry points to the SAC from the N59 in this area.

A hydrological linkage exists between the works area and the Owenmore River below Bellacorick Bridge, via the River Muing and River Oweninny, with a distance of approx. 1 km from the proposed crossing point to the Owenmore. With the requirement for instream works during the culverting process and with the construction of two sections of access road, there is potential for contaminants, mainly suspended solids, to enter the local watercourses and ultimately the Owenmore River. The Owenmore River forms the boundary to the SAC along the 1km section approx. west of Bellacorick Bridge. Such contaminants could affect aquatic life of the watercourses. With the application of protective measures the potential for material to enter the local rivers is negligible as environmental controls will be strictly applied to the temporary bridge crossing project. These control are summarised in section 2.1.2 ‘Environmental Controls’ and are described in full in section 6 of the accompanying Appendix 3 ‘Construction Methodology’.

The construction will be supervised and monitored by a suitably qualified ecologist, (Ecological Clerk of Works), and all works will be carried out following best practices and requirements of IFI.

Even if some material was to enter the local watercourses and the Owenmore River, the actual qualifying interests of the SAC would not be affected as these are not associated directly with the river system:

Geyer's Whorl Snail,

Marsh Saxifrage,

Natural dystrophic lakes and ponds

Northern Atlantic wet heaths with Erica tetralix,

Blanket bogs (* if active bog),

Depressions on peat substrates of the Rhynchosporion, and

Alkaline fens.

It can be concluded with best practice methods adhered to during the construction of the temporary crossing, the potential for the project to impact upon the Bellacorick Bog Complex SAC and to have effects on the qualifying interests of the site is not significant.

3.4. Owenduff/Nephin Complex SAC

The Owenmore river, which is linked to the temporary bridge site via the Rivers Muing and Oweninny, skirts parts of the northern boundary of the Owenduff/Nephin SAC. With the requirement for instream works during the culverting process and with the construction of two sections of access road, there is potential for contaminants, mainly suspended solids, to enter the local watercourses and ultimately the Owenmore River. The Owenmore River which skirts the SAC is a distance of 5km from the temporary bridge site.

The entry of contaminants to the Owenmore River could affect aquatic the qualifying interests:

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation

Salmon

Otter

With the application of protective measures the potential for material to enter the local rivers is negligible. These control are summarised in section 2.1.2 ‘Environmental Controls’ and are described in full in section 6 of the accompanying Appendix 3 ‘Construction Methodology’.

The construction will be supervised and monitored by a suitably qualified ecologist, (Ecological Clerk of Works), and all works will be carried out following best practices and requirements of IFI.

From the above and taking into account that there is a 5km distance between the works area and the SAC, it can be concluded that with best practice methods adhered to during the construction of the temporary crossing, the potential for the

project to impact upon the Owenduff/Nephin SAC, and to have effects on the qualifying interests of the site, is not significant.

3.5. Owenduff/Nephin Complex SPA

The Owenmore river, which is linked to the temporary bridge site via the Rivers Muing and Oweninny, skirts parts of the northern boundary of the Owenduff/Nephin SPA. With the requirement for instream works during the culverting process and with the construction of two sections of access road, 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 at a distance of 5km from the temporary bridge site.

The entry of contaminants to local watercourses could potentially affect the aquatic life of the rivers including the section of the Owenmore River along the Owenduff/Nephin SPA.

With the application of protective measures the potential for material to enter the local rivers is negligible. These control are summarised in section 2.1.2 ‘Environmental Controls’ and are described in full in section 6 of the accompanying Appendix 3 ‘Construction Methodology’.

The construction will be supervised and monitored by a suitably qualified ecologist, (Ecological Clerk of Works), and all works will be carried out following best practices and requirements of IFI.

Even if some material was to enter the local watercourses the Owenmore River the actual special conservation interests of the SPA would not be affected as these are not associated directly with the river system:

Merlin (Falco columbarius) [A098]

Golden Plover

From the above, it can be concluded that with best practice methods adhered to during the construction of the temporary crossing, the potential for the project to impact upon the SPA, and to have effects on the special conservation interests of the site, is not significant.

3.6. Blacksod Bay/Broad Haven SPA

3.7. The Owenmore river, which is linked to the temporary bridge site via the Rivers Muing and Oweninny, reaches the sea at Tulaghan Bay, which is within the Blacksod Bay/Broad Haven SPA. With the requirement for instream works during the culverting process and with the construction of two sections of access road, there is potential for contaminants, mainly suspended solids, to enter the local watercourses and ultimately Tulaghan Bay.

