



An
Bord
Pleanála

Inspector's Report

ABP-318846-24

Development

The erection of a 100-metre-high meteorological mast for a period of 5 years

Location

Killeagy (Goonan), County Clare

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

23/60441

Applicant(s)

EDF Renewables Ireland Limited

Type of Application

Planning Permission

Planning Authority Decision

Notification to Grant

Type of Appeal

Third Party

Appellant(s)

Brendan Sweeney

Observer(s)

1. Ute and Konrad Rumberger
2. Orlaith Nihill, and others

Date of Site Inspection

30th May 2024

Inspector

Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2.06 hectares and is located within the townland of Killeagy (Goonan), County Clare, which is located approximately 1km west of the village of Kilbane and 7km east of the town of Killaloe. Access to the site is via an existing farm track which is accessed off a single carriageway public road, known as the L-7080, to the north of the site.
- 1.2. The siting of the proposed meteorological mast is on an elevation of 230mOD and is characterised by sloping marginal grassland. Glennagallagh Mountain, which has an elevation of 441mOD, is located approximately 1.5km to the north of the subject site.
- 1.3. Tributaries of the Glenomra River are located approximately 140 metres to the south of the site, approximately 470 metres to the west of the site and approximately 350 metres to the north of the site. The Glenomra River flows to the southwest of the site where it connects with the Broadford River and flows into Doon Lough approximately 10km further downstream. Doon Lough is designated as a Natural Heritage Area (Site Code 000337) for the purposes of peatlands.

2.0 Proposed Development

- 2.1. The application seeks permission to erect a meteorological mast which will measure 100 metres in height. It will operate for a period of 5 years after which it will be decommissioned and removed from the site. The design will comprise of a central lattice structure with 3 no. guy wires attached radiating outwards to a distance of 80 metres. These will be anchored to the ground using standard anchors (4 no. for each guy wire). The mast will include a lighting finial and instrument support boom to support wind vanes and anemometers. The foundation will comprise of a metal/wooden base. No concrete foundations are proposed.
- 2.2. The mast will be transported to the site via a tractor and flatbed trailer and the mast sections and other equipment will be lifted using an excavator or teleporter. There are no permanent access tracks or roads proposed to be provided.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) decided to grant permission, by Order dated 12th December 2023, subject to 5 no. standard conditions.

- Condition no. 2 restricted the duration of the permission for 5 years from the date of the final grant of permission and the requirement that the site is reinstated upon removal of the structures.
- Condition no. 3 required the developer to contact the Irish Aviation Authority for an agreed aeronautical obstacle warning lighting scheme.
- Condition no. 5 required the submission of a €10,000 bond to secure the reinstatement of the site upon cessation of the project.

No financial contribution was attached.

3.2. Planning Authority Reports

Planning Report

There is 1 no. area planner (AP) report on file which assessed the development in terms of its principle, traffic issues, visual amenities, residential amenities, natural heritage and flood risk. EIA was excluded at preliminary examination. An AA screening was undertaken and it was determined that the development would not likely have a significant effect on a European site. A grant of permission was recommended by the AP which was endorsed by the Senior Executive Planner.

Other Technical Reports

None on file.

3.3. Prescribed Bodies

Irish Aviation Authority (IAA)

It requested that the applicant engages with Shannon Airport Authority and the Air Navigation Service Provider to undertake a preliminary screening assessment to

confirm that the proposed development and any associated cranes would have no impact on the flight operations or equipment at Shannon Airport. A condition was recommended for the applicant to contact the IAA if permission is granted.

3.4. Third Party Observations

There were a substantial number of third party submissions (116 no. in total) which raised concerns on a number of issues including the purpose of the development to support a wind farm project, the height of the structure, the requirement for the structure, visual impact concerns, tourism and recreation concerns, impact on water quality, the capacity of the road network, the adequacy of the AA screening report and the impact of the development on local wildlife and flora.

4.0 Relevant Planning History

PA ref. 24/60411 / ABP Ref. 321285 (part of subject site)

Clare County Council (PA) issued a notification to refuse to grant permission to EDF Renewables Ireland Limited on 23rd October 2024 for a development of 7 no. turbines and 1 no. permanent meteorological mast of 36.5 metres in height. A first-party appeal was lodged to the Board on 19th November 2024. No decision has been made to date.

