



Question Whether the construction of 33 kV underground cabling (1.83 km total length approx.) to facilitate a connection between the approved Ardnageehy Solar Farm (Pl. Ref: 23/6099) and a 110 kV Ballyroe Substation SID (Pl. Ref: ABP-314431-22) is or is not exempted development.

Location Ballynadridden & Ballyroe Townlands, Co. Cork

Declaration

Planning Authority Cork County Council

Planning Authority Reg. Ref. D20125

Applicant for Declaration Soleire Renewables SPV Ltd.

Planning Authority Decision Is development and is not exempted development

Referral

Referred by Soleire Renewables SPV Ltd.

Observer(s) None

Date of Site Inspection 12th of August 2025

Inspector T Bradley

1.0 Introduction

Soleire Renewables SPV Ltd. (the referrer) have referred a declaration made by Cork County Council (CCC) under Section 5 of the Planning and Development Act 2000, as amended (the Act) to An Coimisiún Pleanála (the Commission).

The Commission is required to determine whether the development of a 33 kV underground cable related to a solar farm development is or is not exempted development under Section 4 of the same Act.

2.0 Site Location and Description

The underground cable, which will be approximately 1.8 km, is largely located on agricultural lands. It requires one crossing of a local road, the L5527, and one crossing of the Dromin Stream by way of Horizontal Directional Drilling (HDD).

It primarily runs north-south and follows hedgerows and natural field boundaries. A number of drainage ditches intersect the lands. It runs to the rear of a dwelling house and yard at a certain point.

The underground cable will connect to an inverter station at the Ardnageehy Solar Farm (Ref: 320298) and the Ballyroe 110 kV Substation (Ref: 314431). Both these applications have received planning permission.

It should be noted that Ballyhoura Mountains Special Area of Conservation (SAC), Black Water River SAC and Kilcolman Bog Special Protection Area (SPA) are located in proximity to the site. Whooper Swans are known to forage/roost in the general environs of the site, particularly to the south.

3.0 The Question

The question subject of the referral is:

Whether the construction of 33 kV underground cabling (1.83 km total length approx.) to facilitate a connection between the approved Ardnageehy Solar Farm (PI. Ref: 23/6099) and a 110 kV Ballyroe Substation SID (PI. Ref: ABP-314431-22) is or is not exempted development.

In the interests of clarity, I propose to reword the question before the Commission as follows:

Whether the development of a 33 kV underground cable to connect the permitted Ardnageehy Solar farm to the permitted Ballyroe 110 kV Substation is or is not development and is or is not exempted development.

4.0 Planning Authority Declaration

4.1. Declaration

The planning authority declared that having regard to:

- Sections 4 (4) of the Act;
- Article 9 (1) (a) (viiB) of the Planning and Development Regulations 2001, as amended (the Regulations);
- the plans and particulars received on the 6th of January and 18th of March 2025;

that the construction of a 33 kV underground cable to facilitate a connection between Ardnageehy Solar Farm and a Ballyroe 110 kV Substation in the townlands of Ballynadrideen & Ballyroe is development and **is not exempted development**

It was the planning authority's view that by virtue of Section 4 (4) of the Act and Article 9 (1) (a) (viiB) of the Regulations it has not been satisfactorily demonstrated that the development would not have a significant effect on the integrity of a European site and an Appropriate Assessment (AA) would not be required.

4.2. Planning Authority Reports

4.2.1. Planning Report

Planning Report (Initial) - The Planning Report considered a range of matters including planning history, the legislative context and the other technical reports set out in Section 4.2.2 below. Further Information (FI) was sought in respect of (a) Whooper Swans and mitigation measures in the context of AA, (b) compliance with conditions of related planning permissions and (c) the extent of hedgerow removal.

Planning Report (on FI) – The Planning Report considered the information submitted in respect of the three items previously mentioned. It also considered a second internal report from the Ecology Section of 14th April 2025. On this basis the Ecology Report, the Planning Report concluded that the development is not exempted development.

4.2.2. Other Technical Reports

Archaeology - The County Archaeologist is satisfied that the Courtney Deery Archaeological Assessment has addressed all potential issues. The impacts are avoided through buffer zones or addressed through geophysics.

Ecology (Not Dated) – The Ecology Section is not satisfied that the restriction in respect of AA (Article 9 (1) (a) (viiB) of the Regulations) can be overcome. They are concerned about disturbance/displacement impacts on Whooper Swan a Qualifying Interest (QI) of the Kilcolman Bog SPA and in particular the in-combination impacts with other solar infrastructure in the vicinity. In addition, there are issues raised with reference in the Outline Construction Methodology to mitigation which may be intended to either wholly or partially avoid and/or reduce an impact to a species of conservation interest.

