

## Appendix 4

### Report of Oral Hearing Oweninny

Oral hearing Oweninny PA 0029 commenced on the 8<sup>th</sup> April and closed on the 22<sup>nd</sup> May, 2014. The hearing was conducted as a joint hearing with the proposed Cluddaun windfarm (adjoining) PA 0031.

In relation to the proposed Oweninny windfarm the relevant hearing dates are the 8<sup>th</sup> and 9<sup>th</sup> of April and the 10<sup>th</sup>, 11<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, and 23<sup>rd</sup> of April.

The hearing was broken into modules. The first module dealt with both applications; the introduction to each development, policy context, and need and principle of each proposed development. This part of the hearing continued for two days: 8<sup>th</sup> and 9<sup>th</sup> April 2014. The hearing continued to consider the proposed Oweninny windfarm only, until the 23<sup>rd</sup> April. In relation to the proposed Cluddaun development, the hearing recommenced on the 7<sup>th</sup> May and continued to the 22<sup>nd</sup> May when both hearings formally closed.

An order of proceedings issued to parties which set out the other modules as:

Protected sites / Flora/Fauna (particularly ornithology)

Soils and Water

Visual Impact

Residential Impact

Traffic

Phasing

Other issues not covered in the previous modules.

Following commencement of the hearing, with the agreement of the parties it was decided to include protected sites / flora/fauna (particularly ornithology) and soils and water in one module. Other alterations to the running order were made to facilitate the local community, who requested a late sitting to allow attendance at a time which suited them, during which apart from the many concerns which they raised, community gain was a particular item for discussion. The running order was also changed to facilitate the attendance of the DAHG (NPWS) representatives.

Following a request from one observer who is deaf, the Board arranged for the attendance at the hearing of sign language translators; although an observer to the Cluddaun development only, he intended to be present at the Oweninny section of the hearing and requested the services of sign language translation at that section of the hearing also and this was facilitated.

Oweninny Power Ltd. was represented at the hearing by Mr Eamonn Galligan SC and Mr Jarlath Fitzsimons BL, instructed by A&L Goodbody Solicitors.

Table 1 lists all those persons who gave evidence to the hearing.

Participants at the oral hearing in relation to Oweninny wind farm PA0029		
Name	Organisation	Representing
Dr PaddyKavanagh	Senior Environmental Consultant ESBI	Applicant
Brendan Allen	ESBI	Applicant
John Lynch	BnM	Applicant
Gerard Noonan	ESB	Applicant
David Browne	Barrister	An Taisce
Eddie Farrell		Observer
Pat McDermott		Observer
JJ McLoughlin		Observer
Deputy Michelle Mulhern	TD	Observer
Dr Brian Madden	BioSphere Environmental Services	Applicant
Michael Gill	Hydro-Environmental Services (HES)	Applicant
John McCarthy BE CEng	ESBI	Applicant
Dr Paul Jennings	Applied Ground Engineering Consultants Ltd. (AGEC)	Applicant
Joerg Schulze	URS	Applicant
Ray Hanley	Savills Commercial Ireland	Applicant
David Murphy	ESBI	Applicant
Eugene McKeown	RPS Group PLC	Applicant
Dr Martin Hogan	Consultant	Applicant
Paul Moran	ESBI	Applicant

Julian Keenan	Trafficwise Ltd	Applicant
Peter Sweetman		Observer
Dr Julie Fossitt	NPWS	NPWS
Prof Paul Johnston	Consultant Hydro Engineering and Hydrology	NPWS
Seamus Gaughran		Observer
Carta Byrne		Observer
Martina Hegarty	Michael Gillespie	Observer
Tom McHugh	Townagh Group	Observers
Brendan Lavelle	John Leslie	Observer
Padraig Lavelle		Observer
Rose Walsh	ESBI	Applicant
Dermot McDonnell		Observer
Michael O'Donnell		Observer
Martin Byrne	Consultant	Applicant
Ian Douglas	Mayo County Council	Planning Authority

Submissions which were handed in at the Oweninny sections of the hearing are listed below, with details of the speaker, the topic and the order in which they were received. All submissions are attached as appendix 5 to this report.