PA's Reasons for Refusal – Summarised

- 1. Due to the location of the site in the sensitive and scenic area of the Slieve Bernagh Bog Landscape Character Area, and to the height, scale and siting on an open and exposed sensitive landscape it was considered that the development would represent a prominent feature on the landscape from both local and long range viewpoints and would negatively impact upon the R466 designated scenic route.*
- 2. Due to the hydrological connectivity to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA, it could not be concluded that the development would not adversely affect the integrity of the European sites, contrary to objective CDP15.3 of the County Development Plan.*
- 3. In the absence of a strategic level cumulative assessment of the impact of the construction of a large number of turbines within one geographical area (66*

proposed or permitted), it could not be satisfactorily determined that the development would not give rise to significant or adverse effects on multiple bird species, contrary to Objective CDP15.12 of the County Development Plan.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

Volume 6 Clare Wind Energy Strategy

The subject area is designated as ‘Open to Consideration’ meaning applications for wind energy in these areas will be evaluated on a case-by-case basis subject to viable wind speeds, environmental resources and constraints and cumulative impacts.

Volume 1 Written Statement

Objective CDP11.47 Renewable Energy

c) To support the sustainable development of renewable wind energy (onshore and offshore) at appropriate locations and of its related grid infrastructure in County Clare, in accordance with all relevant policies, guidance and guidelines pertaining to the protection of the environment and protected habitats and species, and to assess proposals having regard to the Clare Wind Energy Strategy in Volume 6 of this plan and the associated SEA and AA, or any subsequent updated adopted strategy and to National Wind Energy Guidelines;

e) To strike an appropriate balance between facilitating renewable and wind energy-related development and protecting the residential amenities of neighbouring properties;

Objective CDP14.2 Settled Landscapes

To permit development in areas designated as ‘settled landscapes’ to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- I. Conformity with all other relevant provisions of the Plan and the availability and protection of resources;

- II. Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;
- III. Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:

- a) That the site has been selected to avoid visual prominence
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

Objective CDP14.7 Scenic Routes

- 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.

Appendix 5: Scenic Routes – Number 26: R466 between Broadford and O'Briensbridge

5.2. National Policy

- Climate Action Plan 2024
- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030

National Policy Objective 55

Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

- Ireland's 4th 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.

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

Regional Policy Objective 99

It is an objective to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines.

5.4. National Guidelines

- Wind Energy Development Guidelines, Guidelines for Planning Authorities (DoEHLG 2006)

Section 4.2 outlines that planning applications for wind anemometers and measuring masts are generally sought for a limited period only and that permission should be granted for approximately a two-year period to allow wind resource analysis to be carried out. These Guidelines also state that it would be inadvisable for the planning

authority to grant permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan.

5.5. Natural Heritage Designations

The subject site is not located within any designated site. The nearest designated site is the Slieve Bernagh Bog Special Area of Conservation (SAC) (Site Code 002312) which is located approximately 550 metres north of the subject site. Doon Lough Natural Heritage Area (Site Code 000337) is located approximately 6km west of the subject site (c. 10km hydrologically).

5.6. Environmental Impact Assessment (EIA) Screening

The proposed development 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 and there is also no requirement for a screening determination. I refer the Board to Appendix 1 in this regard.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged to the Board on 15th January 2024 by Mr. Brendan Sweeney. The grounds of appeal are summarised as follows:

- It is requested that the council's decision to grant permission is overturned by the Board.
- The AA screening report and planning report do not mention the village of Kilbane which is directly beneath the site and closest village to the site.
- The statement that there is a watercourse 200 metres to the north is located to the west. The statement that there are no watercourses on the site is a contradiction. Construction traffic will have to cross this stream and there is no mention of protecting the stream from concrete spillages.

