



An
Bord
Pleanála

Inspector's Report ABP-317167-23

Development	(1) Retention: Part of land reclamation works consisting of peat topsoil extraction, hardcore gravel, access track and fencing. (2) Permission: For removal of part of land reclamation works and for the installation of a 30m multi-user lattice support structure carrying telecommunications equipment and all associated site development works.
Location	Reaskcamoge, Woodcock Hill, Sixmilebridge, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	23127
Applicant(s)	Hibernian Cellular Networks Limited
Type of Application	Retention Permission and Permission
Planning Authority Decision	Refuse to grant retention permission and permission
Type of Appeal	First Party
Appellant(s)	Hibernian Cellular Networks Limited

Observer(s)

None

Date of Site Inspection

25 November 2024

Inspector

Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Reaskcamoge on Woodcock Hill approximately 4 km north/northeast of the settlement of Cratloe (located within the Limerick-Shannon Metropolitan Area) and 8km north/northwest of Limerick City Centre. The subject site is within the designated Natural Heritage Area Woodcock Hill Bog (NHA) a blanket bog and the local road running along the western boundary is a designated scenic route (please see section 5.1).
- 1.2. The subject site which sits due north and immediately adjacent to an existing telecommunications tower (referred to as the Virgin Media tower) with separate access route and equipment building compound area surrounding its base has been subject to the removal of the upland blanket bog/wet heath, the topsoil of which has been spread around the periphery of the compound and a hardcore gravel surface laid down to create an access route (255 sq.m) and a compound area surrounded by a fence (900 sq. metres). There is a steel container positioned in the southeastern corner of the subject site. This access track runs separate to but parallel to the existing access track to the Virgin Media mast.

2.0 Proposed Development

- 2.1. The planning application comprises three parts:
 - Retention permission is sought for part of the land reclamation works consisting of peat topsoil extraction, hardcore gravel, access track and fencing.
 - Permission is sought for the removal of part of the land reclamation works consisting of hardcore gravel, fencing and container and reinstatement of stockpiled peat topsoil.
 - Permission is sought for the installation of a 30m multi-user lattice support structure carrying telecommunications equipment including antennas, dishes,

together with concrete equipment building, cabinets and all associated site development works.

- 2.2. It is stated on the statutory notices that the proposed development is in a different location to that proposed under planning reference P22/453 which was refused permission (see section 5.0).
- 2.3. The subject site is stated to be 4695 sq. m on drawing MCE069-P-03 (red line). Currently the hard standing area and track at the site covers an area of approximately 1155 sq.m (900 sq. m site compound and 255 sq. m track).
- 2.4. It is proposed to reinstate 696 sq. metres of the compound area using stockpiled peat topsoil within the landholding and reduce the site compound to approximately 262 sq.m. This figure includes an additional area of the existing blanket bog/wet heath which is proposed to be removed to accommodate the lattice structure and equipment housing (56.85 sq.m). This area is located to the southwestern corner of the existing compound and between the compound and the access track. There are a few inconsistencies in the figures relating the site compound and the additional.
- 2.5. I note for the Board that there is an error in the stated dimensions between the Site Location Map MCE069-P-03 and Site Layout Plan MCE069-P-06 which indicate a new 5.5 x 5.5m concrete foundation whereas the Site Elevation Plans denotes an 8.0m x 8.0m concrete foundation.

3.0 Planning Authority Decision

3.1. Decision

On the 26 April 2023 Clare County Council refused grant of retention permission and refused permission.

There were two reasons for refusal.

1. The proposed development would result in the net loss of Upland Blanket Bog and Wet Heath (both habitats are qualifying interests for the designated site) within the NHA Woodcock Hill Bog (site code: 002402). The proposed reinstatement works are not considered adequate to remediate the damage

caused to the NHA, development would therefore be contrary to CDP 15.5 of the Clare County Development Plan.

2. It has not been adequately demonstrated that the capacity of the existing telecommunications infrastructure in the vicinity of the subject site has been exhausted such that would warrant the installation of a new telecommunications mast at this location.

4.0 Planning Authority Reports

4.1.1. Planning Reports

- Addresses in their assessment the following: - the principle of development, legal interest, flooding, access, visual amenity, residential amenity, site justification and assessment of the submitted planning statement, natural heritage, radar impact assessment and Appropriate Assessment Screening.
- The applicant has demonstrated a coverage gap for Vodafone in the area.
- Visual impact due to the proliferation of telecommunication structures within a natural heritage sensitive elevated location along a designated scenic route.
- Correspondence attached to the application from IAA who confirm that the proposed location of the tower would mitigate IAA surveillance domains concerns that the structure would degrade the performance of the Woodcock Hill Radar, and that IAA Surveillance Domain has no objection to the new tower at the proposed location.
- The submitted EclA notes that since there are no longer any natural habitats evident within the boundary of the site, there would be no direct impact on the natural habitat during construction, and that the long-term impact on the NHA is expected to be slight.
- The subject development does not fall within the mandatory requirements for EIA, notes the requirements of Article 103(a) and (b) of the Planning and Development Regulations 2001. States that it has been determined that there has been damage caused to the environment arising from the unauthorised works. Notes there is a likelihood of 'effects' on the environment arising from

the proposed development in conjunction with the unauthorised works which have already taken place.

- No Appropriate Assessment issues arise having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a European site. Considers that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site. AA Screening and determination attached to the planner's report.
- Despite the increase in site boundary to include the works previously omitted for retention, the proposed remedial works are not sufficient to fully remediate the site, and the development would still result in a net loss of habitat to the NHA. Reason no. 2 relating to application register reference 22/1045 is still relevant.
- Not satisfied that alternative co-sharing options have been duly discounted. Lack of evidence of the inadequacy of the existing alternative infrastructure nor any correspondence been provided from owners of other infrastructure to indicate that there is insufficient space or that there would be loading issues with co-sharing options to meeting Vodafone's needs. Notes the submission from Cellnex in relation to potential co-sharing alternatives in the vicinity of the site.

