



An
Bord
Pleanála

Inspector's Report ABP-322038-25

Development

Section 146B application for amendments to An Bord Pleanála case reference ABP-306204-19 for an approved windfarm grid connection comprising a new 110kV electrical substation and underground 110kV electrical cables from Mountphilips substation to previously permitted Upperchurch Windfarm.

Location

Mountphilips, County Tipperary.

Planning Authority

Tipperary County Council

Requester

Ecopower Developments Limited

Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

Date of Site Inspection

9th May 2025

Inspector

Donal Donnelly

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Planning History.....	4
4.0 Background to the Proposed Alterations	6
5.0 Scope of the Request	7
6.0 Notice to Requester	9
6.1. Reason for the Notice	9
6.2. Requester’s Response to Notice.....	10
6.3. Submissions Received in Response to Notice.....	11
7.0 Legislative Provisions	14
8.0 Assessment.....	15
8.6. Whether the Proposed Alteration is or is not Material	17
8.7. Whether the material alteration is or is not likely to have a significant effects on the Environment.....	19
9.0 Appropriate Assessment.....	20
9.4. Geographical Scope and Main Characteristics	20
9.5. Screening the need for Appropriate Assessment.....	22
9.6. The Natura Impact Statement and Associated Documents	29
9.7. Appropriate Assessment of implications of the proposed development on each European Site	30
9.8. Appropriate Assessment Conclusions	53
10.0 Recommendation	55
11.0 Draft Order.....	55
Appendix 1: Form 1 – EIA Pre-Screening	60

Appendix 2: Form 3 – EIA Screening Determination Sample Form 62

1.0 Introduction

- 1.1. The Board decided on 8th February 2021 to approve an application by Ecopower Developments Limited under Section 182A(1) of the Planning and Development Act, 2000 (as amended) for a 110kV electrical substation, underground 110kV cabling and ancillary works for the purposes of connecting the consented Upperchurch Windfarm to an existing 110kV overhead line at Mountphilips, Co. Tipperary. The application for the development included an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).
- 1.2. Pursuant to Section 146B of the Planning and Development Act, 2000 (as amended), Ecopower Developments Limited now requests that the Board alter the terms of this strategic infrastructure development approved under ABP-306204-19.

2.0 Site Location and Description

- 2.1. The approved grid connection extends from the 110kV electrical substation in the townland of Mountphilips over a distance of approximately 30.5km to the permitted substation at the Upperchurch Windfarm. The approved substation at Mountphilips will be located to the east of the existing Killonan to Nenagh 110kV overhead line. Access to the substation will be through a number of agricultural fields from a new access on a local road. The cable route for the most part will continue along the R503 Regional Road.
- 2.2. The area surrounding the proposed grid connection is characterised mainly by upland rolling hills and valleys forming part of the Slieve Felim Mountains to the south and Slivermines Mountains to the north. The main land uses along the route of the grid connection are hill farming and forestry. The R503 is the main road connecting Thurles to the east to Newport and on to Limerick City in the west.

3.0 Planning History

Tipperary County Council Reg. Ref: 13/510003 (PL22.243040)

- 3.1. Ecopower Development Ltd. was granted a ten-year permission in August 2014 for 22 wind turbines up to 126.6m in height, 2 no. meteorological masts with wind

measuring equipment attached, access roads, electrical substation compound, control buildings and ancillary works.

An Bord Pleanála Ref: ABP-301959-18

- 3.2. On 17th December 2018, the Board refused to approve an 110kV electrical substation and 110kV underground electrical cabling from the proposed substation to an already consented windfarm 110kV electrical substation and all ancillary works between the townland of Mountphilips, near Newport, and the townland of Knockcurraghbola, near Upperchurch. The grid connection was to continue mostly off road through lands to the north of, and roughly parallel to the R503.

Tipperary County Council Reg. Ref: 20/1048

- 3.3. Permission granted in December 2020 for amendments to Upperchurch Windfarm electrical substation, authorised under Reg. Ref: 13/510003 (PL.22.243040). The amendments consist of a) increase in size of the substation compound yard; b) change to the layout of electrical equipment in the substation compound yard; c) change in size, design and increase in height of the two control buildings; and d) ancillary works.

An Bord Pleanála Ref: ABP-306204-19

- 3.4. On 8th February 2021, the Board approved a new 110kV substation, underground 110kV cabling and ancillary works to connect the already consented Upperchurch windfarm substation (PL22.243040), to the existing 110kV overhead line.

Tipperary County Council Reg. Ref: 18/600913 (ABP-303634-19)

- 3.5. The Board granted permission to Ecopower Developments Ltd. on 8th February 2021 for Upperchurch Windfarm related works to include 17.9km of internal windfarm cabling; haul route works; 18m high telecoms relay pole; realignment of windfarm roads; change of use of agricultural access to agricultural and forestry; and ancillary works.

An Bord Pleanála Ref: ABP-310171-21

- 3.6. The Board granted permission on 12th May 2022 for amendments to the previously authorised Upperchurch windfarm (PL22.243040) to increase the size of the wind turbines and amend the height and design of the meteorological mast.

An Bord Pleanála Ref: ABP-311034-21

- 3.7. The Board decided, in accordance with Section 146B(2)(a) of the Planning and Development Act, 2000, as amended, that proposed alterations to the substation compound would not result in a material alteration to the terms of the development subject of the approval (ABP-306204-19).

An Bord Pleanála Ref: ABP-314836-22

- 3.8. The Board decided, in accordance with Section 146B(2)(a) of the Planning and Development Act, 2000, as amended, that proposed alterations to the 110kV electrical substation, underground 110kV cabling and ancillary works to connect the consented Upperchurch Windfarm substation to the existing 110kV overhead line at Mountphilips, Co. Tipperary would not result in a material alteration to the terms of the development subject of the approval (ABP-306204-19).

An Bord Pleanála Ref: ABP-318773-23

- 3.9. The Board decided, in accordance with Section 146B(2)(a) of the Planning and Development Act, 2000, as amended, that an increase in height of the permitted turbines to 158m; realignment of four turbine hardstandings; omission of authorised site entrance and windfarm roadway; felling of an additional 4.51 hectares of forestry; and removal of 667m of hedgerow would be material but would not be likely to have significant effects on the environment or on any European Site.

An Bord Pleanála Ref: ABP-320650-24

- 3.10. The Board decided, in accordance with Section 146B(2)(a) of the Planning and Development Act, 2000, as amended, to alter the terms of the permission by amending Condition 3 so that the period during which the proposed development (PL22.243040 and ABP-310171-21) hereby permitted may be carried out shall be 10 years from the date of the Order.

4.0 **Background to the Proposed Alterations**

- 4.1. The proposed alteration, as set out in the requester's cover letter and particulars received by the Board on 7th March 2025, relates to the approved Upperchurch Windfarm grid connection and specifically the underground cable connecting the new Mountphilips substation to the windfarm substation. The authorised grid connection

would pass through part of the Slievefelim to Silvermines Mountain SPA, entirely within the road corridor, and over the Lower River Shannon SAC.

- 4.2. The underground cable is to be mostly installed along the R503 Regional Road over a distance of approximately 30.5km from Mountphilips Substation to the north of Newport Town, to the authorised Upperchurch Windfarm Substation. A total of 29.2km of the 30.5km of the authorised underground grid connection is routed along the public road network, c.22km of which is along the R503 Regional Road. The authorised underground grid connection will be installed under or over 63 no. existing watercourse crossing structures along the public road network. The authorised works are to take place entirely within the public roadway, with the cable to be laid in the deck of bridges and under or over culverts, which will involve instream works at a number of crossings. Directional drilling is also authorised at two bridge locations along the route.
- 4.3. A Road Opening Licence must be obtained to carry out the underground grid connection works. However, Tipperary County Council is concerned about proposals to lay the underground grid connection within the decking of certain stone arch bridges along the road. The Council has therefore requested alterations to the methodology for crossing bridges along the public road of the underground grid connection. The terms of the Road Opening Licence must be agreed with Tipperary County Council prior to the Road Management Office issuing the licence.
- 4.4. Due to the nature of the development, it is also requested that a condition is included for a 10-year appropriate period during which the development can be constructed. However, this part of the request was withdrawn by the applicants.

5.0 **Scope of the Request**

- 5.1. The applicant is seeking to alter the terms of the development, subject of the permission granted under ABP-306204-19. Alterations to the authorised underground grid connection route and to the crossing methods for twelve (12) bridges along the route:
 - Section 1 in proximity to Newport Town (relates to 4 No. bridges – B1, B2, B3 & B4)

- Section 2 along the Regional Road R503 (relates to 8 No. bridges – B5, B6, B7, B9, B10, B11, B14, B15)

5.2. The authorised route to the north of Newport would cross 4 no. bridges. Rockvale Bridge over the Newport River is unsuitable for both directional drilling and installation in the bridge deck. An alternative route around Newport and over the Newport River is now proposed using other public roads, agricultural lands and existing farm tracks and crossing watercourses off-road at a more suitable location for directional drilling. A total 3 no. watercourses will be crossed off-road along the altered route, i.e. the Newport River, Small River and an unnamed watercourse (W101, W102 & W103). The new route will also avoid underground cabling along 4km of public road to the north of Newport containing many services from the nearby Newport Regional Water Treatment Plant.

5.3. Along the R503 Regional Road, there are 11 no. bridges between Newport and Kilcommon crossroads (B5, B6, B7, B8, B9, B10, B11, B12, B13, B14 and B15). Tipperary County Council has determined that three of these bridges are acceptable to cross in the deck (B8, B12 & B13). Dam and overpump is suitable for another four bridges (B5, B9, B11 and B14). At three of these four bridges, works are proposed within the SPA. At a five further bridges (B6, B7, B8, B12 & B13), crossings within the deck may be acceptable subject to a full structural report. Directional drilling for these crossings is assessed in the Schedule 7A information. It is proposed that the watercourse at bridge B10 will be crossed by directional drilling or replaced by a new culvert. Directional drilling is also proposed at bridge B15.

5.4. The bridge works are summarised as follows:

- New W101: Newport River (aka Mulkear) – Directional drill.
- New W102: Small River – Directional drill.
- New W103: Install underground cable under/ over culvert.
- Bridge B5 (W21): Bypass bridge and cross watercourse via dam and overpump method.
- Bridge B6 (W22): Construct in bridge deck or directional drill.
- Bridge B7 (W23): Construct in bridge deck or directional drill.

- Bridge B9: Bypass bridge and cross watercourse via dam and overpump method.
- Bridge B10 (W35): Directional drill or replace with culvert.
- Bridge B11 (W36): Bypass bridge and cross watercourse via dam and overpump method.
- Bridge B14: Bypass bridge and cross watercourse via dam and overpump method.
- Anglesey Bridge B15: Directional drill.

6.0 Notice to Requester

6.1. Reason for the Notice

- 6.1.1. Having considered the nature, scale and extent of the proposed Section 146B alteration in this case, the information on file and the nature, scale and extent of the development approved under ABP-306204-19, I am of the opinion that said alteration is material.
- 6.1.2. I note that this request relates to a total of 6.5km of the authorised 30km underground cabling route. It is now proposed to alter a section of the authorised route around Newport and to amend the crossing methodology of bridges, both in the vicinity of Newport and along the Thurles to Limerick Regional Road (R503). The requester also seeks the inclusion of a condition for a 10-year appropriate
- 6.1.3. The proposed alteration of the route around Newport would avoid 4 no. bridges by diverting off road through agricultural lands, farm tracks and local roads. New crossing points would be required for the Newport (aka Mulkear) and Small Rivers, where directional drilling is possible. The Newport River at this location forms part of the Lower River Shannon SAC. A section of the newly proposed route would also pass through the Slievefelim to Silvermines Mountains SPA.
- 6.1.4. In terms of the alterations to river crossings, rather than install the underground grid connection (UGC) within the decking of bridges, it is now proposed that certain bridge crossings would be constructed using alternative methods, such as by-passing the bridges by exiting the road for short sections and placing the UGC in

lands adjacent to the bridges, or alternatively, directionally drilling below the bridge structure. Amended river crossing points will also occur within European Designated Sites.

- 6.1.5. Having regard to the extent of proposed rerouting around Newport, and the nature and extent of bridge crossing works, together with the sensitive location of the proposed alterations within and in the vicinity of European Designated Sites, it was considered necessary for the purposes of the Board in determining the matter under Section 146B (8)(a) of the Planning and Development Act, 2000 (as amended), that the requester shall make the information relating to that request available for inspection; notify such person, such class of person or the public (as the Board considers appropriate) that the information is so available; and invite submissions or observations in relation to that request.

