



An
Bord
Pleanála

Inspector's Report

ABP-319749-24

Development

30 metre high lattice telecommunications support structure, a headframe, antennas, dishes and associated telecommunications equipment and work, security fencing, access track and revised site entrance. A Natura Impact Statement has been submitted as part of this application

Location

Quingardens (Townland), Quin, Co. Clare

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

2360520

Applicant

Vantage Towers

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellants

Deirdre O'Brien and Others

Observers

None

Date of Site Inspection

10th December 2024

Inspector

Siobhan Carroll

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Conditions attached by the Planning Authority.....	7
3.4. Prescribed Bodies.....	8
3.5. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. National Planning Framework.....	9
5.2. National Development Plan 2021-2030	9
5.3. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996.....	9
5.4. Telecommunications Antennae and Support Structures and DOECLG Circular Letter PL07/12.....	10
5.5. Climate Action Plan 2024.....	10
5.6. National Biodiversity Action Plan 2023 – 2030.....	11
5.7. Regional Spatial and Economic Strategy for the Southern Region 2019- 2031	11
5.8. Clare County Development Plan 2023 – 2029	11
5.9. Natural Heritage Designations	12
5.10. EIA Screening	12
6.0 The Appeal	13

6.1.	Grounds of Appeal	13
6.2.	Applicant Response	15
6.3.	Planning Authority Response	18
7.0	Assessment	20
7.1.	Visual amenity	20
7.2.	Impacts of radiation and electromagnetic fields and impacts on bats	23
8.0	Appropriate Assessment	24
9.0	Recommendation	25
10.0	Reasons and Considerations	25
11.0	Conditions	26
Appendix 1 – Form 1: EIA Pre-Screening		
Appendix 2 – Appropriate Assessment		

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.015 hectares and is located within the rural townland of Quingardens, Quin, County Clare. It is situated circa 1km to the south of the village of Quin.
- 1.2. The location of the proposed telecommunications support structure is circa 120m to the east of the L3148. Access to the location of the proposed telecommunications support structure is from the L3148 local road. There is an existing agricultural gate at the location of the proposed site access. The proposed access traverses the northern section of one field, extends along the eastern boundary of the adjoining field to the north and extends across third fields to the location of the proposed telecommunications support structure.
- 1.3. The elevation of the site of the proposed telecommunications support structure measures 15.2mA.S.L. There is mature tree planting to the south and west of the location of the proposed telecommunications support structure. The River Rine is located 244m to the east of the site.

2.0 Proposed Development

- 2.1. Permission is sought to erect a 30 metre high lattice telecommunications support structure, including a headframe together with antennas, dishes and associated telecommunications equipment and works, all enclosed in security fencing and to construct a new access track and revised site entrance. A Natura Impact Statement has been submitted as part of this application

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Clare County Council decided to grant permission by Order dated 26th of April 2024, subject to 6 no. conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

3.2.2. Further Information was requested in relation to the following;

1. The proposed development site is located within the Core Sustenance (CSZ) for Lesser Horseshoe bats which are Qualifying Interest species associated with the Poulmagordon Cave (Quin) SAC and Old Domestic Buildings (Keevagh) SAC. Therefore, the development must be assessed in terms of its potential impact on these designated sites and its compliance with Objective CDP15.3 'European Sites' of Clare County Development Plan 2023-2029. It must be satisfactorily demonstrated that the proposed development will not have a significant adverse effect on the status of European sites and their associated qualifying interest features and will not negatively affect the conservation objectives or the integrity of the sites.

The Screening for Appropriate Assessment and Natura Impact Statement which accompanied the planning authority are noted and the Planning Authority, as the competent authority in the appropriate assessment process, broadly concurs with the assessment contained therein. However, further details is required on a number of matters before the Planning Authority can satisfactorily determine that the proposal will not have an adverse effect on nearby European sites. The following is noted:

- The mitigation measures set out in the submitted Natura Impact Statement recommend the implementation of a landscaping plan to include the planting of a treeline or hedgerow in the vicinity of the proposed telecommunications tower. No Landscaping Plan was submitted with the application.
- The mitigation measures also recommend the preparation of a Method Statement to establish the sequence of works and to outline how bats will be protected during the construction phase of the development. No method statement was submitted with the application.

3.2.3. Planning Report dated 24/4/24 - Following the submission of a response to the further information the Planning Authority were satisfied with the Landscaping Plan and Construction Management Plan has provided a greater level of detail regarding the works that will take place on the site and how the development will progress during the construction phase. It was concluded that the submitted documents have

addressed any remaining uncertainty in relation to the works to take place on site and the management of same. A grant of permission was recommended.

3.2.4. Other Technical Reports

3.2.5. Environmental Assessment Officer - The application includes for the provision of a bat night roost which should be integrated into the landscaping plan. Within the Natura Impact Statement, the ecologist has noted that this is a recommendation only and is not a mitigation measure that is required to offset any predicted impact. It is also not noted on any application drawing or site layout plans. Clare County Council in preparing their own assessment and acting as the Competent Authority has determined that given there is no direct loss of roosting space or roosting potential through the removal of trees from the site together with the absence of any potential to impact on the roosts associated with the Poulmagordon Cave SAC or Old Domestic Building Keelvagh that the construction of such a feature is not required in this instance. Any habitat fragmentation that may occur through the construction of the tower will be offset through the application of the mitigation measures associated with the Landscaping Plan and specifically the planting of linear features as opposed to the construction of a bat house. A Method Statement is included in Chapter 7 of the NIS as Mitigation which should include for the sequence of works and should outline how bats will be protected during the construction works. To ensure all elements of the proposal are assessed as part of the Appropriate Assessment process this Method Statement should be requested as part of a Further Information Request.

