



An
Bord
Pleanála

Inspector's Report

ABP-319893-24

Development	38kV/MV electrical infrastructure (including 15m lattice tower) and associated works. NIS submitted with application
Location	The townlands of Ballyvergal and Pollerton Little, County Carlow and Knocknagee, County Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2460253
Applicant(s)	Electricity Supply Board
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Ms. Elaine Cassidy
Observer(s)	None
Date of Site Inspection	25/03/25
Inspector	Paula Hanlon

1.0 Site Location and Description

- 1.1. The subject site is located within the townland of Knocknagee within the administrative boundary of Kildare County Council. It forms part of a larger site which transcends across the county boundary with Co. Carlow, being located on lands which lie immediately outside of the administrative boundary of Carlow County Council.
- 1.2. The appeal lands which front onto the R448 are currently in agricultural use. These lands are located on the northeastern approach into Carlow town, a distance of c.3km from Carlow's town centre. An existing ESB double wood poleset is located within the site. Tougher's Restaurant and associated lands with adjacent temporary accommodation in the form of temporary pods and mobile homes are located on the adjoining lands (west of the appeal lands). The MSD Carlow facility on established industrial lands lies further to the west. A vacant dwelling and agricultural lands are located (east), agricultural lands (north) and R448 road (south).
- 1.3. The topography of the appeal lands slopes upwards from the roadside in a north/northwest direction.

2.0 Proposed Development

- 2.1 The development as outlined within the public notices comprises a description of the proposed overall development works consisting of a 38kv/MV electrical substation, underground cables and associated works, which transcends across the administrative boundaries of Carlow County Council and Kildare County Council. The majority of the development is located in County Carlow. This appeal case relates to the proposed development works within County Kildare.
- 2.2. A conjoined planning application was submitted for the overall application. While a detailed description is provided below (Section 2.3), I refer the Board to the works which are the subject of this appeal case, being item 10 below, notably the replacement of an existing timber poleset (IMP 1395) with a new 15m high steel lattice mast on the existing Carlow – Ballylinan 38 kV OHL, which is within the administrative boundary of Kildare County Council.

2.3. For the purposes of clarity, the development description given for the entirety of the proposed development (Carlow County Council & Kildare County Council Administrative Boundaries) is as follows:

- 1) Construction of a substation compound (c.2,850 m²) with 2.6 m high palisade fence around its perimeter and the following electrical plant within the substation: a prefabricated 38 kV GIS module & foundation (c.31m² & c.5.2 m high); a prefabricated MV GIS module & foundation (c.32m² & c.4.7m high); a prefabricated Control Room module & foundation (c.32m² & c.4.7m high); 2(no) 38/20 kV 10 MVA transformers and associated bunds (c.15m², c.4.5 m high ea.); Telecommunication SCADA pole of c.10m height; associated & ancillary outdoor electrical equipment & other apparatus, including installation of underground cables; Internal access road (c.40 m in length x c.5m wide) within the proposed substation; Compound lighting, boundary treatment, associated drainage, landscaping and all ancillary site development works;
- 2) Use of a portion of the existing temporary road (c.200 m in length) permitted as part of the recent MSD Rathgall development (Planning Ref: 21/360 & 22/110) for permanent use to facilitate access to the proposed substation;
- 3) Construction of new stone wall, fencing and gates at the existing junction of the temporary road with the public road;
- 4) Construction of an internal access road (c.140 m in length) to the proposed substation extending from the existing temporary road on the MSD lands to the proposed substation;
- 5) Site clearance works related to the proposed substation compound and access road;
- 6) Installation of c.1.3 kilometres of double-circuit 38 kV underground cables (UGC) along the R448 road between the proposed substation and the existing Carlow – Graigue 38 kV OHL;
- 7) Installation of c.0.7 kilometres of single circuit 38 kV UGC along the R448 road between the proposed substation and the existing Carlow – Ballylinan 38 kV OHL;

- 8) Installation of c.0.3 kilometres of six circuit MV UGC along the R448 road between the proposed substation and the existing R448 roundabout;
- 9) Installation of a new 12 m high steel lattice mast on the existing Carlow – Graigue 38 kV OHL;
- 10) Replacement of an existing timber poleset (IMP 1395) with a new 15 m high steel lattice mast on the existing Carlow – Ballylinan 38 kV OHL.