6.2. Requester's Response to Notice

- 6.2.1. The Requester's response to the Notice from the Board included a cover letter received by the Board on 16th May 2025; a copy of the Notification to Tipperary County Council; newspaper notices; prescribed body notifications; a site notice location map; and a copy of the site notice erected on the 16th May 2025.
- 6.2.2. The Notice was sent to the following prescribed bodies:
- National Parks and Wildlife Service
 - Inland Fisheries Ireland
 - National Monuments Service
 - Department of Environment, Climate and Communications
 - Transport Infrastructure Ireland
 - An Taisce
 - The Heritage Council
 - Commission for Regulation of Utilities
 - Health Services Executive
 - Environmental Protection Agency

- IDA Ireland
- Uisce Éireann
- Waterways Ireland
- Coillte Teo
- Office of Public Works

6.3. Submissions Received in Response to Notice

- 6.3.1. A total of four submissions were received by the Board in response to the Notice. Three of the submissions were from prescribed bodies and one was from a member of the public. The submissions are summarised as follows:

Development Applications Unit – DHLGH

- 6.3.2. The following heritage observations/ recommendations were received by the Department under the stated headings:

Archaeology

- Notes that Archaeological Impact Assessment acknowledges the potential for previously unknown sub-surface archaeological features or deposits to be present within the proposed development site.
- Department advises that advance archaeological geophysical survey and advance archaeological test excavation of all green areas of the proposed development site should be carried out in advance of any development.
- Advises that conditions (4 no.) should be attached to any granted permission aligning with sample conditions C3, C5 and C6 as set out in OPR Practice Note PN03: Planning Conditions (Oct. '22), with appropriate site-specific additions/ adaptations based on the particular characteristics of the development and informed by the findings of the AIA.

Nature Conservation

- Method of construction of temporary access road, involving the use of a roller and works vehicles, indicates a risk of compaction of the underlying soil/ peat, which may influence its hydrological characteristics and associated vegetation

community. There may also be direct compaction of surface vegetation, with blocking of exposure to sunlight for an extended period.

- If there is a high proportion of peat, excavation of duct trench may affect adjacent hydrology and loss of habitat maybe longer term over a larger area. Important that stone used is keeping with local geology and geochemistry - This could also impact vegetation community composition and the potential for subsequent re colonisation.
- Department recommends that footprint of temporary road is kept to a minimum and is in place for the shortest possible duration.
- Bridge 5 - Preferable to aim to facilitate recovery of existing vegetation by setting aside the top sod containing the vegetation during excavation and ensuring that it is replaced on top. If Heather is present on site, local seed could be scattered on disturbed areas.
- Notes that habitat in the vicinity of Bridge 5 is structurally suitable for Hen Harrier and acts as a buffer for the associated plant and animal communities that occur further into the SPA.
- Bridge 14 - Seems that riparian woodland and scrub are likely to be cleared to facilitate access. Route should be selected to minimise or avoid any removal of riparian vegetation, especially in proximity to the northeast end of the bridge. Any vegetation to be removed should be surveyed, identified and quantified so that appropriate replacement planting can be carried out.
- If vegetation cover in the immediate proximity to Bridge 14 is proposed to be removed, the bridge should be surveyed for bats in advance of works - derogation licence may be necessary depending on the presence, location and type of any roost.
- Removal of riparian vegetation at this bridge has the potential to negatively affect suitable otter habitat, shelter and quality of the riparian corridor – Recommended that riparian woodland and scrub in the immediate vicinity of the bridge is left intact.

HSE

6.3.3. The following are the observations of the National Environmental Health Service on the requested alteration:

- NEHS is of the opinion that there will not be likely significant effects on public or environmental health as a result of the proposal.
- Opinion formed with the proviso that all mitigation measures identified in the CEMP and any other mitigation measures agreed as part of the overall project will be implemented in full for the alterations proposed.

Uisce Éireann

6.3.4. Uisce Éireann's observations are as follows:

- Alteration of proposed route potentially brings cabling into interaction with in-situ Network assets not previously accounted for in original application.
- Requests that applicant liaise with Uisce Éireann during the final design stage of the proposed works so that protection or replacement works can be agreed and carried out as appropriate.
- Conditions (5 no.) recommended.
- Notes that Uisce Éireann does not permit build over of its assets and appropriate separation distances must be achieved. Development proposals shall not impact public drinking water sources and/ or abstraction points.

Suzanne O’Gorman, Carrowkeale, Newport, Co. Tipperary

6.3.5. A single third party submission was received on the requested alteration, which is summarised as follows:

- Altered route will be to the detriment of observer's community and small country road. Observer does not want road ripped up and spoiled and there is concern that road will not be reinstated to previous condition.
- Part of proposed route is an unsurfaced country lane with a pair of nesting bar owls, nesting great spotted woodpeckers, red squirrel and hen harrier - concerned with the potential impact on these rare species. Environmental impact study carried out for the previous application does not include this road or area.

- Requests an oral hearing.

7.0 Legislative Provisions

- 7.1. Under Section 146B(1) of the Planning and Development Act, 2000 (as amended), the Board may alter the terms of a permission for a strategic infrastructure development on request of the person intending to carry out the development.
- 7.2. Section 146B(2)(a) states that *“as soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.”* Section 146B(2)(b) provides for the Board to invite submissions and the Board shall have regard to any submission made.
- 7.3. Under Section 146(3)(a), the Board shall alter the planning approval if it decides that the making of the alteration would not constitute the making of a material alteration in the terms of the development concerned. If the Board decides under Section 143(3)(b) that the making of the alteration would be material, it shall (i) require the requester to submit to the Board the information specified in Schedule 7A or an EIAR, and (ii) determine whether to:
- (I) make the alteration
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (III) refuse to make the alteration.
- 7.4. Section 146B(3A) allows for the submission of further relevant information on the characteristics of the alteration in addition to the Schedule 7A information/ EIAR under subsection 3(b)(i). The further relevant information may also be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration [Section 146B(3B)].

- 7.5. Section 146B(4) states that before it makes its decision to alter/ alter differently/ refuse to alter, the Board shall determine whether the extent and character of alteration or any alternative alteration are such that the alteration, were it to be made, would be likely to have significant effects on the environment.
- 7.6. Subsections 146B(4A)(a) – (c) relate to the timeframe within which the Board shall make a determination under subsection (4) unless exceptional circumstances apply.
- 7.7. Under Section 146B(5), if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii):
- (a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or
 - (b) is likely to have such effects, the provisions of section 146C shall apply (preparation of an EIAR).
- 7.8. Under Section 146B(6), *“if, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in subsection (3)(b)(ii), it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.”*
- 7.9. Section 146B(7) sets out the criteria that the Board shall have regard to in making a determination under subsection (4), while subsection (8) sets out provisions for the making of submissions or observations before a determination under subsection (3)(b)(ii) or (4) is made.

8.0 **Assessment**

- 8.1. Under Section 146B of the Planning and Development Act, 2000 (as amended), the requester is seeking to alter the terms of a development (ABP-306204-19) approved by the Board under Section 182A(1) of the Planning and Development Act, 2000 (as amended). The approved development is for a 110kV electrical substation, underground 110kV cabling and ancillary works for the purposes of connecting the consented Upperchurch Windfarm to an existing 110kV overhead line at Mountphilips, Co. Tipperary.

- 8.2. The main reason for the proposed alterations relates to the method by which the underground grid connection will cross bridges along the route. The authorised works are to take place mainly within the public roadway, with the cable to be laid in the deck of bridges, and under or over culverts. At two bridge locations, directional drilling under the river is authorised. The Local Authority had concerns with the proposals to install the underground grid connection within the decking of stone arch bridges. These bridge crossing should therefore be constructed using alternative methods such as bypassing the bridge or directional drilling below the bridge structure. A valid Road Opening Licence must be obtained prior to commencement of works, and the terms of this licence, including construction methodologies, must be agreed beforehand with the Roads Authority.
- 8.3. Having regard to the above, it is proposed to relocate the underground grid connection via a different route around Newport because an alternative crossing of the Newport River is required. Directional drilling and dam and overpump methods at Rockvale Bridge are not possible due to the river flowing in a steep gorge and the high volumes of waterflow at this point. An alternative crossing point where directional drilling is feasible was identified approximately 1.2km to the west-south-west. In total, the route alteration relates to 6.5km of the authorised 30km underground cabling route.
- 8.4. The authorised method of crossing the deck of six of the 11 bridges along the R503 is not acceptable to the Local Authority. Four of these bridges are suitable for the dam and overpump method and one bridge is suitable for directional drilling. Another masonry stone slab bridge will either be replaced with a culvert or directionally drilled. For two further bridges, the Local Authority require the results of a full structural assessment of the capacity of the bridges to accommodate a concrete beam encasing the cables, before deciding if crossing within the deck is acceptable, or whether directional drilling is required.
- 8.5. The first consideration to assess is whether the proposed alterations would constitute a material alteration of the terms of the permission ABP-306204-19 granted under Section 182A(1) of the Planning and Development Act, 2000 (as amended). Should the Board decide that the proposed alteration is not material, it shall alter the approved development accordingly. However, if it is decided that the

proposed alteration is material, the Board shall consider the proposed alteration in terms of the significant effects on the environment and other related matters.

8.6. Whether the Proposed Alteration is or is not Material

- 8.6.1. Having considered the nature, scale and extent of the proposed Section 146B alterations in this case, the information on file and the nature, scale and extent of the development approved under ABP-306204-19, the Board decided that said alteration is material. In this regard, the request relates to a total of 6.5km of the authorised 30km underground cabling route. It is now proposed to alter a section of the authorised route around Newport and to amend the crossing methodology of bridges, both in the vicinity of Newport and along the Thurles to Limerick Regional Road (R503). A new crossing of the Newport River is proposed. Newport River forms part of the Lower River Shannon SAC. A section of the newly proposed route would also pass through the Slievefelim to Silvermines Mountains SPA and some of the crossing works would take in the SPA.
- 8.6.2. Having regard to the above, it was necessary, for the purposes of the Board in determining the matter under Section 146B (8)(a) of the Planning and Development Act, 2000 (as amended), that the requester shall make the information relating to that request available for inspection; notify such person, such class of person or the public (as the Board considers appropriate) that the information is so available; and invite submissions or observations in relation to that request.
- 8.6.3. In addition to the readvertising and invitation of submissions, and pursuant to Section 146B (3)(b), the requester is obliged to submit to the Board the information specified in Schedule 7A of the Planning and Development Regulations 2001 (as amended) in respect of the alteration unless the requester has provided such information. The requester in this case had already submitted the Schedule 7A information along with the request.
- 8.6.4. In response to the invitation for submissions or observations, responses were received from three prescribed bodies and from a single third party observer. The response from the Development Applications Unit of the DHLGH contains observations on archaeology and nature conservation. In terms of archaeology, it is

advised that a geophysical survey and archaeological test excavations take place in advance of any development. Conditions are recommended in this regard.

- 8.6.5. The nature conservation observations relate to the requested alteration works at Bridges 5 and 14. It is noted that the habitat in the vicinity of Bridge 5 is structurally suitable for Hen Harrier and acts as a buffer for the associated plant and animal communities that occur further into the SPA. It is preferable to the Department that existing vegetation at this location should be recovered by setting aside the top sod containing the vegetation during excavation and ensuring that it is replaced on top. Furthermore, it is recommended that if Heather is present on site, local seed could be scattered on disturbed areas.
- 8.6.6. At Bridge 14, it is stated that the route should be selected to minimise or avoid any removal of riparian vegetation, especially in proximity to the northeast end of the bridge, and any vegetation to be removed should be surveyed, identified and quantified so that appropriate replacement planting can be carried out. It is also recommended that riparian vegetation in the immediate vicinity of this bridge is left intact to minimise impacts on otter. Surveys for bats should also be undertaken at this bridge. Furthermore, it is recommended that temporary road footprints should be kept to a minimum and be in place for the shortest possible duration.
- 8.6.7. Submissions were also received from the HSE and Uisce Éireann. The HSE are of the opinion that that requested alteration is not likely to have significant effects on public or environmental health provided that all mitigation measures are implemented in full. Uisce Éireann requests liaisons with the applicant during the final design stage of the proposed works so that protection or replacement works of network assets can be agreed and carried out as appropriate.
- 8.6.8. The single third party request relates to works along the roadway, with concerns that the road will not be reinstated to its original condition. It is also noted that part of proposed route is an unsurfaced country lane with a pair of nesting bar owls, nesting great spotted woodpeckers, red squirrel and hen harrier. The observer has concerns regarding the potential impact on these rare species and that environmental studies were not carried out for this area within the parent application.

8.7. Whether the material alteration is or is not likely to have a significant effects on the Environment

- 8.7.1. Under Section 146B(4), before making a determination to make the alteration, make the alteration that would be different to that requested, or to refuse to make the alteration, the Board shall determine whether the extent and character of the alteration are such that it would be likely to have significant effects on the environment.
- 8.7.2. In making a determination under subsection (4), the Board shall have regard to *inter alia* 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 information submitted pursuant to Schedule 7A to the Planning and Development Regulations 2001; any further relevant information and any assessments carried out pursuant to European Union legislation other than the EIA Directive; and the likely significant effects of the alteration on a European Site.
- 8.7.3. The Board shall 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. The criteria set out in Form 3 in Appendix 2 are therefore considered for the purposes of determining whether to make the alteration, make a different alteration, or refuse to make the alteration. This includes an assessment of the characteristics of the proposed alteration, the location of the proposed alteration, and the types and characteristics of potential impacts.
- 8.7.4. It is also a requirement to specifically examine, and where appropriate, screen the development for EIA. EIAR Screening is carried out within Form 3 in Appendix 2 of this report. It is concluded that with the application of full and proper mitigation measures, the proposed alteration would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

9.0 **Appropriate Assessment**

9.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Geographical Scope and Main Characteristics
- Screening the need for Appropriate Assessment
- The Natura Impact Statement and associated documents
- Appropriate Assessment of implications of the proposed development on each European Site

9.2. **Compliance with Articles 6(3) of the EU Habitats Directive:** The Habitats

Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

9.3. The authorised development comprises the construction of a 110kV electrical substation and underground 110kV grid connection to an already permitted (but not constructed) windfarm substation to the west of Upperchurch, Co. Tipperary. The authorised development, and the elements thereof which are now requested to be altered, are not directly connected with or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3).