### **Submissions to the Board on PA0029 at the oral hearing (8th– 23rd April 2014)**

#### **Day 1: 8th April, 2014**

- 1 Dr. Paddy Kavanagh - Opening Statement
- 2/2A Brendan Allen - Planning Policy, Need and Principle 2A- Associated presentation

#### **Day 3: 10th April, 2014**

- 3 Dr. Brian Madden - Terrestrial Ecology 9.39

- 4/4A Michael Gill - Hydrogeological assessment of sensitive areas at and close to the site (including Iron Flush) 4A – Associated presentation
- 5/5A Dr. Paddy Kavanagh - Aquatic Ecology and Water Quality 5A – Outline Construction Environmental Management Plan (see 6C)
- 6/6A/ 6B/6C /6D John McCarthy Drainage and Sediment Control 6A – presentation 6B - Drawings 6C – CEMP (See 5A) 6D - EPA Site Characteristic Form

**Day 4: 11th April, 2014**

- 7/7A Paul Jennings Geotechnical Engineering and Peat Stability 7A – Examples of historic landslides in northwest Mayo
- 8 Joerg Schulze Landscape and Visual 8A – Associated presentation 8B – Large Hardcover A2 Booklet of Maps 8C – List of turbine heights at sea level
- 9 Ray Hanley Property Valuation
- 10 David Murphy Shadow Flicker

**Day 5: 15th April, 2014**

- 11 (A-F) Eugene McKeown Noise 11A – Correction to EIS table 7-16 and 7-17 11B – Siemens Acoustic Emissions Document 11C – A3 Map ‘Wind farm layout with noise sensitive locations figure 7.1 11D – A4 Map Extract from figure 7.3 H23 and H38 11E – A3 Map Predicted Noise level contour map – Oweninny only 11F – A4 page Map Extract from 7.3 showing H23 & H38
- 12/ 12A Dr. Martin Hogan Human Health 12A – Systematic Review of the human health effects of windfarms (U. of Adelaide)
- 13/ 13A/13B Paul Moran Traffic and Transport 13A – Outline Traffic Management Plan 13B – Draft Oweninny Wind Farm Desktop Transport Study
- 14 Peter Sweetman British Medical Journal Editorial -Wind Turbine Noise

**Day 6: 16th April, 2014**

- 15 Dr. Julie Fossitt Statement / Letter from NPWS (DAU) dated 16/04/14
- 16 Prof. Johnson Statement of Evidence
- 17 Conservation Objectives at Bellacorrick Bog Complex
- 18 Gerard Noonan Community Benefit Scheme Proposal and Local Employment Opportunities

19/ 19A Rose Walsh Consultation and Community Gain 19A Community Gain Associated Presentation

**Day 7: 17th April, 2014**

- 20 P. Sweetman Letters from Mayo Co Co re Oweninny Case P01/2542, dated 26/07/13 and 27/01/11
- 21 Dermot McDonnell Cronalaught Study
- 22 Ger Noonan Project Phasing
- 23 Mr. Galligan Compliance Documents (incomplete copy, see no.29)
- 24 Martin Byrne Cultural Heritage
- 25 Joerg Schulze Landscape and Visual Memo

**Day 8: 23rd April, 2014**

- 26 Mr. Galligan Keane vs ABP decision (interest in the land re permission)
- 27 Mr. Galligan Letter from Mayo Co Co 17/4/14 re compliance with conditions of permitted development (2003 permission – P01/2542 & ABP ref 16.131260)
- 28 Dr. Paddy Kavanagh Air Quality and Climate 28A – CO2 Lifecycle Analysis
- 29 Mr. Galligan Compliance Documents (full copy, no.23 is incomplete)
- 30 Dr. Paddy Kavanagh Material Assets and Main interactions of potential impacts of the project
- 31 Dr. Brian Madden Summary details of process for screening of designated spa sites for appropriate assessment
- 32 Mr. Galligan Legal submission
- 33 Dr Browne Closing / Legal submission
- 34/ 34A Schedule of Proposed Conditions 34A Schedule of Mitigation Measures
- 35 P. Sweetman Land Registry documents (Folio 19739F)
- 36 P. Sweetman Photomontage of Cluddaun site – downloaded from Mayo Co Co website – referred to as part of submission