4.1.2. Other Technical Reports

Environmental Assessment Officer –

- The current application proposes to reinstate some of the habitat (696.5sqm) and notes this quantum is greater than previously applied for in P22/1045 and P22/453.
- The proposed compound has a reduced/revised footprint of 261.35sqm. Notwithstanding there will still be an overall net loss of upland Blanket Bog and Wet Heath within the NHA.
- The area of stockpiled peat soil which is to be removed is 1, 425sqm.
- Notes the concerns raised by the NPWS in relation to the ‘restoration’ of habitats on this site and the inadequacies with the application as submitted.
- The works comprise a project listed in Schedule 5, Part 2 of the Planning and Development Regulations with respect to “Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected” but does not meet or exceed the threshold.
- Indicates that there is a potential likelihood of significant effects on the environment arising from the proposed development in conjunction with the unauthorised works which have already taken place. Indicates that for this reason EIA screening required.

4.1.3. Prescribed Bodies

Irish Aviation Authority –

- recommend that the applicant should engage with Shannon Airport and the IAA ANSP to undertake a preliminary screening assessment to confirm that the proposed communications mast would have no impact on instrument flight

procedures, communication and navigation aids or flight checking at Shannon Airport.

- Subject to the foregoing and provided no negative impacts on the safety of flight operations the applicant should be conditioned to provide at least 30 days prior notification to Shannon Airport and the IAA of the intention to commence crane operations.

Department of Housing, Local Government and Heritage (Development Applications Unit -DAU) –

- Highlights that the Woodcock Hill NHA site synopsis states that it is a site of considerable conservation significance.
- Refer to Schedule 2 of S.I. No. 441/2005 and indicate that the works already carried out could constitute an offence under the Wildlife (Amendment) Act 2000. Highlight that the EPA's European Communities (Environmental Liability) Regulations 2008 Schedule 1 Criteria in Assessing damage to protected species and natural habitats is relevant with regard to the annexed habitat loss identified. An assessment may be undertaken to determine if the 2008 regulations apply or if other legislation applies. Advises that the local authority should notify and liaise with the EPA on this case.
- Notes that this application proposed additional removal of unauthorised fill to what was proposed in planning register reference 22/1045. However, it is still not clear that the methodology proposed would be sufficient to be deemed as restoration. A more detailed hydrological study will be required to best advise restoration of peatland habitats within and adjacent to the development application area.
- It is the opinion of the Department that unless completely removed, the reclamation and infilling that has already taken place has led to permanent loss of habitat for which the NHA was designated. If permission was being

sought prior to the reclamation work the Department would most likely recommend that permission should not be granted.

- Consideration needs to be given by the planning authority, based on location, the designation and the impact of the development whether this development qualifies for sub-threshold Environmental Impact Assessment.

4.1.4. Third Party Observations

One third party submission was received from Indigo Telecom Group on behalf of Cellnex Infrastructure Ltd wish to notify the local authority that they own two 36 metre telecommunications towers in Woodcock Hill and that, in accordance with their respective planning permissions, are available on reasonable terms for the provision of mobile telecommunications antenna of third-party licensed telecommunications operators. Both installations have recently connected to the fibre network and so are future proofed for new technologies as necessary.

5.0 Planning History

Subject site:

Planning register reference 22-1045: Retention permission for (1) part land reclamation works consisting of peat topsoil extraction, hardcore gravel, access track and fencing (2) planning permission removal of part of land reclamation works consist of hardcore gravel, fencing and container and reinstatement of stockpiled new topsoil and (3) planning permission for the installation of a 30m multi-user lattice support structure carrying telecommunications equipment including antennas, dishes together with concrete equipment building, cabinets and all associated site development works on land at Reaskcamoge, Woodcock Hill, Co. Clare. Retention permission and permission refused for 3 no. reasons.

Reasons no. 2 and no. 3 are almost identical to the current planning authority decision to refuse retention and permission. Reason no. 1 of this decision related to

the issue that works carried out within the larger landholding and the access road were not included within the red line site boundary of the application.

Planning register reference 22-453: Planning permission and retention permission refused for land reclamation works, infilling and the placing of a fence, hardcore gravel and planning permission for the installation of a 30m multi-user lattice support structure carrying telecommunication equipment including antennas, dishes, together with concrete equipment building, cabinets and all associated site development works.

Retention permission and permission refused for 4 no. reasons. Reasons for refusal 1, 2 and 3 are identical to the reasons provided in application register reference 22-1045. Condition no. 4 relates to the concerns that the proposed development would interfere with Irish Aviation Authority (IAA) radar facility and would be contrary to CDP 8.9 of the Clare County Development Plan (2017-2023) (as varied).

Site immediately south of the subject site:

No planning history available on ePlan.

Site approximately 140m northeast of the subject site – applicant Hibernian Cellular Networks Limited

Planning register reference 13/585: (ABP PL03.242971) Permission refused for a 40 metre multi-operator tower, carrying telecommunications equipment, equipment cabinet, 2.4 metre high security fence and ancillary works at Reaskcamoge, Woodcock Hill, County Clare. Refused for reasons relating to visual impact, impact on the IAA radar facility on Woodcock Hill and that the development would result in a net loss of habitats Upland Blanket Bog and Wet Heath within the NHA site.

To the opposite side of the local road, outside of the NHA, close to the forest, permission has been granted for telecommunications tower and support structures noted on public notices as part of the Governments National Broadband Scheme:

Planning register reference 12/70: Retention permission to retain (for a period of five years) and operate an existing 40 metre high telecommunications tower with antennas, radio link dishes, equipment containers, fencing and associated works as previously granted under local authority reference P05/2383 at Coillte Land, which forms part of the cellular digital communication network at Reaskcamoge, Woodcock Hill, Co. Clare.