9.4. **Geographical Scope and Main Characteristics**

9.4.1. The authorised grid connection (110kV UGC) is located between Mountphilips to the north of Newport village and the permitted Upperchurch Windfarm. The route of the authorised 110kV UGC continues from the Mountphilips substation for a distance of 30.5km west and through an upland area as far as in the eastern foothills of the Slievefelim to Silvermines mountains to the permitted substation near Upperchurch.

It is requested to alter the underground grid connection around Newport along a different alignment for a distance of approximately 4km. The route will then mostly rejoin the authorised alignment east of Newport apart from locations where it is requested to be altered to avoid bridge decks along the R503.

- 9.4.2. The surrounding rural area along the grid connection is sparsely populated, with the main land uses being agricultural grassland, commercial forestry plantations, public and private roads and isolated residences and farmsteads. Other nearby settlements include Kilcommon and Rear Cross.
- 9.4.3. Mountphilips substation will be located on lower lying agricultural grasslands and the route of the grid connection will mostly follow paved public roads through the uplands to the permitted substation. Lands either side of the 110kV UGC route comprise typical roadside habitat such as hedgerows, trees, earth banks, gardens and amenity grasslands. The wider uplands include agricultural and forestry lands. Underground cabling will be laid over a distance of 30.5km in 1.25m deep and 0.6m wide trenches and over 65 no. watercourses outside Mountphilips substation.
- 9.4.4. The 110kV UGC route passes through the boundary of the Slievefelim to Silvermines Mountains SPA for approximately 8km and overlaps the boundary of the Lower River Shannon SAC. The Lower River Suir SAC and the Clare Glen SAC are located in the surrounding area. The Newport River, Clare River and Bilboa River are the main watercourses along the route and these are all in the River Shannon catchment. They contain good salmonid habitat, good/ high biological water quality and good ecological status. The 110kV UGC route is mostly located within the River Shannon catchment, with a small section to the east located within the River Suir catchment. Upperchurch Windfarm is mostly within the River Suir catchment with a small section with the Shannon catchment.
- 9.4.5. Other elements of the whole Upperchurch windfarm project include the consented windfarm of 22 no. turbines, substation, 11.6km of windfarm roads and ancillary works including drainage, construction compounds, borrow pits, and storage and reinstatement of soils. The windfarm will occupy 6.4 hectares of land when operational. Replacement forestry will see the afforestation of 6 hectares of agricultural land at the townland of Foilnaman and other works will include haul route activities, Upperchurch Hen Harrier Scheme and monitoring activities.

9.5. Screening the need for Appropriate Assessment

- 9.5.1. The first test of Article 6(3) is to establish if the requested alteration could result in likely significant effects to a European site. This is considered stage 1 of the appropriate assessment process i.e. *screening*. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.
- 9.5.2. Having regard to the information and submissions available, the nature, size and location of the requested alteration and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the European Sites set out in Table 1 below are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.
- 9.5.3. European sites considered for Stage 1 screening:

European site (SAC/SPA)	Site code	Distance to UWF Authorised Grid Connection	Connections to Requested Alterations (source, pathway, receptor)	Considered further in Screening (Y/N)
Slievefelim to Silvermines Mountains SPA	004165	0 km	Numerous connections	Y
Lower River Shannon SAC	002165	0 km	Numerous connections	Y
Clare Glen SAC	000930	1.6 km	Potential connections	Y
Lower River Suir SAC	002137	4.3 km	No pathway	N
Anglesey Road SAC	002125	2.9 km	No pathway	N
Bolingbrook Hill SAC	002124	8.5 km	No pathway	N
Keeper Hill SAC	001197	4.3 km	No pathway	N
Silvermines Mountain SAC	000939	9.4 km	No pathway	N
Silvermines Mountain West SAC	002258	7.7 km	No pathway	N

European site (SAC/SPA)	Site code	Distance to UWF Authorised Grid Connection	Connections to Requested Alterations (source, pathway, receptor)	Considered further in Screening (Y/N)
Philipstown Marsh SAC	001847	12 km	No pathway	N
Kilduff, Devilsbit Mountain SAC	000934	16.8 km	No pathway	N
Glenstal Wood SAC	001432	2.6 km	No pathway	N
Slieve Bernagh Bog SAC	002312	11.5 km	No pathway	N
Lough Derg, North-east Shore SAC	002241	26.3 km	No pathway	N
Glenomra Wood SAC	001013	11.3 km	No pathway	N
Tory Hill SAC	000439	26 km	No pathway	N
Ratty River Cave SAC	002316	24.5 km	No pathway	N
Askeaton Fen Complex SAC	002279	31 km	No pathway	N
Barrigone SAC	000432	44 km	No pathway	N
Curraghchase Woods SAC	000174	33.4 km	No pathway	N
Lough Derg (Shannon) SPA	004058	10.2 km	No pathway	N
River Shannon and River Fergus Estuaries SPA	004077	16.9 km	No pathway	N
Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA	004161	50.9 km	No pathway	N

Table 1 – Summary Table of European Sites considered in Screening for Appropriate Assessment

9.5.4. Based on my examination of the information relating to Appropriate Assessment submitted by the requester, including the assessment of the potential of the requested alteration to change the findings of the Appropriate Assessment Report 2019, together with the NIS submitted by the applicant with the parent application and other supporting information, the NPWS website, aerial and satellite imagery,

the scale of the proposed development and likely effects, separation distances and functional relationships between the proposed works and the European sites, their conservation objectives, and taken in conjunction with my assessment of the subject site and the surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for the following European Sites in view of the conservation objectives of those sites:

- Slieve Felim to Silvermines Mountains SPA (Site code: 004165)
- Lower River Shannon SAC (Site code:002165)
- Clare Glen SAC (Site code: 000930)

9.5.5. Table 2 below provides a screening summary matrix where there is a possibility of significant effects, or where the possibility of cannot be excluded without further detailed assessment.

Site name	Is there a possibility of significant effects in view of the conservation objectives of the site?		
Qualifying Interest feature	General impact categories presented		
	Habitat loss/ modification	Water quality and water dependent habitats (pollution)	Disturbance/ displacement barrier effects
<p>Slieve Felim to Silvermines Mountains SPA</p> <p>Special Conservation Interest:</p> <p>Hen Harrier</p>	<p>Yes</p> <p>Potential for indirect effects to Hen Harrier within the SPA (i.e. secondary effects on suitable habitat via habitat loss, degradation, fragmentation or reduction/loss of connectivity, or through a reduction in prey item species).</p> <p>Potential for indirect effects to Hen Harrier ex-situ the SPA (i.e. Secondary effects on suitable habitat via habitat loss, degradation, fragmentation or loss/reduction in connectivity, reductions in prey item species, or through disturbance or mortality effects to Special Conservation Interest bird species outside their respective SPA).</p>	<p>No</p>	<p>Yes</p> <p>Potential for direct effects to Hen Harrier within the SPA (i.e. disturbance, mortality).</p>
<p>Lower River Shannon SAC</p> <p>Qualifying Interests:</p>	<p>Yes</p> <p>Direct effects to Qualifying Interest habitat [3260] (i.e. habitat loss, fragmentation, degradation,</p>	<p>Yes</p> <p>Indirect effects to qualifying interest habitat [3260] (i.e. via reductions in</p>	<p>Yes</p> <p>Potential for direct effects (i.e. mortality) within or ex situ the SAC on Atlantic Salmon [1106], Sea Lamprey [1095], Brook Lamprey</p>

<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>	<p>loss/ reduction of connectivity) within SAC</p>	<p>water quality or spread of invasive species) within SAC</p> <p>Indirect effects to qualifying interest habitat of a SAC site [3260] (i.e. via reductions in water quality or spread of invasive species) ex situ the SAC</p> <p>Indirect effects to qualifying interest habitat Alluvial Forests [91E0] (i.e. via reductions in water quality or spread of invasive species) within or ex-situ the SAC.</p>	<p>[1096], River Lamprey [1099] and Otter [1355].</p> <p>Potential indirect effects on the above species within SAC from disturbance/ displacement and habitat loss/ fragmentation, degradation, loss/ reduction of connectivity.</p> <p>Potential indirect effects on the above species ex-situ the SAC from disturbance/ displacement and habitat loss/ fragmentation, degradation, loss/ reduction of connectivity.</p>
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<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>			
<p>Clare Glen SAC</p> <p>Qualifying Interests:</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>	No	<p>Yes</p> <p>Potential indirect effects to qualifying interest habitat [91A0] and [1421] (i.e. via reductions in water quality or spread of invasive species) within or ex-situ the SAC.</p>	No

Table 2 Screening summary matrix: European Sites for which there is a possibility of significant effects (or where the possibility of significant effects cannot be excluded without further detailed assessment)

- 9.5.6. The remaining sites can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive ecological linkage between the proposed works and the European sites.
- 9.5.7. There is no potential for the proposed grid connection, as altered, to cause direct habitat loss, fragmentation or disturbance in any of the Special Areas of Conservation screened out within the study area due to the location of the works outside of any such European Sites. Indirect terrestrial or aquatic habitat loss or degradation will not occur in all sites screened out due to the absence of hydrological connectivity and the separation distance between construction works, or any operational stage work, and these sites.
- 9.5.8. Indirect terrestrial or aquatic loss, reduction or degradation or disturbance effects to the Special Conservation Interests of Lough Derg (Shannon) SPA, the River Shannon and River Fergus Estuaries SPA and the Stack's to Mullaghareirk Mountain or the West Limerick Hills & Mount Eagle SPA will not occur due to separation distances, the absence of hydrological connectivity or the large downstream distance and dilution factors.
- 9.5.9. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Anglesey Road SAC (002125), Bolingbrook Hill SAC (002124), Keeper Hill SAC (001197), Silvermines Mountains SAC (000939), Silvermines Mountains West SAC (002258), Philipstown Marsh SAC (001847), Kilduff, Devilsbit Mountain SAC (000934), Glenstal Wood SAC (001432), Slieve Bernagh Bog SAC (002312), Lough Derg, North-east Shore SAC (002241), Glenomra Wood SAC (001013), Tory Hill SAC (000439), Ratty River Cave SAC (002316), Askeaton Fen Complex SAC (002279), Barrigone SAC (000432), Curraghchase Woods SAC (000174), Lough Derg (Shannon) SPA (004058), River Shannon and River Fergus Estuaries SPA (004077) and Stacks to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA (004161) in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment for these sites is not therefore required.

9.5.10. Lower River Suir SAC was screened in for Stage 2 Appropriate Assessment within the parent permission. No alterations are requested to any part of the authorised underground grid connection where it occurs within the catchment of the Lower River Suir SAC. Due to the absence of ecological linkages between the requested alterations and the Lower River Suir SAC, this European site is not considered further. I am therefore satisfied that no additional sites (Lower River Shannon SAC, Clare Glen SAC and Slieve Felim and Silvermines Mountains SPA) need to be brought forward for Appropriate Assessment.

9.6. The Natura Impact Statement and Associated Documents

9.6.1. The parent application was accompanied by an Appropriate Assessment Report for the UWF Grid Connection comprising a Stage 1: Screening for Appropriate Assessment and a Stage 2: Natura Impact Statement dated October 2019 and submitted to the Board on 13th December 2019. The following documents were appended to the Appropriate Assessment Reporting:

- Appendix A1: Finding of No Significant Effects (FONSE) Report
- Appendix A2: Scoping for Other Unrelated Projects
- Appendix A3: Inventory & Classification of Watercourses at Crossing Locations
- Appendix A4: Aquatic Habitats & Species Fieldwork & Survey Results
- Appendix A5: Otter Fieldwork & Survey Results
- Appendix A6: Hen Harrier Fieldwork & Survey Results
- Appendix A7: Hen Harrier Surveys at Upperchurch Windfarm 2015 – 2017
- Appendix A8: General Birds Fieldwork & Survey Results
- Appendix A9: Accompanying Figures
- Appendix A10: UWF Grid Connection Environmental Management Plan

9.6.2. The Stage 1 Screening Assessment concluded that a Stage 2 Appropriate Assessment (NIS) was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicted the

potential impacts for the site and its conservation objectives, suggested mitigation measures, assessed in-combination effects with other plans and projects and identified any residual effects on the European site and its conservation objectives.