The potential for material to enter the local rivers is negligible as environmental controls will be strictly applied to the temporary bridge crossing project. These control are summarised in section 2.1.2 'Environmental Controls' and are described in full in section 6 of the accompanying Appendix 3 'Construction Methodology'.

The construction will be supervised and monitored by a suitably qualified ecologist, (Ecological Clerk of Works), and all works will be carried out following best practices and requirements of IFI.

Even if some material was to enter the local watercourses the amount that would enter the Tulaghan Bay system would be negligible due to the distance (c.17km) between the two locations.

From the above, it can be concluded that with best practice methods adhered to during the construction of the temporary crossing and taking into account the substantial distance between the works area and the SAC the potential for the project to impact upon the SPA, and to have effects on the special conservation interests of the site, is not significant.

3.8. Analysis of 'In-Combination' Effects

3.9. The principal other project that is relevant to the temporary bridge project is the actual parent Oweninny Wind Farm project. It is noted that the entire Phase 1 Wind Farm has been constructed and is operational, while Phase 2 is under construction. The Oweninny Wind Farm project includes detailed mitigation measures to preserve water quality to the local rivers and streams and ultimately the interests of the various designated European sites in the vicinity. The mitigation measures were implemented successfully throughout the construction of Phase 1 and are currently in force for Phase 2.

3.10. It can be demonstrated objectively that when other projects are considered along with the proposed Western Way Bridge Bypass project there will not be any in-combination effect on the European sites.

3.11. **Responses from Prescribed Bodies**

3.11.1. Responses to the Board's notification of the proposed alteration were received from the Irish Aviation Authority (IAA), Transport Infrastructure Ireland (TIA), Inland Fisheries Ireland (IFI) and Geological Survey Ireland (GSI).

3.12. IAA:

3.12.1. The Irish Aviation Authority (IAA) Air Navigation Services Division (ANSD) states that it does not get involved in the planning process.

According to S.I 215 of 2005 Irish Aviation Authority Obstacles to Aircraft in Flight, the IAA ANSD requires any person who seeks to erect a manmade object to notify the aerodrome operator of the intended operation at least thirty days in advance if the structure is to be erected in the vicinity of the aerodrome or the areas around the aerodrome and other protected surfaces associated with the aerodrome.

Aerodrome operators can be contacted via IAA AIP AD 1.3 Index to Aerodromes and heliports, to evaluate the impact of the intended operation on the protected airspace established for the aerodrome.

Any person who seeks to erect a manmade object in excess of 45m anywhere within the state above ground or water surface level must also notify the IAA ANSD of the intended crane erection at least thirty days in advance, as a crane operating at or above this height may constitute an obstacle to air navigation. The IAA ANSD can be contacted via airspace@iaa.ie.

The state requires electronic terrain and obstacle data (eTOD) in accordance with International Civil Aviation Organisation (ICAO) Annex 15 requirements which shall be surveyed by OSi. The cost is to be borne by the developer. Additionally, the following data is to be supplied once construction is planned or commenced or available to the airspace team via airspace@iaa.ie.

WSG84 coordinates (in degrees, minutes and seconds) for each turbine.

Height above ground level (to blade tip) and elevation above mean sea level (to blade tip).

Verification if it's a standalone wind farm or is merged with others. Does the wind farm have any alternative names?

Horizontal extent(rotor diameter) of turbines and blade length where applicable.

Lighting of the wind farm, which turbines(s) is/are lit, and what type of lighting.

3.13. TII

3.13.1. Transport Infrastructure Ireland's submission includes:

in accordance with the National Planning Framework Strategic Outcome no. 2 'Enhanced Regional Accessibility', there is a requirement to maintain the strategic capacity and safety of the national road network. This requirement is further reflected in the NDP, the recent publication of the Draft National Investment Framework for Transport in Ireland and also the existing Statutory Section 28 Spatial Planning and National Roads Guidelines for Planning Authorities.

TII outlines the following for the Board's consideration:

The proposed supplementary temporary access is for a temporary period only to facilitate turbine component delivery only and accesses to the N59 are thereafter closed and lands reinstated. TII considers that this access arrangement should be closed following completion of the construction phase of development in the interests of road safety and adherence to the provisions of official policy.

The temporary access points to the N59, national road, should be closed off with a temporary safety barrier when not in use for turbine component delivery, as they could be misinterpreted by drivers as part of the roadway. Pending completion of construction, the temporary accesses shall thereafter be permanently closed and the lands reinstated.

