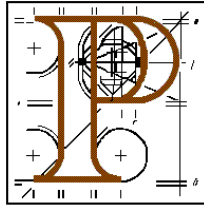


An Bord Pleanála



Inspector's Report

16.PM0011 – Amendment to Strategic Infrastructure Development – Alter the terms of the previously permitted Oweninny Wind Farm (application ref. 16.PA0029).

Development – installation of a new 110kV underground cable (UGC) circuit to connect the permitted Oweninny Windfarm 110kV Substation to the ESB Bellacorick 110kV Substation.

Location:	County Mayo
Type of Application:	Request to alter previously approved Strategic Infrastructure Project
Planning Authority:	Mayo County Council
Applicant:	Oweninny Power Ltd.
Date of Site Inspection:	17 th November 2016
Inspector:	Dolores McCague

1 INTRODUCTION

- 1.1 The project, which the Board approved on the 2nd of June 2016, ref. no. PA0029, under the Strategic Infrastructure Development 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.

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

- (i) 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.
- (ii) Eight number permanent meteorological masts up to 120 metres in height.
- (iii) Electrical requirements associated with the wind farm including: four number 110 kilovolts electrical substations each of which will include two number control buildings; two number 110 kilovolts overhead lines (approximately 2.4 kilometres and 1.7 kilometres respectively) and four number 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.
- (iv) A visitor centre associated with the wind farm with ancillary parking for buses and cars; an operation and maintenance building.

- (v) Reuse of three number existing site entrances off the N59, signage at the main wind farm entrance and on the public road adjacent to the main entrance.
- (vi) Additional associated and ancillary developments include: 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.
- (vii) 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.
- (viii) A 15 year permission and a 30 year operational life from completion of entire wind farm is sought for the proposed development.

1.2 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. Arising from the amendments, rather than 112 (2.5–3.5 MW) wind turbine generators, the development comprised: 61 (2.5–3.5 MW) wind turbine generators and included the following details: 172 Mega Watts (MW) wind farm, crane stands and blade laydown areas at each turbine location (61), 2 no. electrical substations, underground cables from the wind turbines to the substations, 2 no 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.

- 1.3 Condition no. 1 of the grant of permission required compliance with the further information submission.
- 1.4 On 2nd November 2016, the Board received a request under section 146 of the Planning and Development Act 2000, as amended, from Oweninny Power Ltd, to make a number of alterations to this development.

2 LEGISLATIVE BASIS

- 2.1 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.
- 2.2 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.
- 2.3 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 PROPOSAL

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

Modification of the approved 3.7km connection between the windfarm 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 2km and the removal of approximately 2km of approved overhead line.

4 APPLICATION DOCUMENTS

4.1 Documentation accompanying the application for approval includes:

- An appropriate assessment screening report,
- An ecology report,
- A cultural heritage report, and
- A construction method statement.

The application refers to legal opinion in relation to EIA and AA screening. The advice being that EU law does not prevent modifications to consented projects to be screened for AA in their own right even where they modify a project that required stage 2 AA; and that modifications to an EIA Planning Permission can be screened for EIA and, if the screening test is passed, that there is no need to carry out a full EIA (in this regard there is reference to a High Court case: South-West Regional Shopping Centre Promotion Association v ABP).

The proposers submit that Stage 2 AA is not required; and that EIA is not required.

In relation to EIA they submit that the area where the undergrounding of the cable is proposed was already subject to EIA and the proposed amendment is minor in nature.

Having regard to the location of the site and the ground disturbance involved, an AA screening report, an ecology report and a cultural heritage report have been submitted.

In relation to AA they submit, on the basis of the AA screening report, that the project poses no potential for significant impacts on the Natura 2000 network.

4.2 Appropriate Assessment Screening Report

4.3 An Appropriate Assessment Screening Report, prepared by Biosphere Environmental Services accompanies the application.

