



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-321640-25**

### **Development**

Request to alter permitted 110kV Substation at Bendinstown (ABP-313139-22) by inserting a telecommunications mast at the substation site only

### **Location**

located in the townlands of Bendinstown, Gilbertstown, Kellistown East, Kellistown West, Ballycurragh, Ardbearn and Ballynunnery, County Carlow.

### **Planning Authority**

Carlow County Council

### **Applicant(s)**

Garreenleen Solar Farm Limited.

### **Type of Application**

Section 146B – request to alter development approved under section 182A of the Planning and Development Act, 2000, as amended.

### **Observer(s)**

Carlow County Council

### **Date of Site Inspection**

26<sup>th</sup> June 2025

### **Inspector**

Alaine Clarke

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Appendix 1: EIA Pre-screening Form

Appendix 2: Appropriate Assessment Screening

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## 1.0 Introduction

- 1.1. By Order dated 2<sup>nd</sup> November 2022, the Board under ref. no. 313139-22, granted permission under section 182A of the Planning and Development Act 2000, as amended, to Garreenleen Solar Farm Limited for approval granted in November 2022 for a 110kV substation and 110Kv underground Grid connection c. 4km in length between proposed substation and the existing Kellis 220Kv substation at Bendinstown, Gilbertstown, Kellistown East, Kellistown West, Ballycurragh, Ardbearns and Ballynunney in Co. Carlow. The application for the development included a Natura Impact Statement (NIS). Permission was granted subject to 13 conditions.
- 1.2. HW Planning submitted this request on behalf of Garreenleen Solar Farm pursuant to section 146B of the Planning & Development Act 2000, as amended, for alterations to ABP ref. 313139-22. The proposed alterations to the permitted scheme are limited to a proposed 24m telecommunications mast at the Bendinstown substation.
- 1.3. The permitted electricity substation (under construction) and underground grid connection are to serve a permitted solar farm, permitted by the Board under reg. no. ABP 307891-20.

## 2.0 Legislative Basis

- 2.1. Section 146B(1) of the Planning and Development Act 2000 (as amended) (the Act), provides that, subject to subsections (2) to (8) and to section 146C, upon request of any person who is carrying out or intending to carry out a strategic infrastructure development, the Board may alter the terms of the development the subject of planning permission, approval or other consent granted.
- 2.2. Under sub-section 2(a), as soon as practicable after making such a request, the Board is required to make a decision as to whether the making of the development would constitute a material alteration to the development concerned.
- 2.3. Under sub-section (2)(b), before making its decision under sub-section 146B (2), the Board may invite submissions as it considers appropriate and is required to have regard to any submission made to it on foot of the invitation.

- 2.4. Under sub-section (3)(a), if the Board decide that the making of the alteration would not constitute a material alteration, it is required to alter the planning permission/approval/consent accordingly and to notify the requester and the planning authority of the alteration.
- 2.5. Under subsection (3)(b), if the Board decide that the making of the alteration would constitute the making of a material alteration, the Board is required to:
  - Request the information specified in Schedule 7A, unless it or an EIAR has already been provided by the requester (sub-section (3)(b)(i)). This information is required to be accompanied by any further relevant information on the characteristics of the alteration and its likely significant effects on the environment including, where relevant, how environmental effects pertaining to EU legislation other than the EIA Directive have been taken into account (sub-section (3A)) and can include mitigation measures (sub-section (3B)).
  - Following receipt of such information, determine whether to make the alteration, make an alteration of the terms of the development which differs from the proposed alteration (subject to it not representing a more significant alteration), or refuse to make the alteration (sub-section (3)(b)(ii)).
- 2.6. Under subsection (4), before making a determination under sub-section (3)(b)(ii), the Board is required to determine whether the extent and character of the alteration being requested, or being considered by the Board, would be likely to have significant effects on the environment.
- 2.7. Under subsection (5), if the Board determine that no significant environmental effects will arise, they proceed to make a determination under subsection (3)(b)(ii). If the Board determines that significant effects will arise, the provisions of section 146C apply. These provisions relate to the preparation of an environmental impact assessment report.
- 2.8. Under subsection (7)(a), in making their determination, the Board is required to have regard to:
  - The criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,

- The criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- The Schedule 7A submitted by the requester,
- The further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B) (summarised above),
- The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- Whether the development is situated in or would have potential to impact on a European site, or a recognised or protected area of natural heritage.

2.9. Under subsection (7)(b), the Board is required to include in its determination, the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

2.10. Under subsection (8)(a) before making a determination under subsection (3)(b)(ii) or (4) the Board is required to require the requester to make information about the alteration available for inspection, notify appropriate persons that the information is available and invite submissions or observations from these persons. Further under subsection 8(b) the Board is required to have regard to these submissions in its determination.