- The area is at risk of not meeting water quality standards as identified by a recent Agricultural Sustainability Support and Advisory Programme (ASSAP) in May 2021. This is a fragile water system which flows into Doon lake Natural Heritage Area and the Lower River Shannon SAC/River Shannon and River Fergus Estuaries SPA.
- The Glenomra River has been identified as one of the priority areas for action by the local authority waters programme. A link to the study is provided.
- The mention of a pipeline within the AA screening report is misleading which has no relevance to the application.
- It is not possible to conduct a survey for one day in the month of August to assess the effects on European sites, especially in such close proximity to Slieve Bearnagh SAC.
- Discounting the connection to the Lower River Shannon SAC is not possible without tracing and mapping the stream, however the AA screening report states that the closest stream to the mast is unmapped.
- Whilst the Slieve Bearnagh is not an SPA for the Hen Harrier, it forms part of the ACRES Munster/South Connaught Cooperation project with the local objectives in the Slieve Bearnagh area including the protection of the Hen Harrier, Geese and Swans, water quality, including drinking water quality, and upland peatland habitats. Studies declare it as an area of National Significance.
- The report dismisses connectivity of the site to the Slievefelim to Silvermines Mountains SPA, however, a site synopsis for Slieve Bearnagh Bog SAC clearly states they are connected by the Hen Harrier.
- Whilst the met mast may pose no threat to the Hen Harrier the proposed wind farm to come will. The applicant has clearly stated that the purpose of the mast is to support the future planning application of a wind farm.
- The Fahybeg windfarm application (ref. 23/148) refers to four bat species in the area which is 250 metres from this location.
- The council raised a number of issues in the refusal of 23/148 such as the R466 regional road being a designated scenic route at the base of Lackareagh

mountain and the turbine tip height on this long and exposed upland landscape would constitute a prominent feature on the landscape from both local and long range viewpoints.

- The applicant states on its website that it has 6 months wind monitoring completed so why is there a need for the mast. The Sustainable Energy Authority of Ireland has this area already mapped for wind speed.
- The area is classed as open to consideration for wind turbines within the Clare County Development Plan 2023-2029, therefore not a critical area for wind power.
- Objective CDP11.47(e) requires an appropriate balance between facilitating renewal and wind energy related developments and protection of residential amenities of neighbouring properties. Noise and traffic movements are also mentioned as is visual overbearing on existing properties thus depreciating the value of property in the vicinity.
- The council has set a precedent for refusal of planning permission for such masts due to serious injury to amenities, settled landscapes, rural landscapes, heritage landscapes, scenic routes, depreciation of property values, noise disturbance and ecological damage. A number of cases and reference numbers are provided.

6.2. Applicant Response

The Applicant issued a response to the grounds of appeal on 9th February 2024. Its response is summarised as follows:

- No watercourses were recorded within or adjacent to the footprint of the proposed mast during both desk studies and field surveys. The works area is accessed via an existing farm track from the north which traverses an unmapped watercourse. There are no works proposed along this access route and all construction will be undertaken a minimum of 200 metres from any watercourse.

- The access track is frequently used for farm machinery and will allow a digger to access the site and a tractor and trailer to supply the mast and equipment to site.
- No concrete will be used for the construction of the proposed development.
- The mast will be constructed within a timescale of approximately 10 days and all materials and the excavator will be transported to site by a tractor and flatbed trailer.
- The excavator will dig to facilitate the installation of anchors for the guy wires and it will be also used to position the guy wires, fill in the anchor points and compact the ground.
- Given the nature and scale of the proposed development and the duration of the construction works, there is no pathway for significant impacts on any European site. The closest European site designated for aquatic receptors is the Lower River Shannon SAC which is over 30km downstream.
- The conclusion of the appropriate assessment screening report (AASR) was derived in light of best scientific knowledge and remains valid.
- The reference to a pipeline is a typo and instead refers to the footprint of the proposed development. The date of the survey was 15th August 2023 as stated in section 1.3 of the AASR.
- The survey was undertaken in line with NRA (2009) guidelines (Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes) and was undertaken within the optimal time of year to undertake a habitat and flora survey (Smith et al. 2011).
- The AASR only pertains to European sites and the QIs/SCIs for which they are designated and therefore the survey effort was sufficient to fully inform the AASR. No habitats listed under Annex I of the Habitats Directive were recorded within or adjacent to the proposed development site and no significant suitable supporting habitat for species listed under Annex II of the Habitats Directive or Annex I of the Birds Directive was identified during the walkover survey.