2.4 The application was accompanied by the following documentation of note:

- Planning Statement
- AA Screening Report
- Natura Impact Statement
- Environmental & EIA Screening Report including:
 - Attachment 1 - Ecological Impact Assessment
 - Attachment 2 - Flood Risk Assessment
 - Attachment 3 - Archaeological Assessment
 - Attachment 4 - Photomontages.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 16 May 2024, Kildare County Council issued a Notification of decision to grant planning permission subject to 15(no) conditions. The conditions were mainly standard, with specific conditions of note referenced within Section 3.2.3 below.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A Planning Report dated 15/05/24 raised no issues in respect of the proposed development and recommended that permission be granted subject to 14(no) conditions.

3.2.2. Other Technical Reports

- MD Engineer: No objection subject to conditions.
- Transportation: No objection subject to conditions.
- Heritage Officer: No objection subject to conditions.
- CFO: No objection.

3.2.3. Conditions

In recommending that permission be granted, the PA attached specific conditions in relation to mitigation measures outlined within NIS and EclA to be carried out in full (Condition 2), Noise (Condition 6), and the submission of a Construction Management & Traffic Management Plan (Condition 11). Consideration will be given to the attachment of these conditions within my assessment below [Refer Section 7].

3.3. Prescribed Bodies

- Carlow County Council: No observation to make.
- Department of Housing Local Government & Heritage (DHLGH): No objection subject to conditions on archaeology.

3.4. Third Party Observations

Kildare County Council, being the relevant Planning Authority in this case, received 1(no) submission during the course of its determination. The matters raised are similar to those raised within the appeal submission and summarised within Section 6.1 below.

4.0 Planning History

- Pl. Ref. 24/60072 Carlow County Council

This appeal case forms a part of a conjoined application made by the applicant to Kildare County Council and Carlow County Council. As previously stated, the majority of the development is located in County Carlow. Permission was granted by CCC under planning reference 24/60072 for items 1-9 stated within the overall development description (detailed within Section 2.3 above) insofar as the proposed works were within its administrative boundary. There was no appeal made in respect of the PA's decision to grant permission.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Kildare County Development Plan 2023-2029 (CDP) which came into effect 28 January 2023 is the operative Development Plan for the county.

5.1.2 The subject site is unzoned and located within the rural area as per the CDP.

5.1.3 Relevant policies, objectives and standards within the CDP are set out under Chapter 7 Energy & Communications and Chapter 15 - Development Management Standards.

5.1.4 Policies, Objectives and Development Management Standards of particular relevance include:

Electrical Infrastructure

Policy EC P19: Support the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid to provide for the future physical and economic development of Kildare. Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.

Objective EC O4: Support infrastructural renewal and development of electricity and gas networks in the county, subject to safety and amenity requirements, subject to AA screening and where applicable, Stage 2 AA so as to ensure and protect the favourable status of European sites and their hydrological connections. Such

developments will have regard for protected species and provide mitigation and monitoring where applicable.

Objective EC O64: Support and safeguard the efficient and reliable supply of electricity to all homes and businesses in County Kildare.

Policy EC O68: Require that all electricity lines of 38kV and over, comply with all internationally recognised standards with regards to proximity to sensitive receptors including dwellings, nursing homes, hospitals, other inhabited structures and schools/crèches.

Objective EC O70: Facilitate the development of grid reinforcements including grid connections and a trans-boundary network into and through the county and between all adjacent counties.... shall be subject to AA requirements.

5.2. National Planning Framework

The NPF establishes the fundamental national objective of achieving a transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050.

National Strategic Outcome 8 seeks a Transition to a low carbon and climate resilient economy.

National Policy Objective 55 seeks to 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.

5.3. Natural Heritage Designations

The site is not located within any European Site or Natural Heritage Area (NHA)/pNHA. The River Barrow and River Nore SAC (Site Code 002162) is the nearest European site located approximately 2.4km west of the site. Oakpark pNHA is located approximately 1.7km northwest of the proposed development.