3.3. **Conditions attached by the Planning Authority**

3.3.1. Regarding the decision of the Planning Authority to grant permission, I note that the following conditions were attached.

3.3.2. Condition no. 2 – The mitigation measures set out in the Natura Impact Statement received by the Planning Authority on 30th November 2023 and the procedures set out in the Construction Management Plan received by the Planning Authority on 22nd February 2024 shall be implemented in full throughout the construction and

operational phases of the development. Reason: In the interest of clarity and to ensure the protection of the natural heritage of the area.

3.3.3. Condition no. 3 – The site shall be landscaped in accordance with the Landscaping Plan received by the Planning Authority on 22nd February 2024. This landscaping shall be implemented not later than the first planting season after commencement of the development. Any planting that is diseased or fails within 2 years of planting shall be replaced. Reason: To protect the character of the rural area and to ensure the protection of the natural heritage of the area.

3.3.4. In relation to these two conditions I would recommend that should the Board decide to grant permission for the proposed development that similarly worded conditions be attached in order to ensure that mitigation measures are implemented having regard to the provisions of the Appropriate Assessment in respect of the scheme and in order to ensure that the proposed landscaping is carried out to protect the visual amenities of the area.

3.4. Prescribed Bodies

3.4.1. Irish Aviation Authority - The Authority has no requirement for obstacle lighting on this telecommunications structure. This does not preclude the Local Authority from imposing any conditions it may require.

3.5. Third Party Observations

3.5.1. The Planning Authority received 5 no. submissions/observations in relation to the planning application.

4.0 Planning History

4.1.1. None

5.0 Policy Context

5.1. National Planning Framework

- 5.1.1. The NPF generally supports improving local connectivity in terms of broadband and enabling infrastructure that affords communities opportunities to engage with the digital economy.
- 5.1.2. NP Objective 24 – seeks to support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who work and live in rural areas.

5.2. National Development Plan 2021-2030

- 5.2.1. **NSO3 – Strengthening Rural Economies and Communities** – recognises the importance of rolling out the National Broadband Plan in providing consumers with access to high-speed broadband services which will promote balanced regional development. The NBP will enable citizens to benefit from advances in technology.

5.3. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996

- 5.3.1. These guidelines set out current national policy regarding telecommunications structures. Guidance is given in respect of matters such as site selection, minimising adverse impact, sharing and clustering of facilities and development management issues. The guidelines are supportive of the development and maintenance of a high-quality telecommunications network and service.
- 5.3.2. Section 4.3 relates to visual impact. In locations which are sited along major roads and tourist routes it is stated that where the mast is visible but does not terminate views, the impact may not be seriously detrimental. Furthermore, where views may be intermittent and incidental, the mast may be visible or noticeable but may not intrude overly on the general view or prospect.
- 5.3.3. Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, be located in residential areas or

beside schools. In such cases, sites already developed for utilities should be considered and masts should be designed and adapted for the specific location and kept to a minimum height for effective operation.

5.4. Telecommunications Antennae and Support Structures and DOECLG Circular Letter PL07/12

- 5.4.1. This Circular letter provided updated guidance contained in the 1996 Guidelines, which had advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply and had suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites besides schools. The Circular advised that whilst these policies may be reasonable, there has been a growing trend for the insertion of development plan policies which specify minimum distances from schools and houses, such as 1km. It is stated that such distances, without allowing for flexibility on a case-by-case basis, can make the identification of sites for new infrastructure very difficult. It is therefore advised that Planning Authorities do not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.
- 5.4.2. Section 2.6 of the Circular reiterates the advice contained in the 1996 guidelines in respect of Health and Safety aspects, that Planning Authorities should not include monitoring arrangements as part of planning permissions and that planning applications should not be determined on health grounds. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters relating to telecommunications infrastructure which is regulated by other codes. Conditions should not be attached limiting the life of the installation to a set period.

5.5. Climate Action Plan 2024

- 5.5.1. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan.

5.5.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.6. National Biodiversity Action Plan 2023 – 2030

5.6.1. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

5.7. Regional Spatial and Economic Strategy for the Southern Region 2019-2031

5.7.1. Regional Policy Objective (RPO) 137 - Mobile Infrastructure – It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our region and strengthen cross regional integration of digital infrastructures and sharing of networks.

5.8. Clare County Development Plan 2023 – 2029

5.8.1. Chapter 11 refers to Physical Infrastructure

5.8.2. Section 11.8 refers to Energy and Communications

5.8.3. Section 11.8.9 refers to Telecommunications Infrastructure

5.8.4. 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.

5.8.5. Chapter 14 refers to Landscape

5.8.6. Section 14.3.2.2 – refers to Working Landscapes

- 5.8.7. Development Plan Objective: CDP14.3 Western Corridor Working Landscapes - It is an objective of Clare County Council: a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources; b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact; c) To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:
- i. That the site has been selected to avoid visual prominence.
 - ii. That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads.
 - iii. That design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.

5.9. Natural Heritage Designations

- 5.9.1. Poulmagordon Cave (Quin) SAC (Site Code 000064) is situated 1.09km to the east of the appeal site.
- 5.9.2. Old Domestic Building (Keevagh) SAC (Site Code 002010) is situated 2.25km to the north-west of the appeal site.
- 5.9.3. Lower River Shannon SAC (Site Code 002165) is situated 2.59km to the south-west of the appeal site.
- 5.9.4. River Shannon and River Fergus Estuaries SPA is situated 3.56km to the south-west of the appeal site.