- 9.6.3. The NIS concluded that, subject to implementation of mitigation measures, neither the 110kW UGC, nor any other element of the whole windfarm project, alone or in combination, will result in any effects that will adversely affect the integrity of the European Sites under consideration, having regard to their respective conservation objectives.
- 9.6.4. Having reviewed the NIS and the supporting documentation at the time, I was satisfied that it provided adequate information in respect of the baseline conditions, clearly identified the potential impacts, and used best scientific information and knowledge. Details of mitigation measures were provided, and they were summarised in the NIS. I was satisfied that the information was sufficient to allow for appropriate assessment of the proposed development.
- 9.6.5. The Schedule 7A information submitted with the alteration request includes an assessment of the potential of the requested alteration to change the findings of the 2019 NIS in respect of the Lower River Shannon SAC, Clare Glen SAC and Slievefelim to Silvermines Mountain SPA. The qualifying interests screened in for evaluation in 2019 are set out, together with the habitats and species evaluated for direct and indirect effects both within and ex-situ the European sites arising from the requested alteration. The examination of the requested alteration is then carried out to include proposed design and mitigation measures and an appraisal as to whether there is potential for changes to impact pathways. The overall effect on the integrity of the European site is then described.

9.7. Appropriate Assessment of implications of the proposed development on each European Site

- 9.7.1. The following is an assessment of the implications of the requested alterations on the relevant conservation objectives of the European sites using the best scientific knowledge in the field. All aspects of the requested alteration which could result in significant effects are identified and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

9.7.2. I have relied on the following guidance:

- 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.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2011) Guidance Document: Wind Energy Development and Natura 2000
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

9.7.3. **Relevant European sites:** The following sites are subject to appropriate assessment.

- Slievefelim to Silvermines Mountains SPA (Site code: 004165)
- Lower River Shannon SAC (Site code:002165)
- Clare Glen SAC (Site code: 000930)

9.7.4. A description of these sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are outlined in Tables 3-5 below. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

9.7.5. Since the authorisation of the parent permission, the NPWS published site-specific conservation objectives for the Slievefelim to Silvermines Mountains SPA. These are included in Table 3. It is considered that the impact pathways considered for the parent permission would also be applicable to the Site Specific Conservation Objectives, attribute and targets, as outlined in Table 3.

9.7.6. **Aspects of the proposed development:** The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include;

- Permanent or temporary reduction or loss of suitable foraging habitat for Hen Harrier from permanent structures, forestry felling and realignment of consented roads
- Disturbance/ displacement of foraging Hen Harrier (ex-situ during the breeding season) during construction works (trenching, hedgerow removal, widening of entrances and access roads for transport of materials).
- Disturbance, displacement, injury and death of mobile aquatic species that are Qualifying Interests of the Lower River Shannon SAC due to construction activities, habitat modification/ fragmentation and barrier effects and ongoing disturbance throughout the operational phase.
- Decrease in habitat quality via: surface water runoff, sediment entrainment or release; release of fuels/ oils/ chemicals, surface/ ground water quality impacting on the qualifying interests of the Lower River Shannon SAC, and Clare Glen SAC.
- Spread of aquatic invasive species.

9.7.7. **Tables 3-5** summarise the appropriate assessment and site integrity test. The conservation objectives, targets and attributes as relevant to the identified potential significant effects are examined and assessed in relation to the aspects of the authorised development and the requested alteration (alone and in combination with other plans and projects). Mitigation measures are examined, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of European sites. Aspects relating to the requested alteration are highlighted in bold. However, authorised mitigation measures will also apply to the requested alteration.

Table 3

Slieve Felim to Silvermines SPA (Site code: 004165)

Key Issues:

- Permanent or temporary reduction or loss of suitable foraging habitat
- Disturbance/ displacement of foraging Hen Harrier (within and ex-situ SPA during breeding season)
- Disturbance/ displacement of foraging Hen Harrier (within and ex-situ SPA outside breeding season)
- Reduction of prey item species (within and ex-situ the SPA)

Conservation Objectives: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004165.pdf

Summary of Appropriate Assessment					
Conservation Objective	Targets & Attributes (as relevant)	Potential adverse effects	Mitigation Measures	In-combination effects	Can adverse effects on site integrity be excluded?
To restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Hen Harrier (A082)	The favourable conservation status of a species is achieved when: - Numbers of confirmed breeding pairs are maintained at or above 4-8 pairs. - Restore at least 1.0–1.4 fledged young per confirmed pair. - Maintain at least 74-94% spatial utilisation of the SPA by breeding pairs.	<i>Permanent or temporary reduction or loss of suitable foraging habitat.</i> - Land cover change, removal of hedgerows, vegetation clearance, earthworks. - Loss of high dependency foraging habitat within 2km of nest, at key periods of the breeding cycle may result in reduced productivity and/or nest success.	- Construction works during breeding season will only take place at Mountphilips substation and 110kV UGC will take place Sept to Feb. (PD01) - Confirmatory Hen Harrier breeding surveys will be carried out at Mountphilips substation site – no works will take place within 2km of identified active Hen Harrier nest during the	Assessed with permitted Upperchurch Wind Farm and the Whole UWF Project (UWF Grid Connection, UWF Replacement Forestry and UWF Other Activities), as well as consented Milestone, Castlewaller and Bunkimalta Windfarms, forestry/ agriculture and turf cutting.	Yes - No temporary loss of suitable foraging habitat as a result of the construction of the UWF Grid Connection within or outside of SPA. Nearest nest location to Mountphilips substation site is 4.6km – habitat at this location suboptimal based on distance from nest. - Negative effects of Upperchurch Windfarm, outside of SPA is effectively mitigated by activities consented under the

	<ul style="list-style-type: none"> - Restore the extent and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation. - Restore the extent and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation. - Maintain at least the length and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation. - Achieve an even and consistent distribution of age-classes across the forest estate. - Disturbance occurs at levels that does not significantly impact upon breeding hen harrier. 	<p><i>Disturbance/ displacement of foraging Hen Harrier during the breeding season.</i></p> <ul style="list-style-type: none"> - Noise and visual intrusion; operating machinery; presence of construction personnel associated with Upperchurch Windfarm and UWF Replacement Forestry and UWF Other Activities, and associated with farming and forestry management activities, turf-cutting, quarrying works and potentially other windfarm construction sites. - Disturbance can impair foraging success during critical breeding periods. Unlikely at distances >150m. <p><i>Disturbance/ displacement of foraging Hen Harrier outside the breeding season.</i></p> <ul style="list-style-type: none"> - Cumulative impact sources as above. - Disturbance/ displacement when foraging. - Disturbance to night-time roosts (no significant effects due to 	<p>breeding season. (PD02)</p> <ul style="list-style-type: none"> - 700m of new hedgerows at Mountphilips site and 370m at UWF Related Works site. - 110kV construction works along certain local roads will not take place at the same time as the UWF Related Works haul route works along these roads, or as concrete deliveries for turbines. (PD07) - PD46: Monitoring of construction works by Environmental Clerk of Works daily. - PD05: restriction on construction traffic speed. - PD03: Confirmatory surveys to record roosting locations within 1km of UWF Grid Connection (not currently known). Works within 1km of any roost will be limited to 1 hour before sunset and 1 hour after sunrise in roosting season. - PD58: Hedgerow removal will take place outside bird breeding season. 	<ul style="list-style-type: none"> - Both positive and negative quality effects occur with regards to Hen Harrier foraging habitat loss across Whole UWF Project – no negative effects occur within SPA. - No reliance on lands at either Mountphilips or UWF Related Works site for foraging. - Due to separation distances, there is very low probability of cumulative disturbance effects. - No works for either the UWF Related Works or the UWF Grid Connection will occur during breeding season. - Multiple sources of noise and visual intrusion will occur in, and both sides of the upland area during the same period of time. - Cumulative impact outside breeding season relates to potential for concurrent activity encountered sequentially by foraging birds as they move through areas 	<p>Upperchurch Windfarm Hen Harrier Scheme.</p> <ul style="list-style-type: none"> - Net gain to Hen Harrier due to Hen Harrier Scheme is 128Ha-100.22Ha which is 27.8Ha, and the additional 4ha due to the UWF Replacement Forestry, giving a total net gain of 31.8Ha. - Habitat surveys of lands within 2km of known nests demonstrate that there is ample suitable foraging habitat within the core foraging area around 10 nests. - No likelihood of Hen Harrier depending on habitat within 150m of construction works area at Mountphilips due to separation distance and overall extent of habitat availability. - Hen Harrier likely to be habituated to road-based and farming-based noise and visual intrusion. - Duration of effects and high reversibility. - Hen Harrier less sensitive to disturbance during non-breeding season as they make substantial movements during this period. - Effects of disturbance during non-breeding season are at an individual level rather than affecting chicks.
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		<p>separation distance with UWF Grid Connection works).</p> <ul style="list-style-type: none"> - Demonstrated low numbers of Hen Harrier wintering in the vicinity. <p><i>Reduction in prey item species.</i></p> <ul style="list-style-type: none"> - Excavations, visual intrusion, machinery, presence of construction personnel, Land Cover Change, Forestry Felling, removal of Hedgerows, land cover change from agricultural practices such as drainage, peat extraction. - Reductions in availability of prey may disadvantage foraging Hen Harrier, particularly when provisioning young. Typically related to construction disturbance and operational habitat loss. As per EIAR, effects on general birds ranges from imperceptible to slight. - 0.05 ha of suitable foraging habitat loss at Mountphilips site – negligible in magnitude. 	<ul style="list-style-type: none"> - Surface Water Management Plan and Invasive Species Management Plan to avoid secondary deterioration of adjacent SPA habitat, with and ex-situ the European Site. 	<p>where works are taking place.</p> <ul style="list-style-type: none"> - Potential for reduction in prey will occur across Whole UWF Project as a result of habitat loss and disturbance/ displacement. General passerines such as Meadow Pipit will not be significantly affected due to the abundance of suitable habitat. 	<ul style="list-style-type: none"> - Due to linear of 110kV UGC, disturbance and effective habitat loss through displacement would be brief to temporary and temporary at Mountphilips. - no likelihood of Hen Harrier exclusively depending on habitat within 150m of UWF Grid Connection during winter months. - Sequential cumulative effects mitigated by scale and availability of suitable habitat and low numbers wintering. - Lands within 150m of construction works area of Whole UWF Project only form a very small proportion of available suitable foraging habitat in wider area. Also, works along route and in windfarm will not take place at the same time. - Low number of prey species lost through operational land cover change and additional species promoted through management. - Favorable conservation condition of Hen Harrier will not be impacted through any reduction in habitat, range, population status or viability through disturbance or
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					exclusion effects, or reduction in prey items.
		<p>Habitat loss, degradation, fragmentation, loss/reduction in connectivity:</p> <ul style="list-style-type: none"> - Temporary loss of suitable foraging habitat inside the SPA boundary at B5, B9 and B14. Presence of immature forestry at B5 is within 10m of the road and is unlikely to ever be used as a nesting site. However, NPWS note that habitat in the vicinity of B5, as well as being structurally suitable for Hen Harrier, has an important function in providing continuity and acting as a buffer for associated plant and animal communities further into the SPA, and therefore in maintaining the overall current extent of Hen Harrier habitat within the SPA. - New permanent ESB access track at B9 & 	<ul style="list-style-type: none"> - Temporary habitat loss will be reversed using locally sourced heather; however, it is preferable to NPWS that to facilitate the recovery of existing vegetation that there should be a setting aside of the top sod containing vegetation during excavation and ensuring that it is replaced on top. Local heather seed could be scattered on disturbed areas. - 16m of new hedgerow (using native species) will be planted at the removal location. - Authorised mitigation measure PD01 will be applied to all requested alteration works. - Supervision by a full time on-site Hen Harrier specialist and the Project Ecologist and the carrying out of confirmatory Hen Harrier breeding surveys. 	<ul style="list-style-type: none"> - No additional in-combination effects - requested alteration will not change the size or design of construction processes, nor the duration of works at any particular location along the public road. - 110kV UGC works will not be carried out within 1km of a pre-breeding, breeding site and/or nest or within 1km of breeding sites already identified during the previous five years during the Hen Harrier breeding season, thus avoiding any potential for sequential effects with other projects. 	<p>Yes</p> <ul style="list-style-type: none"> - Negligible effects due to very small extent of suitable temporary habitat loss (0.08ha total B5, B9 and B14), temporary duration of loss, reinstatement of habitats, and proximity of suitable habitats to a busy Regional Road. - Loss, reduction, or fragmentation of suitable ex-situ habitat will have a negligible effect on the extent or condition of suitable habitats within the SPA - Ex situ hedgerow removal and replanting will have no adverse impacts on the integrity of the SPA. - Mitigation will ensure that mortality, disturbance or displacement of breeding Hen Harrier does not occur. - There will be no loss of spatial utilisation by breeding pairs, (temporary or permanent); and no adverse effect to population size or productivity rate as a result of mortality, disturbance or

		<p>B11 resulting in permanent loss of suitable ex-situ foraging habitat - proximity to busy Regional Road reduces the likelihood of Hen Harrier using these locations.</p> <ul style="list-style-type: none"> - Loss of habitat may be longer-term and over a larger area than the direct footprint of the duct trench. - Removal of 16m of hedgerow ex-situ the SPA. <p><i>Reduction in prey item availability:</i></p> <ul style="list-style-type: none"> - Any disturbance or displacement of prey item species will be negligible and reversible. <p><i>Mortality, disturbance/ displacement</i></p> <ul style="list-style-type: none"> - No change in the nature or duration of works on western periphery of SPA. - Works along public road and in agricultural lands similar in nature to authorized works at Mountphilips. 	<ul style="list-style-type: none"> - NPWS recommends that stone used for duct trench backfilling to be in keeping with local geology and geochemistry - this could impact vegetation community composition and the potential for subsequent recolonisation. - NPWS recommends that footprint of proposed temporary roads are kept to a minimum and are in place for the shortest possible duration. - If works are delayed or interrupted for a period of longer than a few weeks, the temporary road should be removed in the interim. - NPWS note that vegetation to be removed at B14 should be surveyed, identified and quantified, so that appropriate and adequate replacement planting, of local provenance, can be carried out following the works. 		<p>displacement of Hen Harrier.</p>
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		<ul style="list-style-type: none"> - Works in suitable nesting habitat only at B5. - Works in suitable foraging habitat only at B5, B9 & B14. - Altered crossing method at 4 no. bridges (directional drilling) located within and adjoining SPA will involve an increase of 1-2 days works duration at each location. 			
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Overall Conclusion: Integrity test

The applicant determined that following detailed assessment of potential impacts and the implementation of mitigation, the construction and operation of this 110kV UGC development, as altered by the Section 146B request, alone or in combination with other plans and projects will not adversely affect the integrity of this European site in view of its conservation objectives.