Planning register reference 05/2383: Planning permission granted for the retention (for a period of five years) of the telecommunications tower with antennas, radio link dishes, equipment container, fencing, access, track and associated works at Coillte Land, Reaskcamoge, Woodcock Hill, Co. Clare.

Planning register reference 09/968: Planning permission granted (for five year period) for the construction of a 36 metre telecommunications support structure with 3 no. 2.1m panel antennas, 6 0.6m radio link dishes attached, equipment cabin, fencing, upgrade of access track and associated works to form part of the Government's National Broadband Scheme at Reaskcamoge, Woodcock Hill, Co. Clare.

Planning register reference 09/609: Planning permission refused for the construction of a 36 metre telecommunications support structure with 2 no. 2.1m panel antennas, 6 no. 0.6m radio link dishes attached, equipment cabin, fencing and associated works to form part of the Governments National Broadband Scheme at Reaskcamoge, Woodcock Hill, Co. Clare.

There was one reason for refusal based on the proximity of the proposed mast to the Irish Aviation Authority's Radr at Woodcock Hill and that the proposed development

would endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof and would pose a risk of a major accident.

On lands to the opposite side of the local road to the subject site Irish Aviation Authority were granted permission for the removal of the existing chain-link /barbed wire fence and gates and the erection of a new 2.4m high palisade fence with gates to enclose the existing Radio Receiver Building and adjacent ground, and associated site works under **planning register reference 21/39**.

6.0 Policy Context

6.1.1. Clare County Development Plan 2023-2029 (Came into effect on 20th April 2023)

The subject site is within an area designated as a rural area under strong urban influence and is accessed off the designated scenic route from Cratloe (Route 23 Road from Cratloe northeast through Gallows Hill to Glennagross).

Development Plan Objective: Scenic Routes CDP14.7

It is an objective of Clare County Council: a) To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community; b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and c) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

Development Plan Objective: Digital Strategy CDP 11.53

It is an objective of Clare County Council: To support and facilitate the implementation of the Clare Digital Strategy 2023 and support the role and initiatives of the Mobile and Broadband Taskforce in addressing digital and mobile coverage blackspots and rural communications connectivity.

Section 11.8.9 Telecommunications Infrastructure

Development Plan Objective: Telecommunications Infrastructure CDP 11.55

It is an objective of Clare County Council: To consider the provision of high-speed, high-capacity digital and mobile infrastructure within the County having regard to the DEHLG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012) with regard to the appropriate environmental assessments and compliance with objective CDP 3.3 of this plan.

Development Plan Objective: Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment CDP 3.3

It is an objective of the Clare County Council:

- a) To require compliance with the objectives and requirements of the Habitats Directive, specifically Article 6(3) and where necessary 6(4), Birds, Water Framework, and all other relevant EU Directives and all relevant transposing national legislation;
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required together with the preparation of both statutory and non-Statutory Ecological Impact Assessments (EclA);
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;
- d) To require all proposals to ensure there is 'no net loss' of biodiversity within developments;
- e) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;
- f) To require the preparation and assessment of all plans and projects to have regard to the information, data and requirements of the Appropriate Assessment Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this development plan; and

- g) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the plan).

Section 15.2.4 Natural Heritage Areas (NHAs)

Development Plan Objective: Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs) CDP15.5

It is an objective of Clare County Council:

- a) To actively promote the conservation and protection of areas designated as NHA's (including proposed sites) and to only consider proposals for development within or affecting an NHA where it can be clearly demonstrated that the proposed development will not have a significant adverse effect on the NHA or pNHA; and
- b) To identify and afford appropriate protection to any new, proposed or modified NHA's identified during the lifetime of the Development Plan.

Development Plan Objective: Biodiversity and Habitat Protection CDP15.12

It is an objective of Clare County Council:

- a) To protect and promote the sustainable management of the natural heritage, flora and fauna of the County both within protected areas and in the general landscape through the promotion of biodiversity, the conservation of natural habitats, the enhancement of new and existing habitats, and through the integration of Green Infrastructure (GI), Blue Infrastructure and ecosystem services including landscape, heritage, biodiversity and management of invasive and alien species into the Development Plan;
- b) To promote the conservation of biodiversity through the protection of sites of biodiversity importance and wildlife corridors, both within and between the designated sites and the wider Plan area;
- c) To support the implementation of the All-Ireland Pollinator Plan, National Biodiversity Action Plan and National Raised Bog SAC Management Plan;

- d) To ensure there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5km of known roosts;
- e) To implement and monitor the actions as set out in the Clare County Biodiversity Plan; and
- f) To promote biodiversity net gain in any new plans/projects/policies to promote development that leaves biodiversity in a better state than before.

6.1.2. Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996)

6.1.3. The aim of the 1996 Guidelines is to provide relevant technical information in relation to these installations and to offer general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities in the preparation of their development plans and in the operation of development control.

Section 4.3 of the 1996 Guidelines refers to visual impact and states it is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. It advises that great care will have to be taken when dealing with fragile or sensitive landscapes and that proximity to listed buildings (protected structures), archaeological sites and other monuments should be avoided. In most cases, the Guidelines acknowledge that the applicant will only have limited flexibility as regards selecting a location given the constraints arising from radio planning parameters. Visual impact will, by definition, vary with the general context of the proposed development.

6.1.4. Circular Letter PL07/12

Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.

- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

6.1.5. **National Biodiversity Action Plan (NBAP) 2023-2030**

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

7.0 **Natural Heritage Designations**

The subject site is entirely within the Woodcock Hill Bog Natural Heritage Area (NHA) (Site Code: 002402).

The site synopsis describes it as:

Woodcock Hill Bog NHA is an area of upland blanket bog and heath situated approximately 8 km north-west of Limerick City and 5 km south-east of Sixmilebridge in Co. Clare.

Woodcock Hill Bog NHA is a site of considerable conservation significance comprising upland blanket bog and wet heath. Blanket bog habitat is a globally scarce resource.