Pavement improvements along this section of the N59 have been undertaken over the last 10 years. 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 (eg. tearing of the surface course) shall be rectified in accordance with TII Pavement Standards and details in this regard shall be agreed with the Road Authority prior to the commencement of any development on site.

Recommendations of the Road Safety Audit shall be incorporated into final designs for construction and the requirements to implement the recommendations of the Road Safety Audit included as a condition on any permission granted.

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.

3.14. IFI

3.14.1. Inland Fisheries Ireland's submission includes:

They request a clear span structure, such as a bailey bridge, be pub in place to cross the tributary of the Muing River, if possible. This will ensure there is no damage to the bed or banks of the watercourse. Where a pipe culvert is used it must be embedded 300mm below the existing bed level and backfilled with the existing bed material. The length of the culvert must be kept to a minimum. All instream work must be carried out between the 1st July and the 30th September.

The stream crossing must be fenced and a silt barrier constructed to prevent silt or debris entering the watercourse.

The road must fall away from the crossing to prevent a preferential flow pathway towards the stream.

The culvert must have the capacity to convey flood flows without being overtopped.

Material used for the construction of the roadway must 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 must be topped with additional material to prevent sedimentation of the watercourse.

There must be no direct discharge for the road construction site into the on-site steam. A detailed drainage designshould be provided prior to wrk commencing on site.

A screen or pump sock must be used where over pumping is carried out.

The NIS states 'Whilst OPDAC are in a position to reinstate this land, Mayo County Council has expresse an opinion that this route should remain in situ to facilitate future projects'. The proposed pipe crossing is suitable for a temporary crossing only and no acceptable as a permanent crossing. A clear span structure must be used if

the crossing is to remain in place longer than 6 months or the required time to complete the windfarm project.

The finalised method statement should be provided to IFI one month prior to works commencing on site.

All environmental controls included in the NIS must be put in place and included in the contract for construction.

Water quality monitoring must be carried out during construction.

Measures must be put in place to prevent the spread of invasive species as a result of the operation of this site. IFI provide a number of guidance documents on invasive species including a bio-security protocol which are available at: http://www.fisheriesireland.ie/research/invasive-species.html

The IFI guidance document 'Guidelines on Protection of fisheries during Construction Works n and adjacent to waters 2016' which is available at

http://www.fisheriesireland.ie/fisheries -and-construction-works should be followed.

3.15. GSI

The Geological Survey Ireland submission includes:

Geoheritage – the audit of County Geological Sites (CGS) of County Mayo was completed in 2014, revised in 2019 and published in November 2020. There is a CGS in the vicinity of the proposed wind farm development.

Bellacorick, Co Mayo (GR 97105, 320310), under IGH THEME IGH14 Fluvial and Lacustrine Geomorphology. The site comprises extensive Holocene age (post-Ice Age) meandering river channels and Atlantic blanket bog, overlying glacial till (Quaternary) and calcareous sandstones of the Downpatrick Formation (Carboniferous age). The site comprises river channels within an area of blanket bog that exhibit irregular and deranged meandering patterns.

While it is recognised that the Bellacorick aea occupies an important place in the development of Ireland's renewable energy industry, any future wind-farm development in the surrounding area poses a threat to the integrity of the site. This site should be assessed as an environmental constraint. Ideally, the site should not be damaged or integrity impacted or reduced in any manner due to the proposed development, including secondary impacts that may be related to altered drainage patterns, changes in soil profiles and structures, construction of temporary and

permanent access roads and so on as a result of the development. However, this is not always possible and in this situation appropriate mitigation measures should be put in place to minimize or mitigate potential impacts.

They would also ask that the design of any future development considers the use or information panels as appropriate to highlight the significance of the impacted CGS, (re. which contact details are given).

GSI resources re groundwater, geological mapping, geohazards, natural resources (minerals/aggregates), geotechnical database resources are outlined.

Should development go ahead, all other factors considered, Geological Survey Ireland would appreciate a copy of reports detailing any site investigations carried out. Should any significant bedrock cuttings be created, they would ask that the be designed to remain visible as rock exposure rather than covered in soil and vegetated, in accordance with safety guidelines and engineering constraints. In areas where natural exposures are few, or deeply weathered, this measure would permit on-going improvement or geological knowledge of the subsurface and could be included as additional sites of the geoheritage dataset, if appropriate. Alternatively, they ask that a digital photographic record of significant new excavations could be provided. Potential visits from Geological Survey Ireland to personally document exposures could also be arranged.