The requested alteration works are located adjoining and within the Slievefelim to Silvermines Mountains SPA. The conservation objective of this European site is to restore the favourable conservation condition of Hen Harrier. Conservation objective targets for this qualifying interest species could be undermined during construction through habitat loss, degradation, fragmentation, loss/ reduction in connectivity; reduction in prey item availability; and mortality, disturbance/ displacement.

The temporary loss of suitable foraging habitat will be reversed and the removal of hedgerow will be replanted. Immature forestry within 10m of the public road is unlikely to ever be used for nesting purposes. Ex-situ removal of foraging habitat in proximity to the public road is also unlikely to be used by Hen Harrier. Vegetation along the public road nonetheless has an important function in providing continuity and acting as a buffer for associated plant and animal communities further into the SPA. The recovery of existing vegetation at these locations can be facilitated by setting aside and replacing the top sod during excavation. Local heather seed could also be scattered on disturbed areas. Any disturbance/ displacement of prey item species will be negligible and reversible and there will be no change in the nature and duration of works. There will be no change in the nature and duration of works on the western periphery of the SPA and works along the public road and in agricultural lands will be similar in nature to authorised works. Altered crossing methods (directional drilling) located within and adjoining the SPA will involve an increase of 1-2 days works duration at each location, and therefore disturbance will be minimal. The route should be selected to avoid the removal of riparian

vegetation. Any vegetation to be removed should be surveyed, identified and quantified, so that appropriate and adequate replacement planting, of local provenance, can be carried out following the works.

Based on the information submitted, surveys carried out and analysis provided I am satisfied that following the implementation of mitigation, the construction and operation of this 110kV UGC development, as altered by the Section 146B request, will not adversely affect the integrity of the Slievefelim to Silvermines Mountains SPA in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

The requested alteration will not change the findings of no adverse effects on the integrity of the SPA site as contained within the Appropriate Assessment carried out for the parent permission.

Table 4

Lower River Shannon SAC (Site code: 002165)

Key Issues:

- Decrease in instream aquatic habitat quality
- Changes in flow regime
- Riparian habitat degradation
- Spread of aquatic invasive species
- Direct mortality of fish and aquatic species
- Disturbance or displacement of fish and aquatic species
- Direct mortality of Otter
- Disturbance/ displacement of Otter

Conservation Objectives: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf

Summary of Appropriate Assessment					
Conservation Objective	Targets & Attributes (as relevant)	Potential adverse effects	Mitigation Measures	In-combination effects	Can adverse effects on site integrity be excluded?
To maintain the favourable conservation					

condition of the following:					
Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]	Stable/ increasing habitat area; no decline in habitat distribution; maintain appropriate hydrological and tidal regime; maintain appropriate substratum, water quality, typical species, floodplain connectivity and marginal fringing.	<i>Decrease of instream habitat quality:</i> - instream works; culvert replacement works; parapet works; movement of soils and machinery; excavation works; use of hydrocarbons & cement-based compounds; reinstatement works. - Water quality effects due to sedimentation. - Water quality effects due to contamination by oils and cementitious material.	- Measure to ensure mitigation implementation (PD46) - General measures for water quality protection included on a precautionary basis due to the presence of works within the Lower Shannon SAC greater catchment area. - Measures specific to Lower River Shannon SAC – included for locations that overlap or are in close proximity to the SAC. - Specific management plans which include measures designed, or which will in part avoid/ reduce the likelihood of adverse effects on European Sites (Surface Water Management Plan/ Invasive Species Management Plan). - Environmental emergency response procedures included in the UWF Grid Connection Environmental Management Plan.	- Upperchurch Windfarm or UWF Replacement Forestry do not occur within Shannon catchment and elements of UWF Other Activities within Shannon catchment do not require instream works. - UWF Related Works within Shannon catchment will cause limited construction related effects. - Potential for cumulative effects with other windfarms and grid connections but evaluated as low due to large size and cumulative capacity of catchments, etc. - Riparian habitat impact that may affect aquatic ecology and fisheries receptors are limited to discrete locations, upstream from SAC with no overlap with other elements. - Cumulative impact evaluated as medium due to the presence of invasive species	Yes - Spatial extent of habitat quality effects arising from Whole UWF Project will occur within footprint of the instream/ culvert replacement works. - Effects will be dispersed between two regional catchments. - Once off frequency and brief to temporary duration of works. - Change in flow regime avoided through isolation of flow, over pumping of water, use of deflector plates, equilibrated restoration of flow and sensitive restoration of bed and banks. - Instream works potentially affecting flow regime are required at a limited number of locations. - Riparian habitat impacts will be reversible with reinstatement and temporary to short-term ex-situ the SAC. - implementation of the Invasive Species Management Plan for UWF Grid Connection and UWF Related Works, including
<i>Lampetra planeri</i> (Brook Lamprey) [1096]	Access to all watercourses down to 1st order streams; at least 3 age/ size groups present, juvenile density at least 2/m ² ; no decline in extent and distribution of spawning beds; more than 50% of sample sites positive.	- Adverse effects on QI habitat and conservation objectives such as distribution and extent of QI habitat, effects to structure and composition of QI habitat, altered hydrological regime and secondary effects on prey item species. - Secondary adverse effects on supporting habitat and/ or species downstream. - potential for decrease in aquatic habitat quality due to instream/ culvert replacement works at 3 no. watercourses with fisheries value.			
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]	Access to all watercourses down to 1st order streams; at least 3 age/ size groups present, juvenile density at least 2/m ² ; no decline in extent and distribution of spawning beds; more	<i>Changes in flow regime</i> - Impact sources as above. - Works at, or in close proximity to, watercourses			

	than 50% of sample sites positive.	have potential to indirectly affect aquatic species and habitat through changes to flow regimes which can be caused directly by morphological changes due to instream works.	- Best practice measures including measures which in part avoid/ reduce the likelihood of adverse effects on European Sites.	throughout the study area.	best practice Biosecurity Protocols (IFI, 2010), and the implementation of best practice measures for Upperchurch Windfarm will ensure that there is no likelihood of spread of invasive aquatic species occurring.
To restore the favourable conservation condition of the following:		- Immediately downstream effects not considered to extend to a distance large enough to result in noticeable negative effects on downstream SACs.	- Specific measures to avoid or reduce effects on SAC species.	- Other projects are obliged to meet statutory requirements with regards to introduction or spread of invasive species.	- No instream works proposed within Lower Shannon SAC.
Petromyzon marinus (Sea Lamprey) [1095]	Greater than 75% of main stem length of rivers accessible from estuary; at least 3 age/ size groups present; juvenile density at least 1/m ² ; no decline in extent and distribution of spawning beds, more than 50% of sample sites positive	<i>Riparian habitat degradation within or ex-situ SAC</i> - Impact sources as above. - Removal or damage of riparian vegetation has potential to impact on quality of riparian habitat and in turn watercourse morphology, shading, bank stability and nutrient and sediment loading. - Riparian habitat degradation ex-situ leading to increased downstream sediment loads.	- Specific measures to avoid or reduce effects on Otter	Upperchurch Windfarm/ UWF Related Works do not require instream works in the Bilboa_SC_010 sub-catchment and neither are located in Newport or Killeengarrif sub-catchments – potential for cumulative impact limited to Suir catchment. - Negligible impact with other projects as it is expected there will adherence to setback buffers and implementation of consented mitigation.	- Creation of adverse flow conditions or habitat limitations due to changes in flow or morphology will be limited to the specific works period within or adjacent to the aquatic habitat. - Fish likely to mobilise outside of their territories due to human disturbance but will return once disturbance effect diminishes.
Salmo salar (Salmon) [1106]	100% of river channels down to 2 nd order accessible from estuary, conservation limit for each system consistently exceeded, maintain or exceed 0+ fry mean catchment-wide abundance threshold value-currently set at 17 salmon fry/5 minutes	- Secondary adverse effects on supporting habitat/ species downstream. - Any reinstatement of immediately adjacent culvert finishing works will be of negligible magnitude and will not result in any impact on adjacent (ex-situ to SAC) riparian habitat.		- 2 watercourse crossings within zone of overlap for UWF Related Works and UWF Grid Connection have marginal habitat value to Otter. - Sequential effects could occur where Otter foraging or transiting along watercourses	- Magnitude of effect to Otter expected to be negligible considering duration and scale of works, mitigation measures, etc. - No potential for cumulative effects to Otter from both the UWF Related Works and Upperchurch Windfarm due to absence of Otter

	<p>sampling, no significant decline in out-migrating smolt abundance, no decline in no. & distribution of spawning redds due to anthropogenic causes, water quality at least Q4 at all sampled sites.</p>	<p><i>Spread of invasive aquatic species.</i></p> <ul style="list-style-type: none"> - Impact sources as above. - Not restricted to footprint of works but can be transported upstream or downstream. - Invasive species can compromise bank integrity, riparian structural diversity and riparian invertebrate production. 		<p>experience multiple sources of instruction/ disturbance in quick succession, such as encountering work crews.</p>	<p>within these sites and the placement of most of Upperchurch Windfarm in the Suir catchment.</p>
<p>Lutra lutra (Otter) [1355]</p>	<p>No significant decline in distribution or extent of terrestrial, marine and freshwater habitat; no significant decline in couching sites and holts; available fish biomass; no significant increase in barriers to connectivity.</p>	<ul style="list-style-type: none"> - May result in direct adverse effects on QI habitats and conservation objectives such as distribution and extent of QI habitat, effects to structure and composition of habitat, altered hydrological regime and secondary effects of prey. <p><i>Direct mortality on QI fisheries and other species</i></p> <ul style="list-style-type: none"> - No instream works within SAC. Pathways for inadvertent mortality in the event of debris from parapet raising/ re-surfacing material etc. falling over the bridge. <p><i>Disturbance/ displacement of QI fisheries and other species within or ex-situ the SAC</i></p> <ul style="list-style-type: none"> - Impact sources as above. - Potential impacts from instream works and machinery operation within or in close proximity to any watercourse either comprising natural 			

		<p>locations within SAC or ex-situ supporting locations upstream.</p> <ul style="list-style-type: none"> - Extent of disturbance/ displacement will be limited to direct footprint of any instream works within watercourses that support Atlantic salmon and Brown trout populations. - May result in direct adverse effects on QI species and conservation objectives such as distribution and numbers of adults and/ or juveniles and secondary effects on prey. - May be occasional, very short duration disturbance to fish populations utilising habitat beneath bridges. - Disturbance at drilling locations but magnitude due to noise and vibration will be low and not within SAC. <p><i>Direct mortality and disturbance/ displacement of Otter</i></p> <ul style="list-style-type: none"> - Watercourses are present which are hydrologically connected to SAC and there is potential for secondary effects on this QI species both with and ex-situ. - Impact sources as above. - May be sensitive to mortality of foraging/ resting animals from inadvertent collision with moving vehicles or machinery 			
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		(no active holts within 300m of works). - Evidence of Otter found at 3 watercourse crossing locations and no active breeding or resulting site identified. No instream works required.			
		<p>- Along Section 1 (Newport), requested alteration will reduce the extent of authorized excavation works in the SAC catchment.</p> <p>- Trenching works in agricultural lands, farm tracks and local road network will be similar to authorized works along the public road and at Mountphilips substation site.</p> <p>- Proposed to install crossing of Newport River at W101 using directional drilling method – this crossing method is already authorized for the project.</p> <p>- Drill pits will be located outside the SAC and no works will be carried out within the SAC at location W101.</p> <p>- Total of 950m of new ESB access roads will be constructed, which will be similar in design to the</p>	<p>- Design and mitigation measures for ESB access track at crossing W101 will be implemented to attenuate and control run-off and direct it into settlement ponds.</p> <p>- Water from settlement ponds at drilling pits will be pumped out and removed off site for disposal.</p> <p>- Southern settlement pond outlet weir will release water over the c.50m vegetation between road and river. Northern settlement pond will drain away from the river through vegetation.</p> <p>- Interceptor swales will direct water from the roadway into drains and settlement ponds.</p>	<p>- No additional in-combination effects - requested alteration will not change the size or design of construction processes, nor the duration of works at any particular location along the public road.</p>	<p>Yes</p> <p>- Trenching and drilling works will be small scale and temporary.</p> <p>- New ESB roads will be short in length and mitigation measures are proposed and authorized measures will also apply.</p> <p>- Altered works are similar in scale and nature to authorised works.</p> <p>- No permanent loss of habitat within the SAC boundary.</p> <p>- Works to parapet walls at three bridges will be avoided.</p> <p>- No material difference in altered works locations along the R503.</p> <p>- Instream works already authorised along the R503 to replace culverts.</p> <p>- Directional drilling and dam and overpump are standard techniques regularly used for negotiating watercourses</p>