The current area of intact upland blanket bog in Ireland represents only a fraction of the original resource, due to the combined impacts of afforestation and overgrazing, and intact examples are therefore extremely valuable for nature conservation. Their long-term survival requires sensitive management.

8.0 EIA Screening

The application comprises two elements:

(1) retention of land reclamation works (including peat topsoil extraction, importation of hardcore gravel, creation of an access track and fencing and permission to restore part of the area with reinstatement of the stockpiled peat topsoil, and

(2) the installation of a 30m multi-user lattice support structure carrying telecommunications equipment and ancillary equipment building and cabinets.

The works already undertaken at the site comprise the construction of an access track, compound and storage of a steel container. I note that the development is described in the statutory notices as land reclamation, land reclamation is a class for the purposes of EIA. Therefore, in respect to first element, land reclamation is a class for the purposes of EIA. Refer to Form 1 and Form 2 in Appendix 1 and 2 respectfully.

In respect to the second element of the proposed development of a telecommunications support structure is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises in respect to the telecommunications support structure and there is no requirement for a screening determination in respect to this element of the application. Refer to Form 1 in Appendix 1 of report.

Having undertaken a preliminary examination with respect to the proposed retention of land reclamation works and part restoration with reinstatement of stockpiled peat topsoil (Form 2 in Appendix 2) I believe there is significant and realistic doubt as to the likelihood of significant effects on the environment having regard to the loss of habitat for which the NHA was designated. In conclusion, therefore, I am of the

opinion that Schedule 7A Information would be required to enable a Screening Determination to be carried out.

In the event that the Board is minded to grant permission it is recommended that Schedule 7A information is sought from the applicant.

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal was received from Hibernian Cellular Networks Limited. The grounds of appeal are in response to the planning authority's two reasons for refusal and can be summarised as follows:

- The development proposed and proposed to be retained would not be contrary to Clare County Development Plan CDP 15.5 because it won't have a significant adverse impact on Woodcock Hill NHA.
- The Ecological Impact Assessment (EclA) submitted with the application considers that the small scale of long-term habitat loss, the location of the site on the edge of the NHA and its location adjacent to an existing telecommunications tower, the development will have a negative, moderate impact in the short term and a negative slight impact in the long-term post reinstatement. The assessment of impact is based on the qualitative scale of significant of effects EPA's Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (2022).
- Highlights an error in referencing the previous CDP objective 14.4 in the planners report whilst acknowledging that the correct reference is used in the reason for refusal. Considers that the planning authority has not actually

applied and tested the proposal against the CDP 15.5. What is in dispute is the significance of the impact.

- Notes the possible justification for a refusal based on the need for a detailed hydrological study to inform the restoration of the peatland habitats within and adjacent to the development application area. In response to this issue the applicant is agreeable to the submission of a peatland habitat restoration plan for the written agreement by the Department of Housing, Local Government and the planning authority, by way of condition.
- The planning authority's assessment may not have fully appreciated Vodafone's space requirement on the proposed new mast. It would comprise 19 no. dishes on the mast and these would range in size from 0.3m to 2.4m in diameter plus 3no. sector antenna and 6 no. remote radio units (RRUs- Appendix 1 of the submission provides more detail). These must be placed at specific heights and face particular directions to provide the transmission links. It is expected that this array of equipment would be added to in the future.
- Letter of support (dated 5 May 2023) from Vodafone Ireland Limited with additional technical justification setting out their requirements for the new 30m structure and its relevance to the consideration of the structure. Section 5 sets out an assessment of the other existing sites and details why they are not suitable.
- The applicant is offering to dismount one of the existing 30-metre-high cable stayed mast (Ref. MCE077 shown in Figure 1) in the vicinity of the appeal site that is approximately 570m west of the appeal site. Revised site location map Drg. No. KOM1 that shows this site outlined in blue i.e. lands within the applicant's control. This mast is at a lower-level c.29 metres below the appeal site, which location will not work from a line-of-sight perspective and the existing cable stayed mast would not be sufficiently rigid to support Vodafone's transmission links. Suggested condition wording for the decommissioning and removal of the existing cable stayed mast.

9.2. Planning Authority Response

- Notes the detail of the appeal submitted and is not satisfied that the applicant has adequately addressed the concerns as outlined in the reason for refusal no. 1.
- Notes the additional information submitted in relation to co-locating/sharing of existing facilities.
- Requests that the Board uphold Clare County Council's decision.

9.3. Observations

- None

10.0 **Assessment**

10.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Impact on the Natural Heritage Area
- Site Selection (Alternatives Considered and Technical Justification)
- Visual Impact (New Issue)
- Aviation and other impacts (New Issue)

10.2. *Impact on Natural Heritage Area*

10.2.1. The subject site sits entirely within the designated Woodcock Hill Natural Heritage Area (NHA) (See section 7.0 of my report for excerpts of the site synopsis). My site visit and the submitted planning statement and accompanying Ecological Impact Assessment (EclA) confirms that the application site (as principally delineated in red)

has been subject to the removal of the upland blanket bog/wet heath, the topsoil of which has been spread around the periphery of the compound and a hardcore gravel surface laid down to create an access route (255 sq.m) and a compound area surrounded by a fence (900 sq. metres). The Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage have raised concerns in their submission in respect to the infilling/land reclamation and state that the *'...loss of habitat for which this area was designated should be considered as significant.'*