### 3.0 Planning History

**ABP 313139-22:** Approval granted in November 2022 for a 110kV substation with underground grid connection as follows:

- 110kV substation with 110kV Eirgrid compound and 33kV customer compound;
- Two control buildings, lighting protection, perimeter security fencing and security lighting;

- Grid connection between proposed substation and the existing Kellis 220Kv substation comprising 110kV underground electricity cables of c.4.099km including river, watermain and culvert crossings, including horizontal directional drill crossings of the River Burren and Garreenleen Stream;
- On exiting the site, the proposed cable connection will follow the path of the L-7112, L-3046 and L-3053 and L-3053 public roads to the boundary of the Kellis substation. Before the junction of the L-7112 and L-3046, the cable route will cross under the River Burren and Garreenleen River.
- Temporary construction access (from L-7111) and permanent operational access (from L-7112, via an existing agri-entrance) including 4m access track within the site.
- Temporary construction compound;
- Surface water drainage, water services (bored well) and foul holding tank (for removal off site by licensed contractor);
- Site reprofiling and formation of berms;
- Site restoration and landscaping.

**ABP 321061-24:** Permission granted for alterations to ABP Ref. 313139. Alterations relate to a fire wall and lighting mast.

**ABP 320265-24:** Permission granted for alterations to ABP Ref. 313139. Alterations relate to the grid route construction method.

**ABP 318526-23:** Permission granted for alterations to ABP Ref. 313139, subject to amendment of Condition no. 4 relating to additional environmental controls - bunding and noise controls. The permitted alterations relate to the substation element of the permitted development.

## 4.0 Background to the Proposed Alterations

- 4.1. The basis for the change, according to the application documentation, is from a technical EirGrid request for the provision of this mast for the purposes of telecommunications operations in the area, including the relay and management of information related to the operation of the transmission network locally.

## 5.0 Scope of Request

- 5.1. The requested alterations relate to the substation element of the permitted development are detailed in the cover letter accompanying the application and are set out below.
- 5.2. The proposed changes are:
  - The insertion of a telecommunications mast, c. 24 metres to be located south of the EirGrid substation compound. The mast will be mounted vertically on a 5m x 5m reinforced concrete pad foundation of approx. 1m in depth, with in-built anchor supports and surrounding fencing. The mast will be fitted with anti-climb infrastructure, with the design compliant with all health and safety requirements.
- 5.3. A construction methodology statement is included in the application and follows a standard construction method.

## 6.0 Public Consultation

- 6.1. ABP previously invoked section 146(2)(b) whereby interested parties and prescribed bodies were invited to make submissions. One submission was received from Carlow County Council who consider that the proposal is a material alteration of the development permitted under ABP-313139. The following issues are addressed:
  - Request that the Board consider the Habitats Directive & Birds Directive;
  - No technical justification to the mast, questions if it will serve the wider area;
  - Appears to constitute a significant infrastructural addition to the permitted substation;
  - Provisions of the Carlow CDP 2022-2028 relating to telecommunications have not been fully addressed;
  - Regarding the Central Lowlands landscape character of the site, the mast should not unduly damage or detract from this landscape.

## 7.0 Applicant's Case

- 7.1. The requester considers that the alteration sought does not constitute the making of a material alteration of the permitted development and would not give rise to significant environmental effects beyond those already considered in the original application.
- 7.2. The submission can be summarised as follows:
  - The purpose of the telecommunications mast is to operate as a support structure to the substation and transmission network locally.
  - The function of the substation will remain unchanged.
  - The design changes are localized within the permitted red-line boundary.
  - The works will not alter the construction program for the substation.
  - The substation/grid connection lands are located within a designated 'Central Lowlands's landscape area in Carlow County Development Plan (CDP) 2022-2028 with a "capacity to absorb most types of development subject to the implementation of appropriate mitigation measures".
  - A Landscape and Visual Impact Assessment (LVIA) and photomontages has been prepared by Macro Works. The proposed mast will be well assimilated into the permitted development and will not generate any notable additional landscape or visual effects.
  - With respect to archaeological heritage, there are no recorded archaeological sites within the subject site. A program of pre-development testing has been completed with no notable archaeology identified.
  - The substation site is located c.260m to the nearest dwelling, with the proposed mast on the opposite side of the compound to this. The presence of mature hedgerows and topographical changes in landform is recorded.
  - The proposed mast will integrate with the substation infrastructure including permitted lighting masts. There will be no discernible impacts on residential amenity.

- With respect to flood risk, the substation is not located in an area of flood risk and no changes to the permitted drainage methods are proposed.
- The proposed alterations to the substation do not alter the findings of the parent application that the development is acceptable from an ecological perspective.
- The proposed alterations do not give rise to any notable construction-related impacts.

### 7.3. EIA Screening

The original application was accompanied by EIA Screening. The proposed alterations do not alter the basis on which the requirement for EIA was screened out.

### 7.4. AA Screening

Ecology Ireland were retained by the requester to review the proposed amendments. An addendum statement to the NIS accompanies the section 146B application which concludes that the proposed design alterations are localised to the substation area, are technical in nature and relatively limited in extent. The proposed alterations will not result in the permitted project being materially or significantly different to that approved.