5.4. EIA Screening

See completed Appendix 1 - Form 1 on file. Having regard to the nature and extent, including the voltage & circuit length sought for the overall development proposed, it is not considered that the proposal falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (As amended), and as such preliminary examination or an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant is not opposed to the principle of the overall proposed development.
- The appellant is opposed to the proposed siting of a 15m lattice tower on lands within their ownership.
- Concerns raised that the proposal does not comply with CDP provisions.
- Issues raised at application stage were not satisfactorily considered/addressed by the PA, who determined that the raised issues were largely beyond the scope of the planning process.
- In regard to EIA, concerns raised that insufficient details were provided on visual impact and that visual impact has not been properly assessed. The potential for significant effect on the environment arising from visual impact is also raised in the context of sub-threshold criteria and EIA.
- Procedural matters raised in terms of the sufficiency of plans and particulars submitted (including land take, analysis provided for proposed lattice tower), sufficiency of public notices, landowner consent in making the planning application, anomalies within application form and potential impacts of 38kv line through applicant's vehicular entrance to the subject lands due to lack of information on same and no security measures shown preventing access/climbing of lattice tower proposed by young children.

- Procedural matters raised on the validity of plans and particulars submitted in accordance with Article 23 of the Planning & Development Regulations.
- The applicant has not detailed the impacts of the development on the applicant's lands and its impact in terms of sterilisation and future use of these lands in accommodating a house for a family member.
- No justification given for the need for overhead line at this location. Requests that a condition be attached requiring that the existing 38kv be re-routed or undergrounded.
- No justification given for the need to replace existing pole sets with a new lattice structure.
- Requests that permission be refused due to the lack of information in allowing a proper assessment and the significant visual impact on the amenities of the area.

6.2. Applicant Response

A summary of the applicant's response (09/07/24) to the grounds of appeal is as follows:

- The raised matters were already addressed at application stage, with no new issues raised in the appeal.
- The plans and particulars were validated by the PA.
- There will be no sterilisation of the appellant's lands, as the proposal relates to replacement of existing infrastructure. The undergrounding of existing OHL would remove a potential impediment to future development of these lands and reference is made to the availability of compensation.
- Visual Impact was comprehensively addressed by the PA. The replacement works sought will have a negligible visual impact.
- A technical justification is provided for the proposed development works.
- The applicant's statutory powers are referenced in addressing the raised matter on landowner consent and clarity is given in respect of the applicant's

compliance with statutory powers and requirements within the submitted documentation.

6.3. Planning Authority Response

A response has been received from the Planning Authority dated 03/07/24 which confirms its decision and requests that the Board refer to reports from internal sections and prescribed bodies in its assessment. The PA refers to details on exact “land take” and clarifies that whilst the drawings provided show 3 types of lattice towers, with varying heights, that the 15m lattice tower as described in the public notice is the relevant one in this case and that there is no ambiguity in this regard.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the submission received in relation to this third-party appeal, the reports of the local authority, having visited the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this third-party appeal to be considered are as follows:

- Principle and Justification of Proposed Development
- Visual Impact
- Impact [Sterilisation] on Appellant’s Lands
- Procedural Matters.

7.1. Principle and Justification of Proposed Development

The appellant is not opposed to the principle of the overall proposed development. The raised concerns in this case pertain to the siting of a proposed 15m lattice tower and associated works on lands which are within the appellant's ownership.

The appeal site which forms part of a larger site, lies within agricultural lands that are unzoned (Section 9.3 CDP). The principle of electrical infrastructure in the form of OHLs and a double wood pole set is already established on this site, with such infrastructure in-situ on the appellants lands. CDP provisions allow for the consideration of utility structures in the rural area. Whilst the appellant argues that the applicant has not justified the need for the works sought, I submit that the applicant has provided a clear rationale on the technical need for the proposed 15m lattice tower and associated works. I see no reason to dispute the stated technical grounds which outlines that the proposed lattice tower is necessary so to allow the current OHL to be terminated at the mast and the associated undergrounding of OHL from the mast into the proposed substation, the later of which was permitted by CCC under a concurrent planning application (pl. ref. 24/60072). Furthermore, the proposed development, in principle, is supported by adopted local policy which supports the safeguarding, renewal and expansion of an efficient and reliable supply of electricity to all customers, subject to its compliance with other stated planning considerations (policy EC P19; objectives EC O4, EC O64)

In this context, I am satisfied that the proposed 15m lattice tower and associated 38kv line is acceptable in principle, subject to compliance with standard planning considerations including visual amenity and the proper planning and sustainable development of the area.