### 3.16. Third Party Observations

3.16.1. No third party observations have been received.

### 3.17. Development Plan

3.17.1. The Mayo County Development Plan 2014-2020 remains the operative plan. The draft Mayo County Development Plan 2021 – 2027 is at the public consultation phase and the adoption is project for November/December 2021.

## 4.0 Assessment

4.1.1. The issues which arise for further consideration are: appropriate assessment, and issues arising from the submissions, and the following assessment is dealt with under these headings.

## 4.2. **Appropriate Assessment**

4.2.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment.

4.2.2. An AA Screening report was submitted with the application and, in response to the Board's request, the applicant has submitted a Natura Impact Statement (NIS).

Description of the Development

4.2.3. The applicant provides a description of the project on pages 7 to 11 of the NIS which includes at paragraph 2.1.2 'Environmental Controls' and the construction methodology is further described in the report titled 'Construction Methodology for Western Way Bypass, submitted to the Board on the 22nd December 2020, where at section 6 'Environmental Controls' are set out.

4.2.4. The alterations to the approved scheme comprise the construction of a temporary 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. It involves a stream crossing and the development of access tracks either side of the stream, where access tracks currently exist.

4.2.5. 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 access tracks, using stone and geocomposite as required, and capped with a layer of Clause 804.

4.2.6. 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.

4.2.7. The development involves piping the stream with pipes of a diameter of 1.8m. 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. An operational width for the track and crossing of 6m is envisaged; the width the crossing will be determined by combining multiples of concrete standard units.

4.2.8. 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 of multiples of concrete pipe standard units. The crossing will be removed following completion of abnormal load deliveries.

Appropriate Assessment - Screening

4.2.9. Given the localised area of the proposed temporary works, this wide area of consideration is not necessary and only European sites in proximity and with some potential for ecological connection need to be considered in the screening stage.

4.2.10. I agree that four European sites are within a possible zone of influence of the proposed works by virtue of their immediate proximity or location downstream via a hydrological connection between the temporary stream crossing point (at a tributary of the Owininny River), associated adjacent access track works and the Owenmore River.

4.2.11. The European sites where potential impacts arising from the proposed works are a risk are:

- Bellacorick Bog Complex SAC,
- Owenduff/Nephin Complex SAC,
- Owenduff/ Nephin Complex SPA, and
- Blacksod Bay/Broad Haven SPA.

Site-specific conservation objectives have been developed for Bellacorick Bog Complex SAC, Owenduff/Nephin Complex SAC and Blacksod Bay/Broad Haven SPA. These objectives and those pertaining to Owenduff/Nephin Complex SPA are generally to maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or Annex II species for which the sites have been selected.

4.2.12. There is potential for contaminants, mainly suspended solids including peat fines, to enter the local watercourses during the installation of the culvert system and from vehicle movements along trackways adjacent to the watercourse, which is upstream of the protected sites. The entry of contaminants could potentially affect the qualifying interests of the SAC's and SPA's if their conservation objectives are dependent on water quality issues.

4.2.13. Having reviewed the screening report and NIS prepared by the applicant, I consider that one European Site is at risk of effects from the proposal given the qualifying features and conservation objectives of the site: Owenduff/Nephin Complex SAC.

4.2.14. The conservation objectives of the Owenduff/Nephin Complex SPA (upland bird species of Merlin and Golden Plover) are not dependant on water quality issues and there could be no direct or indirect effects of the proposed temporary works on the bird species for which the SPA is designated. The proposed protective measures would not have any influence on the protection or otherwise of this SPA and the likelihood for any significant effects can be excluded with confidence.

4.2.15. Blacksod Bay/Broad Haven SPA, designated for wintering water birds, breeding Sandwich Tern and wetlands habitats, is at a considerable distance downstream of the proposed works. Given the relatively minor scale of the works and the 17km distance from source to potential receptor, it is highly unlikely that any significant risk could be posed by a siltation ingress or construction related pollutant entering the freshwater system. Dilution effect over such a distance and the settling out of any suspended solids or peat fines would occur well before reaching the wetland habitat.

4.2.16. The features and conservation objectives listed for Bellacorick Bog Complex SAC are not connected to the water quality issues that may be generated by the proposed works. Protective measures not required to avoid or reduce any negative effects. Although close to the subject site, the SAC is separated from it by the national

secondary road which is a sufficient barrier to ensure that no encroachment on the protected site would arise.

