



An
Bord
Pleanála

Oral Hearing Memorandum ABP-316178-23

To: Stephen Kay, ADP
From: Alaine Clarke
Re: Proposed development of Oweninny Wind Farm Phase 3 consisting of 18 wind turbines. Applicant: Bord na Mona Powergen Ltd
Applicant: Monaghan County Council
Date: 2nd April 2024

1.0 Site Location and Description

- 1.1. This is an application for 18 no. turbines windfarm and associated works including a 110kV substation compound and underground cable connection from the proposed substation to the existing substation at Bellacorick in the townlands of Laghtanvack, Croaghaun (also known as Croaghaun West), Moneynieran, Corvoderry, Shanvolahan, Dooleg More, Shranakilly, Bellacorrick and Shanvodinnaun, Co. Mayo. The proposed development will be referred to as Oweninny Wind Farm Phase 3 and will have an electrical output of c. 90MW. The Oweninny Wind Farm has been developed to date in two phases. Phase 1, to the N/NW of the proposed development site consists of 29 turbines (93MW), commissioned in 2019. Phase 2, to the W of the proposed development site consists of 31 turbines (99MW). The proposed development also seeks to replace the existing 21 no. existing Bellacorick Wind Farm, established in 1992.
- 1.2. The proposed development site is located at Oweninny Bog in north Co. Mayo, a relatively sparsely populated area. The site is situated in the eastern part of Oweninny Bog, approximately 12km west of Crossmolina and 15km east of Bangor

Erris and just north of the N59 national road. The site area of the proposed development is approximately 2,345 hectares. The closest settlement to the site is Bellacorick village which is located approximately 2km from the southwestern extents of the site. The site comprises cutaway bog, with industrial scale milled peat production operations having formerly occurred at the site for over 50 years and which supplied the ESB Bellacorick peat fired power station. Milled peat production ceased in 2005 following the closure of the power station and the power station was later decommissioned. Several other windfarm and energy developments are existing or in planning in the vicinity.

- 1.3. Lough Dahybaun, a special area of conservation (SAC), protected under the EU Habitats Directive, is located on the southern boundary of the site, while the Bellacorrick Bog Complex SAC borders the site to the south and east. Bellacorrick Iron Flush SAC is located 500m to the north. Owenduff/Nephin Complex SPA and SAC are located 3.8km to the southwest. The Owenduff/Nephin Complex SPA is designated for two SCIs; the Golden Plover and Merlin. There are no site-specific conservation objectives for the SPA.

2.0 Proposed Development

- 2.1 A 10-year planning permission and 30-year operational life is sought for:

- 18 no. wind turbines with an overall blade tip height of 200m, a rotor diameter of 158m, a hub height of 121m and all associated foundations and hard-standing areas in respect of each turbine;
- Decommissioning and removal of 21 no. existing Bellacorick Wind Farm wind turbines (including tower sections, nacelle, hub, and rotor blades);
- Construction of new internal site access roads, approximately 29,000m in length (permanent and temporary), passing bays, car parking and associated drainage;
- Construction of an amenity route through the site to the existing Visitors Centre with access from a local road off the N59 near Dooleeg;
- 2 no. borrow pits;
- 5 no. peat deposition areas;

- Installation of 1 No. permanent Meteorological Mast 120m high, and the decommissioning and removal of an existing 100m Meteorological Mast on site;
- 4 no. temporary construction compounds, including material storage, site welfare facilities, and site offices;
- 1 no. 110kV electrical substation compound and associated structures. All associated underground electrical and communications cabling connecting the wind turbines to the proposed substation;
- All works associated with the connection of the proposed wind farm to the national electricity grid, including a 110kV underground electrical cable from the proposed on-site electrical sub-station to the existing substation at Bellacorick;
- All related site works and ancillary development including (but not limited to):
 - Earthworks;
 - Peat management works;
 - Site security;
 - Groundwater and surface water management;
 - Overburden (soils/peat) storage and management; and
 - Site reinstatement, landscaping and erosion control.