4.4 The proposed development is described as:

The cable will be installed in a trench typically measuring approximately 0.6m width by 1.25m depth. The trenching and ducting works will follow a step by step methodology, detailed in Construction Methodology for Underground Cable, (supplied). For the sections across peat, there will be a specific methodology which will include the use of bog mats or a floating road to provide stability for machinery to access the area. To facilitate the jointing of underground cables, joint bays are required approximately every 600-800m along the cable route. The joint bays are the locations where the separate cable lengths are joined together. Joint bay dimensions are typically in the order of 6m long x 2.5m wide x 1.2m deep. Four joint bays are required along the proposed cable route. They will be located underground and will be completely backfilled during temporary / permanent reinstatement works. A permanent access road, which is part of the proposed amendments, will lead from turbine no. 68 to joint bay no. 4; a length of approx. 400m. Two turning areas are proposed: at joint bay 3 and joint bay 4, c 10m x 15m each. The crossing of the Oweninny river will be at the Bord na Móna bridge, which will be fitted with a new deck, (which was previously proposed and permitted). The construction will be supervised and monitored by a suitably qualified ecologist (Ecological Clerk of Works). The construction is estimated to take 4 to 6 months.

4.5 The site is located within the site of the permitted Oweninny wind farm, which is the landholding where Bord na Móna formerly operated a peat harvesting, and which is now an area of cutover bog.

4.6 An ecological survey of the route corridor was carried out on 28th September 2016. At the Bellacorick station the route passes through disturbed ground associated with the former power station: recolonizing

bare ground (ED3). It then follows a gravel track to just north of the Oweninny River crossing, along which the habitats comprise spoil and bare ground (ED3), and dry meadow and grassy verges (GS3). The northern half is through cutaway bog that is colonised to various degrees by regenerating bog vegetation. Two bog remnants, both disturbed and of low value, are crossed. These habitats are cutover bog (PB2) and dry heath (HH1). Overall the habitats along the route are artificial in origin or highly modified and ranked as local (lower value) importance.

4.7 All Natura sites within 15km of the project were included in the AA screening report:

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 (02144)

Broadhaven Bay SAC (site code 0472)

Owenduff/Nephin 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)

4.8 The issues examined in relation to potential impacts from the underground cable project on the European sites within 15km of the site are stated as:

Loss of, or physical disturbance to, habitats

Potential effects on peat stability

Potential impairment of water quality due to construction works

Potential impacts on bird species

- 4.9 Re. loss of or physical disturbance to habitats – the route corridor does not interact with any designated European site. The closest such site, the Bellacorick Bog Complex SAC, is 500m to the south; south of the N59 and the Owenmore River. The proposed project will not result in any loss of, or physical disturbance to habitats in any identified European site.
- 4.10 Re. potential effects on peat stability - peat stability risk assessment carried out in relation to PA0029, concluded that there is no significant risk of peat slippage to the two identified European sites: Bellacorick Bog Complex SAC and Bellacorick Iron Flush SAC. No significant adverse impacts on any Natura 2000 site are predicted.
- 4.11 Re. potential impairment of water quality due to construction works – the project site drains to the Oweninny River which merges with the Owenmore River just south of Bellacorick Bridge. The Owenmore River forms the boundary of the Bellacorick Bog Complex SAC. Bellacorick Bog Complex SAC is not designated for river habitat or associated species, however it is important that the ecological quality of the entire site is maintained. The works will take place close to the Oweninny River and will include a bridge crossing but no in-stream works. It is considered that the potential for pollution of the river is not significant because:
- the works are relatively small in scale;
 - of relatively short duration;
 - the contractor will be obliged to follow the relevant conditions contained in the Construction and Environmental Management Plan (CEMP) including the preparation of a Work Method Statement that will detail the strict pollution control measures that will be followed; and
 - the works will be supervised by an ecologist with experience in working on peat habitats.

- 4.12 The proposed project will not cause water pollution of the Bellacorick Bog Complex SAC or any of the other identified European sites.
- 4.13 Re. potential impacts on bird species – each SPA is referred to, and in each case it is stated that due to the very substantial distance between the site and the SPA the construction works for the cable would not be expected to have any impacts, direct or indirect, on the special conservation interests of the SPA.
- 4.14 Re. in-combination effects – a thorough assessment of potential impacts on Natura sites within a 15km radius of the Oweninny site has been carried out for the approved Oweninny Wind Farm. An objective assessment of the Oweninny Wind Farm showed that the sensitive design of the project and appropriate mitigation where required, will ensure that there will be no significant impacts on the conservation objectives of any Natura site. Taking this into account and considering the other projects and land use activities carried out in the wider area it is concluded that there will not be any significant in-combination contribution by the Oweninny project to possible existing or potential future adverse impacts on any Natura site or Annex 1 bird species.