P. Sweetman Link to European Platform Against Windfarms (EPAW) article: Lethal wind turbine accident in the Netherlands - A Vestas turbine catches fire: two workers killed.  
<http://www.epaw.org/multimedia.php?/ang=en&article=a19>

All of the proceedings of the Oral Hearing were recorded. The following is a brief synopsis of the proceedings as I consider appropriate, comprising an overview of the material presented to the hearing. In relation to Oweninny the hearing took place over 8 days.

The assessment in my main report makes reference to details submitted in evidence at the Oral Hearing and to the numbering of submitted documents.

## **Applicant**

**Dr Kavanagh** gave the introduction and overview of the project. He also gave evidence in relation to aquatic ecology, air quality and material assets.

**Mr Allen** outlined the planning and policy context for the project. He said that the ESB is de-carbonising its electricity portfolio.

**Mr Noonan** gave details of the ESBs power stations.

**Mr Lynch** set out the history of the site operated by Bord na Móna.

**Mr Gill** gave evidence in relation to hydrogeological with particular reference to sensitive sites.

**Dr Jennings** gave evidence in relation to peat stability

**Mr McCarthy** gave evidence in relation to drainage and sediment

**Mr Schulze** gave evidence in relation to landscape and visual assessment and present additional photomontages

**Mr Hanley** gave evidence in relation to property valuation

**Mr Murphy** gave evidence in relation to shadow flicker

**Mr McKeown** gave evidence in relation to noise

**Dr Hogan** gave evidence in relation to public health.

**Mr Moran** gave evidence in relation to traffic and transport

**Mr Keenan** gave evidence in relation to traffic

**Mr Byrne** gave evidence in relation to cultural heritage

**Ms Walsh** gave evidence in relation to community engagement

## **Prescribed Bodies**

**Dr Browne** representing An Taisce stated that An Taisce's position is agnostic regarding wind energy. They have specific ecological concerns in relation to the proposed development and concerns regarding prematurity pending grid connection.

In relation to Bellacorick Iron Flush (BIF) – which An Taisce holds legal title to where Marsh Saxifrage an Annex II protected species occurs. This is only one of 8 sites in Ireland where it is found. It is also a recorded location of 2 rare mosses under particular threat from drainage. Drainage is a specific concern of An Taisce. An Taisce has maintained a liaison with NPWS and with the applicant the proposal has evolved.

In relation to Habitats: AA must be carried out by the Board. The project must not have any adverse on a SAC. There are two SAC's within the footprint of the development: BIF and L Dahybaun

Other SACs: Bellacorick Bog Complex SAC, Carrowmore Lake SAC, Owenduff Nephin Complex SAC and Knockmoyle Sheskin Nature Reserve, all contain bog complexes and peatland ecosystems which are sensitive to drainage, particularly the excavation and drying out of the bog during construction phase.

They are concerned about the unresolved Grid Connection particularly stage 3.

Another issue of concern is the restoration of degraded peatlands and carbon management. BnM has engaged in rehabilitation since 2001. An Taisce is concerned that this would not be compromised or diluted by intensive wind energy development.

They are concerned that the EIS is inadequate in relation to invasive plant species – lodgepole pine and rhodendrum ponticum.

Dr Brown also submitted written evidence at the end of the hearing outlining An taise's view of the legal requirements on the Board.