### 7.5. The application for amendments is accompanied by a number of documents:

- Addendum to Natura Impact Statement report, prepared by Ecology Ireland,
- A copy of the NIS submitted with ABP 313139-22,
- Proposed altered plans, sections and technical details,
- Planning Cover Statement,
- Construction Methodology, by Obelisk.
- Landscape & Visual Impact Assessment and photomontages by Macroworks.

## 8.0 Assessment

### 8.1. Consideration of Materiality

8.1.1. The first consideration in relation to this request to alter the terms of the development approved under ref. ABP-313139 is to determine if the alteration would constitute the making of a material alteration of the terms of the approved substation and underground grid connection development. I note the function of the substation will remain unchanged i.e. to transport renewable energy generated by permitted adjacent solar farms to the national grid.

8.1.2. The permitted scheme comprises the development of a substation and an underground grid connection, c. 4km in length, to connect a permitted solar farm to the Kellis substation. The proposed amendments are limited to a proposed 24m telecommunications mast at the Bendinstown substation and I note the overall scale of the substation remains unchanged.

8.1.3. The specific alterations to the scheme are:

- The insertion of a telecommunications mast, c. 24 metres to be located south of the EirGrid substation compound. The mast will be mounted vertically on a 5m x 5m reinforced concrete pad foundation of approx. 1m in depth, with in-built anchor supports and surrounding fencing. The mast will be fitted with anti-climb infrastructure, with the design compliant with all health and safety requirements.

8.1.4. I have reviewed the drawings and accompanying documents submitted with the application and I note the following:

- The design changes are localised to the south of the permitted substation only.
- The nature of alterations proposed and permitted tall structures i.e. lightning masts;
- The form of the mast, i.e. lattice type structure;
- There are no alterations to the site boundary.

- It is stated that construction works will not alter the construction programme for the substation as the proposed alterations represent a relatively small subset of work within the larger construction programme.

8.1.5. I consider (below) the materiality of alterations having regard to relevant planning policy, likelihood of significant effects over and above those identified and assessed in the ABP-313139 and the likelihood of adverse effects on a European site(s) as a consequence of the alterations proposed.

## 8.2. **Planning Policy**

8.2.1. The 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities' (DOE, 1996) state that it is national policy to develop a comprehensive mobile telecommunications service within Ireland in order to promote industrial and commercial development, to improve personal and household security, and to enhance social exchange and mobility. Circular Letter PL 07/12 provides certain revisions to the Guidelines including ceasing attaching time limiting conditions to telecommunications masts, except in exceptional circumstances.

8.2.2. This strategic policy is reiterated in the National Planning Framework: First Revision (April 2025), National Policy Objective 62: in co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis. aiming to develop stable, innovative and secure digital communications and services infrastructure on an all-island basis. A key future planning and development policy for the Southern Region are measures to support the integrated development in the communications area.

8.2.3. The National Broadband Plan aims to deliver a high-speed broadband network throughout Ireland.

8.2.4. Chapter 6: 'Infrastructure and Environmental Management' of the Carlow County Development Plan, 2022-2028 recognises an efficient and reliable telecommunications system in the development of the economy. It is the policy of the Council to encourage and facilitate the coordinated development of broadband infrastructure along with the delivery of high-capacity telecommunications infrastructure at appropriate locations throughout the county, having regard to the guidelines for "Telecommunications Antennae and Support Structures", Circular

Letter PL07/12, and any updated documents issued by the relevant authority. The CDP further states that Carlow County Council will strive to achieve a balance between facilitating the appropriate provision of telecommunications services in the interests of social and economic progress and sustaining residential amenities, visual amenity and protection of the landscape. Policy IC P3 states:

- Ensure the orderly development of telecommunications throughout the County in accordance with the requirements of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG 1996 and any subsequent revisions along with Circular PI 07/12 on Telecommunications Antennae and Support Structures.

8.2.5. Chapter 16 Development Management Standards of the CDP Telecommunications and Supporting Infrastructure. Planning applications for new facilities should include:

- A reasoned justification regarding the need for the particular development at the proposed location to include coverage maps and a technical explanation why coverage cannot be provided by existing antennae.
- Details of efforts (i.e. written correspondence) made to share installations or co-locate / cluster with existing structures to include map(s).
- Evidence of consideration of alternative sites and explanation of their unsuitability.
- Visual impact assessment and mitigation measures (e.g. landscape screening, colour treatment of masts / antennae).
- Any impacts on rights of way and walking.

8.2.6. I draw the Commission's attention to statement in the applicant's cover letter that the proposed mast is sought at the request of EirGrid for the purposes of telecommunications operations in the area and that the purpose of the mast is to operate as a support structure to the substation and transmission network locally, and that the function of the substation will remain unchanged.

8.2.7. Having regard to the foregoing the following policies in the CDP are also relevant:

Chapter 6: Infrastructure and Environmental Management

- EI P1: support and facilitate the reinforcement and development of enhanced energy infrastructure, and associated networks, to serve the existing and future needs of the County and Region. This will include the delivery of the necessary integration of transmission network requirements facilitating linkages of renewable energy proposals to the electricity and gas transmission grid, in a sustainable and timely manner, subject to proper planning and environmental considerations.