4.15 **Ecology Report**

- 4.16 An ecological report accompanies the application. An ecological survey of the route corridor was carried out by Dr John Conaghan on 28th September 2016. Habitats within a distance of 100m either side were evaluated. Possible linkages with Annex 1 habitats were considered.
- 4.17 The habitats, which are shown mapped in Figure 2 of the report, are divided into six sections labelled A to F.
- 4.18 Section A is closest to the Bellacorick Power Station compound and is recolonizing bare ground (ED3).
- 4.19 Section B, (following), is spoil and bare ground (ED2). The track skirts remnant no. 10 identified in the Oweninny Wind Farm EIS where it is classified as local (higher value) importance.
- 4.20 Section C, (following), is spoil and bare ground (ED2) and dry meadow and grassy verges (GS3). A small area of base rich fen occurs at a

junction between two tracks. It is likely to be of a secondary origin and to have developed on shallow peat underlain by calcareous gravel used in track construction. The track skirts remnant no. 17 identified in the Oweninny Wind Farm EIS, where it is classified as local (lower value) importance.

4.21 Section D, (following), is cutover bog (PB2). In the northern half there is a substantial area of wet cutaway.

4.22 Section E, (following), is cutover bog (PB2) and dry heath (HH1). This section cuts through the eastern part of remnant no. 18 identified in the Oweninny Wind Farm EIS and classified as local (lower value) importance.

4.23 Section F, the final section, is cutover bog (PB2) and includes an access track to turbine no. 68. There are occasional wet drains in this area. The most northern part of this section cuts through remnant no. 24 identified in the Oweninny Wind Farm EIS and classified as local (lower value) importance. During the survey this small area was hardly discernible as blanket bog, and was considered highly disturbed bog.

4.24 Species whose occurrence is considered in relation to the corridor, include:

the ubiquitous mammal species: red fox, pygmy shrew and long-tailed field mouse; along tracks and in drier areas;

otter on any rivers and streams;

bat species are scarce and habitats are considered poor for supporting bats;

common lizard along dry tracks;

for breeding bird species habitats are poor, however meadow pipit (red listed) and skylark (amber listed) are widespread and could nest along track margins and in drier areas of re-vegetating bog; the area is not of any importance for wintering birds.

- 4.25 Overall the habitats along the route are artificial in origin or highly modified and ranked as local (lower value) importance.
- 4.26 The base rich fen could be classified as Annex 1: habitat alkaline fen; however this is a small area developed at a junction between two tracks and probably due to the presence of calcareous gravel underlying shallow peat.
- 4.27 The fauna along the route corridor is low in diversity but includes species such as the Irish hare and pygmy shrew which are protected under the Wildlife Acts. Otter, listed on Annex II of the Habitats Directive, occurs along the rivers within the Owewninny site and would be expected at times along the Oweninny River, which the cable will cross.
- 4.28 Meadow Pipit (red listed) and Skylark (amber listed) are the principal bird species of conservation interest which can be expected to nest along the route corridor.

Impacts on habitats and flora

- 4.29 The main impacts will be disturbance to various habitats during construction. This impact is temporary, as the trench will be backfilled immediately when the section is complete. Good recovery of vegetation is expected within 1-2 growing seasons.
- 4.30 Impact along existing disturbed ground and the gravel track is not significant as these habitats are man-made. Care is required to avoid disturbance to adjoining bog remnants and also the small area of alkaline fen close to the route. Over cutaway bog, parts of which are re-vegetating, the impact is rated as of low significance. Where it runs through bog remnants, with appropriate mitigation, good recovery can be expected. Two of the joint bays are within the existing gravel tracks and two within cutaway bog. Following significant temporary disturbance, the finished joint bay will be covered by up to 50cm of peat and good recovery of bog vegetation is expected. Permanent loss of cutaway bog will result from the access track (2,200m²) and turning bays (2 x 150m²) and the loss of this habitat, of low conservation value, is rated as of low significance.