5.10. EIA Screening

- 5.10.1. 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 of the report in this regard.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Deirdre O'Brien and others. The issues raised are as follows;

- The site is located in an undisturbed area. The location of treelines and the adjacent river system has an intrinsic biodiversity value to bats as these features are considered to be of high value to all species resident in Ireland.
- The Bat survey supports this. The area supports high macroinvertebrate productivity which provides ample biomass for bats. The physical features around the area also act as shelterbelts along which macroinvertebrates will accumulate and where bats forage.
- Based on evidence of Ordnance Survey Ireland mapping and ground evidence it is clear that little disturbance of the field or vegetation system has occurred in the area.
- It is submitted that the stable habitat mix including its structure and distribution would result in a high level of site loyalty of bats which would result in the repeated preferential selection of the location for foraging.
- It is of particular relevance that such high-quality foraging zone (CFZ) of Special Areas of Conservation whose species of conservation interest (SCI) is the Lesser Horseshoe Bat; Poulmagordon Cave SAC (Site Code 000064) located 1.1km east of the proposed development site and Old Domestic Building (Keevagh) (Site Code 002010) located 2.2km north of the proposed development site.
- It has been established that certain tree types influence the levels of bat activity based on the higher numbers of insects associated with these tree species. It is noted that oak trees are particularly good in attracting

macroinvertebrates and that two oak trees are present in the wooded area adjacent to the proposed site.

- It is submitted that an alteration in the Electromagnetic Field around the area will impact the insect abundance at the site. Concern in relation to the cumulative effect of non-ionising radiation emissions from the installation on biodiversity.
- The appeal refers to a document prepared by Eirgrid entitled 'Eirgrid Evidence Based Environmental Study 3: Bats Literature review and evidence based field study on the effect of high voltage transmission lines on bats in Ireland.' The document confirms that bat use magnetoreception for directional orientation and navigation.
- The Eirgrid review paper emphasised that the frequency associated with overhead lines is well below the radio frequency used to operate telecommunication systems.
- It was noted that a study in Valladolid Spain by Balmori in 2003 found that the number of bats in a colony of free tailed *Tadarida teniotis* decreased when several phone masts were placed 80m from the colony. It was found that the number of common pipistrelles also decreased in some areas.
- It is noted that the wooded area adjacent to the proposed development site has become infected with ash die back disease. The spread of the disease poses a serious threat to associated biodiversity including bat populations. It is submitted that no additional pressures such as the proposed mast development should be introduced to the valuable foraging area.
- The ash die back prevalent at the site will also reduce any potential screening resulting in the 30m high mast presenting as a more prominent feature in the landscape.
- Page 2 of the document 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (as amended in 2012, Circular Letter: PL07/12) is noted which states "Areas legally designated for environmental conservation must be given the required protection when considering applications for mobile telephony infrastructure. These

considerations demand that the fullest attention is paid to the location of masts by operators and planning authorities. In addition, in order to avoid an unnecessary proliferation of masts, owners (i.e. those controlling access to support structures and masts) would be expected to facilitate colocation of antennae with other operators.

- Page 8; states; “Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks.”
- It is stated that anecdotally that the overall population of flying insects has reduced in rural areas over the past thirty years. A reducing density of insects means a reducing availability of foraging for bats. Additional pressure on the foraging supply in the core foraging area of the two SAC roosts should not be permitted.
- It is submitted that the precautional principle should apply in the consideration of the development at this location and particularly in the context of demonstrating the absence of risk to the macroinvertebrate density at site and associated risk to the Lesser Horseshoe bat.

6.2. Applicant Response

A response to the third party appeal was received from Ecofact Environmental Consultants on behalf of the applicant Vantage Towers Limited. The issues raised are as follows;

- The location of the proposed development in relation to Natura 2000 sites has been set out in detail in the ‘Screening for Appropriate Assessment’, ‘Natura Impact Statement’ and ‘Bat Survey Report’ prepared by Ecofacts Environmental Consultants Limited.
- The provision of a bat night roost was proposed as a biodiversity enhancement measure. It was not proposed as a mitigation measure for any impacts identified in the Natura Impact Statement.

- While the Planning Authority do not require the provision of a bat night roost it is highlighted that all the other mitigation specified in the NIS will be fully adhered to and implemented on site.
- Electric and Magnetic Field (EMF) radiation has already been fully considered in the Natura Impact Statement prepared by Ecofact. It was concluded that the power output of these masts is far too low to have a significant negative impact on bats. The current proposed development is not located near any bat roosts or within a designated site.
- The bat survey indicated low activity levels and no bat roosts were recorded.
- The proposed development is located in agricultural fields. The woodland to the west is undesignated and is not of particularly high biodiversity value.
- The proposed development site has potentially suitable foraging and commuting habitats for the Lesser Horseshoe Bat. Only a few passes of Lesser Horseshoe Bat were detected on the site during the extensive survey work completed during 2023. The trees along the access route do not have significant bat roosting potential.
- The proposed development site is within the nominate Core Sustenance Zone of Lesser Horseshoe Bat associated with Poulmagordon Cave SAC Old Domestic Building (Keevagh) SAC. However, this is an arbitrary radius and does not have actual designation associated with it.
- The construction of the access road will affect a bat foraging area. However, as the proposed construction works will take place outside of the bat activity season, then there will be no impacts.
- No bat habitats are being lost as a result of the proposed development.
- Bats including Lesser Horseshoe Bat will be able to continue to use the site and there will be no habitat loss for bats as a result of the proposed development. This is due to the fact that no trees will be removed.
- The EMF will meet the exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP) which are set to protect the general public.