Ecology (14th April 2025) – Based on the response to FI, the potential for in combination effects cannot be excluded. The referrer's reference to summer time works is considered to constitute to either wholly or partially avoid and/or reduce an impact to a species of conservation interest. The Ecology Section is also concerned about the impact of other planning applications to core foraging areas (20/4041, 22/06901). Taking the precautionary approach, the development cannot satisfy the restriction under Article 9 (1) (a) (viiB) of the Regulations.

5.0 Planning History

Ref	Detail	Decision
ABP-314431-22	a 110 kV 'Single Bay Tail Fed' Substation, 110 kV Underground Grid Connection and all associated works.	Approve with Conditions
ABP-320298-24 CCC 236099	a 10 year planning permission for the construction of, and 40-year operation and subsequent decommissioning of, a development consisting of a 92.75-hectare solar farm and underground grid connection route (red line boundary).	Grant permission with revised conditions
ABP-317577-23 CCC 225681	A 10 year planning permission for the construction of, and a 40 year operation and subsequent decommissioning of, a development consisting of a 42.6 hectare solar farm.	Grant permission with conditions

6.0 Policy Context

The development is located in Co. Cork and is under the Cork County Development Plan 2022-2028. The site is located in a rural, unzoned part of County Cork.

7.0 The Referral

7.1. Referrer's Case

- The referrer is of the view that there is a misapprehension on the part of CCC concerning the interpretation of standard construction practices and what may constitute mitigation measures under the Habitat's Directive.
- It is the referrer's view that decisions to use HDD or carry out works at certain times of year would have to be considered whether Natura 2000 sites were in proximity or not.
 - In respect of HDD, the referrer is of the view that it is a standard practice for crossing watercourse whether they are hydrologically linked to Natura 2000 sites or not.
 - In respect of summertime works, the referrer is of the view that such an option is based purely on issues around accessibility and condition of the site as determined by rainfall levels.
- The referrer submitted the following documents to support the above position in respect of standard construction practices and to fully describe the likely impacts:
 - Archaeological Impact Assessment
 - AA Screening Report
 - Construction Methodology Report
- Kelly v An Bord Pleanála [2019] IEHC 84 notes that standard good practice measures that are not precisely designed to mitigate or avoid impacts on a European site can be considered in the AA Screening Phase. Therefore, temporal decisions on when to carry out the works are a matter for the developer. Regardless the AA Screening Report is satisfied that there would be no impact on Whooper Swan whether carried out in summer or winter.
- The site of the development is not physically or hydrologically linked to Kilcolman Bog SPA. Whooper Swan, Teal and Shoveler are QI of the SAC. However, none are noted to be present in the area. There are flight paths evident for the Whooper Swan in the general area, however.

- Were works to occur over the summer time, potential impacts to whooper swans would be entirely avoided. In the event works occurred in winter, the laying of 100 m of cable per day would only create a temporary effect in the disturbance area.
- It is also noted that the location in question is already subject to human activity given its use in agriculture and machinery may traverse the lands at any time.

7.2. Planning Authority Response

No response was received from CCC in respect of the referral.

8.0 Statutory Provisions

8.1. Planning and Development Act 2000, as amended

Section 2 (1)

works are defined as any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...

statutory undertaker means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—

(b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or

(c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking;

Section 3 (1)

Development means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structure or other land.

Section 4 (4)

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

8.2. Planning and Development Regulations 2001, as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

The following classes of development are listed:

Article 9 (1) (a)

This sets out restrictions on exemptions for development to which Article 6 relates.

The following sub-article is listed:

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

Class 26

The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.

8.3. Electricity Regulation Act 1999

Section 2 (1) 'electricity undertaking' means any person engaged in generation, transmission, distribution or supply of electricity, including any holder of a licence or authorisation under this Act, or any person who has been granted a permit under Section 37 of the Principal Act.

8.4. Precedent

A number of comparable referrals have been adjudicated upon by the Commission.