**Dr Fossitt** representing The DAHG (NPWS)

Referred to duplicates in witness statements supplied; and that the CEMP was not supplied

### Regarding Appropriate Assessment

The Board is the competent authority with responsibility for carrying out an appropriate assessment of the proposed development, covering its entire footprint and all associated infrastructure works. In accordance with Section 177V of the Planning and Development Act, 2000, as amended, this must include a determination under Article 6(3) of the Habitats Directive as to whether the proposed development would adversely affect the integrity of a European site.

In submissions to the Board, the Department raised concerns regarding the adequacy and detail of the NIS. The Board was advised that:

1 the NIS was not sufficiently detailed or specific in relation to the process by which it determined what conservation objectives, if any, are at risk from the project, on its own and in combination with other plans and projects,

2 the NIS did not adequately present the scientific assessments of those risks, and

3 it had not been shown that conservation objectives (generic in the case of nearby European sites) were used in the screening process.

It appears, on the basis of the information available to the Department, that these points have not been addressed through the provision of a revised NIS or additional scientific data and analysis, except with respect to the additional hydrogeological investigations undertaken in the case of flushes in Bellacorick Iron Flush cSAC and Bellacorick Bog Complex cSAC.

Section 3.1.1 of Dr Madden's witness statement includes a limited response to the above in the form of a table 'Natura 2000 sites excluded at Stage 1 of the AA process', and text relating mainly to screening. The qualifying interests of SACs and special conservation interests of SPAs are listed but there is no specific reference to the sites' conservation objectives. Where conservation objectives are generic, as is currently the situation in the case of the European sites listed, they refer to maintaining or restoring the favourable conservation condition of the annexed habitat(s) and/or species for which the sites have been selected. There is a direct link with 'favourable conservation status' which is defined for habitats and species in Article 1 of the Habitats Directive.

### Ornithology

The Department does not concur with the exclusion of all SPAs from assessment in the NIS (as per the NIS and the table in section 3.1.1 of Dr Madden's witness Statement), and does not agree that there has been sufficient scrutiny of the range of European sites, specifically SPAs, requiring consideration as part of the screening process. It should be noted that screening for appropriate assessment is carried out to assess, in view of best scientific knowledge, if the proposed development, on its own and in combination with other plans and projects, is likely to have a significant effect on a European site.

It is considered that maps showing the location and scale of the proposed development in combination with existing, permitted and proposed windfarms and powerlines, SPAs and their special conservation interests, other areas of importance for birds (including SACs and NHAs), known and potential migration routes and flight paths and flight heights should be used to support and inform screening for appropriate assessment. In relation to migration routes of the Birds Directive Annex 1 species, Whooper swan, data presented in Griffin et al (2011) are of potential relevance to Co. Mayo and this proposed development.

The European Commission's guidance on wind energy developments and Natura 2000 states that, when screening, 'the assessment of significance needs to be done on a case-by-case basis... the loss of a few individuals may be insignificant for some species but may



have serious consequences for others, like some populations of eagles and vultures and other threatened species'. The guidance goes on to explain that population size, distribution, range, reproductive strategy and life-span will all influence the significance of the effects. The issues raised by this guidance do not appear to have been addressed in screening or in the NIS.

The Department reiterates previous advice to the Board that there is insufficient consideration of the potential effects on birds, their flight paths and migratory routes arising from the scale of the turbines and of the development, and from possible in combination or cumulative effects with powerlines and other windfarms. The Board is advised that the likely significant effects of the proposed development on various SPAs, particularly those selected for the conservation of the Birds Directive Annex 1 species, Greenland White-fronted Goose and Whooper Swan, require appropriate assessment.

Among other things, the assessment should address collision risks and changes to the ranges and populations of species of relevance, over time periods of relevance with respect to the Birds Directive and appropriate assessment in Ireland. This should include the Bog of Erris flock of Greenland White-fronted Geese, (fox et al 1994 & ) and changes to the Oweninny site resulting from the Cutaway Bog Rehabilitation Plan which has been in place for the Bord na Móna peatlands since 2003.