- 10.2.2. The submitted Ecological Impact Assessment (EclA) outlines that works were carried out on the designated NHA upland blanket bog and heath habitat to install a hardcore gravel area of approximately 1, 155sq.m. The EclA confirms that no ecological site surveys were carried out prior to these works. Based on aerial photography the EclA is of the view that it appears that the application site included heath and/or bog habitat. The EclA notes in Table 2 that the large part of the land ownership boundary (delineated in blue) is dominated by the upland blanket bog/wet heath habitat given an ecological value of National Importance and that there is a thin strip of vegetation running around the road of grassland located on an earth bund approximately 2-3m wide and 2-3m high of given an ecological value of local importance (lower value).
- 10.2.3. I note that it is proposed to remove an additional area of existing upland blanket bog/heath habitat to accommodate the lattice structure foundation and equipment housing of 56.85 sq.m. I do not consider that the submitted EclA sufficiently addresses the additional portion of habitat removal proposed to accommodate the foundations for the lattice structure.
- 10.2.4. As previously noted, the Development Applications Unit (DAU) for the Department of Housing, Local Government and Heritage believes that the loss of habitat for which this area was designated should be considered as significant. The Environmental Assessment Officer (Clare County Council) in their report consider that the proposal would result in an overall net loss of upland blanket bog/wet heath within the NHA notwithstanding the proposed reinstatement works.
- 10.2.5. Whilst the DAU acknowledge that the application proposed to remove an additional area of unauthorised fill, from what was originally proposed in the previous

application (22/1045 and 22/453) and restore an area of some 600 sq. m it is unclear whether the methodology proposed would be sufficient to be deemed as 'restoration'. As stated in the EclA that due to changes to the hydrological regime of the site '*...the habitats reinstated may be somewhat different to the original habitats on the area*'. The DAU note that a more detailed hydrological study would be required to best advise restoration of peatland habitats within and adjacent to the development application area.

10.2.6. I am of the opinion that the EclA is deficient, firstly, in its treatment of the works already undertaken to create an access track and compound and its impact on the designated Upland Blanket Bog and Wet Heath habitat on site and adjoining. Secondly, the EclA does not assess the proposed additional area to accommodate the foundation base of the lattice structure outside of the compound area. I consider that the baseline upon which the impact of the development is assessed against is deficient as it is principally based on the section of habitat already impacted by infilling/ land reclamation works. As such, I do not agree with the approach taken given the EclA does not take assess the impact of the works already carried out to create the access track and area of hardstanding. On this basis the EclA concludes (Section 15.0 of that report) that there are currently no bog or heath habitats within the proposed development site boundary and, therefore, there will be no direct impact on bog/heath habitat during construction. I note again for the Board that the EclA does not engage with or address the issue of the additional area to accommodate the lattice structure and equipment housing of 56.85 sq.m. Given the baseline used in the EclA and its assessment of the impacts of the proposed works on an artificial surface (imported hardcore gravel) the EclA findings of no significance is at direct variance to the DAU's view.

10.2.7. I acknowledge that the subject site comprises a relatively small proportion of the total area of Woodcock Hill NHA, notwithstanding, having regard to Objective 2 (Meet Urgent Conservation and Restoration Needs) of the National Biodiversity Action Plan 2023-2030 (NBAP) in which the protection and restoration of existing designated areas and species are identified as crucial to the achievement of this objective, I consider that the development may exercise an overall negative impact on the NHA greater than the footprint of the site.

10.2.8. In conclusion, I am of the view that the EclA is deficient in its evaluation of impact and the applicant has not provided sufficient justification for the loss of habitat for which this area was designated. Furthermore, I consider that proposals for part reinstatement do not adequately demonstrate a remediation methodology, informed by the hydrological regime of the site, for the peatland habitats within and adjacent to the subject site.

10.2.9. As such, the development to be retained and development proposed would result in a net loss of the habitats Upland Blanket Bog and Wet Heath within the NHA site Woodcock Hill Bog, Site Code 002402, both habitats which are qualifying interests for the designated site. The proposed development if permitted would, therefore, be contrary to CDP17.5 and CDP 3.3 of the Clare County Development Plan 2023-2029 and would furthermore, be contrary to the proper planning and sustainable development of the area.

10.3. *Site Selection (Alternatives Considered and Technical Justification)*

10.3.1. The subject site is unzoned and designated as a rural area under strong urban influence. The local road bounding the subject site to the west is a designated scenic route. From my site visit and having regard to the planning history on the subject site and in the immediate vicinity, see section 5.0, Woodcock Hill is recognised as a strategic location for telecommunication structures. Given Woodcock Hill's vantage point over Shannon, North and West Clare and Limerick City it is stated that Vodafone's Network Transmission requirements are extensive.

10.3.2. From the appeal documentation I note that Vodafone are the lead customer for the applicant Hibernian Cellular Networks Limited, and the design of the proposed development is to specifically cater for Vodafone's requirements. The proposed new structure would be capable of maintaining line of sight for 19 point to point microwave systems with dish sizes ranging from 0.3m to 2.4m in diameter. It is stated in the appeal documentation that the development if approved and constructed it would also be made available for Hibernian's broad customer base that include other mobile network operators, radio stations and wireless broadband companies.

10.3.3. The letter of support from Vodafone Ireland Limited, the applicant's lead customer, clarifies that they currently co-locate on the existing Virgin Media tower on the site

immediately adjacent (south) to the subject site. As previously noted in section 5.0 planning records are not available on ePlan for the Virgin Media site. It is stated that the Virgin Media tower has exceeded its structural capacity and is now unable to meet the major requirement for Vodafone Ireland Transmission Network. No documentary evidence has been submitted from the owners of the 'Virgin Media' tower to confirm this statement.

10.3.4. The existing Woodcock Hill tower which Vodafone collocates on is stated to have three distinct purposes:

- (i) The radio dishes link other sites located in Clare, Limerick, Galway and Tipperary region to Vodafone's National Network that transfer data and voice traffic to the Master Switching Centre (MSC) in Limerick City.
- (ii) The radio dishes provide transmission links for the concentrated mobile traffic that is transmitted as required within Ireland and via major switching centres in Dublin with the rest of the world.
- (iii) Providing mobile telephony coverage within the region.

10.3.5. From the information submitted I acknowledge the strategic location of Woodcock Hill and its role in transmission links to the region and wider reach. I also acknowledge the role it plays in respect to aviation navigation and radio/television.

