

OWENINNY POWER LTD

16 October 2015

Sinead McInerney
An Bord Pleanála
64 Malborough Street
Dublin 1
By Hand

Proposed Oweninny Wind Farm, Bellacorick, County Mayo
An Bord Pleanála Ref: 16.PA0029

Dear Madam

I refer to your letter (the **RFI**) dated 19 May addressed to ESB Wind Department for my attention.

That letter noted that the High Court decision in *O'Grianna & Others v. An Bord Pleanála* may be relevant to the proposed Oweninny wind farm development and that the details submitted in relation to the connection to the grid from Phase 3 of the proposed development may be inadequate for the purposes of carrying out an environmental impact assessment for the entire project. Accordingly, the developer has been requested to submit:

- 1. A REVISED ENVIRONMENTAL IMPACT STATEMENT (EIS) TO INCORPORATE SUFFICIENT INFORMATION TO ENABLE AN BORD PLEANÁLA (THE BOARD) TO COMPLETE AN ENVIRONMENTAL IMPACT ASSESSMENT (EIA) IN RELATION TO THE OVERALL PROPOSAL, INCLUDING THE GRID CONNECTION FOR PHASE 3, IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENVIRONMENTAL IMPACT ASSESSMENT DIRECTIVE; AND**

Oweninny Power Ltd

Ballykilleen
Edenderry
Co. Offaly
IRELAND

Phone/Fax

Telephone +353 46 9733800
Fax +353 46 9733801

Directors
M Barry (Chairman)
D McNamara
A Kelly
J Reilly
J Healy (Secretary)

Registered Office:
Stephen Court
18/21 St Stephens Green
Dublin 2
Ireland
Registered in Ireland 503730

OWENINNY POWER LTD

2. A REVISED APPROPRIATE ASSESSMENT SCREENING REPORT AND, IF NECESSARY, A REVISED NATURA IMPACT STATEMENT IN RESPECT OF THE OVERALL PROPOSAL, INCLUDING THE PROPOSED GRID CONNECTION (S) FROM PHRASE 3.

The EIS was required to include, in the event of alternative corridors being proposed in respect of any grid connection, details of each alternative route, including an assessment of their cumulative impacts with the wind farm. Information was specifically requested in respect of:

- general corridor for proposed connection;
- nature of connection – overground and/or underground;
- pole/tower type and height(s) if overground;
- line voltage.

The deadline for response of 5.30 pm on Monday 21 September, 2015 was extended by letter from the Board dated 3 September 2015 to 5:30pm on Monday, 19 October, 2015, at our request.

Oweninny Power Ltd

Ballykilleen
Edenderry
Co. Offaly
IRELAND

Phone/Fax

Telephone +353 46 9733800
Fax +353 46 9733801

Directors
M Barry (Chairman)
E Byrne
N O'Rourke
J Reilly
M O' Brien (Secretary)

Registered Office:
Stephen Court
18/21 St Stephens Green
Dublin 2
Ireland
Registered in Ireland 503730

OWENINNY POWER LTD

INFORMATION REQUESTED IN RFI

As noted in the EIS submitted with the original application for permission under section 37E of the Planning and Development Act 2000, as amended (the **2000 Act**), while the grid connection point at Bellacorick substation for Phases 1 and 2 of the Oweninny Wind Farm has already been identified and fully evaluated in the documentation submitted with the application, the connection point for Phase 3 is yet to be determined as part of the Grid West Project. At this point in time, a number of potential locations have been identified for that connection point in the Independent Expert Panel Report published by EirGrid in July 2015.

The Project Team spent considerable time analysing the likely or potential grid connection route corridors. However, as the location of the Grid West connection point is yet to be determined it is not possible for Oweninny Power Limited to provide the Board with sufficient information for it to assess, to the required standard, the grid connection from Phase 3, or even general corridors/alternative routes for the grid connection. In addition, in the light of the current factual situation, it would not be possible at this time to establish beyond scientific doubt that the grid connection for Phase 3 would not have an adverse effect on the integrity of any European site.