Other bird species or groups of particular conservation concern occurring at the site are the Annex 1 species Hen Harrier, and breeding waders (see, for example, Copland et al 2011). In relation to Hen harrier, which roost in the Louth Dahybaun area, birds are known to fly to and from the roost in all directions, including to the north through the windfarm site.

In relation to ornithology, it is the Department's advice to the Board that:

The appropriate assessment of the likely significant effects of the project, on its own and in combination with other plans and projects, that must be carried out by the Board for the current application needs to include relevant SPAs and bird populations which are not currently covered in the NIS;

There should be full consideration of the likely effects of the project, alone and cumulatively with other projects, on Hen Harrier, other Annex 1 bird species, breeding waders, and other wild birds occurring at the site, including in the context of the Birds Directive, favourable conservation status at national level, and the changing habitat and environmental conditions at the site resulting from rehabilitation of the commercially worked peatlands, when the EIA is carried out by the Board.

Mitigation should be sufficiently comprehensive to ensure that it can be demonstrated that the requirements of the wildlife Acts, 1976-2000, will be met with regard to the protection of breeding birds, their nests and unflown young during construction and operational stages of the development. In this regard, there are concerns that aspects of mitigation for works occurring during the bird nesting season are to be agreed with this Department during construction.

## Monitoring

In relation to ecological or related monitoring, it is the Department's advice to the Board that:

Monitoring may be specified to determine the effectiveness of proposed mitigation measures but may not be used to address data gaps or deficiencies in information required to carry out an appropriate assessment;

Proposals for monitoring, including details of monitoring locations, should be available at the application stage, and should not be deferred to be agreed at a later stage (i.e. post consent);

All areas where potentially disturbing or damaging monitoring is to occur should be within the current application area, and should be covered by the main project consent.

The Board must satisfy itself, before consent is given for the project, that there is no remaining reasonable scientific doubt regarding the potential for the development to have adverse effects on the integrity of a European site(s).

Following a response from Mr Madden, Dr Fossitt stated that

In relation to the CEMP which has been submitted they haven't had an opportunity to comment. If the Board wants a response they would need some time to review it. If they are listed in a consultative role or in any other way; they would have concerns with having to act on a project monitoring committee as suggested by Mayo County Council without understanding what is involved in that. Dr Fossitt accepts that the conservation objectives are listed in a limited form in the NIS. No other part of the Department's submission and advice to the Board is changed by the (further) submission and their advice stands.

In relation to the conservation objectives, the Board should note that favourable conservation condition refers back to favourable conservation status; made up of a number of different elements for habitats and species: habitats – the natural range and area they cover; specific structure and function necessary for the long term maintenance of habitats.

Conservation status of typical species: – conservation status is favourable when population dynamics data show that the species is maintaining itself and is likely to, on a long term basis as a viable component of its natural habitats. The natural range of the species is neither being reduced or likely to be reduced for the foreseeable future. There is and will continue to be a sufficient population to maintain its populations on a long term basis.

This element of analysis is not teased out in any detail.

She doesn't know whether it was the Board that directed that a NIS be carried out or the document was produced on a voluntary basis. There is a concern that all bird species was excluded from further examination at screening stage. The way that that was done is not set out by way of objective information or best scientific knowledge as is required under the planning legislation. They stand over that point. If that was not done, then the Board has an obligation of completing the AA.

She is not a birds specialist, however, the screening that was required to determine: 1) whether or not NIS was required; and 2) to define the extent of that assessment and the number of sites and range of areas to be included and conservation objectives of relevance, the scientific basis for doing that and for excluding sites at a greater distance than the 4 sites that were given consideration is not presented in any way.

The Department does not agree with the determinations reached that SPAs and birds would not form part of a NIS.

In relation to migration routes, potential given the scale of the windfarm measuring roughly 10km east west, these have potential for impact on migratory populations.

There is no night-time data on bird populations potentially moving across the site.