		<p>authorized access road at Mountphilips substation. All new access roads will be located outside the boundary of the SAC.</p> <ul style="list-style-type: none"> - Small River will be crossed 750m downstream from authorized B4 crossing. - Works along Section 2 (R503) will result in 4 no. more instream works locations. - 150m of new permanent access road and 200m of temporary access road will be constructed as part of the altered route along Section 2. - Along Section 2, a change of crossing method is requested at 4 no. bridges from cable installation in decking to directional drilling – no instream works proposed. - Requested alteration will result in authorized works within the SAC comprising the building up in height of the parapet wall at B15 being avoided. - Excavation of duct trench if there is a high proportion of peat in the substrate, may affect adjacent hydrology. Loss of habitat may be longer-term and over a 	<ul style="list-style-type: none"> - Double silt fencing between works and Newport River. - Access road will be sloped away from Newport River. - Stone used for duct trenching should be in keeping with local geology and geochemistry (NPWS). - Footprint of temporary road should be kept to a minimum and be in place for the shortest possible duration. - If temporary road construction works are delayed for a period of longer than a few weeks, temporary road should be removed in the interim. - NPWS recommend that riparian woodland and scrub in the immediate vicinity of B14 is left intact. - When route is finalized, any vegetation to be removed should be surveyed, identified and quantified so that appropriate replacement planting 		<p>and these were assessed for the parent permission.</p>
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		<p>larger area than the direct footprint of the duct trench.</p> <p>- Removal of riparian vegetation at B14 has the potential to negatively affect suitable otter habitat and shelter, as well as the quality of the riparian corridors for otter (NPWS).</p>	<p>can be carried out (NPWS).</p> <p>- Implementation of authorised construction methodologies for trenching works and directional drilling.</p> <p>- Implementation of Environmental Protection measures.</p>		
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Overall Conclusion: Integrity test

The applicant determined that following detailed assessment of potential impacts and the implementation of mitigation, the construction and operation of this 110kV UGC development, as altered by the Section 146B request, alone or in combination with other plans and projects will not adversely affect the integrity of this European site in view of its conservation objectives.

Based on the information provided, I am satisfied that adverse effects can be excluded for the Lower River Shannon SAC and that no effects of any significance will occur. The requested alteration works adjoin the SAC at a number of crossing locations. The location and characteristics of the requested alteration were examined for the potential to cause new impact pathways to the SAC. No additional works are required within the SAC boundary and instream, and watercourse crossing works will be carried out on the same watercourses, albeit further upstream or downstream at some locations. Adverse in-combination effects from water contamination and spread of invasive species can be effectively prevented by mitigation measures ensuring the protection of downstream watercourses that drain to the SAC. This will include measures to attenuate and control run-off and direct it to settlement ponds at access tracks. Authorised mitigation measures relating to the protection of water quality will also be implemented.

No permanent habitat loss within the SAC will occur. Riparian woodland and scrub will be left intact where possible and any vegetation to be removed will be surveyed, identified and quantified, so that appropriate and adequate replacement planting, of local provenance, can be carried out following the works.

Based on the information submitted, surveys carried out and analysis provided I am satisfied that following the implementation of mitigation, the construction and operation of this 110kV UGC development, as altered by the Section 146B request, will not adversely affect the integrity of the Lower River Shannon SAC in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

The requested alteration will not change the findings of no adverse effects on the integrity of the SAC site as contained within the Appropriate Assessment carried out for the parent permission.

Table 6

Clare Glen SAC (Site code: 000930)

Key Issues:

- Decrease in instream aquatic habitat quality
- Changes in flow regime
- Riparian habitat degradation
- Spread of aquatic invasive species

Conservation Objectives: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000930.pdf

Summary of Appropriate Assessment					
Conservation Objective	Targets & Attributes (as relevant)	Potential adverse effects	Mitigation Measures	In-combination effects	Can adverse effects on site integrity be excluded?
To maintain the favourable conservation condition of the following:					

Killarney Fern <i>Trichomanes speciosum</i> [1421]	No loss of geographical spread of populations; no decline in no. of populations and colonies; maintain population life cycle stage and no decline in population size; young/ unfurling and fertile fronds present; no loss of suitable habitat; maintenance of hydrological conditions; appropriate light shading levels; no loss of woodland canopy; and maintain absence of non-invasive species.	<i>Decreases in in-stream aquatic habitat quality, within or ex-situ the SAC</i> - culvert replacement works; parapet works; movement of soils and machinery; excavation works; use of hydrocarbons & cement-based compounds; reinstatement works. - Water quality effects due to sedimentation. These effects may be mobilised downstream and affect river reaches at a distance from physical works. - No watercourse crossings within SAC boundary – no potential for direct effects. - 29 no. watercourse crossings located upstream or hydrologically connected to downstream SAC. Only larger crossing at Clare River itself.	- Measure to ensure mitigation implementation (PD46) - General measures for water quality protection - Specific management plans which include measures designed, or which will in part avoid/ reduce the likelihood of adverse effects on European Sites (Surface Water Management Plan/ Invasive Species Management Plan). - Environmental emergency response procedures included in the UWF Grid Connection Environmental Management Plan. - Best practice measures including measures which in part avoid/ reduce the likelihood of adverse effects on European Sites. - Monitoring measures	- Sequential or cumulative effects may occur depending on how many watercourse crossings are being worked on simultaneously. - Bilboa River isolated from Clare River – cumulative effects impossible. - Other projects are in separate sub catchments. - cumulative effects evaluated as negligible. - Whole UWF Project and other project effects are in the order of the UWF Grid Connection. - No potential for cumulative effects on flow regime, riparian habitat degradation or spread of invasive aquatic species with other elements of Whole UWF Project – none within or upstream of SAC. - Potential for cumulative effects on flow regime and riparian habitat degradation with certain other projects located is negligible.	Yes - At bridge on Clare River, works will be limited to road surface with cable installed in the structure, road level increased and parapets raised. - only between 100-300m of trench excavated in any day with maximum of 3 watercourses crossed. - dilution factor of main channel of Clare River will avoid any alteration to hydrology. - Implementation of measures for water quality protection through UWF Grid Connection Surface Water Management Plan. - Duration of any reductions in quality of downstream habitat with regards to QI are temporary, short-term and reversible. - Flow regime changes avoided by carrying out works in drier months, isolation of flow and equilibrated restoration, over-pumping water, use of deflector plates and sensitive restoration of beds and banks. - Riparian habitat impacts will be reversible with reinstatement and short-term
To restore the favourable conservation condition of the following:		<i>Changes to flow regime within or ex-situ SAC</i> - culvert replacement works; movement of soils and machinery; excavation works; new crossing structures. - Creation of adverse flow conditions or habitat limitations due to changes in flow or morphology will be limited to specific works period			
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	Stable/ increasing habitat area and woodland size; no decline in habitat distribution; diverse woodland structure, extent of community types and natural regeneration; dead				

	<p>wood, veteran trees and local distinctiveness; and a variety of vegetation composition and absence/ control of negative indicator species.</p>	<p>within or adjacent to aquatic habitat.</p> <ul style="list-style-type: none"> - Potential for altered flow regime likely to affect downstream SAC relates to sources of additional sedimentation at works locations in close proximity to 29 no. watercourses, with increased risk at 9 no. watercourses subject to parapet wall works or potential culvert replacement. - At potential culvert replacement, changes to flow regime will be brief and restricted to location of works area. <p><i>Riparian habitat degradation within or ex-situ the SAC</i></p> <ul style="list-style-type: none"> - Impact sources as above. - Magnitude of effects expected to be higher when it occurs within SAC. No watercourse crossings within SAC. - Downstream sediments loads may result in ex-situ effects – potential at 8 no. watercourses where culverts may need to be replaced. <p><i>Spread of invasive aquatic species</i></p> <ul style="list-style-type: none"> - Impact sources as above. - Where impacts occur within SAC watercourse, it may 			<p>until vegetation has re-established.</p> <ul style="list-style-type: none"> - Bespoke Invasive Species Management Plan including best practice biosecurity measures.
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		<p>result in direct adverse effects to QI habitat, e.g. decline of Killarney Fern. No watercourse crossings within SAC.</p> <ul style="list-style-type: none"> - Secondary ex-situ impacts on supporting habitat/ species for downstream but hydrologically connected QI. 			
		<ul style="list-style-type: none"> - Instream works are a significant distance upstream from SAC boundary (B5 - 5.2km, B9 - 8.7km and B11 - 10.1km). - Requested alteration will result in avoidance of the works to parapet walls at B11 over the Clare River. - Alteration works will involve the construction of 150m of new permanent ESB access roads and 100m of temporary access road over/beside the altered cable route upstream of the Clare Glen SAC. - Directional drilling proposed at B6, B7, B10 and B15 – no instream works proposed at these locations. 	<ul style="list-style-type: none"> - As above. - Implementation of authorised construction methodologies for trenching works and directional drilling. - Implementation of Environmental Protection measures. 	<ul style="list-style-type: none"> - No additional in-combination effects - requested alteration will not change the size or design of construction processes, nor the duration of works at any particular location along the public road. 	<p>Yes</p> <ul style="list-style-type: none"> - Downstream separation distance to SAC boundary. - Trenching and drilling works will be small scale and temporary. - New ESB roads will be short in length and mitigation measures are proposed and authorized measures will also apply. - Altered works are similar in scale and nature to authorised works. - No permanent loss of habitat within the SAC boundary. - Works to parapet walls at bridge B11 will be avoided. - No material difference in altered works locations along the R503. - Instream works already authorised along the R503 to replace culverts. - Directional drilling and dam and overpump are standard techniques regularly used for

					negotiating watercourses and these were assessed for the parent permission.
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Overall Conclusion: Integrity test

The applicant determined that following detailed assessment of potential impacts and the implementation of mitigation, the construction and operation of this 110kV UGC development, as altered by the Section 146B request, alone or in combination with other plans and projects will not adversely affect the integrity of this European site in view of its conservation objectives.

The requested alteration works comprise of the type already consented, with altered works locations not materially closer to the SAC boundary, and with instream works and watercourse crossing works on the same watercourse, albeit further upstream/ downstream at some locations. No habitat loss within the SAC will occur and authorised mitigation measures relating to the protection of water quality will be implemented.

Based on the information submitted, surveys carried out and analysis provided I am satisfied that following the implementation of mitigation, the construction and operation of this 110kV UGC development, as altered by the Section 146B request, will not adversely affect the integrity of the Clare Glen SAC in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

The requested alteration will not change the findings of no adverse effects on the integrity of the SAC site as contained within the Appropriate Assessment carried out for the parent permission.

9.8. **Appropriate Assessment Conclusions**

9.9. The Board completed an Appropriate Assessment Screening exercise under ABP-306204-19 in relation to 23 European Sites. Nineteen of these sites were screened out and the Board then undertook Appropriate Assessment for the following European Sites in view of the conservation objectives of those sites:

- Slieve Felim to Silvermines Mountains SPA (Site code: 004165)
- Lower River Shannon SAC (Site code:002165)
- Lower River Suir SAC (Site code: 002137)
- Clare Glen SAC (Site code: 000930)

9.10. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the development and the proposed development, both individually, when taken together and in combination with other plans or projects,
- (b) the mitigation measures, which are included as part of the proposal,
- (c) the submissions from the planning authority, the observers and prescribed bodies in the course of the application, and
- (d) the Conservation Objectives for the European sites.

9.11. In overall conclusion, the Board was satisfied that the development proposed under ABP-306204-19, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

9.12. Having considered the Board's determination on Appropriate Assessment in case ABP-306204-19, and having regard to the nature of the proposal, which seeks to alter a section of the authorised underground grid connection route in proximity to Newport Town, and to alter the crossing methods for twelve bridges along the route, I do not consider that the requested alteration to the approved development would

be likely to have significant effects individually or in combination with other plans or projects on any European sites.

10.0 Recommendation

I recommend that the Board decides that (a) the making of the alterations the subject of this request constitutes the making of a material alteration of the terms of the development as approved under ABP-306204-19 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.