7.2. Visual Impact

The provisions of the CDP are clear in identifying that the appeal lands lie outside of any scenic viewpoint and are located within a landscape classified as low sensitivity. I do not concur with the appellant's contention that the matter of visual impact was not properly assessed. I refer the Board to photomontages prepared by Brady Shipman

Martin, which are set out within Attachment 4 of the Environmental & EIA Screening Report that accompanies this application. I also note that the Planning Report that informed the decision of the PA makes clear that the proposal development is within a low sensitivity classified landscape and that the application details were considered in informing its recommendation on visual impact. Given the nature, extent and location of the proposed development, I see no reason to require that a Visual Impact Assessment be provided in this case.

In addressing the matter of sufficiency of viewpoints, I am satisfied that the “as existing” and “as proposed” views denoted as View 5 within the photomontages clearly depict the extent of visual impact likely to arise as a result of the proposed replacement infrastructure. In also acknowledging the rising topography within the appellant’s landholding and that existing electrical infrastructure is already present at this location, I am of the view that whilst the proposed lattice tower would be discernible within the appellant’s lands, the familiar nature of electrical infrastructure, setback within this agricultural field, with significant screening from the public road due to roadside boundary treatment and adjoining existing development, particularly along the south western corner adjoining the site, would result in no more than a slight to imperceptible visual impact in the event that the proposed 15m lattice tower in terms of its overall size, height and bulk was to be permitted. I am satisfied that the proposed development would not obstruct a scenic viewpoint or result in a physical scar on the landscape, given its siting, within agricultural lands and that it would be substantially screened on both approaches from the adjoining regional road. In light of this, I consider that the visual impact arising from the proposed development is not such that would warrant a refusal or the modifying of the proposed development and that the proposal is unlikely to give rise to significant effects on the environment, if permitted.

7.3. Impact [Sterilisation] on Appellant’s Lands

The appellant raises concern on the impact of the proposed development in respect of the potential future use of these lands. I note that specific reference is made to the possibility of the use of these lands in accommodating a residence for a family member in the future. I wish to highlight that the subject lands are unzoned and that existing 38kv infrastructure, including OHLs and wood pole sets are already established on these lands. The Board is required to assess the proposed development in the context

of the provisions of the operative CDP and the current use of these rural lands. Accordingly, I do not consider that there are sufficient grounds to render the proposed development unacceptable based on speculation and the potential for the proposed development to impact on any future development, if so desirable and permissible on the subject rural lands.

7.4. Procedural Matters

A number of procedural matters were raised within the appeal submission.

I am satisfied that the details provided at application stage are sufficient to allow the Board to make a decision in this case.

I note that a subsequent drawing (dwg number PE689-D840-009-009-001) was appended to the applicant's appeal response so as provide greater clarity in this regard. The applicant submitted a conjoined application following engagement with the respective PA's relevant to the proposed overall development. In my view, there is no ambiguity within the details provided in this application. The joint submission of the two applications to the respective administrative councils, which jointly form the overall proposal is clearly described within the public notices and Planning Statement which accompanies this application and the 15m lattice tower is shown with the drawings which were submitted at application stage.

The matters raised on the application's validity falls outside of the Board's remit in deciding on this application. I refer also to the provisions of the Electricity Supply Act 1927 which provides that landowner consent is not required for the proposed works. The use of the term demolition within the application is not, in my opinion misleading, given the applicant's intention to remove an existing wood poleset on the subject lands.

The submitted application did not prevent concerned parties, including the appellant, in making a submission. For this reason, I see no reason to dispute the extent of public consultation undertaken in regard to the appeal case.

In respect of the raised matter of visual impact being an integral part of EIA, I refer the Board to Section 5.4 of this report, which provides an EIA Screening determination on

the proposed development. The matter of visual impact is appropriately considered within Section 7.2 above.

I accept the applicant's response which confirms that the inclusion of an anti-climbing guard is standard on a lattice mast and in this context, I am satisfied that the matter of child safety as raised has been satisfactorily addressed.