#### Chapter 7: Climate Action and Energy

- IF P1: Support the development, reinforcement, renewal, and expansion of key supporting infrastructure to facilitate renewable energy developments, subject to compliance with proper planning and environmental considerations.

8.2.8. Having regard to the alteration request documentation, I am satisfied that the proposed mast which is proposed to be located at the substation site is a necessary structure to facilitate the function of the permitted substation. I note policy EI P1 and Policy IF P1 which seeks to support associated networks to energy infrastructure and the development of key supporting infrastructure to facilitate renewable energy developments and the I consider the proposed development will meet these policies.

8.2.9. The applicant has stated that there is a need for the proposed mast as a support structure to the substation. I accept this statement, notwithstanding that a reasoned justification to include coverage maps and details of efforts to co-locate are not provided with the request. I consider that there is a distinction to be made between a stand-alone mast by a telecommunications operator and the one proposed which is stated to be a support structure to the permitted substation and that the proposed mast should be assessed in the context of the permitted SID and not in isolation as a telecommunications mast.

8.2.10. I note the submission from Carlow County Council stating that the proposed mast appears to constitute a significant infrastructural addition and pointing to the Telecommunications Support Structures policies and associated development management standards of the CDP. I am satisfied that the proposed telecommunication mast fulfils the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities national policy to develop a comprehensive mobile telecommunications service within Ireland in order to promote

industrial and commercial development. I am satisfied too, as a support structure to the permitted substation, that the proposed development complies with Carlow CDP 2022-2028 IF P1 policy to support the development, reinforcement, renewal, and expansion of key supporting infrastructure to facilitate renewable energy developments, subject to compliance with proper planning and environmental considerations.

8.2.11. With respect to proper planning and environmental considerations, I consider the likelihood of significant effects over and above those identified and assessed in ABP-313139 at section 8.3 of this Inspector's Report.

**8.3. The likelihood of significant effects over and above those identified and assessed in the ABP-313139**

8.3.1. The main additional potential significant effects relate to landscape and visual impact and residential amenity. Impact on European designated sites is considered at section 9.0.

8.3.2. In relation to landscape and visual impact, the site is located in the Central Lowlands Landscape Character Area as set out in the Carlow County Development Plan 2022-2028. The Central Lowlands contain the following landscape Types: broad and narrow river valleys, farmed lowlands and farmed ridges. These areas are deemed to be "moderately sensitive to development" "with a capacity to absorb most types of development subject to the implementation of appropriate mitigation measures". The relevant policy objective is as follows: new developments to maintain integrity of landscape character area through careful location, siting and design. Whilst no direct reference is made to electrical infrastructure within the landscape character assessment, it does state that the LCA 'central lowlands' has a "relatively high capacity to accommodate wind farming" and a "low potential capacity to absorb plantation forestry or industrial development."

8.3.3. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) technical Note carried out by Macroworks which assessed the impact of the proposal. Photomontages prepared by Macroworks also support the request. The LVIA found that the proposed mast represents a relatively minor addition to the permitted substation development, will be well assimilated into the permitted

development and will not generate any notable additional landscape or visual effects and will benefit from the permitted landscape screening that forms part of both the permitted solar and substation developments. It is considered that the mast will not result in any notable cumulative landscape or visual effects and is not at odds with landscape and visual policies in Carlow.

- 8.3.4. I note that there are no scenic views or routes or any protected structures within the vicinity of the proposed substation. The Burren River is located c.600m to the east of the proposed substation. The Garreenleen Stream is located to the west of the substation site.
- 8.3.5. Having inspected the application site and surrounding area, I agree with the Development Plan designation of the landscape character as being of low sensitivity. The site, located within a relatively flat landscape, is sloping and sits below the level of the adjoining public road. The surrounding lands are comprised of a series of medium to large size fields defined by boundaries of dense hedgerows and trees. Views to and from the substation site are generally limited because of topography, vegetation and the site's separation distances from the nearest public roads and residential dwellings.
- 8.3.6. With regard to landscape and visual impacts, the proposed mast will sit within a changing landscape which will be characterised by solar farms and electrical structures in the immediate area surrounding the site of the proposed mast, which will sit within a wider rural area characterised by farmland. Having regard to the Carlow Landscape Character Assessment, the LVIA and associated photomontages, the site topography and the form of the development, being a lattice-type structure, I do not consider that the proposed development will have a significant adverse effect on landscape, rural character or visual amenity.
- 8.3.7. With respect to residential amenity, the nearest dwelling to the substation compound area is approx. 261m away. Having regard to the distance to residential properties, the topography of the field within which the substation is being constructed which slopes down to the Garreenleen Stream, I do not consider that the proposed development will result in any significant impacts on residential amenity.
- 8.3.8. Save for consideration of impact on European designated sites, there are no other additional potential significant effects above those identified and assessed in ABP-

313139 which would arise as a result of the proposed mast which warrant consideration as a result of the proposed mast.