Table 1 Screening summary

| European Site | Site Code | Relevant QI & SCI | Distance | Potential for significant effects on conservation objectives |
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| Bellacorick Bog Complex SAC | 001922 | Geyer's Whorl Snail.<br>Marsh Saxifrage.<br>Natural dystrophic lakes and ponds<br>Northern Atlantic wet heaths with Erica tetralix.<br>Blanket bogs (* if active bog).<br>Depressions on peat substrates of the Rhynchosporion.<br>Alkaline fens. | To the east and south of the N59 (ie. on the opposite side of the public road). | No<br>QI features and conservation objectives listed are not connected to the water quality issues that may be generated by the proposed works. Protective measures not required to avoid or reduce any negative effects |
| Owenduff/Nephin Complex SAC | 00534 | Oligotrophic waters containing very few minerals of sandy plains. | c.5 km downstream | Yes<br>A number of QI features are dependent on high water quality and are sensitive |

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| | | Natural dystrophic lakes and ponds.<br>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation.<br>Northern Atlantic wet heaths with Erica tetralix.<br>Alpine and Boreal heaths.<br>Juniperus communis formations on heaths or calcareous grasslands.<br>Blanket bogs (* if active bog).<br>Transition mires and quaking bogs.<br>Salmon.<br>Otter.<br>Marsh Saxifrage. | | to sediment ingress and any construction related pollutants in an uncontrolled situation.<br>Protective measures are required to avoid the potential for significant effects |

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| | | Slender Green Feather-moss. | | |
| Owenduff/Nephin Complex SPA | 004098 | Merlin.<br>Golden Plover. | c.5 km downstream | No<br>SCI species not at any risk from possible construction related emissions to water or land.<br>No protective measures required to avoid potential significant effects |
| Blacksod Bay/Broad Haven SPA | 004037 | Red-throated Diver.<br>Great Northern Diver.<br>Slavonian Grebe.<br>Light-bellied Brent Goose.<br>Common Scoter.<br>Red-breasted Merganser.<br>Ringed Plover.<br>Sanderling.<br>Dunlin.<br>Bar-tailed Godwit. | c.17 km downstream | No<br>SCI species not at any risk from possible construction related emissions to water or land.<br>Wetland habitat is at distance that would not be significantly affected by an ingress of suspended solids or possible construction related |

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| | | Curlew.<br>Sandwich Tern.<br>Dunlin.<br>Wetland and Waterbirds. | | compounds that could arise from works of this scale. |

*denotes a priority habitat.

4.3. Screening Conclusion

4.3.1. Having carried out AA Screening I am satisfied that in the absence of mitigation the potential for significant effects cannot be excluded for Owenduff/Nephin Complex SAC and that AA is required, no additional sites other than those assessed in the NIS need to be brought forward for inclusion in the AA.

4.4. Appropriate Assessment of implications of the proposed development

4.4.1. Appropriate Assessment: integrity test

4.4.2. The main issue as identified through AA screening is that construction related activities and the installation of the culvert system, combined with vehicle activity, may result in decreased water quality issues including siltation. Protective measures are required to ensure that the risk of adverse effects on the conservation objectives of Owenduff/Nephin Complex SAC are excluded.

4.5. Submissions and Observations

4.5.1. A number of submissions on the proposed alteration have been received, including from Inland Fisheries Ireland (IFI), which relates to impact on the watercourse. Submissions are dealt with under a separate heading later in this report. Implementation of the measures as recommended in the IFI report will further protect the stream and the downstream European site from adverse impact.

4.6. Mitigation measures

4.6.1. The Construction Methodology notes the rigorous controls that will be applied to avoid impacts on surface waters during construction of the temporary supplementary delivery route and its removal. 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. Requirements as set out by IFI will be strictly adhered to.

4.6.2. In addition to the measures set out in the applicant's submission the additional measures recommended in the IFI submission should be included as conditions.

4.6.3. In my opinion adherence to the best practice methods proposed during the construction and decommissioning of the temporary crossing, together with the additional measures recommended by IFI, will ensure that the potential for the project to impact on surface water and to have adverse effects on the qualifying interests of the downstream protected site Owenduff/Nephin Complex SAC is excluded. With the application of the proposed measures, the proposed works will not affect the attainment of the conservation objectives of this site or any other European site, and adverse effects on site integrity can be excluded with confidence.

4.7. In-Combination Effects

4.7.1. The Oweninny Wind Farm project was permitted by the Board having carried out appropriate assessment. Phase 1 of the Wind Farm has been constructed and is operational, Phase 2 is under construction. The detailed water quality mitigation measures for rivers and streams are being implemented successfully. When other projects are considered along with the proposed alteration there will not be any in-combination effect on European sites.