- The closest designated site for the Hen Harrier is Slievefelim to Silvermines Mountains SPA which is located approximately 13.6km from the site. As per SNH (2016) Guidelines: Assessing Connectivity with SPAs, the core foraging range for this species is 2km with a maximum range of 10km.
- The closest designated site for the lesser horseshoe bat is Danes Hole, Poulnalecka SAC which is located 9.53km from the site and is outside the foraging range (2.5km) for this bat species.
- The location of the development was adequately described in the statutory notices and application form in accordance with the Planning and Development Regulations and was deemed valid by the planning authority. The submitted planning report provides sufficient information to the reader to adequately identify the site. The village of Kilbane is 1.5km east from the site and the planning report does not state anything inaccurate within its description.
- The proposed development is solely for a met mast designed for the precise measurement of wind speeds and directions at different altitudes. The PA has noted that the application is an independent proposal and must be assessed on its own merits.
- The proposed development will not negatively impact the residential amenity and will not contravene objective CDP11.47 and is acceptable from a visual amenity perspective.
- An analysis of the projects quoted by the appellant is provided and an explanation of the difference with the proposed development. It is stated that objective 8.44 of the Plan is not relevant to this development as unlike telecommunications structure which serve a distinct purpose related to communication networks, the meteorological mast is intended for entirely different functionalities, particularly in gathering essential data regarding wind patterns and speed.
- The dwelling application quoted by the appellant (ref. 20/187) is separate in comparison to the met mast in terms of design, nature, scale and type of structure and the PA was satisfied that the mast development was acceptable from a visual amenity perspective.

- The development's temporary nature underlines the PA's confidence in its compatibility with the area's aesthetic and environmental considerations, whilst ref. 20/187 was permanent in nature.

6.3. Planning Authority Response

The PA issued a response on 2nd February 2024 and referred the Board to the considerations set out in the Planner's report. It respectfully requested that the Board uphold the decision of the PA and it did not make to wish a contingency submission in respect of the appeal. Further comments were received by the Board on 19th February 2024 with regards to an administrative issue.

6.4. Observations

A total of 2 no. observations were received from Ute and Konrad Rumberger on 10th February 2024 and Orlaith Nihill (and others) on 11th February 2024. The Board should note that a number of issues raised relate to concerns over a future wind farm development (which I note is now with the Board under ref. 321285), however, all parties should note that this development does not form part of this application and, therefore, I have not provided a summary of these concerns. Notwithstanding this, the observers have raised a number of concerns in relation to the proposed mast which are summarised as follows:

- The mast is being erected to facilitate the planning and building of the Lackareagh wind farm near Kilbane which is strictly opposed. Therefore, the mast does not fulfil any purpose and its erection is obsolete.
- The mast should not be treated as a separate entity to the windfarm when deliberating on whether to grant planning permission, particularly in relation to cumulative effects.
- The rejection of the mast is the first step towards preventing the planned Lackareagh wind farm.
- It is considered that the developers of windfarms are favoured by An Bord Pleanála and Clare County Council and that there is no level playing field.

- The 5-year duration requested is too excessive. The 2006 Wind Energy Development Guidelines outlines that permissions should be granted for approximately a two year period. The wording remains unchanged in the Draft Guidelines.
- In relation to the in-combination impact, the Lackareagh windfarm site encroaches on designated European sites. The proposed mast will result in cumulative impacts on European sites in combination with Lackareagh and Fahybeg windfarms.
- There will be significant excavation necessary for the mast given the character of the area as an upland peat bog.
- An application for a dwelling house was refused due to visual amenity concerns but this application is for a mast of 100 metres in height.
- The roads around Kilbane are not suitable for construction traffic and there are no alternative routes.
- There are concerns regarding change of water courses, water pollution through construction, impact on ground water and access of people, livestock and wildlife to water. There is also concern regarding mudslides.
- The Clare County Development Plan erred gravely by designating a radius of 10km around Broadford as “strategic” or “open to considerations” for development of onshore windfarms. It directly borders the Slieve Bernagh SAC and the Lough Derg SPA. The decision is against the County Development Plan and the Climate Action Plan.
- The whole area of East Clare is considered a heritage landscape where natural and cultural heritage are given priority.
- A one day field survey is not sufficient to deduce that all habitats, flora and fauna were comprehensively calibrated and observed.
- The submitted documents do not mention the village of Kilbane which is the closest settlement to the mast.

