



An
Bord
Pleanála

Memorandum ABP-316178-23 – Request for Further Information

To: Stephen Kay, ADP
From: Alaine Clarke, Inspector
Re: Proposed development of Oweninny Windfarm Phase 3 consisting of 18 no. wind turbines within the townlands of Laghtanvack, Croaghaun (also known as Croaghaun West), Moneynieran, Corvoderry, Shanvolahan, Dooleg More, Shranakilly, Bellacorrick and Shanvodinnaun, Co. Mayo.
Date: 18th January 2024

Following a site inspection and a review of the application documentation including Environmental Impact Assessment Report (EIAR), Appropriate Assessment (AA) Screening Report and Natura Impact Statement, the observations received by the Board including the submission from the Department of Housing, Local Government and Heritage, dated 22nd June 2022, I am of the opinion that further information is required from the Applicant in order to assist further with my assessment of this application, as detailed below.

This report, specifically matters relating to AA Screening and ornithology are informed by the Board's ecologist, Maeve Flynn.

1. Site Layout Plan

- (a) Submit a site layout plan which indicates the location of existing structures and development on site, including turbines and access roads. The site layout plan shall also indicate the turbines and access roads of adjoining windfarm

developments such as Phase 1 and Phase 2 Oweninny windfarm. Annotate and label the turbines (both on and off site). Indicate the extent of existing access track to be retained as part of the proposed development.

2. AA Screening: Owenduff/Nephrin Complex SPA

- (a) The Department of Housing, Local Government and Heritage, by submission dated 22nd June 2023, expressed concern that the Owenduff/Nephrin Complex was screened out from further consideration/assessment in the NIS as it considered that it is uncertain whether the proposed development is likely to have significant effect on this European Site. Notwithstanding the applicant's response to the submission and the argument put forward that Owenduff/Nephrin Complex SPA is not required to be screened in, you are advised that the Board shares the opinion of the Department that further detailed information is required to adequately address the legal tests of the Appropriate Assessment (AA) process including in-combination effects with other projects in the area, and consider that Owenduff/Nephrin Complex SPA should be screened in because of uncertainty of effect and should be subject to further detailed analysis in the NIS.

You are therefore requested to submit an Addendum to the AA Screening Report and NIS which screens in Owenduff/Nephrin Complex SPA due to uncertainty of significance of effects either alone or in combination with other plans and projects. The NIS should be supported by scientific evidence as to why the Golden Plover and Merlin recorded at the windfarm site are or are not associated with the Owenduff/Nephrin Complex SPA populations and why any potential impacts caused by the proposed development would not undermine the conservation objectives of the Golden Plover and Merlin of the SPA so as to exclude adverse effects on site integrity beyond reasonable scientific doubt. In the absence of detailed site-specific conservation objectives for this SPA, the best available scientific information should be relied upon including reference to the Natura 2000 data form and any more up-to-date information on the species distribution and breeding status currently available (See Suddaby, D. & O'Brien, C. (2020) A survey of breeding Golden Plover within the Owenduff/Nephrin Complex SPA, County Mayo. Irish Wildlife Manuals, No.

120.). You should also consider the relevance of application of the targets and objectives set for both Special Conservation Interest species Breeding Golden Plover and Merlin for Connemara Bog Complex SPA [004181]. The assessment should also take account of any possible in-combination effects with the lodged planning application of Sheskin South windfarm (Reference ABP-315933-23 and sheskinsouthwfpplanning.com).

3. Ornithology

The Board acknowledges the Applicant's response related to the DAU submissions on the use of national population figures e.g., for Golden Plover and use of arbitrary thresholds however, you are advised that the Board is not satisfied that this explanation is adequate in terms of its application to the impact assessment process in either the EIAR or the NIS.

The use of national population figures to determine magnitude of effects at a local level is not appropriate as clearly described in the Department's submission. The Board request that the applicant further engages with the request of the Department in the impact assessment presented in the EIAR and NIS.

Similarly, the Board considers that further scientific justification for the use of arbitrary thresholds should be integrated into the rationale for the collision risk model.

You are therefore requested to submit an addendum to the Ornithology impact assessment and the NIS as relevant, clearly setting out the rationale behind the use of arbitrary thresholds for the collision risk model and also addressing the significance of predicted bird collision mortality at a more locally relevant level having regard to Percival methodology on same.

4. Bat Survey

- (a) Clarify the bat activity for Borrow Bit B, where the Bat Survey Report (Appendix 7.2 of the EIAR) on page 48 references that the borrow pit is south of T13 when in fact borrow pit B is south of T18.

5. Hydrology & Hydrogeology

- (a) The IFI, in their submission dated 26th May 2023, request additional detail with respect to location and design of respective culverts. In your response to submissions received, it was advised to “*see a copy of the location map for the proposed culverts and a table showing each location and proposed design type.*” Neither the site location map nor the site layout plan contains this information. Submit a location map or site layout plan showing the location of proposed culverts accompanied by a table detailing the proposed design type.
- (b) The IFI request that no extraction from borrow pits occurs below the water table to reduce the volume of water required to be treated for silt and to reduce the potential for siltation of waters downstream. This matter was not addressed in your Response to Submission. Please address.
- (c) Borrow Pit A is 43ha, yet it is proposed that only 10ha will be extracted from. Clarify the need for such a large borrow pit.

6. Geology

- (a) Chapter 9, Soils & Geology, Geotechnics & Ground Stability contains the following statement (on page 9-42):

The site is found to comprise the following areas of peat risk: 40% insignificant risk, 40% significant risk, 20% substantial risk and 0% serious risk.

This statement does not appear to correspond with the Peat Stability Risk Assessment where relevant assessment areas are assigned a low or negligible pre-control measure risk-rating. Please clarify.

7. EIAR

Having regard to the issues raised above, the applicant shall amend and update the EIAR, by way of an addendum, as necessary.

Please allow 8 weeks for response to this request.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Alaine Clarke

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Inspectorate

Agreed.

Stephen Long

22.1.2024.