Impacts on fauna

- 4.31 No mammal species is expected to be affected. Temporary disturbance to passing otter could occur from works at the bridge crossing.

Birds

- 4.32 Potential disturbance to birds nesting along the route could be expected during the nesting period March to August, mainly Meadow Pipit and Skylark. Snipe may nest nearby. As these species are of conservation value, and as all wild birds are legally protected, mitigation is proposed.

Designated sites

- 4.33 No impacts, direct or indirect, are expected due to geographical separation and lack of hydrological connectivity.

Local Mitigation

- 4.34 Supervision by Ecological Clerk of Works.
- 4.35 At all the sections through the two bog remnants and at the locations for the two joint bays in cutaway bog, the surface vegetation will be cut out in turves of up to 1m depth, stored vegetation side up and replaced when the work at these locations is complete. It is recommended that vegetated turves, excavated from the turning bays and access track, are harvested and used to encourage re-vegetation elsewhere along the cable route section in cutaway bog.
- 4.36 The small area of fen, at the junction of the two tracks, will be fenced off to ensure that spoil from the trench work does not spill into this area.

Birds

- 4.37 Works should be planned during the nesting season. A survey for nesting birds along the route will take place prior to works commencing. A survey of the direct work area, and a distance of up to 500m, depending

on local habitats, will be undertaken by an ornithologist, focusing on the target species associated with the Wind Farm site:

Common Gull
Common Sandpiper
Dunlin
Golden Plover
Greenshank
Kestrel
Little Grebe
Merlin
Red Grouse
Ringed Plover
Snipe, and
Teal

- 4.38 Should any of these species, or any additional sensitive species not previously recorded on site, be found to be holding territory, works will be restricted within an agreed distance from known or suspected nest locations, until breeding has been completed successfully or otherwise, as confirmed by repeat site visits. The restricted distance will vary between species. If avoidance of work poses a major problem for the progress of the project, consideration can be given to the erection of screening between the work area and the nest location, depending on the species in question, and subject to agreement with NPWS. Regarding section 46 of the Wildlife (Amendment) Act 2000, where practical, vegetation clearance will be carried out, outside the restricted period. Where ground clearance is required within the closed season, an appropriate survey will be carried out by an ornithologist for the presence of breeding birds. If an occupied nest is found, work in the area will be delayed where feasible, until the nesting attempt is complete. If avoidance is not feasible, a derogation licence will be sought from NPWS.

Water Quality

- 4.39 To protect water quality the contractor will be obliged to comply with all environmental commitments, mitigation measures and planning conditions in PA 0029, including the approval by the planning authority of a CEMP and Work Method Statement detailing strict pollution control measures and remedial measures, should an incident occur.

Invasive Species

- 4.40 Guidelines produced by the NRA (2010) on 'The management of noxious weeds and non-native invasive plant species on National Roads', will be adhered to.

Residual Impacts

- 4.41 There will be no significant negative residual ecological impacts.

4.42 Cultural Heritage Report

- 4.43 A Cultural Heritage Report, prepared by Martin E Byrne, accompanies the application. No previously recorded archaeological features /monuments are located within or in the immediate environs of the corridor. A survey by the Archaeological Wetlands Unit was undertaken in May 1998 at Owennienny to investigate the archaeological potential of the lowland blanket bog. A number of areas were subjected to a surface and peat-face survey. No features of archaeological interest /potential were noted by such survey.
- 4.44 Archaeological monitoring of ground reduction works associated with the construction of approx. 7km of access tracks, undertaken with respect to the existing grant of planning permission, was carried out in late 2013 and a comprehensive programme of geotechnical site investigations was undertaken in late 2013 / early 2014 with respect to the proposed phases 1 & 2 of the subject development. Nothing of archaeological interest or potential was uncovered.
- 4.45 It is not considered likely that the development will cause any direct or visual impacts to any archaeological monuments, however groundworks associated with such development have the ability to uncover and disturb unrecorded subsurface features, deposits, structures and artefacts of archaeological interest and potential, particularly within though not confined to existing peat-bog areas.