7.0 Assessment

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

- Principle of the Development
- Water Quality
- Biodiversity
- Visual Impact
- Residential Amenity
- Appropriate Assessment (AA) Screening

7.2. The Board should note that a number of concerns are raised within the grounds of appeal and within the observations with regards to a future windfarm application. I note that the windfarm in question is subject of a first party appeal which was lodged to the Board on 19th November 2024 (ref. ABP-321285-24).

7.3. Notwithstanding this, the subject application before the Board merely relates to the construction of a meteorological mast on the subject site and therefore any assessment as to whether or not the subject site or the areas surrounding the subject site is suitable for a windfarm development is premature. The purpose of this development seeks to measure local climate conditions to determine whether the site might be suitable for a windfarm development at some later date. The Board should note that if it is minded granting planning permission for a mast at this location it does not imply consent for the windfarm development. This development would be assessed on its own merits.

Principle of the Development

7.4. Notwithstanding the above, there is a still a requirement to establish whether the location of the meteorological mast would be acceptable in principle due to its purpose of measuring local climate conditions for a windfarm development. I note that the Wind Energy Development Guidelines, Guidelines for Planning Authorities 2006, states that

it would be inadvisable to grant permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan.

- 7.5. The Board should note that the subject site is located within an area designated as 'open to consideration' for wind farm development under Volume 6 of the Clare County Development Plan 2023-2029 (CDP), where the objective is for wind energy applications to be evaluated on a case-by-case basis subject to viable wind speeds, environmental resources and constraints and cumulative impacts. Furthermore, objective CDP11.47(c) of the CDP also seeks to support the sustainable development of renewable wind energy at appropriate locations subject to, inter alia, the protection of the environment and protected habitats and species.
- 7.6. Therefore, having regard to the purpose of the development to measure wind speeds and to the location of the site within an 'open to consideration' designation for windfarm development under the CDP, I consider that the proposed development would be acceptable in principle, subject to my assessment below. Furthermore, I consider that the development would be consistent with the provisions of the Climate Action Plan 2024.

Water Quality

- 7.7. I note the appellant's comments regarding the location of nearby watercourses, the fragility of the water system and potential pollution from the construction phase. Having reviewed the Environmental Protection Agency's (EPA) mapping tool, I note that tributaries of the Glenomra River are located approximately 350 metres north, 470 metres west and 140 metres south of the proposed development site. These tributaries are shown on page 5 of the applicant's appropriate assessment screening report (AASR) and flow in a west/southwest direction where they connect to the Glenomra River/Broadford River which eventually discharges into Doon Lough approximately 10km downstream.
- 7.8. Additionally, I note that the applicant's AASR identified an unmapped watercourse to the north of the proposed development site. Whilst this is outlined as 200 metres north of the site, I note that it is located approximately 50 metres north of proposed anchor no. 4 of the north facing guy wire. Having visited the site and having regard to the topography of the adjoining lands which slope downwards toward the Glenomra River,

I can reasonably conclude that this unmapped watercourse connects to the Glenomra River.

- 7.9. I note that the Glenomra river is part of the 'Owenogarney subcatchment' in which the ecological status is classed as 'moderate' (2016-2021) and 'at risk' of not meeting its environmental objective of good or high status under the Water Framework Directive (WFD).¹ I note that high values of, inter alia, nitrates, ammonium and orthophosphate were recorded within the waterbody. Therefore, I am in agreement with the appellant that this is a fragile water system.
- 7.10. However, the applicant has stated that no concrete will be used for the construction of the development. Materials and the excavator will be transported to the site via a tractor and flatbed trailer via the local road and existing access track which traverses the unmapped watercourse. The excavator will dig to facilitate the installation of anchors for the guy wires. No access tracks are required for the installation or maintenance of the mast.
- 7.11. Having regard to the above, to the proposed construction works being minor in scale and nature and to the circa 50 metre separation of works away from any watercourse, the Board should note that it is my view that the construction or operational phases of the proposed development would not cause any significant deterioration or change in the water body status, and I also consider that the development would not prevent attainment or potential to achieve the WFD objective and therefore would not be prejudicial to public health.

Biodiversity

- 7.12. The Board should note that my appropriate assessment screening under Section 8 below has assessed the likely impact of the development on European sites and the qualifying interests including the Hen Harrier and the Lesser Horseshoe Bat. However, the appellant has also raised additional concerns in relation to the location of the site within the ACREs Munster/South Connaught Cooperation project and potential impact on other bat species and on peatland habitats.