#### **8.4. EIA Screening**

- 8.4.1. 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.
- 8.4.2. I note that an EIA was not undertaken in respect of the permitted substation and underground connection, ABP 313139 refers, as no element of the permitted development fell into a class of development contained in Schedule 5, Parts 1 or 2.

#### **8.5. Conclusion on Materiality**

- 8.5.1. I consider that the alterations sought do not constitute the making of a material alteration of the permitted development and would not give rise to significant environmental effects beyond those already considered in the Board's assessment of ABP ref. 313139.

### **9.0 Appropriate Assessment**

#### **9.1. Introduction**

- 9.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000, as amended), are considered fully in this section. The areas addressed in this section are as follows:
  - Screening the need for appropriate assessment (See Appendix 2 of this Report)
  - Appropriate Assessment Screening Determination
  - The Addendum to Natura Impact Statement

- Appropriate assessment of implications of the proposed development on the integrity of identified European site.

## 9.2. The Addendum to the Natura Impact Statement

9.2.1. The permitted development, application ref. ABP ref. 313139, included a NIS (Ecology Ireland, March 2022) which examined and assessed potential adverse effects of the development on the River Barrow River and River Nore SAC (site code 002162). The NIS concluded that proposed development will not adversely affect the integrity of the Natura 2000 site, and that best practice measures and mitigation measures have been identified to ensure that potential pollutant sources are not released during the proposed development (particularly during the laying of the underground grid cable) to the receiving environment such that there will be no risk of adverse effects on the qualifying interests of the SAC within the project's zone of influence.

9.2.2. The requester has submitted an "Addendum to Natura Impact Statement" prepared by Ecology Ireland Wildlife Consultants Ltd, dated December 2024. A copy of the NIS submitted with the application ABP ref. 313139 is also submitted with the amendment application.

9.2.3. The addendum report describes the proposed design amendments and provides a brief assessment of the proposed amendments stating that the potential hydrological connectivity with the River Barrow and River Nore SAC via the grid connection route was the principal trigger for 'screening in' this SAC and the requirement for the preparation of the NIS, noting that the permitted underground grid route from the Bendistown substation to Kellis substation crosses watercourses within the River Barrow catchment and in the absence of appropriate environmental control, it was concluded that there is some potential for the contamination of watercourses through the mobilisation of contaminants during construction and a mitigation strategy was designed to address such risks.

9.2.4. The addendum report states that the proposed changes are localised to the substation, are technical in nature and relatively limited in extent and that there is no element of the proposed changes which give rise to any significant changes in the associated environmental risks with respect to potential effects on the River Barrow

and River Nore SAC, or any other European designated site. The addendum report states that there is no change in the residual risks as assessed in the NIS prepared for the permitted substation and grid connection, and that there is no expectation that the proposed amendments have any potential to result in any adverse effects on the integrity of the River Barrow and River Nore SAC in light of the site's Conservation Objectives.

9.2.5. Having reviewed the NIS, all supporting documentation and submissions, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the abovementioned European sites alone, or in combination with other plans and projects.

### **9.3. AA Screening Determination (Appendix 2 of this Report)**

9.3.1. In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on River Barrow and River Nore SAC (site code: 002162) in view of the site's conservation objectives and qualifying interests.

9.3.2. This conclusion is based on:

- The development to be altered was subject to Appropriate Assessment;
- The applicant has submitted an Addendum to the NIS previously prepared in respect of ABP-313139.

9.3.3. Having regard to the foregoing, it is with an abundance of caution that an Appropriate Assessment (Stage 2) is required of the implications of the project on the qualifying interests of the River Barrow and River Nore SAC in light of its conservation objectives. No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

### **9.4. Appropriate Assessment Conclusion (Appendix 3)**

9.4.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on The River Barrow and

River Nore SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

9.4.2. Following an examination, analysis and evaluation of the NIS & NIS Addendum all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Distance of the proposed works to the SAC.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures propose.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the River Barrow and River Nore SAC.

## 10.0 Recommendation

I recommend that the Commission decides that (a) the making of the alterations subject of this request do not constitute the making of a material alteration to the terms of the development as granted permission under ABP ref. 313139 and that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 10<sup>th</sup> January 2025 and 26<sup>th</sup> February 2025, and (b) the proposed modifications will not give rise to significant environmental effects or significant effects on the integrity of any European site, for the reasons stated below.

## DRAFT ORDER

REQUEST received by An Bord Pleanála on the 10<sup>th</sup> day of January, 2025 from HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Co. Cork on behalf of Garreenleen Solar Farm Limited under section 146B of the Planning and Development Act, 2000, as amended, to make alterations to the permitted 110kV substation and underground grid connection, a strategic infrastructure development

the subject of a permission granted under An Bord Pleanála reference number 313139-22.

WHEREAS the Commission made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated 2<sup>nd</sup> November 2022, AND WHEREAS the Commission has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- The insertion of a telecommunications mast, c. 24 metres to be located south of the EirGrid substation compound.