4.46 Mitigation

- 4.47 In keeping with the terms of condition no. 12, the following mitigation strategy is suggested:

- 4.48 The developer shall employ a suitably qualified archaeologist to monitor, under licence, all peat removal works to the surface of the underlying sterile subsoils. In the event of archaeological material being uncovered during the course of such monitoring the archaeologist shall be empowered to have works stopped in the vicinity, pending receipt of advice from the National Monuments Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. Should archaeological / historical material be recovered during such works, the requirements of the National Museum of Ireland with regard to such items should be implemented.
- 4.49 Following completion of all archaeological monitoring and any other possible investigations associated with each phase, the archaeologist shall prepare and submit a report to the planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- 4.50 There are no predicted impacts during the construction or operational phase; if work was permitted to commence without any archaeological mitigation, features or artefacts which might be uncovered would most likely be destroyed and not recorded.
- 4.51 No negative residual effects are envisaged.
- 4.52 It is not considered that the cumulative effect of the construction of the proposed development, together with other projects will cause any increased negative impacts to sites of Cultural Heritage interest.
- 4.53 Construction Method Statement**
- 4.54 A Construction Method Statement, prepared by ESBI, accompanies the application. The selection of the cable route and joint bay locations involved technical and environmental evaluation of the area to ensure it is suitable for construction works, site investigations have already been carried out.
- 4.55 The methodology for trenching and ducting is set out.
- 4.56 The methodology for trenching and ducting in areas where peat has been encountered is set out. The installation of bog mats or a floating road provide a good option to minimise the impact of construction traffic.

The proposed alignment of the cable route and floating roads / bog mats will be set out prior to construction to identify any areas of instability. Good practice for the construction of the bog mat / floating road is to construct it on top of the existing vegetation cover. Trench to be excavated to the bottom of the peat with a 900mm wide bucket, batter back the excavation at 45⁰ from a metre below finished ground level. Excavation, battering back and backfilling should be brought on together to avoid trench collapse and tracking back to re-dig any sections. Care to be taken not to excavate too much in linear metres. Install a layer of geogrid and terram. Place cement bound granular mixture B (CBGM B) in the excavated trench. Where it has been excavated below the design depth, the CBGM B should be installed to within 1300mm of the existing ground level and compacted with a hydraulic plate compactor, attached to a track machine, to eliminate the requirement for personnel entering the excavated trench. Cable ducts are then installed per standard trench. Install a layer of terram 300-400mm below the finished ground across the full width of the excavated / disturbed ground. Reinstate topsoil.

- 4.57 The methodology for constructing of joint bays is set out, including: ground excavation to solid formation. If the formation level is below the design level for the base it will be backfilled and compacted with Clause 804 material.
- 4.58 The conclusion is that construction of the 110kV underground cable trenching and cable installation between Oweninny Windfarm 110kV substation and the Bellacorick 110kV substation is considered uncomplicated. It will be undertaken in a similar manner to the installation of underground cables throughout the windfarm.

5 BOARD CORRESPONDENCE

- 5.1 The request was received on the 2nd November 2016.
- 5.2 The Board wrote to Mayo County Council on the 7th November stating that the request had been received and enclosing a copy of the request, which, they were advised, may be made available for public inspection.
- 5.3 The planning authority was not invited to make any submission at this stage.

6 ASSESSMENT

- 6.1 I have examined and read the documents on file, inspected the site and environs and considered relevant planning policy. I consider that the issues which arise can be dealt with under the headings: materiality of the alterations, likelihood of significant impact on the environment; and appropriate assessment. The assessment which follows is set out under those headings.

Materiality of the Alterations

Approved Project

- 6.2 On the 2nd of June 2016 the Board's 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.