- It was assessed that there will be no loss of insect production as a result of the proposed development.
- The results of the studies quoted in the Eirgrid report are being selectively used. The Balmori (2003) review did report that the number of bats in a roost in Spain decreased when several phone masts were placed 80m from the colony. However, this was a review paper with limited details.
- The current proposed mast is not located near any bat roost and bats foraging and commuting past a phone mast would have limited exposure to EMF radiation.
- The current proposed mast is also 30m high and bats would be expected to forage and commute at a much lower level than the EMF source.
- The current tower has been designed and will meet safety standards for protecting human health. These standards are much higher than those usually used to protect wildlife. Vodafone Ireland have confirmed that the proposed tower is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the ICNIRP as expressed in the EU Council recommendation of 12th July 1999 “on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300GHz).
- In relation to the matter of Ash dieback in the adjacent woodland it is acknowledged that this is unfortunate. However, it is highlighted that the project was redesigned so that this woodland could be fully avoided by the proposed communications tower and access road. The proposed development only affects Improve Grassland and the footprint is relatively small.
- The precautionary principle has been applied in relation to the proposal. The developer commissioned extensive bat surveys and a Natura Impact Statement. The NIS was completed due to an abundance of caution on behalf of the developer.
- The core sustenance zone (CSZ) around Lesser Horseshoe Bat is an arbitrary radius and does not mean that these areas are protected. It also does not mean that Lesser Horseshoe Bat necessarily forage in these areas.

It means that this area could be used by the bats and that any development in these areas should take this species into account.

- This is what happened in this case where the developer commissioned extensive bat surveys and a Screening for Appropriate Assessment. A further bat survey was prepared. Although most of the impacts were designed out of the project further extensive mitigation was provided in the NIS.
- The NIS concluded that the proposed project would likely comply with the 'Lesser Horseshoe Bat Species Action Plan, 2022 – 2026' and that no residual significant effects on bats were likely. It was concluded that the proposed project does not pose a risk adversely affecting the integrity of any Natura 2000 sites, either alone or in-combination with other plans and projects.
- The issue of insects being attracted to the tower and affected by the EMF was fully considered in the NIS. On the advice of the project ecologists the developer removed the lighting originally proposed for inclusion on the telecommunications tower. This reduced the potential for impacts on bats, by reducing the likelihood that insects will be attracted to the tower.
- In relation to the possible effects on insects from electromagnetic radiation it is clear that any effects like this will be on individual insects present in close proximity to the antennas.
- The key issue is whether this would be of ecological significance and could affect the food supply of bats and there was no evidence that such an effect could occur in relation to the current proposed development.
- The proposal has fully taken both the Habitats Directive (92/43/EEC) and Lesser Horseshoe Bat Species Action Plan 2022-2026 into account. The project design has ensured that the existing foraging habitat supporting colonies is retained.

6.3. Planning Authority Response

A response to the third party appeal was received from the Planning Authority. The issues raised are as follows;

- With respect to the appeal against the grant of permission under Reg. Ref. 23/60520 the following is noted in relation to the impact on available prey items for the Qualifying Interest Feature of Lesser Horseshoe Bats which is the key species of concern in terms of impact and to which the Planning Authority gave due consideration in concluding their findings with respect to the Habitat Directive both from an Appropriate Assessment and Biodiversity perspective.
- It is highlighted that the Conservation Objectives for both the Poulmagordon Cave (Quin) SAC (Site Code 000064) and the Old Domestic Buildings (Keelvagh) (Site Code 002010) do not contain a specific conservation objective attribute for availability of prey items or impacts to them such as those potentially arising from EMF.
- The Conservation Objectives relate to “Extent of potential foraging habitat”, ‘Linear features”, “Light Pollution” etc. In terms of the role of the Planning Authority as a Competent Authority on the Appropriate Assessment process, we are satisfied (beyond scientific doubt) that there is no risk of adverse effects on the Conservation Objectives of the associated European Sites as is required under the Habitat Directive. In terms of the Appropriate Assessment they key requirement is to assess the impacts of the proposal on the Conservation Objectives.
- Regarding the matter of the introduction of additional EMF in this area from the construction of the 30m high lattice telecommunications mast and its potential impact on prey items for Lesser Horseshoe Bats, reference is made to EirGrid Evidence Based Environmental Studies Study 3: Bat Literature review and evidence – based field study on the effect of high voltage transmission lines on bats in Ireland within the documentation submitted as part of the appeal. This study concluded that “Due to the lack of published evidence on the potential impacts of EMF generated from OHL’s and the limited and conflicting evidence emanating from studies of other species of fauna, it is not possible to determine definitively if EMF has any impact at all on bat species. This literature review concludes that a correlation has not

been identified between EMF emanating from OHL's and any negative association with bats."

- There is no definitive evidence to prove that the construction of one single telecommunications mast would impact the presence of available prey items at this location to such a level that the foraging behaviour of the Lesser horseshoe bat would be altered.
- Overall, the presence or absence of suitable commuting and/or foraging habitat is the strongest determinant for bat activity of commoner species around and adjacent to such pieces of infrastructure. Therefore, retaining existing high quality linear features and enhancing these features as is proposed by the Landscaping Plan accompanying this application, linear features offset any potential adverse impacts on bats.
- In all other respects the Planning Authority refers to the considerations set out in the Planner's Report on this application and respectfully requests that the Board uphold the Council's decision in this instance.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Visual amenity
- Impacts of radiation and electromagnetic fields

7.1. Visual amenity

- 7.1.1. The appeal makes reference to the matter that the proposed telecommunications support structure would appear as a prominent feature in the landscape. Specific concern is raised that the die back of Ash trees in the vicinity of the site would reduce potential screening. The planning authority in their assessment of the proposal has concluded that the structure will not dominate the landscape and will not be overly intrusive on local views.