The location of the proposed development site is within an agricultural field. I note it is not proposed to remove any treelines or hedgerows as part of the development. I also

¹ https://www.catchments.ie/data/#/waterbody/IE_SH_27B020300?k=t9uyrz

noted on the date of my site inspection that lands to the east of the site that originally comprised of woodlands were recently felled. Having regard to this, to the temporary nature of the proposed development and to the limited scale and duration of the construction works, I consider that the development would not likely result in a significant impact on the biodiversity of the area, subject to my appropriate assessment screening below, and therefore would not conflict with the strategic objectives of the 2023-2030 National Biodiversity Action Plan.

Visual Impact

- 7.13. I note that the appellant and observers have raised concerns with the impact of the development on the visual amenity of the area. Having inspected the site and surrounding area, I noted that the subject site represents an elevated and exposed site with extensive views from the site and L-7080 across the lands to the south. I also note that there is a designated scenic route under the CDP (*ref. Number 26, R466 between Broadford and O'Briensbridge*) approximately 1.8km southwest of the subject site where there are long range views of the subject site from this scenic route. The site is located within the settled landscape as identified by the CDP which encourages, inter alia, the selection of appropriate sites for development and to avoid intrusion on scenic routes and ridges.
- 7.14. Whilst I recognise that the subject mast is 100 metres in height, I note that it has been sited at an elevation of 230mOD which is approximately over 200 metres below the peak of Glenvagalliagh Mountain (446mOD) which is located approximately 1.5km to the north. Furthermore, the development comprises of a narrow latticed structure to a width of 0.660 metres which I consider would not be particularly overbearing or prominent when viewed from public vantage points in the area. Additionally, whilst I note that the proposed support cables will extend out from the structure by 80 metres they are very slender and would not be substantially visible from vantage points.
- 7.15. Therefore, given the temporary nature, scale and design of the proposed structure, I consider that the proposed development would not have an undue negative visual impact on the character of the settled landscape at this location. Furthermore, having regard to the above and to the distance to the scenic route ref. no. 26, it is my view that the mast would not be seriously detrimental on any views from the scenic route.

Residential Amenity

- 7.16. I note the comments from the appellant regarding the impact of wind energy related developments on residential amenity in terms of noise, traffic movements, visual overbearing and depreciation of property values.
- 7.17. I note that the nearest dwelling to the subject site is located approximately 730 metres to the northwest of the site. With regards to noise, having regard to the nature of the development comprising of a meteorological mast and to the separation distance from dwellings, I consider that it will not result in a negative impact on residential amenity in terms of noise.
- 7.18. I note that the applicant states that the construction of the development will take approximately 10 days to complete and will involve the transportation of materials and an excavator to the site via a tractor and flatbed trailer. Therefore, having regard to the limited scale and duration of the construction works and to the nature of the development which would not require excess traffic movements during the operational phase, I consider that the development would not result in a negative impact on residential amenity in terms of traffic movements and, additionally, would not result in an adverse impact on traffic safety.
- 7.19. Having regard to the narrow width of the structure and to the separation distance to residential properties I am satisfied that the proposed development would not have an overbearing impact on residential amenity. With regards to the concerns in respect of the devaluation of neighbouring property, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.0 Appropriate Assessment (AA) Screening

(a) Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. An appropriate assessment screening report (AASR) was submitted with the planning application which concluded that the development, individually or in-combination with other plans and projects, will

not have a significant effect on any European site. An appropriate assessment screening was undertaken by the PA as part of its planning assessment and a finding of no likely significant effects on a European site was determined. The PA concluded that an appropriate assessment was not required.

- 8.2. I note that the appellant has highlighted typographical errors within the AASR in relation to the date of the survey and to the presence of 'pipeline' terminology. The applicant has provided clarification within its response to the grounds of appeal that the terminology was a typographical error and that the survey was undertaken on 15th August 2023 in line with NRA (2009) Guidelines (Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes) and in what the applicant states was at the most optimal time of year for a habitat and flora survey (Smith et al. 2011). The Board should note that I am satisfied with the applicant's response and to the methodology and duration of the survey, having regard to nature and scale of the proposed development.