11.0 Draft Order

REQUEST received by An Bord Pleanála on the 7th March 2025 from Ecopower Developments Limited under section 146B of the Planning and Development Act 2000, (as amended) to alter the terms of the development approved under Section 182A(1) of the Planning and Development Act, 2000 (as amended) for a 110kV electrical substation, underground 110kV cabling and ancillary works for the purposes of connecting the consented Upperchurch Windfarm to an existing 110kV overhead line at Mountphilips, Co. Tipperary, the subject of an approval under An Bord Pleanála reference number ABP-306204-19,

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 8th February 2021,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

AND WHEREAS the proposed alteration is described as follows:

Alterations to the authorised grid connection route and to the crossing methods of twelve (12) bridges along the route:

- Section 1 in proximity to Newport Town (relates to 4 No. bridges – B1, B2, B3 & B4)
- Section 2 along the Regional Road R503 (relates to 8 No. bridges – B5, B6, B7, B9, B10, B11, B14, B15)

- The alternative route over a distance of approximately 5km around Newport Town and over the Newport River will use other public roads, agricultural lands and existing farm tracks, and will cross watercourses off-road at a more suitable location for directional drilling.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS having considered all the documents on file, submissions and the Inspector's report, the Board 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 Board hereby alters the abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 7th day of March 2025 for the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board 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 Board had regard to the following:

- a. The nature and scale of the proposed alteration,
- b. The documentation and submissions on file, including submissions in response to the public notices, and
- c. The report of the Inspector.

The Board was satisfied that the information before it was adequate to undertake screening/ appropriate assessment and a screening for environmental impact assessment in respect of the proposed alteration.

APPROPRIATE ASSESSMENT

The Board completed an Appropriate Assessment Screening exercise under ABP-306204-19 in relation to 23 European Sites. Nineteen of these sites were screened out and the Board then undertook Appropriate Assessment for the following European Sites in view of the conservation objectives of those sites:

- Slieve Felim to Silvermines Mountains SPA (Site code: 004165)
- Lower River Shannon SAC (Site code:002165)
- Lower River Suir SAC (Site code: 002137)
- Clare Glen SAC (Site code: 000930)

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- a. the likely direct and indirect impacts arising from the development and the proposed development, both individually, when taken together and in combination with other plans or projects,
- b. the mitigation measures, which are included as part of the proposal,
- c. the submissions from the planning authority, the observers and prescribed bodies in the course of the application, and
- d. the Conservation Objectives for the European sites.

In overall conclusion, the Board was satisfied that the development proposed under ABP-306204-19, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Having considered the Board's determination on Appropriate Assessment in case ABP-306204-19, and having regard to the nature of the requested alteration, which seeks to alter a section of the authorised underground grid connection route in proximity to Newport Town, and to alter the crossing methods for twelve bridges along the route, I do not consider that the requested alteration to the approved development would be likely to have significant effects individually or in combination with other plans or projects on any European sites.

EIA SCREENING DETERMINATION

Having regard to: -

- (i) the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed alterations, which do not affect the authorised use and comprise mostly of works along the public road;
 - (b) the absence of any significant impact on sites of environmental sensitivity in the vicinity, including conservation areas, archaeological protection zones and protected structures;
- (ii) the results of other relevant assessments of the effects on the environment submitted by the applicant;
- (iii) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the proposals to protect water quality and prevent disturbance to mammal and bird species.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

CONCLUSIONS ON PROPER PLANNING AND SUSTAINABLE DEVELOPMENT

Having regard to:

- (i) the nature and scale of the amendments to the development approved by An Bord Pleanála under Reference Number ABP-306204-19 for this site,
- (ii) the examination of the environmental impact, including in relation to European Sites, carried out in the course of that application,
- (iii) the nature and character of the proposed alteration when considered in relation to the overall approved development,
- (iv) the mitigation measures and precautions for the proposed construction works and operational phase,
- (v) the absence of any other significant new or additional environmental concerns (including in relation to European Sites) arising as a result of the proposed alteration, and
- (vi) the report of the Board's Inspector, which is adopted,

It is considered that the proposed alteration would be material but would not be likely to have significant effects on the environment or on any European Site. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alteration.

Donal Donnelly
Senior Planning Inspector

27th June 2025

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.

Appendix 1: Form 1 – EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-322038-25		
Proposed Development Summary	Request for a Section 146B application for amendments to An Bord Pleanála case reference ABP-306204-19 for an approved windfarm grid connection comprising a new 110kV electrical substation and underground 110kV electrical cables from Mountphilips substation to previously permitted Upperchurch Windfarm.		
Development Address	Mountphilips to Upperchurch Windfarm, County Tipperary.		
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 ✓	Tick if relevant and proceed to Q2.	
	No	Tick if relevant. No further action required	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	3(i) & 13 of Part 2 Grid connection forms part of the whole Upperchurch Windfarm project.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	✓	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

		<i>“installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.”</i>	
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
No			Preliminary examination required (Form 2)

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



Inspector: _____

Date: 27th June 2025

Appendix 2: Form 3 – EIA Screening Determination Sample Form

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-322038-25	
Development Summary	Request for a Section 146B amendment to an approved windfarm grid connection comprising a new 110kV electrical substation and underground 110kV electrical cables from Mountphilips substation to previously permitted Upperchurch Windfarm (ABP-306204-19)	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	No	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant	Yes	Ecology Baseline Report – March 2025 (INIS Environmental Consultants Ltd.)

bearing on the project been carried out pursuant to other relevant Directives – for example SEA		Cultural Heritage Impact Assessment: Upperchurch Windfarm Grid Connection – Proposed Alterations – December 2024 (AMS Archaeological Management Solutions	
B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surroundings or environment?	No	The proposed alterations do not change the authorised nature of the development, which is the connection of Upperchurch Windfarm to Mountphilips Substation over a distance of approximately 30km and mostly within public roads. The cable will still be laid underground and therefore no change will take place to the surrounding environment during the operational phase.	No

		<p>The cable will be rerouted around Newport Town for a distance of approximately 5km when the authorised route at this location followed public roads for a distance of approximately 6km. The new route will follow other public roads, agricultural lands and existing farm tracks. The method for crossing bridges along the route will be altered at 12 locations along the entire route. Four new bridge crossings in Newport will replace four authorised crossings and a further eight bridge crossings will be altered to alternative methods including directional drilling, dam and overpump or culverting. The existing surroundings and environment in the vicinity of the affected bridges will not be significantly altered and the same mitigation and monitoring arrangements as authorised will apply. Conditions of the parent permission will apply and no further conditions are necessary.</p>	
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Uncertain</p>	<p>The proposed alterations are largely consistent with the authorised development in terms of land use. Following completion of cable laying works, the previous use as a public road, or as farm tracks or agricultural land can resume during the operational phase. Approximately 5km of</p>	<p>No</p>

		<p>the underground grid connection will follow a different route and excavation will therefore occur at different locations. This was a concern for a third party observer residing along this route. Similar traffic management and reinstatement protocols will be put in place. The topography along the proposed altered route around Newport is similar to the land form along the authorised route. The altered route, however, avoids Rockvale Bridge which is unsuitable for directional drilling for reasons including the level of the bridge above the river. The alternative route will have to negotiate a fall in levels down from The Black Road before crossing the Newport River at Foildarrig.</p> <p>The proposed alterations will not result in any significant physical changes to waterbodies during construction or operational phases. Directional drilling under the bridge will not give rise to physical changes that would affect the river. At four locations, the underground grid connection will be diverted into adjacent lands/ riverbed and the dam and overpump method will be used. Any instream works associated with over-pumping will not be undertaken without isolation of flow within the watercourse.</p>	
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		The authorised mitigation measures and outline construction methodologies for the protection of water quality and morphology are incorporated into the alterations design for water crossings. Conditions of the parent permission will also apply and no further conditions are necessary.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	<p>The use of resources will not change significantly, and the underground grid connection will still occur mainly along public roads. There will be some encroachment on agricultural and forestry lands as a result of the rerouting and to avoid bridge decking works. New access tracks will be provided through agricultural lands (1100m in total), and existing farm tracks (1800m) will be utilised. Small volumes of additional excavation will take place at water crossing points for both directional drilling and the dam over-pump method. Approximately 25m of hedgerow will be removed and this will be replanted like for like in the vicinity.</p> <p>The volume of vehicles and machinery required for the grid connection will not change due to the alterations and there will be no increase in GHG emissions from vehicles and machinery. There will be no change to the use and management of construction materials.</p>	No

		<p>None of these alterations will require additional mitigation measures. A total of 69 mitigation measures were included as part of the grid connection application (ABP-306204-19), which are applicable for works within agricultural, forestry and riparian lands to protect ecology and water quality. Conditions of the parent permission will also apply and no further conditions are necessary.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Uncertain</p>	<p>The requested alteration will not materially change the construction activities, construction traffic, emissions (including EMF), wastes, use of natural resources or material requirements associated with the authorised underground grid connection. Therefore, no significant additional impacts are expected in addition to those already identified and mitigated in the EIAR for the parent permission.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Uncertain</p>	<p>The requested alteration will result in a small reduction in waste arisings from the public road as authorised cabling in decking of 10 no. bridges will be excluded. Removal of bitumen bound surface dressing/ spoiled soils waste will not therefore be required. In general, however, there will be negligible change in the materials and activities that cause wastes. There will be no significant impacts in terms of wastes/ pollutants in addition to</p>	<p>No</p>

		those already identified and mitigated in the EIAR for the parent permission.	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Uncertain</p>	<p>The authorised treatment of excavations of soils, subsoil and bedrock and protection from erosion, contamination and ground instability will be extended to the proposed alterations. No peat is present at the requested crossing point or along the proposed 130m off-road route at bridge B11 on the R503. It is also considered that there is no risk of landslip at the altered crossing point. There will be no significant impacts in terms of local soils, subsoils and bedrock in addition to those already identified and mitigated in the EIAR for the parent permission.</p> <p>The EIAR for the parent permission identified the potential for impacts to local surface waterbodies, groundwater bodies, local wells and springs, water quality within SACs and local water dependent habitats.</p> <p>The requested operations involving directional drilling and dam and over pump have the potential to impact on water quality and morphology. These are standard techniques regularly used for negotiating watercourses. Drilling fluids and bentonite will be non-toxic, and localised turbidity effects and groundwater will be temporary and brief. The authorised underground grid connection included</p>	<p>No</p>

		<p>direction drilling at 2 no. bridge locations and the requested alterations proposes directional drilling at 6 no. new locations.</p> <p>The mitigation measures set out in the EIAR for the parent permission with respect to directional drilling will equally apply to the subject alteration. Similarly, mitigation measures for dam and overpump set out in the EIAR will apply to the requested alteration. The IFI will be consulted in advance of any works being undertaken and any seasonal restrictions for in-stream works will be adhered to. Conditions of the parent permission will also apply and no further conditions are necessary.</p>	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	The requested alteration will not result in a material change to noise, vibration, light or electromagnetic radiation emissions during construction. There will be no material changes to the construction or operational processes that cause emissions i.e. the volumes of excavations or construction traffic, nor to the noise or vibrations from construction works as a result of the alteration.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	There will be no change in indirect cross-factor impacts to human health as a result of contamination of water supplies, noise, dust and traffic during the construction phase. The requested alteration will not	No

		<p>materially change the construction activities, construction traffic, employment levels, emissions (including EMF), wastes, use of natural resources or material requirements associated with the authorised underground grid connection. Previously authorised mitigation measures, emergency procedures, schedule and timing of works, surveying and monitoring measures, best practice measures and construction methodologies will also be implemented from the requested alterations.</p>	
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>There will be no material change to the size of the authorised development, and associated construction processes. The authorised development was assessed in the EIA as not being vulnerable to major accidents, natural disasters or climate change. Thus, there will be no changes to this assessment conclusion.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>No</p>	<p>The underground grid connection was assessed in the EIA for the parent permission as having slight positive effects on local residential and community aspects, as well as the local economy from increased employment. The requested alterations will not result in any change to the value of construction contracts, the requirement for materials and services, or</p>	<p>No</p>

		the employment levels during construction or operation.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	<p>The EIAR assessed the cumulative effects of the underground grid connection with other elements of the whole wind farm development and other projects and activities. Other elements of the authorised development include the 22 turbine Upperchurch Windfarm, and replacement forestry. A number of other windfarms have been developed or are consented in the wider area at Milestone, Castlewaller and Bunkimalta, and these were included for the purposes of cumulative assessment. The findings of the EIA were that with proper implementation of mitigation measures, the impacts of the underground grid connection will be minimized to a non-significant level.</p> <p>The requested alterations will not change the size or construction processes for the underground grid connection and mitigation measures for the authorised development will apply equally to the altered development. This will include measures relating to the control of construction works on the local roads in the windfarm area and control of works with 1km of Hen Harrier breeding sites.</p>	No

2. Location of proposed development

2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:

- European site (SAC/ SPA/ pSAC/ pSPA)
- NHA/ pNHA
- Designated Nature Reserve
- Designated refuge for flora or fauna
- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan

Yes

The altered underground grid connection route will not be materially closer to any pNHA, NHA or Geological Heritage Site, than the authorised route.

The authorised grid connection is located adjoining/ within the Slievefelim to Silvermines Mountains SPA and the Lower River Shannon SAC. The Clare Glen SAC is approximately 1.7km south-west of the grid connection route. The potential effects of the requested alterations on these European Sites were examined within the Natura Impact Statement accompanying the parent permission (ABP-306204-19).