- 7.1.2. Chapter 14 of the Clare County Development Plan 2023-2029 refers to Landscape. The development plan identifies three types of landscape within the county they are settled landscapes, working landscapes and heritage landscapes.
- 7.1.3. The subject site at Quingardens, Quin, County Clare is located within the Western Corridor Working Landscape, which is not a sensitive landscape designation. I would also note that the appeal site is not located within any designated views or prospects. Development Plan Objective 14.3 refers to Western Corridor Working Landscape and part (a) states, it is an objective of the Council to permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources and part (b) states, it is an objective of the Council to ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact.
- 7.1.4. It is advised in the Guidelines on Telecommunications Antennae and Support Structures that views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect.
- 7.1.5. The application is accompanied by a detailed visual impact assessment. The assessment contained views which were assessed from 4 no. vantage points in order to properly assess the impact of the proposal on the surrounding landscape. The Planning Authority in their assessment of the proposal found that the upper part of the structure will be visible when travelling towards Newmarket on Fergus but that it will not dominate the landscape will not be overly intrusive on local views.
- 7.1.6. I have reviewed this visual impact assessment, and I am satisfied that the photomontages provided from the selected viewpoints which form the basis of the visual impact assessment are representative of the extent of the visual impact upon the surrounding landscape. I note that from viewpoint no.1 at the L3148 which is a close-range view only the upper section of the structure would be visible. From viewpoint no. 2 from the L3148 to the north of the site the upper and middle section of the structure would be visible. From viewpoint no. 3 from the R469 at Quin Village

to the north-east of the site the structure would not be visible. From viewpoint no. 4 from the local road to the north-west of the site which is a long range view the upper section of the structure would be visible. However, the upland area to the south of the site provides a backdrop with hills on the horizon and I note that the structure within this context would be assimilated into the landscape.

- 7.1.7. The grounds of appeal referred to the appeal site being in a sensitive location and have referred to the proximity of the Poulmagordon Cave (Quin) SAC and the Old Domestic Buildings (Keevagh) SAC. The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996), in Section 4.3 refer to visual impact and it advises that great care will have to be taken when dealing with fragile or sensitive landscapes. In relation to this matter, I would highlight that the appeal site is not located within a sensitive landscape designation. Regarding the location of the closest European sites, Poulmagordon Cave (Quin) SAC and the Old Domestic Buildings (Keevagh) SAC they are located 1.09km and 2.25km respectively from the appeal site. Accordingly, there are no fragile or sensitive landscapes referring to the appeal site or within its immediate vicinity.
- 7.1.8. I note that the appeal raised the matter of the possible reduction in existing Ash trees in the area due to die back disease which could reduce the level of existing tree screening of the site. This matter is noted, and I also note that the Planning Authority required details of a landscaping plan as part of the request for further information. The Landscaping Plan submitted to Planning Authority on 22/2/2024 indicates that it is proposed to retain existing trees on site and to plant a new tree line along the perimeter of the location of the telecommunications support structure to tie in with the existing tree line with native planting. I consider this will serve to further mitigate the visual impact from close range views.
- 7.1.9. In conclusion, given the height of the proposed telecommunications structure at 30m, there would be some close range views of it from the local road and surrounding lands in the immediate vicinity however having regard to the existing screen planting and topography of the area I am satisfied that it would not form a visually obtrusive or incongruous feature and that it would not unduly interfere with the character of the landscape.

7.2. Impacts of radiation and electromagnetic fields and impacts on bats

- 7.2.1. The grounds of appeal referred to concern in relation to potential negative impacts from radiation and electromagnetic fields (EMF) generated by telecommunications infrastructure.
- 7.2.2. I would note that radiation and EMF relate to public health and safety. In line with ministerial guidance and as detailed in Circular Letter PL07/12 it advises that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. It also notes that telecommunication infrastructure is regulated by other codes and such matters should not be additionally regulated by the planning process. The report of the Planning Officer dated 31/1/2024 also noted the provisions of Circular Letter PL07/12 in respect of the matter.
- 7.2.3. The issue of EMF was raised in the context of potential impacts upon bats, specifically the Lesser Horseshoe Bat and also insects. The appeal referenced an EirGrid Evidence Based Environmental Studies Study 3: Bat Literature review and evidence – based field study on the effect of high voltage transmission lines on bats in Ireland in terms of potential impact on prey items for Lesser Horseshoe Bats.
- 7.2.4. In response to the grounds of appeal the Planning Authority in their submission highlighted that this study concluded that “Due to the lack of published evidence on the potential impacts of EMF generated from OHL’s and the limited and conflicting evidence emanating from studies of other species of fauna, it is not possible to determine definitively if EMF has any impact at all on bat species. This literature review concludes that a correlation has not been identified between EMF emanating from OHL’s and any negative association with bats.”
- 7.2.5. Therefore, the Planning Authority submit that there is no definitive evidence to prove that the construction of one single telecommunications mast would impact the presence of available prey items at this location to such a level that the foraging behaviour of the Lesser horseshoe bat would be altered. The Planning Authority also stated in their response that the Conservation Objectives for both the Poulmagordon Cave (Quin) SAC (Site Code 000064) and the Old Domestic Buildings (Keevagh) SAC (Site Code 002010) do not contain a specific conservation objective attribute for

availability of prey items or impacts to them such as those potentially arising from EMF. Regarding this matter I would concur with this point and refer to Appendix 2 of this report, the Appropriate Assessment, which specifically assesses the likely significant effects upon the Conservation Objectives for Poulmagordon Cave (Quin) SAC and the Old Domestic Buildings (Keevagh) SAC.