That nesting birds would be protected with details of mitigation to be agreed at a time that the project was under construction. It is for the Board to decide whether or not details of mitigation could be deferred to post consent.

The Department's view is that all mitigation to be set out prior to consent to make it clear what will happen, to ensure that all sensitive ecological receptors are protected fully.

Monitoring - their concern was not that monitoring was being used to fill data gaps. They were advising the Board that it is important that there was no deferral of data collection and that monitoring cannot substitute for data gaps.

The Board should have sight of all monitoring proposals, they should be here in detail at application stage and not deferred to post consent stage. They would need to see monitoring proposals now.

Any monitoring that was disturbing or damaging should not be carried out outside the site. They couldn't happen in a SAC; they could potentially need planning permission or the consent of their minister. There should be no impedence to monitoring happening fully once consent is given.

**Prof Johnston** representing The DAHG (NPWS) stated that he has 30 years experience related to wetland hydrology.

BIF: as an iron flush in a blanket bog it is necessarily sustained by subsurface water of characteristic quality emerging at the surface of the bog and thereby maintaining a characteristic vegetation/ecology.

Four turbine locations (t14, T30, T13 and T24) are within 300m of the boundary of the cSAC.

The impact of any proposed mechanism supplying the groundwater discharge at the flush, i.e hydrology is the key.

In response to the witness statement of Michael Gill, an additional hydrological study was undertaken by the applicant involving 10 further boreholes ranging up to 10.2m in depth although none penetrated bedrock. The mineral soil underlying the peat is a series of interleaving sands, gravels and sandy silts making up typical glacial till deposits of the area. Reported hydraulic conductivities ranged from  $10^{-5}$  to  $10^{-7}$  m/s over all the unconsolidated strata encountered, suggesting a continuous grading of material across the stratigraphic profile.

The plotted contoured water levels from the full set of boreholes revealed a consistent direction to shallow groundwater flow towards the Sruffaunnamuingabatia Stream which bounds the Bellacorick Iron Flush cSAC to the west. Borehole logs indicate a broad alignment of the glacial deposits east-west, supporting the general direction of groundwater movement to the west from a recharge area probably associated with a topographic high to the east of the cSAC. The pattern of bog pools in the flush area, although not necessarily connected to the flush itself, also indicates the westerly direction of shallow substrate flow. While there remains an apparent hydraulic gradient connecting the borrow pit area to the flush, the now established true gradient in the vicinity of the borrow pit is westwards, parallel to the long axis of the flush cSAC. The risk to the hydrology of the flush from shallow (>2.5m), wet excavation, as proposed for the borrow pit is therefore considered minimal.

Nevertheless, the proposed method of excavation i.e. single cells each backfilled before excavation of next, and leaving the existing rail embankment intact is recognized as a prudent precaution against potential impact. The much improved understanding of the shallow hydrology as revealed by the recent study has also shown a relatively stable environment, as exhibited by the flat responses of the water levels in the monitored piezometers/boreholes.

However the source, or sources, of the iron-rich groundwater feeding the flush still remains unestablished, hence caution dictates the need for ongoing hydrological monitoring (including water quality) during and for an appropriate number of years post-development. This needs to be accompanied by monitoring of a sufficient array of representative, predevelopment vegetation quadrants at 1, 3, 5 8 years and so on depending on how long the construction phase extends to and also for at least 5 years post-development. The lack of an obvious shallow source for the recharge area may be quite different from the one depicted in the developer's report from simple hydraulics – and indeed may be relatively remote from the flush itself. Thus there is a need for vigilance in monitoring during the development although turbine foundations and the borrow pit are less likely to affect such deeper pathways.

The new hydrological assessment now suggests that the development poses little risk to the shallow groundwater in the vicinity of the flush. However, prudent precautionary measures should be taken.