The requested alteration will not change the findings of the NIS of no adverse effects on the integrity of the Lower River Shannon SAC for the following reasons:

- **The small scale and temporary duration of trenching and drilling works;**
- **The short lengths of new ESB access roads at requested alteration locations;**
- **The altered works are similar in nature and scale to the authorised works;**
- **No permanent loss of habitat within the SAC boundary;**

No

		<ul style="list-style-type: none"> • The avoidance of works to the parapet walls at Rockvale Bridge, Toorenbrien Bridge and Anglesey Bridge; • No material difference in the altered works locations along the R503 and in-stream works already authorised along the R503 to replace culverts; • Implementation of all mitigation measures. <p>No new impact pathways to QI habitat or species of the SAC as requested alteration will comprise of works of a type already consented, with altered works not resulting in any additional works inside the SAC boundary, and with instream and watercourse crossing works on the same watercourse (albeit upstream/ downstream in some locations).</p> <p>The requested alteration will not change the findings of the NIS of no adverse effects on the integrity of <u>Clare Glen SAC</u> for the following reasons:</p> <ul style="list-style-type: none"> • As above and the downstream separation distance to SAC. <p>No new impact pathways to QI habitat or species of the SAC as requested alteration will comprise of works of a type already consented, with altered works locations not materially closer to the SAC boundary, and with instream and watercourse crossing works on the same</p>	
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		<p>watercourse (albeit upstream/ downstream in some locations).</p> <p>Site Specific Conservation Objectives for the <u>Slievefelim to Silvermines Mountains SPA</u> were published in September 2022 after the parent grid connection application (ABP-306204-19) was authorised. However, it is considered that the impact pathways considered in 2019 would also be applicable to the Site-Specific Conservation Objectives, attribute and targets</p> <p>The requested alteration will not change the findings of the NIS of no adverse effects on the integrity of the Slievefelim to Silvermines Mountains SPA for the following reasons:</p> <ul style="list-style-type: none"> • No loss of heath or bog habitat; • very small extent of temporary loss of low suitability nesting habitat and suitable foraging habitat - temporary habitat loss will be reversed; • Permanent habitat loss will only occur ex-situ the SPA; • Permanent habitat loss mainly relates to unsuitable habitat - loss of suitable habitat limited to 0.28ha of GA1; • Very small extent of hedgerow removal ex-situ the SPA and replanting; • In excess of 1km separation distance between habitat loss and the nearest nest, 	
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		<p>and in the context of the location of these habitats adjacent to the Regional Road;</p> <ul style="list-style-type: none"> • Negligible displacement of prey item species, which will be reversible with completion of the works; • Small increase in duration of works at directional drilling locations on the R503. <p>Alterations will not adversely affect the integrity of the Slievefelims to Silvermines Mountains SPA as a result of direct mortality or disturbance or as a result of indirect secondary impacts to suitable habitat or to the availability of prey item species, either within or ex-situ the SPA.</p> <p>Overall, the site of the proposed alterations will not impact on any of the above designated sites. Having considered the Board's screening determination and Appropriate Assessment in case ABP-306204-19, and having regard to the nature and limited scale and extent of the proposed alterations relative to the development that was approved under ABP-306204-19, the nature of the receiving environment, together with the proximity of the nearest European sites, no additional Appropriate Assessment issues arise and it is not considered that the proposed alteration to the approved development</p>	
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		would be likely to have a significant effect individually or in combination with other plans or projects on any European site.	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>The Qualifying Interest for the Slievefelim to Silvermines Mountains SPA is Hen Harrier. The requested alteration will involve works in off-road locations outside and within the SPA boundary. The requested rerouting around Newport will mostly take place within improved agricultural grassland outside of the SPA. These lands are considered unsuitable for nesting habitat or foraging habitat. The nearest nest is 1.2km away from the rerouted underground gid connection, which is further away than the authorised route at this location.</p> <p>Works along the R503 will occur off road at four bridges (B5, B9, B11, B14). The temporary removal of a limited amount of low suitability habitat (WD4/WS2) will take place at B5 but this will be limited to a 4m wide track immediately adjacent to the R503. The habitat would be unsuitable for nesting given the high levels of disturbance from the road.</p> <p>Authorised mitigation measures that will also apply to the requested alterations include the direct supervision of</p>	<p>No</p>

construction works on the roadway during breeding season; presence of full time Hen Harrier specialist; completion of Hen Harrier confirmatory surveys; no carrying out of construction works during the breeding season within 1km of a pre-nesting breeding site and/or nest or within 1km of breeding sites already identified during the previous six years; no removal of hedgerow/ breeding bird vegetation outside of the bird breeding season.

It is therefore not considered that the proposed alterations to the approved development would be likely to have a significant effect individually or in combination with other plans or projects on any European site.

In terms of potential impacts on aquatic habitats and species, the requested alteration does not involve the works within any new sub catchments or river basins, and no new crossing methodologies are proposed. Design and mitigation measures will be implemented to attenuate and control run-off and direct it into settlement ponds at the location of the new private road to the drilling pits on the north and south side of W101. Therefore, the findings of the EIAR for the parent permission

		<p>regarding the impact on aquatic habitat and species will not change.</p> <p>Terrestrial habitats at the off-road works locations (B5, B9, B11 and B14) varied from Local Importance (Low Value) to Local Importance (High value). Local Importance (High value) habitat is limited to the riparian woodland areas along the watercourses and the sections of wet grassland mosaic and riverbank vegetation. Requested alteration works will take place predominately on local importance (lower value) habitat. There will be no permanent change to terrestrial habitat of local importance (higher value) and the requested alteration works will be carried out in the same manner as authorised works and associated mitigation measures. Removal of riparian habitat will be avoided where possible.</p> <p>The findings of the EIAR for the parent permission will not change as a result of the requested alteration for general birds. The requested alteration on off road lands will be temporary in nature, with similar effects to the new access track at Mountphilips Substation. Hedgerow removal will be replanted at the same/</p>	
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		<p>adjacent locations and this is considered to have an imperceptible impact on birds. Mitigation measures will include the timing restrictions for vegetation clearance and hedgerow removal. Third party concerns regarding impacts on general bird species and other protected species will be addressed by approved mitigation measures in the EIAR and any associated conditions of the parent permission.</p> <p>The requested alterations will omit works from 11 no. bridges and therefore avoid any potential impact to bats at these locations. Off-road works will not encroach on lands with any particular value to bats and no additional felling of mature or semi-mature trees that could potentially provide suitable bat roost is proposed. Directional drilling will avoid the need for any construction work at bridges.</p> <p>If vegetation cover in the immediate proximity to Bridge 14 is proposed to be removed, the bridge should be surveyed for bats in advance of works - derogation licence may be necessary depending on the presence, location and type of any roost. Notwithstanding this, the findings of the EIAR for the parent permission will</p>	
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therefore not change as a result of the requested alteration for bat species.

Surveys were conducted at all crossings on 2024 and early 2025 for otter and no sightings or secondary evidence was observed. However, crossings B15 and W101 have high suitability for otter. These locations are in the SAC but the drill pits from directional drilling will be located outside the SAC. Mitigation measures will include monitoring of the waterbed during horizontal directional drilling works; pre-construction surveys for otter; and measures for works within 150m of an identified active holt. The alternative duration of crossing works in proximity to watercourses will not be materially different to the authorised works. Therefore, the overall disturbance effects to otter are not expected to change as a result of the requested alteration. Habitat loss associated with the requested alteration (cable trench and drilling pits), will occur in an area of low suitability and in the context of an abundance of suitable habitat for otter in the surrounding area.

At B14, the removal of riparian vegetation has the potential to negatively affect

suitable otter habitat, shelter and quality of the riparian corridor. It is recommended that riparian woodland and scrub in the immediate vicinity of the bridge is left intact.

In total, 8 no. authorised mitigation measures for non-volant mammals will also be implemented for the requested alterations. Works will be similar in nature/ extent and therefore the type of mitigation, e.g. work during daylight hours, is appropriate.

It is considered that requested alteration will not result in any additional impacts to Amphibians, Reptiles and Marsh Fritillary. Authorised mitigation measures for these species will also apply to the requested alterations.

Overall, there is no potential for impacts on biodiversity arising from the proposed alterations. Therefore, the proposed alterations can be carried out without causing significant effects to the receiving environment and without changing the findings of the previous EIAR in terms of biodiversity.

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The impact of the proposed alterations on cultural heritage was assessed within a Cultural Heritage Impact Assessment. The requested alteration will avoid underground grid connection works in Tooreenbrien Bridge (B11) and Anglesey Bridge (B15), both of which are protected structures. A total of 33 cultural heritage receptors will potentially be affected by the requested alterations due to ground disturbance, proximity of works, and indirect visual impact in one case. Appropriate protective measures will be put in place where necessary to ensure that cultural heritage receptors are not inadvertently damaged. Toolbox talks will be given and advance archaeological works are also recommended, as appropriate. Other authorised mitigation measures will equally apply to the requested alterations. Archaeological monitoring will be carried out by a suitably qualified archaeologist under licence. The Department advises that advance archaeological geophysical survey and advance archaeological test excavation of all green areas of the proposed development site should be carried out in advance of any development.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce</p>	<p>No</p>	<p>There will be some encroachment on agricultural and forestry lands to avoid</p>	<p>No</p>

<p>resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>		<p>bridge decking works. A small volume of additional excavation will be required at water crossing points for directional drilling and the dam and overpump method. Approximately 25m of hedgerow will be removed and replaced like for like in the vicinity.</p> <p>Instream works are proposed at one location assessed as having optimal fisheries value. The same mitigation measures as authorised will be put in place for instream works.</p> <p>The primary sensitivities with respect to the local surface water bodies will be effects on water quality and effects on morphology. All proposed construction methodologies for the requested alterations have been assessed in the EIAR for the parent permission. Mitigation measures specific to each of the crossing methods have also been assessed previously. The IFI will be consulted in advance of any works being undertaken and any seasonal restrictions for instream works will be adhered to.</p> <p>The requested alteration will not materially change the use of natural resources or materials requirements associated with the authorised underground grid connection.</p>	
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<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>The primary sensitivities with respect to the local surface water bodies will be effects on water quality and effects on morphology. All proposed construction methodologies for the requested alterations have been assessed in the EIAR for the parent permission. Mitigation measures specific to each of the crossing methods have also been assessed previously. The IFI will be consulted in advance of any works being undertaken and any seasonal restrictions for instream works will be adhered to.</p> <p>Local surface water bodies, local groundwater bodies and water quality in the downstream Lower River Shannon SAC will not change as a result of the requested alteration. There will be no change to the significance of the impact on local wells and springs, water quality of the Lower River Suir SAC which is over 11km distant from the works (no alterations in the River Suir catchment); and local water dependant habitat.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>The protection from erosion, contamination and ground instability as authorised for the Mountphilips site will be extended to the short sections of excavations for the diversion around Newport and adjacent to the R503. Peat adjacent to the R503 at</p>	<p>No</p>

		Bridge B11, was found to be firm and dry with no peat present at the crossing point or along the proposed off-road route. The diversion of 130m into the off-road area will be on grasslands adjacent to the R503, and it is considered that there is no risk of landslip at the altered crossing point.	
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	There will be no changes to the construction processes, methodologies, volumes of construction traffic, volumes of materials and number of crews working on public road and no change to the mitigation measures deployed.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The underground grid connection is not located within a densely populated area nor within a landscape or site of historical, cultural or archaeological significance. Furthermore, there would be no change in indirect cross-factor impacts to Human Health as a result of contamination of water supplies, noise, dust, EMF or traffic during construction and operational phases because the requested alteration will not materially change the construction activities, construction traffic, employment levels, emissions (including EMF), wastes, use of natural resources or material requirements associated with the authorised underground grid connection.	No

3. Any other factors that should be considered which could lead to environmental impacts

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>Authorised mitigation measures will restrict works to one element at any time on the local roads L2264-50 and L6188-0, with no road works to be scheduled on peak traffic days associated with the concrete pours for the turbine bases.</p> <p>Works will not be carried out within 1km of a pre-breeding / breeding Hen Harrier site and/or nest or within 1km of breeding sites already identified during the previous five years during the Hen Harrier breeding season, thus avoiding any potential for sequential effects with the other elements of the whole Upperchurch Windfarm Project. It is therefore considered that there will be no change to the to the cumulative impact of the authorised underground grid connection with other elements of the whole windfarm project, or any other projects and activities.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>No</p>	<p>No</p>	<p>No</p>
<p>C. CONCLUSION</p>			
<p>No real likelihood of significant effects on the environment.</p>	<p>✓</p>	<p>EIAR Not Required</p>	

Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
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D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR not Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed alterations, which do not affect the authorised use and comprise mostly of works along the public road;
 - (b) the absence of any significant impact on sites of environmental sensitivity in the vicinity, including conservation areas, archaeological protection zones and protected structures;
2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the proposals to protect water quality and prevent disturbance to mammal and bird species.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date 27th June 2025

Approved (DP/ADP) _____

Date _____