(b) Description of the proposed development

- 8.3. As stated within Section 2 of this report, the proposed development comprises the erection of a meteorological mast for a temporary period of 5 years. No watercourses were recorded within or directly adjacent to the proposed development site. An unmapped watercourse is located approximately 50 metres to the north of anchor no. 4 of the north facing guy wire. No habitats listed under Annex I of the Habitats Directive were recorded within or adjacent to the site and no suitable supporting habitat for species listed under Annex II of the Habitats Directive or Annex I of the Birds Directive were identified during the survey. Furthermore, no invasive species were found within or adjacent to the works area.

(c) European sites

- 8.4. 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).
- 8.5. The boundary of the nearest European site is the Slieve Bernagh Bog SAC (002312) and is located within 550 metres north of the subject site. Overall, there are a total of 5 no. European sites potentially within a zone of influence of the proposed development as identified within Table 1 below. I note that the AASR identified

potentially 8 no. European sites within a likely zone of impact but rules these out due to a lack of hydrological connection, to the distance in relation to foraging range of the Lesser Horeshoe Bat and the absence of supporting habitat within the development site. Having regard to the scale and nature of the proposed development, I consider that there is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

- 8.6. Having visited the site and reviewed the EPA mapping tool, I note that the subject site is not hydrologically connected to the Glenomra Wood SAC (001013), which is located approximately 4.5km south of the subject site, or to Lough Derg (Shannon) SPA (004058), which is located approximately 6km northeast of the site. Having reviewed the qualifying interests of these European sites, to the absence of any hydrological connection, to the separation distance regarding any other potential ecological pathways and intervening lands, and to the nature and scale of the proposed development, I consider that there is no potential for likely significant effects, including ex-situ effects, on these European sites in view of the sites' conservation objectives.
- 8.7. With regards to the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), I note that these sites are hydrologically connected via the Glenomra/Broadford Rivers, Doon Lough and Owenagarney or Ratty River. However, the sites are located approximately 30-32km downstream from the Glenomra River tributaries. Whilst I note that the boundary of the Lower River Shannon SAC is also located approximately 5km to the southeast of the subject site, there is no hydrological connection to the designated site in this locality. Therefore, the Board should note that having regard to this significant hydrological distance, to the level of dilution available, to the separation distance regarding any other potential ecological pathways and intervening lands, and to the nature and scale of the proposed development, I am satisfied that the development would not likely have a significant effect on these European sites, in view of the sites' conservation objectives.

Table 1

European site	Qualifying Interests (QIs)	Distance	Connections
Slieve Bernagh Bog (SAC) (002312)	<p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Blanket bogs (*if active bog) [7130]</p>	550 metres north of subject site.	<p>None. The designated site is located upgradient of the subject site.</p> <p><i>The NPWS site synopsis document outlines that 2 pairs of the Hen Harrier, which is a QI of SPA 004168 and SPA 004165, are known to occur within the Slieve Bernagh to Keeper Hill region. Therefore, there may be potential ex-situ effects to 004168 and 004165 which I assess below.</i></p>
Danes Hole, Poulnalecka SAC (000030)	<p>Caves not open to the public [8310]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	9km west of the subject site.	<p>Potential indirect hydrological link via the Glenomra River/Broadford River which flows into Doon Lough approximately 10km downstream and reaches SAC 000030 approximately 13km downstream.</p> <p>The NPWS' Conservation document (2018) outlines that the lesser horseshoe bat normally forages in woodlands/scrub within 2.5km of their roosts. Therefore, having regard to separation distance, the absence of any supporting habitat within the subject site and level of dilution available, it is considered that no significant effects, including ex-situ,</p>

			during the construction or operational stages are likely.
Kilkishen House SAC (002319)	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	14km west of the subject site.	<p>None.</p> <p>The NPWS' Conservation document (2018) outlines that the lesser horseshoe bat normally forages in woodlands/scrub within 2.5km of their roosts. Therefore, having regard to the 14km distance via air and the absence of any supporting habitat within the subject site, it is considered that no significant ex-situ effects during the construction or operational stages are likely.</p>
Slieve Aughty Mountains SPA (004168)	<p>Hen Harrier (Circus cyaneus) [A082]</p> <p>Merlin (Falco columbarius) [A098]</p>	13km northwest of the subject site.	<p>No hydrological connection.</p> <p>The NPWS' Conservation Objectives document (2022) outlines that the Hen Harrier will use the area within 5km from their nest site, though they can travel further. However, having regard to the 13km distance via air and the absence of any supporting habitat within the subject site, it is considered that no significant ex-situ effects during the construction or operational stages are likely.</p>
Slievefelim to Silvermines Mountains SPA (004165)	Hen Harrier (Circus cyaneus) [A082]	14km southeast of the subject site	<p>No hydrological connection.</p> <p>Having regard to the NPWS' Conservation Objectives document (2022) which states the same as above, to the 14km distance via air and to</p>