3.0 Planning History

- **ABP 209375-21:** Pre-application consultation for Oweninny Wind Farm Phase 3. Between 10 and 20 wind turbines (including tower sections, nacelle, hub, rotor blades) with an approximate capacity of 90 MW and a maximum blade tip height of 200 metres.
- **ABP Ref: 311862-21:** Withdrawn - Application for leave to apply for substitute consent lodged (November 2021) for peat extraction on Lands at Oweninny Bog, Bellacorick, Co. Mayo
- **ABP PM0011** – Alter decision not a material alteration, amendments to ABP PA0029.
- **ABP PM0013** – alter decision is a material alteration, amendments to ABP PA0029.
- **ABP 307261** – Alter decision not a material alteration, amendments to ABP PA0029.

- **ABP 309043** - Alter decision is a material alteration, amendments to ABP PA0029, relates to the construction of a supplementary delivery route to bypass the Western Way Bridge on the N59.
- **ABP PA0029** – Oweninny Windfarm and associated works comprising 61 no. turbines (reduced from 112 no. turbines), granted by An Bord Pleanála, 6 permanent meteorological masts (120m in height), a visitor centre and associated development.
- **MCC 01/2542 / ABP PL16.131260** Permission granted for a change of use of 5,011ha of land from industrial peat production to include use as a wind farm. The wind farm comprises 210 wind turbines with a max. total generating capacity of 320MW of electricity.
- **MCC 90/1077** – permission granted for Bellacorrick Windfarm comprising 21 turbines.

4.0 Submissions – Prescribed Bodies

4.1 Responses were received from Mayo County Council, IFI, Department of Defence, Department of Housing, Local Government & Heritage, Northern and Western Regional Assembly and TII. Comments are summarised below.

4.2 Mayo County Council

4.2.1 Mayo County Council's Chief Executive report sets out the legislation context for the making of the submission and the policy context in the relation to the type of development proposed in respect of international, national, regional and local policy and relevant legislation, in particular referencing relevant policies and objectives of the Mayo County Development Plan 2022-2028 and the Renewable Energy Strategy (RES) for County Mayo. It sets out the planning history of the site and surrounding area and indicates designated sites for nature conservation within 15km and archaeological monuments within the site. It provides a brief summary of the EIAR and details the content of the road design report and archaeology report from these respective departments.

4.2.2 The main points of the CE's Report are summarised as follows:

- Referencing the Renewable Energy Strategy for County Mayo, states that the site is in an area open for consideration for windfarm development; that in principle the location is considered acceptable;
- While the bog has been rehabilitated to some extent since peat production ceased, the area remains degraded;
- The use of the land as a windfarm has been established.
- There are no dwellings within 500m of a proposed wind turbine.
- Regarding shadow flicker, references the 2006 Wind Energy Guidelines and notes there are 78 properties within 1.58km of the proposed development the Shadow Flicker Study concluded that no properties have the potential to experience cumulative shadow flicker impacts.
- Direct effects on landscape character are considered to be highly localised with visual impacts ranging from imperceptible to moderate significance.
- The EIAR indicates that the N59 has sufficient capacity to accommodate construction traffic. The Road Design Dept. consider the use of the R312 Castlebar to Bellacorrick road as a haul road should not be permitted due to its poor alignment and structural capacity.
- Subject to the proposed mitigation measures set out in the EIAR, the proposed development will not have a significant impact on the environment of the area.
- The location has become a centre for renewable energy projects, Mayo are supportive of renewable energy projects at this location.
- A dedicated access from the N59 should be explored and utilised for all projects at this location, for both construction and operational phases, and undergrounding options for connections to the National Grid.
- 3 recommendations as follows:
 - Applicant to examine the feasibility of co-operating with adjoining renewable energy providers to develop single access point to all renewable energy projects for construction, supply and maintenance purposes.
 - Queries the cumulative impact of red flashing warning lights on top of turbines on the environment, light sensitive species and human population.