Following a response from Mr Gill, Prof Johnston referred to the problem of the water for the iron flush. If the pathway is in fact deep, the shallow nature of the development is not going to have a direct impact on that pathway. Given the flow rates that appear to be coming from

the flush, the ultimate recharge is quite localised, whether remote from the flush or otherwise. He is asking that monitoring is required not only for research purposes but also to address that small but significant uncertainty. It is acknowledged that post development would be undertaken. It would be useful to define the nature of the monitoring at this stage. The monitoring is not required to improve or change the EIS but to it is essential to resolve the small continuing uncertainty on an ongoing basis.

## **Observers**

**Mr Edward Farrell** – co-ordinated the response of many of the observers. He considered that Eirgrid should be present, that the NRA should be present and that Mayo County Council should be present at the hearing. The project should be considered along with Grid West. He questioned witnesses in relation to various aspects of the development.

**Mr Aidan Farrell** – co-ordinated the response of many of the observers and questioned witnesses in relation to engineering aspects.

**Mr Sweetman** - co-ordinated the response of many of the observers. He referred to legal precedent in relation to appropriate assessment and environmental impact assessment. He questioned witnesses in relation to various aspects of the development.

**Mr Bourke** Solicitor representing Mr Sean Moyles (grandfather) his wife, his son, daughter in law and family (their 5 children), who have lived in Formoyle for upwards of three centuries, half way down the eastern boundary of the site. Their residence is 1286m from T77 and 1095m from T78. Three of the children are visually impaired due to albinism; albinism also causes super sensitive hearing. This family wonders what this holds for them. No-one could live under this. No-one has made an offer of anything or given consideration as to how the family will live there.

**Deputy Michelle Mulhern's** submission focused on community gain, referring to the Mayo County Council request that the figure be set at €10,000 per MW installed. She noted that a review commission is looking at the possibility of undergrounding powerlines. She wondered how that would impact on development such as this.

**Mr McDermott** Solicitor lives near the Oweninny project and represents the Corrick Power Group which group is making a submission in relation to the community benefit contribution. The group was formed in August subsequent to the application being made and since then is aware that there would be a contribution of €1,000 per MW and was in discussion until last week. They wish to become observers to make a submission in relation to the level of benefit that it should be set at €10,000 per MW. They also request that scholarships be set up.

**Mr McLoughlin** who is part of Corvoderra Group stated that the farmers in this group have retained grazing rights. Mr Sweetman later submitted a document in this regard, item 35 of the documents submitted at the oral hearing.

**Mr Gaughran** who is part of Townagh Group, farmers, stated that the farmers in this group have established grazing rights.

**Mr Lavelle** on behalf of Ronan O'Donnell, Chairperson of Keenagh Development Committee set up in 2001. Their biggest problem at the end of the year is paying €500-600 euro to their accountant to keep the development going. They have plenty of ideas but no funds to back them up. They are looking to put funds in place to put these projects over the line and have local people working in the community.

**Mr McDonnell** represented himself and other observers. He raised concerns on behalf of Mr John Fergus and Mr Eamonn Fergus, Tawnaghmore, in relation to the compulsory purchase of part of the lands for turf cutting and its subsequent sale; the land which has been sold is not part of the subject site. He made repeated efforts to get raw data on wind availability from the applicant and requested the Board to seek such data. He did not accept the capacity factor of 33% presented by the applicant. He pointed out, using examples, how responsive the profitability of the project is to increase in wind speed. He stated that wind is a national asset, which should be properly valued and he considered that the profitability of the project was likely to be such that it could fund undergrounding of the future Eirgrid transmission lines.

**Mr Byrne** Principal (10 years in the school) of Scoil Nephin Keenagh. Families have been forced to move to more urban areas, they lost their third teacher; two years ago their enrolment fell to 13 and they became a one teacher school. There are many reasons why a one teacher school is unsuitable. When enrolment falls below 20 children that teacher becomes a one teacher school; besides the safety issues the teacher is delivering classes to 8 levels. They amalgamated with another two teacher, that school which had been open for over 100 years. They are now a three teacher school but if the numbers fall below 20 they will be back to a one teacher school. Jobs are needed to safeguard the school. The Oweninny development will not produce any jobs. There are possibilities for job creation. Tourism has developed in Mayo in recent years. This area has the same potential as Ballycroy national park. The aesthetically vulgar turbines would stifle this potential. The Bellacorick Station transmission capacity and there would be potential for a gas powered station which would be thwarted by the wind farm. It would be more difficult to get planning permission for a house.