Significance of Alterations

- 6.3 The approved connection between the windfarm substation and the national electricity grid, a length of 3.7km is, as permitted, part overhead and part underground circuit.
- 6.4 The EIS for PA0029, chapter 2, describing the project, stated that to minimise the potential visual and landscape impact the overhead line from substation locations 1 and 2 will be undergrounded as it approaches the Bellacorick substation site for a distance of up to 2km. A cable interface tower will be utilised as a transition structure to accommodate the transition from overhead line to underground cable. As described, each 110kV overhead line would consist of three overhead conductors, carried on double wood pole portal structures, whose poles are 5m apart (centre to centre) and average height of 18m. The pole structures would have a maximum height of up to 22m. The average distance between structures would be approx. 180m. An earthwire consisting of two continuous wires would be clamped on each set of wood poles and steel lattice towers. Where the line changes direction, a steel lattice tower up to 24.5m and an average base area of 5m x 5m would be utilised. The existing Bord na Móna machine bridge across the Oweninny river will be upgraded to carry electricity cables.

The route of the overhead line from Substation no 1 was selected from two viable options (referred to in paragraph 4.3.4.3), and followed a route west and then south-west from the substation.

- 6.5 It is now proposed to underground the entire length of cable and therefore to omit the use of overhead line. The route to be followed for the undergrounding is similar to the route previously proposed for the overhead line. Although included in the details submitted, the remainder of the cable line follows the route previously proposed and since it was previously proposed to be underground this section is not considered to be an alteration to the project.
- 6.6 The Board will note that the description of the development in the application details and the notices published for PA0029 describe the development as including *'two number 110 kilovolts overhead lines (approximately 2.4 kilometres and 1.7 kilometres respectively) and four number 110 kilovolts underground cables all required for connecting the substations to the national electricity grid'*. It is to be noted therefore that the itemised description of the development, included the subject overhead lines.
- 6.7 The Board will also note that it has previously considered the issue of undergrounding these cables; the draft conditions in the inspector's report included, as condition no. 3, that the powerlines between the proposed substations and Bellacorick substation be placed underground, to protect avian ecology; the Board's decision did not include this condition.

Consultations

- 6.8 Submissions to the Board in relation to PA0029 include reference to negative impact on visual amenity from the turbines and associated infrastructure. No adverse comment was made in relation to underground cables.
- 6.9 The Department of Arts Heritage and the Gaeltacht, Development Applications Unit, made a written submission to the Board (28/8/2013) in relation to PA0029 which includes: *'power lines from substations 1 and 2 will be mostly overhead and some distance from the Bellacorick substation they will be positioned under ground. It is recommended that all new power lines should be placed under ground to help reduce impact on birds using the area.'*

Conclusion in relation to materiality

- 6.10 Notwithstanding that the overhead lines were of sufficient significance to be listed as an item in the development description and to have been a consideration in the Board's decision in my opinion the proposal would

not result in new or different planning issues to those that were addressed prior to the grant of planning permission and therefore I do not consider the proposed alterations to be material.

- 6.11 In reaching this conclusion I have had regard to the conclusions regarding appropriate assessment and the likelihood of significant effect on the environment set out in the following sections of this report.

Likelihood of a Significant Effect on the Environment

- 6.12 In relation to EIA, the applicant's submission is that the area where the undergrounding of the cable is proposed was already subject to EIA and that the proposed amendment is minor in nature.
- 6.13 The proposed alterations to the 3.7km of cable involves the undergrounding of a section of approx. 2km length which was previously proposed to be carried across the site as an overhead line. The undergrounding will involve laying the cable in a trench, typically measuring approximately 0.6m width by 1.25m depth; the provision of joint bays approximately every 600-800m, 4 in total along the 3.7km route, 6m long x 2.5m wide x 1.2m deep (typically); a permanent access road, from turbine no. 68 to joint bay no. 4, a length of approx. 400m; and turning areas at joint bay 3 and joint bay 4, c 10m x 15m each. The crossing of the Oweninny river, as previously proposed and permitted, will be at the Bord na Móna bridge, which will be fitted with a new deck.
- 6.14 Most of the work will take place in peat, which requires specific peatland working methodologies such as floating roads. The permitted overhead line would have given rise to similar issues.
- 6.15 The proposed alterations will require more excavation than would be required for the permitted development, which would have required excavation for foundations for the steel towers and for the polesets and sleeper/raft supports.
- 6.16 In my opinion no new considerations arise in relation to impact on the environment which were not considered in the assessment of impacts for PA0029. The proposed alterations will have less visual impact. Any impact on hydrology would be marginal. A similar level of impact on ecology during construction, such as disturbance to species can be anticipated. There will be less impact on birds during the operational phase
- 6.17 The information presented in relation to the subject proposal provides a more focused survey in relation to ecology and more detail in relation to the construction methodology for the subject area and subject development, rather than anything which is new. The Board will note that the greater detail in the submission would accord with conditions 4 and 5