Finally, in noting the nature and extent of the development works sought within the appeal case and the screening for appropriate assessment determination in this appeal case, I see no reason to include Condition 2 in respect of compliance with mitigation measures as attached by the PA in its decision to grant permission. The matter of compliance with the details submitted within the EclA can be sufficiently addressed within Condition 1 of the PA's decision which requires that the development be carried out in its entirety in accordance with the plans, particulars and specifications received except as may otherwise be required in order to comply with the attached conditions. Similarly, given that any noise impact(s) would be generated at construction stage, I consider that the attachment of Condition 6 by the PA would be more appropriately addressed within the submission of an updated CEMP, which can be attached as a condition to this permission.

8.0 AA Screening

8.1 Appropriate Assessment Screening Determination (Stage 1)

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, including a Stage 1 AA screening report that accompanied the application, I conclude that the potential for significant effects on European Site(s), most notably the River Barrow and River Nore SAC with hydrological connection to the overall site (including development within the administrative boundary of Carlow County Council) via the Askea stream can be excluded without further detailed assessment and therefore a Stage 2 Appropriate Assessment is not required to be undertaken.

This determination is based on the site's location, and the potential for impacts on the qualifying interests of this SAC in terms of water quality. [Refer Appropriate Assessment and Determination on Appropriate Assessment which is appended to this report].

9.0 Recommendation

It is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development, which is integral to the upgrading and renewal of existing 38kV/MV electrical infrastructure at this location and to the provisions of the Kildare County Development Plan 2023-2029, the proposed development would not seriously injure or have an unacceptable visual impact on the landscape, would not seriously injure residential amenities of the area or of property in the vicinity, would not have any significant effects on the environment and would not have any likely significant effects on any European Site. The proposed development 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. An updated Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for waste management, protection of soils, groundwaters and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

3. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking during the construction phase.

Reason: In the interest of traffic safety and convenience.

4. (a) The Developer shall engage a suitably qualified Archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping or groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

(b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the Department of Housing, Local Government and Heritage regarding appropriate mitigation which may include preservation in-situ or archaeological excavation.

(c) The Developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the Department of Housing, Local Government & Heritage, shall be complied with by the Developer.

(d) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent

required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the Developer.

(e) The updated Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as described in the Archaeological Impact Assessment (IAC Ltd; dated February 2024). The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation (either in-situ or by record) of places, caves, sites, features or other objects of archaeological interest.

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.

Paula Hanlon
Planning Inspector

31 March 2025

Form 1**EIA Pre-Screening**

An Bord Pleanála Case Reference	ABP-319893-24		
Proposed Development Summary	15m lattice tower and associated works within an overall development including 38kV/MV electrical substation, underground cables and associated works. NIS submitted with application		
Development Address	The townlands of Ballyvergal and Pollerton Little, County Carlow and Knocknagee, County Kildare		
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	
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 Q3.
No	X	Part 1 of Schedule 5 20 - Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres. The proposed overall development relates to the construction of a 38kV/MV electrical substation, underground cables and associated works.	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	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	N/a		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Screening for AA

Finding of likely significant effects

Screening for Appropriate Assessment Test for likely significant effects

Description of the project

The proposed overall development works which transcends across the administrative boundaries of Carlow County Council and Kildare County Council (KCC) consists of a 38kv/MV electrical substation, underground cables and associated works. This appeal case relates solely to the proposed development works within County Kildare, notably the replacement of an existing timber poleset (IMP 1395) with a new 15m high steel lattice mast on the existing Carlow – Ballylinan 38 kV OHL, which is within the administrative boundary of KCC.

A detailed description of the proposed development is provided in Section 2 of the Inspector's report and detailed specifications of the proposal are provided in the AA screening report/ NIS and other planning documents provided by the applicant.

Local site characteristics

The development works which are subject to this appeal case (including construction and operation) are on lands which are intensively managed for agricultural purposes. The subject landholding slopes upwards in a westerly direction (rear of site). The appeal site is not located within any designated Natura 2000 site(s). An established mature hedge and trees define the western (lateral) and southern boundary in which the proposed lattice tower would adjoin.

The River Barrow and River Nore SAC (Site Code 002162) is the nearest European site located approximately 2.4km west of the site. The Askea stream (southwest of proposed

works in this appeal case) flows parallel to the overall Site and eventually into River Barrow (SAC), approximately 5.8km downstream of the Site.