- Suggest conditions to be attached in the event of a grant.

A number of conditions to be attached in the event of a grant are set out.

Reports from Road Design and the Archaeology Department inform the CE's report and are summarised in the CE's report.

4.3 Inland Fisheries Ireland

- Fish stock monitoring has shown this catchment is under environmental pressure with salmon stocks declining to below their conservation limit. Following closure of the fishery for 2 years, salmon stocks recovered sufficiently to be reopened in 2021. No activity or development should be permitted in this catchment that may negatively impact on the river system, aquatic habitat or water quality.
- The Cloonaghmore River catchment has good ecological status and must be protected.
- No activity to be carried out in catchments to prevent or delay the achievement of good ecological status (where there is a moderate ecological status).
- Recommend a number of issues to be dealt with by way of further information or condition, including, establishment of an environmental monitoring committee, 2 no. additional surface water monitoring points; no extraction below water table at borrow pits; a location map of proposed culverts; silt and dust preventative measures; surface water method statement to be agreed; staff training; details of explosives should be provided; acceptance by Uisce Eireann and adequate capacity to treat wastewater; wetland areas to be avoided during construction.

4.4 Department of Defence

Seeks conditions around obstacle lighting in the interests of aviation safety.

4.5 EPA

The IPC licence granted for the extraction of peat may need to be reviewed or amended to accommodate the changes proposed in the planning application. Sets out matters relating to licence and EIAR procedure.

4.6 Department of Housing, Local Government and Heritage

Archaeology:

- Broadly in agreement with the findings in relation to the Archaeology and Cultural Heritage as set out in the EIAR.
- Indirect impacts to the setting of Recorded Monuments and non-statutory SMR sites as the study area is not sufficiently large enough at 2km from the redline boundary.
- The EIAR fails to (adequately) discuss or evaluate the cumulative impact of permitted and proposed wind energy developments within 10km of the development site.
- The Board may consider it beneficial to seek further information. Recommend archaeological conditions to be attached in the event of a grant of permission including pre-development archaeological testing.

Nature Conservation:

- Although the Owenduff/Nephin SPA was screened out, the Department considers that it is uncertain whether the proposed development is likely to have significant effect on the SPA, and the NIS should consider whether the proposed development will adversely effect the integrity of this SPA.
- The NIS should include rationale, and evidence, as to why the Golden Plover recorded within the application site are or are not associated within the SPA. Further surveys are required if such a link cannot be ruled out.
- Regarding Merlin, the Department considers that potential for a connection of birds recorded within the application site and the population within the Owenduff / Nephin Complex SPA cannot be easily ruled out. A detailed analysis, supplemented by additional surveys as necessary, should be undertaken within a NIS to determine potential effects on the conservation objectives of the Merlin.
- Queries methodology used to determine the significant of the potential mortality caused by collisions with the proposed turbines.
- References discrepancies in relation to collision risk calculations in the NIS and advises these discrepancies should be clarified.
- Reminds the Board of its obligations under art. 6.3 of the Habitats Directive.

4.7 Northern & Western Regional Assembly

- ABP may determine that the NWRA is a 'prescribed body', and if consulted its submissions will be informed by the objectives of the RSES.

4.8 TII

- Notes the site will be accessed via the N59 road using the existing operational entrance for Oweninny Wind Farm Phase 1. Draws the Board's attention to the Section 28 Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' which seeks to avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses, referring relevant policy in the MCDP 2022-2028, Policy MTP 23 and 24. Request the Board consider the proposals with regard to this policy to ensure road safety.
- Applicant/developer to consult with relevant companies, contractor and road authorities over the haul route to ascertain requirements; referral of all such proposals relevant to national roads, to TII. Mitigation measures to be conditioned.
- Clarity regarding whether abnormal loads are a feature of the proposed development, if so, technical load assessment of structures along the haul route should be undertaken. All such proposals agreed with road authorities impacting on national roads should be referred to TII.