AND WHEREAS having regard to the issues involved, the Commission decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, to invite submissions or observations from the public in relation to the matter,

AND WHEREAS the Commission decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would not result in the making of a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Commission considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Commission hereby alters the above mentioned development so that the permitted development shall be altered, in accordance with the plans and particulars received by An Bord Pleanála on the 10<sup>th</sup> January 2025 for the reasons and considerations set out below.

### **MATTERS CONSIDERED**

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

### **REASONS AND CONSIDERATIONS**

In coming to its decision, the Commission had regard to the following:

- (i) the limited nature and scale of the alterations,
- (ii) the documentation on file,
- (iii) the observation from Carlow County Council,
- (iv) the report of the Inspector.

The Commission was satisfied that the information before it was adequate to undertake a screening for appropriate assessment in respect of the proposed alteration.

### **Appropriate Assessment - Stage 1**

The Commission considered the Addendum to Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European site in respect of which the proposed development has the potential to have a significant effect is the River Barrow and Nore SAC (Site Code 002162).

### **Appropriate Assessment – Stage 2**

The Commission considered the Addendum to Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the European Site, namely, the River Barrow and Nore SAC (Site Code 002162), in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's Conservation Objectives.

### **Conclusions on Proper Planning and Sustainable Development**

Having regard to:

- the nature and scale of the 110kV substation and underground grid connection development permitted under ABP-3313139-22,
- the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- the limited nature and scale of the alterations when considered in relation to the overall permitted development
- the location of the proposed alterations, adjoining the existing substation site and within the red line site boundary,
- the absence of any significant new or additional environmental impacts arising as a result of the proposed alterations, and
- the report of the Commission's Inspector, which is adopted,

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Commission hereby makes the said alterations.

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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.

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Alaine Clarke  
Senior Planning Inspector

30<sup>th</sup> June 2025

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## **Appendix 1**

### **EIA Pre-screening Form**

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	321640-25
<b>Proposed Development Summary</b>	Telecommunications mast
<b>Development Address</b>	Bendinstown, Gilbertstown, Kellistown East, Kellistown West, Ballycurragh, Ardbear and Ballynunnery, Co. Carlow
	<b>In all cases check box /or leave blank</b>
<p><b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
<p><b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b></p> <p><input type="checkbox"/> Yes, it is a Class specified in Part 1. State the Class here  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	<p><i>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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.</i></p>

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	
<p><b>No</b> <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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## **Appendix 2**

### **Appropriate Assessment Screening**

## Appendix 2 – AA Screening Determination

<b>Screening for Appropriate Assessment</b>	
<b>Finding of likely significant effects</b>	
<p>I have considered the proposed telecommunication development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.</p> <p>The proposed development site is located in a rural and agricultural area in Co. Carlow adjoining a permitted substation. The site of the permitted substation lies partly within lands to be developed as Garreenleen Solar Farm. The substation site adjoins and slopes towards a tributary of the River Barrow, the river Burren_040 (also known as Gareenleen Stream).</p> <p>The proposed development comprises modifications to a permitted 110kV substation:</p> <ul style="list-style-type: none"><li>• The insertion of a telecommunications mast, c. 24 metres to be located south of the EirGrid substation compound</li></ul> <p>A description of the proposed development is set out in section 2.0 of the Addendum to the A Natura Impact Statement (NIS). A NIS was submitted as part of the permitted application, ABP ref. 313139. As part of its assessment of ABP-313139, the Board completed an Appropriate Assessment Screening exercise which resulted in the River Barrow and River Nore SAC, site code 002162, being screened in and brought forward to Stage 2 Appropriate Assessment. The Board concluded that the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of this European Site in view of the site's conservation objectives.</p> <p>The requester has submitted an “Addendum to Natura Impact Statement” prepared by Ecology Ireland Wildlife Consultants Ltd, dated December 2024. The brief report describes the proposed design amendments and provides an assessment of the proposed amendments stating that the potential hydrological connectivity with the River Barrow and River Nore SAC via the grid connection route was the principal trigger for ‘screening in’ this SAC and the requirement for the preparation of the NIS; that there is some potential for the contamination of watercourses through the mobilisation of contaminants during construction and a mitigation strategy was designed to address such risks.</p> <p><b>Consultations and submissions</b></p> <ul style="list-style-type: none"><li>• Public consultation has taken place in accordance with section 146(2)(b) of the Planning and Development Act, 2000, as amended. One submission was received from Carlow County Council who advised, amongst other matters raised, that European legislation be considered in the assessment.</li></ul> <p><b>Potential impact mechanisms from the project alone or in-combination likely to affect identified European Sites [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]</b></p> <p><b>Construction Phase:</b></p> <ul style="list-style-type: none"><li>• <b>Surface water pollution</b> - (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.</li></ul>	

- **Noise and disturbance** – An increase in noise levels, disturbance and lighting may result in disturbance to wildlife within the immediate vicinity of the site.

**Operation Phase:**

No potential impacts arising.

**Decommissioning Phase:**

Decommissioning phase effects will be similar to the construction phase but the potential for likely significant effects considerably less.