10.3.6. Part 1 of the submitted radio engineering site justification clearly demonstrates the improved coverage levels of Vodafone's 2G, 3G and 4G that the new lattice tower would provide. Part 2 of the site justification includes a map of existing telecommunication masts (Figure 5) in the area, namely:

- Cellnex Masts – Ground height 15m lower than the proposed new mast location. Two masts are highly populated with other operator's antennas and

transmission dishes and appear to be at maximum capacity with insufficient space for the proposed 19+Vodafone transmission dishes.

- 2rn/RTE – ground height is 36m lower than the proposed new mast location. Tower is 56m, with its top 10m used for television transponders and not suitable for mobile telephony.
- CE005 Virgin Media – Vodafone currently located on this mast with over 22 antennas consisting of both radio and transmission antennae. The structural capacity of this mast is exceeded, it has been required to underpin its foundation and install stay wires to maintain the existing loading. This mast is no longer ‘fit for safe use’ and will need to be replaced and the availability of a new robust multi-user structure at this location is imperative.

10.3.7. The applicant has in their appeal submission identified a different existing 30m mast in the vicinity of the site within their ownership. It is acknowledged by the applicant that this mast was not indicated as being within their ownership in the application documentation. A revised site location map has been submitted with the appeal (Drg. No. KOM1) which shows the land ownership including this existing mast (Ref MCE077) outlined in blue. Mast MCE077 is approximately 570m west of the subject site and sits outside of the designated Natural Heritage Area (NHA).

10.3.8. The applicant states that this mast is c. 29 metres below the level of the appeal site and the location will not work from a line-of-sight perspective for Vodafone and that the existing cable stayed mast would not be sufficiently rigid to support Vodafone’s transmission links

10.3.9. The applicants are willing to dismount MCE077 and put forward a suggested condition to decommission and reinstate the land at MCE077 in the event of a grant of permission for the proposed new mast at the subject site.

10.3.10. I am of the view that the information as submitted with the appeal does provide further detail and analysis of the existing telecommunication infrastructure on Woodcock Hill. I highlight to the Board, however, that Part 2 of the transmission site justification submitted by Vodafone does not include mast MCE077 in its assessment to support the statement made by the applicant in respect to the viability of MCE077 as an alternative location for Vodafone.

- 10.3.11. From my site visit I would concur with the applicant that given the proposed mast location is on an exposed site and given the stated extensive demands for transmission would require a significant structure to accommodate same.
- 10.3.12. Notwithstanding, I am of the opinion that all options and alternatives have not been fully evidenced particularly with respect to the new information provided on appeal relating to the existing mast MCE077 which in the same ownership of the applicant and also taking into account the third-party submission made by Cellnex stating that there is co-location space available on both their masts.
- 10.3.13. In conclusion, the 1996 Guidelines encourages sharing facilities and clustering on existing support structures and requires all applicants to satisfy the authority that they have made a reasonable effort to share. Taking into account the NHA designation of Woodcock Hill Bog, its considerable conservation significance and acknowledging its vulnerability to erosion I am of the opinion that a higher bar is applicable to demonstrate a justification of locating on this ecologically sensitive site and in the consideration of alternatives, including the potential for upgrading existing mast sites, and in the applicant's justification for the site selection. On the basis of the information available to me I am not certain that a reasonable effort has been made to share and that all alternatives have been exhausted at the existing mast locations.

10.4. *Visual Impact (New Issue)*

- 10.4.1. The planning authority in their assessment of the proposal consider that views of the structure would be predominately from long range distances and directly on users of the scenic route. It is concluded in the planner's report that to permit the proposal without clearly established need for an additional structure would unduly add to the proliferation of telecommunication structures within a natural heritage, sensitive and elevated location along a scenic route.
- 10.4.2. I note that Vodafone's letter accompanying the appeal outlines that the proposed 30m telecommunications structure is designed to provide adequate support capacity for parabolic point to point radio dishes up to 2.4m in diameter and to cope with the particularly exposed environment. Table 1 '*Woodcock Hill Transmission Links*' as submitted with the appeal details out the 19 no. dishes and links proposed on the mast. As such, I am of the view that the submitted drawings and photomontages of

the proposed new structure do not accurately reflect the full extent of the visual impact of this proposed telecommunications support structure taking into account the total number of dishes and the range in scale of same up to 2.4 m in diameter which will compound the visual clutter. In addition, as noted previously there are discrepancies between the submitted site plan and site elevations with respect to the proposed concrete foundation of the tower and I am of the view, having visited the site, that the submitted site elevations do not accurately reflect the position of the proposed structure which would be at a higher level than the existing Virgin Media tower.

- 10.4.3. I would agree with the planning authority that the proposed development would add to the proliferation of telecommunications structures located close to a designated scenic route. I note for the Board the limited absorption capacity of the receiving landscape given the exposed characteristics of the upland blanket bog/wet heath habitat of Woodcock Hill and the presence of several other masts in the vicinity. As I have already considered in section 9.2 of my report, I am of the opinion that all options and alternatives have not been fully evidenced, particularly the consideration of upgrading existing telecommunication mast locations. Furthermore, no details have been provided in respect to the intended future use of the 'Virgin Media' tower.
- 10.4.4. I note that the 1996 Guidelines state that an access road may sometimes cause greater visual impact than the actual installation and that great care should be taken that they will not appear as a scar on a hillside. I do not consider that the information submitted justifies the duplication of an access roadway, site compound and equipment housing to serve an additional telecommunications support structure on the exposed side of the scenic route (Route 23 - Road from Cratloe northeast through Gallows Hill to Glennagross). I consider that the proposed development would be visually obtrusive and, as such, would be contrary to development plan objective CDP14.7 which seeks to protect sensitive areas from inappropriate development and to ensure that proposed development take into consideration their effects on views from the public road.
- 10.4.5. Having regard to the location of the site within an elevated, open and exposed location alongside a designated Scenic Route in the Clare County Development Plan 2023-2029, and to the limited absorption capacity of the receiving landscape given the exposed characteristics of the upland blanket bog/wet heath habitat of Woodcock

Hill and the presence of several other masts in the vicinity, it is considered that the proposed development would be visually obtrusive and would negatively impact on views from the public road and would, therefore, be contrary development plan objective CDP 14.7 and contrary to the proper planning and sustainable development of the area.