- 7.2.6. The first party in their appeal response also addressed the matter and they highlighted that Electric and Magnetic Field (EMF) radiation has already been fully considered in the Natura Impact Statement prepared by Ecofact. It was concluded that the power output of these masts is far too low to have a significant negative impact on bats.
- 7.2.7. I note that the grounds of appeal referred to the removal of trees, resulting from the proposed development being carried out and potential impacts on bats in terms of loss of foraging area and roosting space. In response to these matters, I would highlight the report of the Environmental Assessment Officer of the Council which states that they determined that there is no direct loss of roosting space or roosting potential through the removal of trees from the site. Regarding the matter of removal of trees, I would note that the Landscaping Plan submitted to Planning Authority on 22/2/2024 indicates that it is proposed to retain existing trees on site, where possible and it is proposed to plant a new tree line along the perimeter of the location of the telecommunications support structure to tie in with the existing tree line with native planting. Accordingly, I am satisfied that the proposed Landscaping Plan will ensure that the existing habitats on the site will remain and be enhanced.
- 7.2.8. I have undertaken a review of the information submitted by the appellants in their appeal along with the information submitted by the applicants with the application and in response to the appeal. Having reviewed this documentation, I would conclude that based on all the evidence submitted that the proposed development would have no significant negative impacts.

8.0 Appropriate Assessment

- 8.1. Appropriate Assessment - refer to Appendix 2
- 8.2. Appropriate Assessment Overall Conclusion

8.2.1. I consider on the basis of the information on file that the applicant in this case has demonstrated in the submitted Natura Impact Statement that with the implementation of mitigation measures including robust construction management and also operational measures that are to the required standards, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Poulmagordon Cave (Quin) SAC (Site Code 000064) and Old Domestic Buildings (Keevagh) SAC (Site Code 002010) or any other such designated European site, in view of the their Conservation Objectives.

9.0 Recommendation

9.1.1. I recommend a grant of permission.

10.0 Reasons and Considerations

10.1.1. Having regard to the provisions of:

- (a) The National Planning Framework,
- (b) The Regional Spatial and Economic Strategy for the Southern Region,
- (c) The Clare County Development Plan 2023-2029, and
- (d) The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12,

and to the nature, scale and height of the proposed development and, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. It is considered that the proposed development would be in accordance with objectives CDP11.55 (telecommunications infrastructure), CDP14.3 (Western Corridor Working Landscapes) 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 and further information submitted on 22nd day of February 2024, 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. All the mitigation measures indicated in the Natura Impact Statement and the procedures set out in the Construction Management Plan submitted to the planning authority 22nd day of February 2024 shall be implemented in full.

Reason: To ensure the protection of the integrity of European sites.

3. The mitigation measures, as detailed in the Bat Survey Report prepared by Ecofact Environmental Consultants submitted to the planning authority on the 30th day of November 2023, shall be implemented as part of the development.

Reason: In the interest of wildlife protection.

4. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

Reason: In the interest of the visual amenities of the area.

5. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of 6 months, the structures shall be removed, and the site shall be reinstated within 3 months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within 7 months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.

Reason: In the interest of the visual amenities of the area.

6. Landscaping of the site shall be carried out in accordance with a landscaping scheme received by the planning authority on the 22nd day of February 2024. This landscaping shall be implemented not later than the first planting season after commencement of development. Any planting that is diseased or fails within 2 years of planting shall be replaced.

Reason: In the interest of the visual amenities of the area.

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained.

Reason: In the interest of visual amenity, residential amenity and biodiversity.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

Reason: In the interest of the visual amenities of the area.

9. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

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.

Siobhan Carroll
Planning Inspector

24th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP 319749-24		
Proposed Development Summary	30 metre high lattice telecommunications support structure, including a headframe together with antennas, dishes and associated telecommunications equipment and works, all enclosed in security fencing and to construct a new access track and revised site entrance. A Natura Impact Statement has been submitted as part of this application		
Development Address	Quingardens (Td), Quin, 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			
No	✓		
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 Q4
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		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2 - Appropriate Assessment

Overview

- 1.1.1 Accompanying this application is a Natura Impact Statement dated 29/11/2023 prepared by Ecofact Planning and Environmental Consultants. A Bat Survey prepared by Ecofact Planning and Environmental Consultants dated 29/11/2023 also accompanies the application. Under the request for further information the applicant was required to submit a response referring to proposed mitigation measures which included a landscaping Plan and a Method Statement associated with the proposed development. A response to these matters was submitted to the Planning Authority on the 22nd of February 2024 comprising a Landscaping Plan and a Construction Management Plan.

Screening

- 1.1.2 In accordance with the obligations under the Habitats Directive and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening.'
- 1.1.3 The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
1. Description of the plan or project and local site or plan area characteristics.
 2. Identification of relevant European site and compilation of information on their qualifying interests and conservation objectives.
 3. Assessment of likely significant effect-direct, indirect, and cumulative, undertaken on the basis of available information.
 4. Screening Statement with conclusions.

Projection Description and Site Characteristics

- 1.1.4 The project description is given as a 30m high telecommunications tower at Quingardens, Quin, Co. Clare. The proposed development comprises the installation of a 30m high lattice telecommunications support structure. This will include headframe together with antennas, dishes and associated telecommunications equipment, all enclosed in security fencing, with an access road.
- 1.1.5 The following European sites located within 15km of the appeal site:
- Poulmagordon Cave (Quin) SAC (Site Code 000064) located 1.09km east of the site.
 - Old Domestic Building (Keevagh) SAC (Site Code 002010) located 2.25km north-west of the site.
 - Lower River Shannon SAC (Site Code 002165) circa 2.59km to the south-west of the appeal site.
 - River Shannon and River Fergus Estuaries SPA (Site Code 004077) circa 3.56km south-west of the site.
- 1.1.6 Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA were determined to be located outside the zone of influence in terms a number of factors including the separation distance provided and the absence of a downstream hydrological connection with the designated sites.