IMPLICATIONS FOR PHASE 3 AND REQUEST TO EXERCISE POWERS UNDER SECTION 37G OF THE PLANNING AND DEVELOPMENT ACT 2000

In the light of the decision of the High Court in *O Grianna* in December 2014 and the fact that the connection point for phase 3 is not yet determined, Oweninny Power Limited recognises that the Board is unlikely to have sufficient information available to it at this time to comprehensively assess the connection of Phase 3 of the proposed development to the national grid and, consequently, permission under section 37G is no longer being sought for the development of Phase 3 of the Oweninny Wind Farm as part of this application.

Oweninny Power Ltd

Ballykilleen
Edenderry
Co. Offaly
IRELAND

Phone/Fax

Telephone +353 46 9733800
Fax +353 46 9733801

Directors
M Barry (Chairman)
E Byrne
N O'Rourke
J Reilly
M O' Brien (Secretary)

Registered Office:
Stephen Court
18/21 St Stephens Green
Dublin 2
Ireland
Registered in Ireland 503730

OWENINNY POWER LTD

The Board has power in these circumstances under Section 37G(3)(a)(iii) of the 2000 Act to grant permission in respect of part of the proposed development only, namely Phases 1 and 2, and the works ancillary to those two Phases. Oweninny Power Limited requests that the Board would exercise this power to grant permission for Phases 1 and 2.

ADDITIONAL DOCUMENTS SUBMITTED FOR THIS PURPOSE

In order to facilitate a comprehensive assessment of the Phases 1 and 2 of the development (without Phase 3) for the purposes of, *inter alia*, the EIA and Habitats Directive, a number of documents are enclosed with this response as detailed in the Schedule. Firstly, a **supplementary EIS** is provided which takes account of and updates information on all relevant projects in the vicinity of the proposed development, together with additional baseline and other relevant information. Chapter 4 of the supplementary EIS refers to an **Assessment Report** containing comprehensive information on the environmental impacts of Phases 1 and 2 on a standalone basis, i.e. without the development of either Phase 3 of the Oweninny Wind Farm or the Cluddaun project (in respect of which permission was refused by the Board), including updated **photomontages**. That report deals also with the potential cumulative impacts of Phases 1 and 2 in combination with all relevant projects in the vicinity.

Also enclosed is a **revised Natura Impact Statement** which again evaluates Phases 1 and 2 on standalone basis and provides an update of additional baseline and other relevant information.

Taken together, the documents enclosed with this response contain the necessary information for the Board to conduct a complete Environmental Impact Assessment and Appropriate Assessment of Phases 1 and 2 of the Oweninny Wind Farm on a standalone basis, i.e. without Phase 3.

As is apparent from the documents submitted with the original planning application, Phases 1 and 2 of the Oweninny Wind Farm will connect to the existing EirGrid substation at Bellacorick. Full details as to the environmental impacts of the connection to Phases 1 and 2

Oweninny Power Ltd

Ballykilleen
Edenderry
Co. Offaly
IRELAND

Phone/Fax

Telephone +353 46 9733800
Fax +353 46 9733801

Directors
M Barry (Chairman)
E Byrne
N O'Rourke
J Reilly
M O' Brien (Secretary)

Registered Office:
Stephen Court
18/21 St Stephens Green
Dublin 2
Ireland
Registered in Ireland 503730

OWENINNY POWER LTD

to the national grid at Bellacorick, together with the potential impacts on designated sites, are included in both the EIS and NIS submitted with the original application for permission and the documents enclosed with this response.

CONCLUSION

Oweninny Power Limited notes that the Board has powers to invite public submissions on these documents and, if it considers necessary, can re-open the oral hearing in respect of same. However, and whilst it is a matter for the Board to consider the manner in which it exercises its functions and powers, Oweninny Power Limited is confident that sufficient information has now been placed before the Board to permit proper and lawful assessments to be conducted in relation to Phases 1 and 2 of the Oweninny Wind Farm development in circumstances where permission for Phase 3 of the proposed development is no longer being sought as part of this application.