- 10.4.6. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

10.5. *Aviation and other impacts (New Issue)*

- 10.5.1. The applicant has submitted a copy of email correspondence from the Irish Aviation Authority (IAA) confirming that the proposed location of the tower would mitigate IAA's surveillance domain concerns relating to the performance of the Woodcock Hill Radar. I note that the IAA has no objection to the new tower at the proposed location. Notwithstanding, I also note IAA's submission requesting that engagement should be undertaken with Shannon Airport and the IAA ANSP with respect to a preliminary screening assessment to confirm that the proposed communications mast would have no impact on instrument flight procedures, communication and navigation aids or flight checking at Shannon Airport.
- 10.5.2. I note the *Development Management Guidelines for Planning Authorities* (2007) advise that further information on one aspect of a proposal should not be sought where there is a fundamental objection to the proposed development on other grounds and that applicants should not have to suffer unnecessary delay or expense if a refusal is likely. Given the fundamental difficulties with the proposed development it appears that the planning authority did not seek further information in this respect.
- 10.5.3. For clarity I highlight for the Board that a preliminary screening assessment has not been submitted with the appeal documentation. I am of the view that this is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

11.0 AA Screening

11.1. Screening Determination

11.1.1. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites namely, Lower River Shannon SAC (Site Code 002165), River Shannon and River Fergus Estuaries SPA (Site Code 004077) and Ratty River Cave SAC (Site Code 002316) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

11.1.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- No significant ex-situ impacts on wintering birds

12.0 Recommendation

I recommend that planning retention and planning permission should be refused for the reasons and considerations as set out below.

13.0 Reasons and Considerations

1. The development to be retained and development proposed would result in a net loss of the habitats Upland Blanket Bog and Wet Heath within the Natural Heritage Area (NHA) site Woodcock Hill Bog, (Site Code 002402) both habitats which are qualifying interests for the designated site. Furthermore, the proposals for part reinstatement do not adequately demonstrate a remediation methodology, informed by the hydrological regime of the site for the peatland habitats within and adjacent to the subject site. As such, it is

considered that the proposed application for retention and permission has not clearly demonstrated that the development will not have a significant adverse effect on the NHA. The proposed development and development to be retained if permitted would, therefore, be contrary to development plan objectives CDP15.5 and CDP 3.3 of the Clare County Development Plan 2023-2029 and would furthermore, be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied on the basis of the information submitted and taking into account the conservation significance of Woodcock Hill NHA that sufficient justification has been provided for siting the telecommunications structure on this ecologically sensitive site. Furthermore, it has not been sufficiently demonstrated that the existing masts lack capacity for multiple use, which would be in line with national policy encouraging co-location and sharing of such facilities, and that all alternatives have been exhausted at the existing mast locations. It is therefore considered that the proposed development would be contrary to development plan objective CDP 11.55 and CDP 3.3 of the Clare County Development Plan 2023-2029.

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.

Claire McVeigh

Planning Inspector

29 November 2024

Appendix 1: Form 1

EIA Pre-Screening

An Bord Pleanála	317167-23		
Case Reference			
Proposed Development Summary	(1) Retention: Part of land reclamation works consisting of peat topsoil extraction, hardcore gravel, access track and fencing. (2) Permission: For removal of part of land reclamation works and for the installation of a 30m multi-user lattice support structure carrying telecommunications equipment and all associated site development works.		
Development Address	Reaskcamoge, Woodcock Hill, Co. Clare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	The works already undertaken at the site comprise the construction of an access track, compound and storage of a steel container I note that the development is described in the statutory notices as land reclamation, land reclamation is a class for the purposes of EIA. The proposed part reclamation works sought to be retained is of a class as specified in Part 2, Schedule 5: Class 1: <i>Agriculture, Silviculture and Aquaculture</i> (c) Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected. For the purposes of pre-screening the proposed 30m multi-user lattice support structure for telecommunications equipment is not of a class.	Proceed to Q3.

No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	<p>Relevant threshold - Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected.</p> <p>I note from the report prepared by the Environmental Assessment Officer of Clare County Council that Wet Heath (HH3 Wet Heath) may correspond to Annex 1 habitat 4010 Northern Atlantic wet heath and, therefore, is classed as an Irish Wetland Type.</p> <p>The subject site is stated as a total area of 4,695 sq.m (approximately 23% of the threshold).</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Please refer to EIA Preliminary Examination Appendix 2- Form 2
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2: Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-317167-23
Proposed Development Summary	(1) Retention: Part of land reclamation works consisting of peat topsoil extraction, hardcore gravel, access track and fencing. (2) Permission: For removal of part of land reclamation works and for the installation of a 30m multi-user lattice support structure carrying telecommunications equipment and all associated site development works.
Development Address	Reaskcamoge, Woodcock Hill, Co. Clare.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development Regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Land reclamation works, infilling and the placing of a fence and hardcore gravel were carried out within the Woodcock Hill NHA without the benefit of permission. It is now sought to retain a portion of the hardcore gravel compound and access track and to reinstate an area of 696.5 sq.m to using stockpiled peat topsoil within the landholding. In addition, it is proposed to further extend the compound beyond its existing boundary to install concrete foundations for a 30m multi-user lattice support structure carrying telecommunications equipment. The proposed footprint of the telecommunications structure, with concrete foundation would result in the removal of additional upland blanket bog and wet heath habitat.</p> <p>The total area of the application site is stated as 4, 695 sq. m and I note that the relevant threshold for this class of project is - Development consisting of</p>