Table 1: European Sites within the Zone of Influence of the Appeal Site

Site Name & Code	Distance	Qualifying Interests	Conservation Objectives
Poulmagordon Cave (Quin) SAC (Site Code 000064)	1.09km	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	To maintain the favourable conservation condition of Lesser Horseshoe Bat in Poulmagordon Cave (Quin) SAC, which is

			defined by a list of attributes and targets
Old Domestic Building (Keevagh) SAC (Site Code 002010)	2.25km	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	To restore the favourable conservation condition of Lesser Horseshoe Bat in Old Domestic Building (Keevagh) SAC, which is defined by a list of attributes and targets

1.1.7 An assessment of the significance of potential impact upon the European Sites within the zone of influence of the proposed development is determined on the basis of the following indicators;

- Habitat loss or alteration;
- Habitat/species fragmentation;
- Disturbance and/or displacement of species;
- Change in population density; and
- Changes in water quality and resources.

1.1.8 In relation to the Lesser Horseshoe Bat which is a qualifying interest of the Poulmagordon Cave (Quin) SAC regarding the matter of habitat loss or alteration the proposed development site is not located directly adjacent to the European sites and therefore there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the Lesser Horseshoe Bat have been recorded using the proposed development site as per the standalone bat report prepared by Ecofact in 2023. Accordingly, as bats use the site for foraging and commuting there is potential for disturbance, habitat loss/fragmentation.

- 1.1.9 In relation to the Lesser Horseshoe Bat which is a qualifying interest of Old Domestic Buildings (Keevagh) SAC regarding the matter of habitat loss or alteration the proposed development site is not located directly adjacent to the European sites and therefore there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the Lesser Horseshoe Bat have been recorded using the proposed development site as per the standalone bat report prepared by Ecofact in 2023. Accordingly, as bats use the site for foraging and commuting there is potential for disturbance, habitat loss/fragmentation.

Assessment of likely Effect

- 1.1.10 Having regard to the identification of the use of the appeal site by Lesser Horseshoe Bat from Poulmagordon Cave (Quin) SAC (Site Code 000064) and Old Domestic Buildings (Keevagh) SAC (Site Code 002010) for foraging and commuting there is the potential for significant impacts to this species of qualifying interest. In the absence of appropriate controls and mitigation measures the potential for significant adverse effects on the conservation status of Poulmagordon Cave (Quin) SAC and Old Domestic Buildings (Keevagh) SAC cannot be ruled out.

Screening Statement and Conclusions

- 1.1.11 The screening assessment concludes that significant effects cannot be ruled out on, Poulmagordon Cave (Quin) SAC (Site Code 000064) and Old Domestic Building (Keevagh) SAC (Site Code 002010) and that a Stage 2 Appropriate Assessment is required. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

Stage 2 – Natura Impact Statement (NIS)

- 1.1.12 I propose to consider the requirements of Article 6(3) with regards to appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning & Development Act, 2000, as amended, in this section of my report. In particular, the following matters:

- Compliance with Article 6(3) of the EU Habitats Directive.

- Screening the need for Appropriate Assessment.
- The Natura Impact Statement; and,
- An Appropriate Assessment of the implications of the proposed development on the integrity of each Natura site set out under Section 7.6.14 as detailed above.

1.1.13 On the matter of screening the need for 'Appropriate Assessment', this I have set out under Section 1.1.10 to Section 1.1.11 of my report above and in this case 'Appropriate Assessment' is required as it cannot be excluded on the basis of the information available to the Board that the proposed development individually or in combination with other plans or projects in its vicinity would have a significant effect on the following Natura sites:

- Poulmagordon Cave (Quin) SAC (Site Code 000064)
- (Keevagh) SAC (Site Code 002010)

1.1.14 A description of the site and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in tables no.1 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Potential for direct and indirect effects – Pouladatig Cave SAC and Old Domestic Building (Keevagh) SAC

- 1.1.15 In relation to Poulmagordon Cave (Quin) SAC and Old Domestic Building (Keevagh) SAC the Lesser Horseshoe Bat is the species of qualifying interest in both of these European sites. Dedicated bat surveys carried out in May/June and September 2023 confirmed that small numbers Lesser Horseshoe bats are using the woodland on the proposed development site for foraging and commuting (Ecofact, 2023b). Accordingly, the appeal site at Quingardens, Quin, Co. Clare is located within the Core Sustenance Zone (CSZ) of the Lesser Horseshoe Bat. As these bats use the site and surrounding areas for foraging and commuting, there is the potential for significant direct and indirect impacts. Impacts relate to disturbance (during both construction and operation), direct habitat loss (e.g., tower and access route construction and on-site temporary lighting could affect important foraging and commuting areas); and habitat fragmentation.
- 1.1.16 Therefore there is potential for significant indirect and cumulative impacts. Potential to disturb the Lesser Horseshoe Bat would arise during both the construction and operation phases of the scheme. In relation to the matter of direct habitat loss as the appeal site is used by Lesser Horseshoe Bat lighting could indirectly affect an important foraging and commuting route. Accordingly, mitigation will be required to address these potential impacts.