5.0 **Submissions - Third Party Observations**

7 no. third party submissions generally objecting to the proposed development/application were received from:

- Eileen, Alan, Patrick, Shane, Gabriella and Caitlin Mullarkey;
- Gerard, Josephine and James Gallagher
- Hugh Broderick
- John G. Senior, Bridget, John G. Junior & Jillian Moyles
- Martin, John and Patricia Cosgrove
- Peter Sweetman and Associates
- Rob Deane

The principal points raised include:

- Overdevelopment of windfarm/turbines;
- Visual amenity and landscape impact, dominance of turbines;
- Noise impact/pollution;
- Development flushing deer onto roads/properties;
- Bog area unsuitable for development;
- Property devaluation;
- Shadow flicker impacts;
- Sleep disturbance;
- Health effects
- Dust impacts from construction;
- Object to proximity of turbines to houses;
- No 3d modelling or profile erected;
- Already impacted by Phases 1 & 2;
- Cumulative impacts;
- Request that turbines 12-17 are omitted, in particular T15 & T16 – too close to dwelling;
- Seek additional details for temporary compound, burrow pit and deposition areas;
- No noise simulation models presented;
- Concern for impact on wildlife, birds of conservation species and bat population;
- Water level impacts on Formolye Flush;
- Failure to consult effectively with locals;
- Peatland restoration should be considered;
- Risk of flooding;
- Construction related impacts;
- The AA screening is fundamentally flawed and it is not possible to make an informed submission on the NIS, citing case law;
- Measures deemed to be mitigation measures by the applicant are not mitigation measures;
- Reference to the Surface Water Management Plan included as Appendix 11.3 of the EIAR is not acceptable;

- Request for an Oral Hearing (Rob Deane);
- European sites have been significantly impacted by Phase 1 & 2;
- Significant water pollution including to the Oweninny River as a result of works so far;
- Telecommunications reception impacted by phases 1 & 2.

6.0 Further Information Details

Further information (correspondence dated 24th January 2024) was sought from the applicant in respect of the following:

- site layout plan (indicating existing structures);
- AA Screening & NIS (Owenduff/Nephrin Complex SPA should be screened in – addendums to AA Screening Report and NIS sought);
- Ornithology (addressing DAU’s concerns regarding population figures and thresholds, with further justification required in the collision risk model. Addendum to the Ornithology Impact Assessment requested);
- Bat survey (clarifying bat activity at borrow pit);
- Hydrology & hydrogeology (requesting details of culverts, wet or dry extraction, and the need for a 40 ha borrow pit area);
- Peat stability (clarifying statement in EIAR);
- updated EIAR addendums, as may be necessary.

A response from the applicant was received on 20th March 2023. The response includes a revised AA Screening Report, a revised NIS and an EIAR addendum report. It was considered that the further information request includes significant additional information and revised public notices are requested (my memo, also dated 2nd April 2024, refers).

7.0 Need for Oral Hearing

One observer, John Deane, sought to have an Oral Hearing. His submission contains significant extracts from the NIS. Referencing 6 no. protected European sites, states that these sites have already been “significantly impacted and degraded” by phase 1 and phase 2 of the Oweninny wind farm project, referencing in particular water pollution, shadow flicker, noise pollution, television, wifi and mobile

receptions interruptions and falling house prices. Reference is also made to the many protected plant and animal species on the site/vicinity of site that make the site unsuitable for further development.

Having regard to:

- The information provided by the applicant including the revised NIS, revised AA Screening Report and the addendum to the EIAR;
- The submissions received to date from prescribed bodies and observers,

I do not consider that the issues arising would warrant the holding of an oral hearing and I submit that the documentation on file can be readily assessed by way of the written submissions. I would also submit that the convening of a hearing would not be likely to elicit new information that would assist in the understanding or proper assessment of the proposed development.

I therefore recommend that an oral hearing is not held in this instance.

Alaine Clarke

Alaine Clarke

Inspectorate

Agreed
Dyke Long
3.4.2024.

2nd April 2024