**In-combination Effects:**

I consider the following plans and projects may contribute to in-combination effects:

- ABP 313139 (substation and 4km grid connection)
- ABP 321061-24: (alterations to 313139)
- ABP 320265-24 (alterations to 313139)
- ABP 318526-23 (alterations to 313139)
- Carlow Co. Co. Reg. Ref. 22/199: (underground electricity interconnector cable comprising a revision to the approved layout of the solar farm previously permitted under ABP 307891-20).
- Carlow Co. Co. Reg. Ref. 22/163: (solar farm and associated works and includes amendments to ABP ref. 307891-20).
- ABP 307891-20 (solar farm)

**European Sites identified for the screening test**

Considering the source-pathway-receptor model 1 no. European site is located within a potential zone of influence of the proposed development. This is:

River Barrow and River Nore SAC, site code 002162

Potential effects:

A: Surface water pollution, via a hydrological pathway via the Burren\_040 a tributary of the River Barrow.

B: Noise and disturbance, due to proximity of works to a tributary of the River Barrow.

**River Barrow and River Nore SAC, site code 002162**

[https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002162.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf)

6June 2025

Table 1: Could the project undermine the conservation objectives 'alone'			
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
River Barrow River Nore SAC (002162)			
Estuaries [1130]	To maintain the favourable conservation condition	N	N

Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition	N	N
Reefs [1170]	To maintain the favourable conservation condition	N	N
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition	N	N
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To restore the favourable conservation condition	N	N
Mediterranean salt meadows (Juncetalia maritimae) [1410]	To restore the favourable conservation condition	N	N
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition	N	N
European dry heaths [4030]	To maintain the favourable conservation condition	N	N
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]]	To maintain the favourable conservation condition	N	N
Petrifying springs with tufa formation (Cratoneurion) [7220]	To maintain the favourable conservation condition	Y	N
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To restore the favourable conservation condition	N	N
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition	N	N
Vertigo moulensisana (Desmoulin's Whorl Snail) [1016]	To maintain favourable conservation condition	N	N
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition	Y	N
Austropotamobius pallipes (White-clawed Crayfish) [1092]	To maintain the favourable conservation condition	Y	N
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition	Y	N
Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition	Y	N
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition	Y	N
Alosa fallax fallax (Twaite Shad) [1103]	To restore the favourable conservation condition	Y	N

Salmo salar (Salmon) [1106]	To restore the favourable conservation condition	Y	N	
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition	N	Y	
Trichomanes speciosum (Killarney Fern) [1421]	To maintain the favourable conservation condition	N	N	

### Overall Conclusion- Screening Determination

In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on River Barrow and River Nore SAC (site code: 002162) in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

- The development to be altered was subject to Appropriate Assessment;
- The applicant has submitted an Addendum to the NIS previously prepared in respect of ABP 313139.

An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the River Barrow and River Nore SAC in light of its conservation objectives. No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

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## **Appendix 3**

### **Appropriate Assessment**

## **Appropriate Assessment**

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

The following Guidance has been adhered to in my assessment:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service, Dublin
- EC (2021) Assessment of plans and projects significantly affecting Natura 2000 sites. Revised Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC 11.6.3.

The following site is subject to Appropriate Assessment:

- River Barrow River Nore SAC (002162)

There will be no direct impact on the SAC, as the construction work does not fall within the SAC. In my opinion, having reviewed the development proposals, the main aspect of the proposed development that could affect the conservation objectives of the European site arises from:

- Impacts to water quality /surface water pollution/ siltation during the construction phase and;
- Potential disturbance and or displacement of species listed as qualifying interests during construction.

Table 1 details the Appropriate Assessment and site integrity test. The conservation objectives for the European Site have been examined and assessed with regard to the identified potential significant effects and all aspects of the project (alone and in combination with other plans and projects). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear,

precise and definitive conclusions reached in terms of adverse effects on the integrity of European site.

In the absence of suitable controls and measures there is the possibility that the construction phase of the proposed development to be altered, could give rise to in-combination effects related to water quality pollution, including sedimentation and siltation and potential for ex-situ species displacement. There are a number of related and permitted solar farm developments in the general region of the permitted project, including Carlow County Council (CCC) reg. ref. 22/163 which was authorised by CCC, post the decision on ABP ref. 313139 for a 128ha solar farm and included amendments to the solar farm which the permitted substation will serve (i.e. ABP ref. 307891 refers) which application also contained a NIS.

The Addendum to NIS refers to the mitigation strategy which was designed to address the risks upon sensitive habitats and species of the SAC. The mitigation strategy is set out in section 4 of the NIS (March 2022, submitted with ABP ref. 313139), a copy of which is appended to the Addendum NIS and details the measures to be employed during construction, including environmental management, duties, and responsibilities of personnel. These mitigation measures are set out in Table 1.

Public consultation has taken place in accordance with section 146(2)(b) of the Planning and Development Act, 2000, as amended. No specific issues relating to NIS or AA have been raised.