Case file: ABP 319893-24

Brief description of project	<p>15m lattice tower and associated works as part of an overall development including 38kV/MV electrical substation, underground cables and associated works.</p> <p>Third party appeal</p> <p>A detailed description of the proposed development is provided in Section 2 of the Inspectors report and detailed specifications of the proposal are provided in the AA screening report and other planning documents provided by the applicant.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development is on land that is currently in agricultural management and is not within a designated European site.</p> <p>The zone of influence for the project was determined on the basis of the Potential Source – Pathway – Receptor model and the potential for ecological and/or hydrological pathways between the Site and European site(s). One European site was deemed to have a viable connection.</p> <p>The River Barrow and River Nore SAC which shares a hydrological connection to the Site via the Askea stream that flows southwest of the proposed works and parallel to the overall site before eventually flowing into the Barrow, c.5.8km downstream of the Site was determined as being within the zone of influence.</p>
Screening report	Yes (Prepared by SLR Environmental Consulting (Ireland) Ltd.
Natura Impact Statement	Yes (Prepared by SLR Environmental Consulting (Ireland) Ltd.
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

One European site was identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included this site within its initial Stage 1 screening consideration.

European Site (code)	Qualifying interests ¹ (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections ²	Consider further in screening ³ Y/N
River Barrow and River Nore SAC (002162)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	c.2.4km west of the site.	The Askea stream which adjoins the boundary of the overall site flows eventually into River Barrow (SAC), approximately 5.8km downstream of the Site	Y

	<p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>https://www.npws.ie/protected-sites/sac/002162</p>			
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Describe the likely effects of the of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on the River Barrow and River Nore SAC (002162) given the nature of the proposed works, with no discharge or pollutants to groundwater and the spatial separation distance between the site and the SAC. The applicant's appointed ecologist makes reference to a potential hydrological link via the Askea stream, with potential for indirect impacts to be generated by the construction and future decommissioning of the overall proposed development. I have examined the potential for indirect impact(s) either alone, or, in-combination with other projects on water quality entering the SAC at construction & decommissioning stage due to a potential hydrological link with Askea stream and the potential impact on Qualifying Interests/habitat within this SAC.

Sources of impact and likely significant effects are detailed in the Table below.

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>River Barrow and River Nore SAC (002162)</p> <p>Qualifying Interests</p> <p>Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twait Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355].</p>	<p>Impact(s) on water quality entering the SAC at construction & decommissioning stage due to hydrological link with Askea stream and the potential for indirect impact on Qualifying Interests/habitat within this SAC.</p>	<p>Negative effect on water quality due to potential for silt/suspended sediment at construction stage, with associated negative impacts on the QI's of the River Barrow (designated SAC).</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I am satisfied that the information provided, in particular the Stage 1 AA Screening report prepared by SLR is adequate to allow for the making of a determination on screening for AA in this case. I note that no submission was made from any third party or prescribed body (including DHLGH) in regard to AA.

I note the applicant's findings that such impacts cannot be ruled out at Stage 1 Screening for Appropriate Assessment Stage, given the stated conservation objectives of the SAC and when considered on their own and in combination with other projects and plans. The applicant's

findings are premised on the need to incorporate mitigation measures at construction stage so as to avoid potential significant effects on the SAC.

However, based on the information provided in the Stage 1 screening report, site visit and a review of the conservation objectives and supporting documents, I consider that the proposed development within this appeal case has no potential to result in significant effects on the conservation objectives of **River Barrow and River Nore SAC (002162)** for a number of reasons:

- Nature and extent of development works sought at construction (& operation stage)
- It is clearly identified that the proposed works are not connected to or necessary for the management of any European Site.
- The lack of any ecological pathway to this SAC
- Spatial separation distance and level of dilution, notably a distance in excess of approximately 5.8km upstream from the point in which the Askea stream which adjoins the boundary of the overall site would eventually flow into the River Barrow (SAC) (being the nearest European site)
- Intervening urban landuses between the subject lands and the SAC
- No discharge to groundwater.
- No mitigation measures or specific conditions are required beyond best practice construction methods to avoid or reduce any adverse effects on site integrity.

In light of this, based on best scientific knowledge, there would be no significant impacts on water quality either alone or in combination with the overall development and other projects in the vicinity, on the River Barrow and River Nore SAC or any other European Site(s) in the event that permission was granted. Appropriate Assessment is therefore not required.