Yours faithfully

Gerard Noonan

For and on behalf of

Oweninny Power Limited

Oweninny Power Ltd

Ballykilleen
Edenderry
Co. Offaly
IRELAND

Phone/Fax

Telephone +353 46 9733800
Fax +353 46 9733801

Directors
M Barry (Chairman)
E Byrne
N O'Rourke
J Reilly
M O' Brien (Secretary)

Registered Office:
Stephen Court
18/21 St Stephens Green
Dublin 2
Ireland
Registered in Ireland 503730

OWENINNY POWER LTD

SCHEDULE OF DOCUMENTS ENCLOSED

1. SUPPLEMENTARY ENVIRONMENTAL IMPACT STATEMENT

This provides an update to the original EIS, on a Chapter by Chapter basis, to include and assess additional baseline information that has become available since the original application for permission was submitted; to incorporate and reference relevant additional information provided; and to take account of certain projects that are new, and one project that is no longer relevant, i.e. the Cluddaun Wind Farm. Any updates that would have been required in the event that permission was still being sought for Phase 3 of the proposed development have not been included.

1.1. Appendix 1 to Supplementary Environmental Impact Statement – Assessment Report for Phases 1 and 2

The Appendix to the supplementary EIS describes the potential impacts and mitigation measures in respect of Phases 1 and 2 of the Oweninny Wind Farm to enable the Board to carry out a complete environmental impact assessment of the development of Phases 1 and 2 on a standalone basis. In this Appendix, the potential cumulative impacts of developing only Phases 1 and 2 with the following projects is also described:

- Tawnanasool Wind Farm comprising 8 no. wind turbines, currently in the planning process (planning authority reg. ref. no. P14/666). A decision to refuse permission was issued by Mayo County Council on 14 August 2015. The applicant appealed the decision to An Bord Pleanála on the 20 August 2015 with case listed to be decided by the 23 December 2015. This proposed project is located between the N59 and Tullaghan Bay and is approximately 10 km to the west-southwest of the Oweninny project site.
- Uprate of the Existing Bellacorick to Castlebar 110 kV Overhead Line (planning reference P14/410) – granted to Eirgrid plc by An Bord Pleanála on 11 August 2015.
- Uprate of the Existing Bellacorick to Moy 110 kV Overhead Line (planning reference P15/45) – granted to Eirgrid plc by Mayo County Council on 4 August 2015.
- Eirgrid plc has made a planning application to Mayo County Council (22 July 2015, planning authority reg. ref. no. 15/456) for a minor modification of the existing Bellacorick 110kV Substation.

Oweninny Power Ltd

Ballykilleen
Edenderry
Co. Offaly
IRELAND

Phone/Fax

Telephone +353 46 9733800
Fax +353 46 9733801

Directors
M Barry (Chairman)
E Byrne
N O'Rourke
J Reilly
M O' Brien (Secretary)

Registered Office:
Stephen Court
18/21 St Stephens Green
Dublin 2
Ireland
Registered in Ireland 503730

OWENINNY POWER LTD

- Planning application to Mayo County Council (reg. ref. no. 15460) for a temporary (3-year) installation of a meteorological mast comprising 100m high steel lattice, supported by cable stays in the Sheskin area. Notification of a decision to grant permission was made on 14 September 2015.
- Planning application to Mayo County Council for an Uprate of the existing Bellacorick to Bangor Erris 38kV overhead line (reg. ref. no. P15/611) lodged on 28 September 2015.
- Phase 3 of the Oweninny Wind Farm project (which may be the subject of a future application for permission but which is no longer comprised within the application for permission made under case ref. no. PL16 .PA0029)
- Grid West Project (pursuant to the provisions of Directive 2011/92/EU, this project has been evaluated to the extent relevant to the stage of the consent procedure and current knowledge).

Revised photomontages of Phases 1 and 2 that exclude both Phase 3 and the Cluddaun wind farm are enclosed.

2. **REVISED PHASE 1 AND 2 NATURA IMPACT STATEMENT**

This has been prepared by Project Ecologist Dr Brian Madden and includes a description of the potential impacts on protected sites of Phases 1 and 2 of the Oweninny Wind Farm on a standalone basis, and mitigation measures in respect of same. It also includes additional baseline information and other relevant, including a revised "in-combination effects" section taking account of new proposed developments which entered the planning system since the Oweninny Wind Farm application was lodged.

Oweninny Power Ltd

Ballykilleen
Edenderry
Co. Offaly
IRELAND

Phone/Fax

Telephone +353 46 9733800
Fax +353 46 9733801

Directors
M Barry (Chairman)
E Byrne
N O'Rourke
J Reilly
M O' Brien (Secretary)

Registered Office:
Stephen Court
18/21 St Stephens Green
Dublin 2
Ireland
Registered in Ireland 503730