of the permission granted (PA0029) in relation to prior to commencement details.

- 6.18 The proposed alterations involve more groundworks and excavation than would be involved in the erection of the permitted overhead lines. Groundworks and excavation were significant aspects of the overall development in PA0029. The ground works and excavation do not impact on any sensitive or protected sites in a manner not previously considered in PA0029.
- 6.19 Nothing in the documentation submitted indicates that any new issues arise.
- 6.20 In my opinion there is no likelihood of a significant effect on the environment occurring as a result of the proposed alterations to the permitted development.

Appropriate Assessment

- 6.21 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, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment.
- 6.22 To facilitate the Board in carrying out this function the applicant has submitted a Stage 1 Screening report prepared by BioSphere Environmental Services.
- 6.23 I am satisfied that the Board, as the competent authority, has sufficient information to carry out its obligations under the Habitats Directives and implementing legislation.

Screening Report

- 6.23.1 The appropriate assessment screening report identifies the potential impacts on European sites as:

Loss of, or physical disturbance to, habitats

Potential effects on peat stability

Potential impairment of water quality due to construction works

Potential impacts on bird species

6.23.2 These are among the impacts previously considered by the Board in relation to the overall project, which were:

Loss of, or physical disturbance to, habitats

Potential effects on peat stability

Potential impairment of water quality due to construction works

Potential impairment of water quality during operational phase

Potential impacts on hydrology

Potential impacts on bird species

Potential impacts on aquatic species

Conclusion of Screening PA0029

6.23.3 The Boards screening of PA0029 determined the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on:

the SAC's:

Broadhaven Bay SAC (site code 0472)

Slieve Fyagh Bog SAC (site code 0542)

Glenamoy Bog Complex SAC (site code 0500)

Laugh Dahybaun SAC (site code 02177)

and the SPA's:

Owenduff/Nepin SPA (site code 004098)

Lough Conn & Lough Cullin SPA (site code 004228)

Carrowmore Lake SPA (site code 004052)

Blacksod Bay / Broadhaven Bay SPA (site code 004037)

Killala Bay/Moy Estuary SPA (site code 004036)

Mullet Peninsula SPA (site code 004227)

Duvillaun Islands SPA (site code 004111)

Inishglora and Inishkeeragh SPA (site code 004084)
Inishkea Islands SPA (site code 004004)
Termoncarragh Lake and Annagh Machair SPA (Site code 004093)
Llanmaster SPA (site code 004074)

6.23.4 Appropriate assessment stage 2 was carried out in relation to the SAC's:

Bellacorick Iron Flush SAC (site code 0466)
Bellacorick Bog Complex SAC (site code 0922)
Owenduff/Nephtin SAC (site code 0534)
River Moy SAC (site code 02298)
Carrowmore Lake SAC (site code 0476).

Screening of Proposed Alterations

- 6.23.5** In the subject alterations there is no potential for impact on any of the sites screened out in the Board's assessment of PA0029.
- 6.23.6** In the subject alterations there is no potential for Bellacorick Iron Flush SAC or Carrowmore Lake SAC to be impacted, due to their significant distances from the site and the lack of connectivity.
- 6.23.7** The potential impact on the River Moy SAC, considered in PA0029, was that in the absence of appropriate mitigation at Cloongullaun Bridge along the proposed haul route, the conservation objectives could be affected by impairment of water quality. The subject development will not increase the use of the haul route and there is no potential for the River Moy SAC to be impacted by the proposed alterations.
- 6.23.8** The potential impact on Owenduff/Nephtin SAC was considered by the Board's in its assessment of PA0029. The separation provided by the Owenmore River was considered to provide a substantial hydrological divide and it was considered that the proposed surface water management and sediment control, which would integrate with the rehabilitation plan currently in place, would ensure that there would be no adverse impact on the Owenmore River or the Annex II species Otter and Salmon, for which the site has been selected. The AA screening for Owenduff/Nephtin SPA determined that there was no potential for impact on the 4 bird species for which the sites Owenduff/Nephtin SPA and