			the absence of any supporting habitat within the subject site, it is considered that no significant ex-situ effects are likely.
--	--	--	---

(d) Likely impacts of the project (alone or in-combination with other plans and projects)

8.17. As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact. With regard to indirect impacts, it is possible that surface water run-off from the site could provide a potential hydrological pathway to Danes Hole, Poulnalecka SAC. However, there are a number of factors that would prevent 'likely significant effects' on the SAC. Any run-off from the site would have to flow over agricultural land before it reaches the tributaries of the Glenomra River. This watercourse connects to the SAC, via Doon Lough, approximately 10km downstream, thereby providing a high level of dilution available. Additionally, the construction of the proposed development does not propose any concrete foundations and overall represent minor scale works. Therefore, I consider that it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect European sites.

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

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

8.19. There will be no direct or ex-situ effects from disturbance on birds due to the distance to the SPAs or on the Lesser Horseshoe Bat [1303] due to its foraging range and absence of suitable habitat within the site.

(f) Screening Determination

8.20. 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 any European site, in view of the sites' Conservation Objectives. Therefore, an Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.21. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European site.
- The distance from and weak indirect connections to the European sites.
- The unlikely ex-situ impact on any mobile qualifying interests, including the lesser horseshoe bat (LHB), due to the absence of supporting habitat, the distance of the site from the European sites and having regard to the foraging range of the LHB.
- The screening determination of the planning authority.

8.22. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this determination.

9.0 Recommendation

It is my recommendation to the Board that permission is **Granted**, subject to conditions, for the reasons and considerations set out below. The Board should note that the PA did not attach a financial contribution as part of its notification to grant, however, I have attached such contribution below having reviewed the Clare County Council Development Contribution Scheme 2017-2023.

10.0 Reasons and Considerations

Having regard to the location of the proposed development within an area designated as 'open to consideration' for wind farm development under Volume 6 of the Clare County Development Plan 2023-2029, to the purpose of the development to measure

local climate conditions, to the siting and design of the development together with its temporary nature, and to the minor scale of construction works associated with the development, it is considered that subject to conditions set out below, the proposed development would not seriously injure the visual amenities of the area including on any high amenity value views from the designated scenic route (reference number 26), would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety, would not result in an adverse impact on biodiversity and would not be prejudicial to public health. It is considered that the proposed development would be consistent with the Climate Action Plan 2024, would be in accordance with objectives CDP14.2 (settled landscapes) and CDP14.7 (scenic routes) of the Clare County Development Plan 2023-2029 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall apply for a period of 5 years from the date of this Order. The meteorological mast and ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the impact of the development to be reassessed, having regard to changes in technology and design during the specified period.

3. (a) The site shall be reinstated on removal of the meteorological mast and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

(b) In the event of the meteorological mast becoming obsolete and being decommissioned, the developers shall at their own expense, remove the structure and restore the site to its original condition.

Reason: In the interest of orderly development.

4. (a) A fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority and the Irish Aviation Authority prior to commencement of development.

(b) The developer shall contact the Irish Aviation Authority of the intention to commence crane operations with at least 30 days prior notification of the erection of the mast and to provide as constructed coordinates in WGS-84 format, together with ground and tip height elevations to the Authority.

Reason: In the interest of public safety.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or,

in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

6. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement, including all necessary demolition and removal. The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

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.

Gary Farrelly
Planning Inspector

10th December 2024

Appendix 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318846-24		
Proposed Development Summary	Erection of a temporary 100 metre high meteorological mast for a period of 5 years, and all ancillary works		
Development Address	Killeagy (Goonan), County 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	X
		No	No further action required
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			Proceed to Q.3
No	X		No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No		Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	