**Table 1 Appropriate Assessment of implications of the proposed development on the integrity of European Sites alone and in combination with other plans and projects in view of the sites' Conservation Objectives.**

<b>River Barrow and River Nore SAC, site code 002162. Potential effects from screening stage:</b>			
<b>Qualifying Interest feature</b>	<b>Conservation Objectives Targets and attributes:</b> <b>Site Specific Conservation Objectives, 6<sup>th</sup> June 2025</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>
Estuaries [1130]			
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	No - Located > 40km downstream, considered to be outside the zone of influence of this project	Not applicable / none necessary
Reefs [1170]			
Salicornia and other annuals colonising mud and sand [1310]			
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]			
Mediterranean salt meadows (Juncetalia maritim) [1410]			

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]		No - the typical species of the tufaceous sub-type is located in the Kings tributary of the Nore.	Not applicable / none necessary
Petrifying springs with tufa formation (Cratoneurion) [7220]		Yes; distribution of habitat is unknown; rely on permanent irrigation, usually from upwelling groundwater sources or seepage sources. Possible water quality impact arising from accidental surface water pollution.	Best practice pollution prevention methods are set out in the Construction Methodology Statement and section 4.2 of the NIS, and include: -Provision of 50m exclusion zones and barriers (silt fences) between any excavated material and any surface water features to prevent sediment washing into the receiving water environment;
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]		Yes -the Barrow catchment is identified as previously recording of this species. Current status is unknown / under review. Possible water quality impact arising from accidental surface water pollution or	-Concrete or concrete contaminated water run-off will

		siltation arising from construction.	not be allowed to enter any watercourses.
<i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]		<p>Yes – occurs in the River Barrow downstream of the project site.</p> <p>Possible water quality impact arising from accidental surface water pollution or siltation arising from construction.</p>	<p>Any pouring of concrete (delivered to site ready mixed) will only be carried out in dry weather;</p> <p>-Reception and launch pits for the directional drilling process shall be excavated a minimum of 20m from the stream banks;</p>
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]		<p>Yes – occurs downstream of project site. Lamprey are sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.</p>	<p>-Wash-down water from exposed concrete surfaces will be trapped to allow sediment to settle out and reach neutral pH before clarified water is released to the drain system or allowed to percolate into the ground;</p>
<i>Lampetra planeri</i> (Brook Lamprey) [1096]		<p>Yes – lamprey species recorded downstream at Rathoe Bridge (River Barrow Catchment Survey, 2015, IFI). Lamprey are sensitive to indirect effects from pollution of watercourses with</p>	<p>-Ecological Clerk of Works to be appointed to</p>
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]			

		chemicals, silt, contaminants etc. during construction phase.	monitor compliance with mitigation measures and conditions.
Salmo salar (Salmon) [1106]		Yes - Widespread distribution throughout SAC. Salmon are sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.	
Lutra lutra (Otter) [1355]		Yes- Widespread distribution throughout SAC. Otters may be sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants, noise, etc. during construction phase.	In addition to the mitigation measures referenced above as detailed in the NIS, a pre-works survey will be carried out by a qualified ecologist to identify the presence of any protected fauna on-site
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]		No - not subject to potential hydrological Impacts	Not applicable / none necessary

European dry heaths [4030]		No - not subject to potential hydrological Impacts	Not applicable / none necessary
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]		No - Located > 40km downstream, considered to be outside the zone of influence of this project.	Not applicable / none necessary
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]		No – while periodic flooding is essential to maintain alluvial woodlands along river flood plains in some instances, this habitat is located > 20km downstream and is considered to be outside the zone of influence of this project	Not applicable / none necessary
Vertigo moulensisana (Desmoulin's Whorl Snail) [1016]		No - occurs >40km downstream; outside zone of influence for this project	Not applicable / none necessary
Alosa fallax fallax (Twaite Shad) [1103]		No – occurs >30km downstream; outside of zone of influence	Not applicable / none necessary
Trichomanes speciosum (Killarney Fern) [1421]		No - occurs >40km downstream; outside zone of influence for this project	Not applicable / none necessary

**Assessment of issues that could give rise to adverse effects:****(i) Water quality degradation**

Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water could reach the main channel of the River Barrow downstream. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds. No operational phase impacts are anticipated.

**Mitigation measures and conditions:** As above, see table 1. I am satisfied that the mitigation measures are sufficient to mitigate potential adverse effects.

**(ii) Disturbance**

Disturbance of mobile species during construction works may occur. No operational phase impacts are anticipated.

**Mitigation measures and conditions:** As above, see table 1. I am satisfied that the mitigation measures are sufficient to mitigate potential adverse effects.

**In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS & NIS Addendum. The proposed telecommunications mast has been assessed as part of the overall project and no other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

**Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the River Barrow and River Nore SAC. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. A pre-works survey will be carried out by a qualified ecologist to identify the presence of any protected fauna on-site. Monitoring measures are proposed. I am

satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

#### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

#### **Site Integrity**

The proposed development will not affect the attainment Conservation objectives of the River Barrow and River Nore SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

#### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on The River Barrow and River Nore SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS & NIS Addendum all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the River Barrow & River Nore SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Distance of the proposed works to the SAC.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the River Barrow and River Nore SAC.