Owenduff/Nepin SAAC have been selected. The proposed alterations would make no material difference to this conclusion.

6.23.9 The potential impacts, previously considered in relation to the appropriate assessment of PA0029 were:

Loss of, or physical disturbance to, habitats

Potential effects on peat stability

Potential impairment of water quality due to construction works

Potential impairment of water quality during operational phase

Potential impacts on hydrology

Potential impacts on bird species

Potential impacts on aquatic species,

and are here considered in relation Bellacorick Bog Complex SAC.

6.23.10 The subject site is distant from the protected site and there is no potential for loss of, or physical disturbance to, habitats.

6.23.11 The potential for peat instability was addressed in detail in PA0029, Preliminary site investigation and peat stability risk assessment were set out and it was noted that during the detailed design Zonal Peat Stability Risk Assessments (ZPSA) would be required for areas of substantial risk and in specific areas of significant risk. I am satisfied therefore that the risk of peat instability will be managed and that the proposed alterations will not result in peat instability such as to give rise to impacts on the protected site.

6.23.12 The potential impairment of water quality was considered in PA0029 where it was considered that the proposals in relation to surface water management and sediment control, which would integrate with the rehabilitation plan currently in place, would ensure that adverse impact on the SAC from the quality or quantity of surface water discharging from the subject site is avoided. I am satisfied therefore that the measures to address the potential for impairment of water quality, adequately address the risk.

6.23.13 The potential for impact on hydrology was of some concern in relation to the development in the north eastern corner of the overall site, which is

not part of the development as permitted. It is considered that there is no potential for impact on hydrology arising from the proposed alterations.

6.23.14 There is no potential for impact on the conservation objectives for Bellacorick Bog Complex SAC in terms of any impact on birds since the conservation objectives for Bellacorick Bog Complex do not include any bird species. Impact on bird species is however considered in the proposal and appropriate mitigation is proposed.

6.23.15 Similarly the conservation objectives for Bellacorick Bog Complex SAC do not include any aquatic species.

Residual Impacts following Mitigation

6.23.16 The conclusion reached in PA0029 was that no significant residual impacts would affect the conservation objectives of Bellacorick Bog Complex SAC, following mitigation. It is considered that this conclusion can be reached in relation to the proposed alterations. It is considered that there will be no significant residual impacts affecting the conservation objectives of Bellacorick Bog Complex SAC, arising from the proposed alterations, following mitigation.

Conclusion in relation to AA

6.23.17 In my opinion it can be determined on the basis of the information available, that the proposed alterations, individually and in combination with other plans or projects, would not be likely to have a significant effect on any of the European sites, in view of their conservation objectives.

7 OVERALL CONCLUSION

7.1.1 It is considered that the amended works proposed in this request, which are limited in nature and extent, would not be likely to have any significant effect on the environment, or on any Natura 2000 site, on or any other aspect of the proper planning and sustainable of the area, that would differ in any significant way from the likely effects of the approved development; therefore the alteration of the terms of the approved development as requested would not constitute a material alteration.

7.1.2 There is provision in the legislation for the Board, if it so wishes, to invite submissions by persons, including the public, prior to making a decision

in relation to whether the proposed alterations constitute material alterations to the approved scheme, prior to making their decision.

7.1.3 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.

7.1.4 Section 146C of the Act comes into operation if the Board determines that the alterations are likely to have significant effects on the environment.

8 RECOMMENDATION

I recommend that the Board should decide that having regard to their nature and scale the proposed alterations do not constitute material alterations to the approved scheme.

Dolores McCague

Inspectorate

Date

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