4.8. Conclusion and Appropriate Assessment Determination in relation to Site Integrity

4.8.1. The S 146 alteration of the project PA0029 has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. I consider that the Board can be confident that the information and assessment before them is complete, precise and definitive for the purpose of Appropriate Assessment.

4.8.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that in the absence of mitigation (best construction practice) the development may have a significant effect on a European site. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site in light of its conservation objectives.

4.8.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No,00534, Owenduff / Nephin Complex SAC, or any other European site, in view of the site's Conservation Objectives.

4.8.4. 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.

4.8.5. This conclusion is based on:

- the location outside of a European site,
- the relatively small scale nature of the proposed project,
- a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures,
- detailed assessment of in combination effects with other plans and projects including historical projects,
- no reasonable scientific doubt as to the absence of adverse effects on the integrity of Owenduff / Nephin Complex SAC,

## 4.9. Issues Arising from Submissions

4.9.1. The Irish Aviation Authority were consulted since they were notified of the original project. The proposed alterations have no impact on aviation.

4.9.2. The Geological Survey Ireland – submission refers to Geoheritage. The publication of the audit of County Geological Sites (CGS) for County Mayo in November 2020 is a recent occurrence and the presence of a CGS in the vicinity of the proposed wind farm development was not previously raised in relation to the wind farm project. The relevant site report for 'GIS code MO011' is attached as appendix 2 to this report. A map identifying the general location of the site of geological interest, GIS code MO011, is attached as appendix 3 to this report. The nearest part of the site of geological interest is at Muing River to the north of the subject site. The townlands in which the CGS site is located are 'Bellacorick, Shrahnakilly, Croaghaun West and Laghtanvack'. The proposed material alteration is located in the townland of

Moneynierin. The proposed alterations have no impact on the site of geological interest.

4.9.3. A submission has been received from Inland Fisheries Ireland (IFI) which relates to impact on the watercourse. Of note for the Board's consideration are the request that a clear span structure, such as a bailey bridge, be put in place to cross the tributary of the Muing River, if possible; and also that the culvert must have the capacity to convey flood flows without being overtopped. It should be noted that neither of these requests are being met. In my opinion the use of the design proposed, which the IFI have not discounted, is acceptable; and the use of a 30 year return period for the design, allowing for overtopping in more extreme flood flows, is also acceptable.

4.9.4. Other recommendations of IFI, most notably their response to the statement that it is Mayo County Council's opinion that this route should remain in situ to facilitate future projects, which is not acceptable to IFI, and other matters of detail in their submission, are capable of being incorporated in conditions.

4.9.5. Transport Infrastructure Ireland's submission has been referred to earlier and it is recommended that their submission be reflected in conditions.

## 5.0 Recommendation

5.1. I recommend that the Board decides to permit the making of the alteration the subject of this request, which constitutes the making of a material alteration of the terms of the development as granted permission under 16.PA0029, in accordance with the plans and particulars received by the Board on the 21st day of August, 2017; in accordance with the following conditions and for the following reasons and considerations.

## 6.0 Reasons and Considerations

**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 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 with146B(8)(b) of the Planning and Development Act 2000 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 April 2021.

## 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,

e) 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 / would not adversely affect the integrity of the European site No 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.

## 7.0 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. 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.

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 (eg. 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.

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.

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. 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 July and the 30th September.

The stream crossing shall be fenced and a silt barrier constructed to prevent silt or debris entering the watercourse.

The road shall fall away from the crossing to prevent a preferential flow pathway towards the stream.

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.

There shall be no direct discharge for the road construction site into the on-site steam. A detailed drainage design shall be provided prior to work commencing on site.

A screen or pump sock shall be used where over pumping is carried out.

The finalised method statement shall be provided to IFI one month prior to works commencing on site.

All environmental controls included in the NIS shall be put in place and included in the contract for construction.

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.

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Planning Inspector

16 June 2021

Appendices

1 Photographs

2 Mayo County Geological Site Report GIS Code MO011

3 Map indicating the location of Site GIS Code MO011

4 Site Synopsis Bellacorick Bog Complex SAC (Site Code: 001922)

5 Site Synopsis Owenduff / Nephin Complex SAC (Site Code: 000534)

6 Site Synopsis Owenduff / Nephin Complex SPA (Site Code: 004098)

7 Site Synopsis Blacksod Bay/Broad Haven SPA (Site Code: 004037)