	<p>the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected. As such I note that the subject site is approximately 23% of the mandatory EIA threshold.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development site is located within a designated Natural Heritage Area (NHA). The Department of Housing, Local Government and Heritage Development Applications Unit (DAU) note that the reclamation and infilling that has already taken place has led to permanent loss of habitat for which the NHA was designated.</p> <p>Woodcock Hill Bog NHA is a site of considerable conservation significance comprising upland blanket bog and wet heath. I note that the DAU is of the view that consideration needs to be given whether this development would meet the criteria for sub-threshold Environmental Impact Assessment (EIA).</p> <p>Based on the significance of the location of development, its designation as a NHA and the potential impact of the development, in conjunction with the unauthorised works which have already taken place, to the hydrological regime of the site I am of the opinion that there is a significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>As noted above having regard to the conservation significance of the location of development and its sensitivity to erosion (by human activity) there is an inadequate level of detail submitted in respect to the disturbance of the area, the importation of stone and a limited consideration of the likely change to the hydrological regime of the site by the works undertaken and in cumulation with the proposed development.</p>

			<p>The proposals for part reinstatement do not adequately demonstrate a remediation methodology, informed by the hydrological regime of the site for the peatland habitats within and adjacent to the subject site.</p> <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	Yes	

Inspector:

Date: _____

DP/ADP: _____
(only where Schedule 7A information or EIAR required)

Date: _____

Appendix 3: Screening the need for Appropriate Assessment

Appropriate Assessment Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed retention of part of the land reclamation works and proposed development of removal of part of the land-reclamation works and installation of a 30m multi-user lattice telecommunication support structure in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A report in support of Appropriate Assessment screening was submitted with this planning appeal case, as prepared by Dixon Brosnan environmental consultants, and a finding that the application either alone or in combination with other plans and/or projects does not have the potential to significantly affect any European Site, in light of their conservation objectives. Stage 2 Appropriate Assessment is therefore not required.

In the planning authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Clare County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined.

A detailed description is presented in Section 2.0 of my report. In summary, the proposed development site is located within the Woodcock Hill Bog NHA and without the benefit of planning permission works were carried out which installed hardcore gravel on an area of 1, 155 sq.m. The current application includes proposals to reinstate 696.5 sq. m of this habitat using stockpiled soil. It is proposed to retain an area of the reclaimed land (261.35 sq.m) and retain the access track (255sq.m). It is proposed to construct a 30m telecommunications lattice tower, with concrete equipment building, cabinets and associated site development works.

There are a number of small streams which rise on the margins of Woodcock Hill, there are no watercourses or other ecological features on the site that would connect it directly to European Sites in the wider area.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).

Two of European sites are located within 4.7 Kilometers of the potential development site.

- The Lower River Shannon SAC (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code:004077)

The Lower River Shannon SAC stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head

The estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry.

The submitted report in support of appropriate assessment screening submitted notes that habitats within or near the application site could potentially provide ex-situ foraging grounds for qualifying species of the Lower River Shannon SAC and the River Shannon and River Estuaries and the Ratty River Cave SAC e.g. Otter, Lesser Horseshoe Bat, Curlew and Lapwing.

The Ratty River Cave SAC, this site lies approximately 2.5 km north of Sixmilebridge in Co. Clare. It consists of a cave, and also an important winter roost and a breeding site of the Lesser Horseshoe Bat.

European Site	Qualifying Interests (summary)	Distance	Connections
Lower River Shannon SAC (002165)	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	4.7km	<p>Woodcock Hill is located within the Owenogarney sub catchment. Ultimately water from the site will move southward towards the River Shannon Estuary via the Owenogarney River and Crompaun (East) River.</p> <p>Potential pathway as habitats could potentially provide ex-situ foraging</p>

	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>		<p>grounds for qualifying species.</p>
<p>River Shannon and River Fergus Estuaries SPA (004077)</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p>		<p>Woodcock Hill is located within the Owenagarney sub catchment. Ultimately water from the site will move southward towards the River Shannon Estuary via the Owenagarney River and Crompaun (East) River.</p> <p>Potential pathway as habitats could</p>

	Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]		potentially provide ex-situ foraging grounds for qualifying species.
Ratty River SAC (002316)	[8310] Caves [1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)	6 km	Potential pathway as habitats could potentially provide ex-situ foraging grounds for qualifying species.

Likely impacts of the project (alone or in combination)

I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site.

During site clearance and construction of the proposed lattice structure possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site with no direct source-pathway-receptor link and distance from receiving features connected to Lower River Shannon SAC, River Shannon and River Fergus Estuaries SPA and the Ratty River SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

There are no tree lines or vegetation which could provide commuting routes for bats within or immediately adjacent to the subject site and the manmade habitat currently within the application site is of negligible value to local bat populations. The exposed nature of the site makes it sub-optimal for bat foraging.

I note that the report in support of appropriate assessment screening confirms that the wintering birds listed as qualifying interests of the River Shannon and River Fergus Estuaries SPA are strongly associated with estuarine shoreline areas or wetlands- habitats currently absent from the application site. However, it notes that terrestrial waders such as Lapwing, Curlew and Golden Plover could potentially forage within the Woodcock Hill Bog NHA and disturbance of importance qualifying bird species could potentially occur during the construction phase of the project. Given the distance from the SPA and the temporary nature of works, no impact on birds listed as qualifying interests for the River Shannon and River Fergus Estuaries SPA is likely to occur.

Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use Woodcock Hill Bog.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the provision of the oil/petrol interceptor a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

Overall Conclusion

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites namely the Lower River Shannon SAC (Site Code 002165), River Shannon and River Fergus Estuaries SPA (Site Code 004077) and Ratty River Cave SAC (Site Code 002316) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- No significant ex-situ impacts on wintering birds