Table 2 AA Summary matrix for Poulmagordon Cave (Quin) SAC

<p>Poulmagordon Cave (Quin) SAC: (Site Code 000064)</p> <p>Summary of Key issues that could give rise to adverse effects</p> <ul style="list-style-type: none"> • Disturbance, vegetation clearance - habitat loss/fragmentation within foraging area <p>Conservation Objectives:</p> <p>1303 – Rhinolophus hipposideros (Lesser Horseshoe Bat): To maintain the favourable conservation condition of Lesser Horseshoe Bat in Poulmagordon Cave (Quin) SAC, which is defined by a list of attributes and targets.</p>			
		Summary of Appropriate Assessment	

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Lesser Horseshoe Bat	<p>Minimum number of 76 bats for the winter roost;</p> <p>No decline of Winter roosts;</p> <p>No decline of Auxiliary roosts;</p> <p>No significant decline of extent of potential foraging habitat within 2.5km of qualifying roost;</p> <p>No significant loss of linear features within 2.5km of qualifying roost;</p> <p>No significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost.</p>	Disturbance, vegetation clearance - habitat loss/fragmentation within foraging area	<p>Mitigation measures required and detailed in full in Section 7 of the revised NIS.</p> <p>The Mitigation Measures in Section 6 of the Bat Survey</p> <p>And in the Mitigation Measures in section of the Construction Management Plan</p>	yes	Yes
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site with specific reference to the species of Qualifying Lesser Horseshoe Bat and no reasonable doubt remains as to the absence of such effects.</p>					

Table 3 AA Summary matrix for Old Domestic Building (Keevagh) SAC

Old Domestic Building (Keevagh) SAC: (Site Code 002010)

Summary of Key issues that could give rise to adverse effects

- Disturbance, vegetation clearance - habitat loss/fragmentation within foraging area

Conservation Objectives:

1303 – Rhinolophus hipposideros (Lesser Horseshoe Bat): To restore the favourable conservation condition of Lesser Horseshoe Bat in Old Domestic Building (Keevagh) SAC, which is defined by a list of attributes and targets.

Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Lesser Horseshoe Bat	Minimum number of 100 bats for the summer roost; No decline in summer roosts No significant decline of potential foraging habitat within 2.5km of qualifying roost; No significant loss of linear features within 2.5km of qualifying roost; No significant increase in artificial light intensity adjacent to named roost or along commuting routes within	Disturbance, vegetation clearance -habitat loss/fragmentation within foraging area	Mitigation measures required and detailed in full in Section 7 of the NIS The Mitigation Measures in Section 6 of the Bat Survey And in the Mitigation Measures section of the Construction Management Plan	yes	Yes

	2.5km of the roost				
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site with specific reference to the species of Qualifying Lesser Horseshoe Bat and no reasonable doubt remains as to the absence of such effects.					

Mitigation Measures

- 1.1.17 Section 7 of the Natura Impact Statement sets out the mitigation measures in respect of the proposed development.
- 1.1.18 In relation to mitigation measures for the Lesser Horseshoe Bat, it is detailed in the NIS that the development of the site will potentially result in the loss of foraging and commuting habitat for Lesser Horseshoe Bats. It is the intention of the developer to allow bats to continue to access the site and its treelines this will be facilitated with the redesign of the access route to minimise disturbance to bats and light spill will be minimised, and bat friendly landscaping is proposed. The Landscaping Plan submitted to Planning Authority on 22/2/2024 in response to the further information request indicates that it is proposed to retain existing trees on site and to plant a new tree line along the perimeter of the location of the telecommunications support structure to tie in with the existing tree line with native planting.
- 1.1.19 Mitigation measures proposed include minimising light spill. It is set out in the Bat Survey that any site preparation works, and the access route construction should ideally be undertaken outside of the active bat season (which runs mid-March to mid-September). Any site clearance or tree felling works must follow the National Roads Authority's 'Guidelines for the Treatment of Bats during the Construction of National Road Schemes' (NRA, 2006) and that no heavy plant machinery should be in operation in times of darkness as a mitigation measure for foraging bats. It is set out in the Bat Survey that planting will occur along the access route to increase biodiversity of the site and to aid foraging and commuting bats on the site and as bats will follow linear features in the landscaping, planting of a treeline or hedgerow around the tower would encourage bats to keep away from the tower.
- 1.1.20 The Construction Management Plan submitted to Planning Authority on 22/2/2024 in response to the further information request states in relation to bats that no bat

roosts have been recorded on site and therefore works will not require a derogation licence. However, should any bat roosts be identified during the construction phase of the works all works must be halted and a derogation licence sought before continuation of any works. It is confirmed in the plan that any temporary lighting used on site during the construction phase will follow Bat Conservation Ireland's Bats & Lighting: Guidance Notes for Planners, Engineers, Architects and Developers (2010). There will be no light spill on the proposed location of landscaping and night roost for Lesser Horseshoe Bats. It is set out in the NIS that a Method Statement will be prepared to cover the sequence of works and that the timing of works will take place outside active bat season.

In Combination effects

- 1.1.21 In relation to in combination effects I note that the Clare County Development Plan 2023-2029 includes a Natura Impact Statement. The mitigation measures identified in the Stage 2 Appropriate Assessment (Natura Impact Statement) have been incorporated into the Plan. Accordingly, the implementation of this plan will not lead to any cumulative impacts when considered in-combination with the development proposed under this application.
- 1.1.22 It is detailed in the NIS that an online search of planning applications in the area was carried out. It was noted that the majority of the applications which were permitted have expired and they are assumed to be completed. The potential for cumulative impacts arising from the proposed development relate to disturbance of Lesser horseshoe bats including the disturbance of foraging/commuting activity, habitat disturbance and habitat fragmentation. The potential wildlife disturbance impacts that could arise from the proposed development are associated with increased human and machinery presence on site, and construction activities degrading habitats. Accordingly, as these permitted projects in the vicinity have all reached completion, there is no potential for these projects to act in combination with operational and construction phase impacts identified for the currently proposed development and so no in-combination impacts are identified.

1.1.23 It was set out in the NIS that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination effects from the proposed development.

Appropriate Assessment Conclusions

1.1.24 I consider on the basis of the information on file that the applicant in this case has demonstrated in the submitted Natura Impact Statement that with the implementation of mitigation measures including robust construction management and also operational measures that are to the required standards, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Poulmagordon Cave (Quin) SAC (Site Code 000037) and Old Domestic Building (Keevagh) SAC (Site Code 002010) or any other such designated European, in view of their Conservation Objectives.