How will it profit the area and its people, to which it will owe its existence, and will it prevent the future creation of jobs and the continuation of these communities, he queried.

**Ms Hegarty**, a resident in Keenagh, on behalf of Michael Gillespie.

When the ESB and BnM were in operation there were options for young people to take up jobs. Neighbours and friends were secure and they had local services and enterprise. With the withdrawal of BnM and ESB, there followed by a ripple of withdrawal of services, and people moving away. Now people are living off Fás schemes

In 2014 there are 8 weddings involving their community, not one of those families will be able to live in this locality. Their core objective is to revitalise their communities. Since the

1911 census there has been a 94% decline in the population of the townlands surrounding the wind farm.

BnM and ESB are seeking to engage once more with the community under the guise of community benefit. There are many ways in which funds can be used to their advantage.

Establishing the full capacity that can be generated is a vital ingredient in a community benefit fund. All MGW delivered by windfarms should be calculated.

OPL are offering €1,000 per MW, ignoring best practice elsewhere. Why not take a lead from them on how they deal with community benefit. How can their community gain employment from industry. The number of youth in their community are dwindling. The next generation is the future. How many homes will remain open and how close will your nearest neighbour be. We have an opportunity here to support youth: an apprenticeship to become a fitter, a scholarship on windfarm maintenance or jobs in construction. Will OPL establish scholarships and apprenticeships to allow opportunities for their youth to take those jobs?

The possibility of using local services is stated in the application making use of local materials. OPL are enabling themselves with batching plants and borrow pits, removing the possibility of local established companies providing these services.

Nothing will be provided to the local community until the windfarm is operational in 2017.

What are the blockages to OPL showing full engagement with the community in setting up schemes and local employment, youth initiatives establishing local services before this date.

Conditions they want attached:

Guarantees of local employment, engagement with local communities; establishment of capacity and review if technology changes. They will live with the impacts day in day out should be given benefit. Ms Hegarty does not see how planning permission can be granted without the agreement of the local community.

**Mr Gaughan** Townagh Group. Village of Townagh is to the west, many people live just over 1,000m from a turbine. He is a local farmer speaking on behalf of 5 of his colleagues. They have established a grazing right on 375 ac east of the Sheskin road. This was raised in the previous oral hearing in 2003 and BnM did not ask them to remove their animals.

BnM purchased this land for €3 per acre in the early 50's under a CPO order. They are asking for their grazing rights to be protected.

**Mr McHugh**, Townagh Group, the farmers in this group have established grazing rights on land east of the Sheskin road; their grazing rights are important to their continued farming in the area.

He referred to the loss of BnM and ESB - during the peak season each year there were approx. 500 people employed. Following closure of ESB services closed. There are two

occupied houses in Bellacorick. If the people living in Townagh or surrounding villages want for a pint of milk or a loaf of bread they have to make a round trip of 14 km to Bangor.

They were told that if the project was to pay more than €1,000 per MW to the community benefit fund it would not be viable. He is sure that the developer would not invest so much in a project with such a poor return.

There will be a huge profit for 30 years. The community do not understand why they have to guess and estimate what the financial gain and profit of the project will be. They are calling for the Mayo Co Co contribution of €10,000 pa be applied. They want to see benefits to local community, apprenticeships, scholarships.

Mr Douglas gave evidence on behalf of the planning authority including relevant evidence given at the section of the hearing in relation to the proposed Cluddaun wind farm – the County Development Plan 2014-2020 has been adopted; a policy on Community Benefit Contributions has been adopted.