The following recent decisions are noted:

Table 2: Precedent Cases			
File Ref.	Development	Decision	Decision Date
319370	Whether the laying of 20 kV underground electricity cable and associated joint bays and communication chambers in the public road	Is development and is exempted development	03/06/25

	(R708) from the permitted Keiloge Park to the existing Kilcarragh Substation (38 kV). Proposed cable route is c.1.4 km in length and runs through the townlands of Keiloge and Monamintra. Is or is not development and is or is not exempted development.		
319600	Whether the proposed 110 kV underground grid connection cabling between the L30535 public road (to north of the existing Kellis 220 kV substation) to a line bay in the substation, at Kellistown East, Co. Carlow, is or is not development and is or is not exempted development:	Is development and is exempted development	07/05/25
319406	Whether the proposed 38 kV underground electrical connection between the consented Slanemore Solar Farm (Westmeath County Council PL. Ref. 17/6028 & 17/6224) and ESB Mullingar existing sub-station located at Mullingar Substation, Co. Westmeath is or is not development or is or is not is not exempted development.	Is development and is <u>not exempted development</u>	13/02/25
313557	Underground 10 kV grid connection to connect a permitted solar farm substation to existing 38 kV Castlerea Station, Co. Roscommon	Is development and is exempted development	19/10/23
310120	38 kV underground grid connection cable between the consented Cleggill Solar Farm to 38 kV Longford substation.	Is development and is exempted development	05/10/21
308071	Underground cables from Mauricetown Windfarm, Ashford, Ballagh, Co. Limerick to the substation at Dromdeeven	Is development and is exempted development	31/03/21
307927	underground grid connection within the corridor of public roads and private lands linking a permitted solar farm at Walshestown, Mullingar, County Westmeath to the existing ESB Mullingar 110 kV substation at Irishtown, Mullingar, County Westmeath.	Is development and is exempted development	09/04/21
307454	Underground 20 kV cable within the public road between a permitted solar farm and a 38 kV substation at Creevyquin, Co. Roscommon.	Is development and is exempted development	29/01/21
302895	20 kV underground grid connection between a permitted solar farm at Dysart, Johnstownbridge, Co Kildare and the Dunfirth ESB substation, Johnstownbridge, Co. Kildare	Is development and is exempted development.	12/03/19

9.0 Assessment

9.1. Is or is not development

I am satisfied that the provision of approximately 1.8 km of underground cable connecting a solar farm and substation constitutes *works* as defined in section 2(1) of the Act and comes within the definition of *development* as set out in section 3(1) of the said Act.

9.2. Is or is not exempted development

Class 26, Part 1, Schedule 2 of the Regulations provides that the carrying out by any undertaker authorised to provide an electricity service or development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking is exempted development. The development clearly consists of the laying underground of cables or other apparatus.

I note that 'any undertaker authorised' is not, of itself, defined. I have regard to the definition of 'Statutory Undertaker' in Section 2 of the Act as set out in Section 8.0 above and to the definition of '*electricity undertaking*' as set out in Section 2(1) of the Electricity Regulation Act. I consider that the referrer falls under the category 'any undertaker authorised' in view of the fact that it currently has planning permission under Section 34 of the Act for the development related to the provision of electricity, namely the construction of a solar farm and substation. In this context I refer the Commission to the precedent cases as summarised in Section 8.4 in which it determined that the applicant's granted permission for an electricity generating development fall within the scope of Class 26.

In view of the above I am satisfied that the development plainly falls within the scope of Class 26 and should continue to be considered for exempted development.

9.3. Restrictions on exempted development

There are no specific conditions or limitations attached to Class 26 of the Regulations. However, Section 4 (4) of the Act precludes development being exempted development where an EIA or AA of the development is required. Article 9 (1) of the Regulations details prescribed circumstances which would render a development not to be exempted development which also includes AA.

With regard EIA, neither the proposed development nor the solar farm which it is to serve fall within a class of development for the purposes of EIA with reference to Schedule 5 of the Planning and Development Regulations, 2001, as amended. I am satisfied that the provisions of Section (4) (4) of the Act with regard to EIA do not apply in this case.

The primary restriction which has a material bearing on this assessment is both Section 4 (4) of the Act and Article 9 (1) (viiB) of the Regulations which relate to AA. I

do not consider that any other clauses under Article 9 (1) are relevant to the referral. This conclusion in respect of restrictions is consistent with the reports of CCC whose only concern is AA. They were satisfied the referrer overcame all other restrictions. I agree with the Planning Report of CCC in this respect.

The matter of AA under Section 4 (4) and Article (9) (1) (viiB) is addressed in detail in Appendix A. I have concluded that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the surrounding area namely, Kilcolman SPA or any other European site including Blackwater River SAC and Ballyhoura Mountains SAC, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the development of a 33 kV underground cable to connect the permitted Ardnageehy Solar farm to the permitted 110 kV Ballyroe Substation is or is not development and is or is not exempted development.

AND WHEREAS Soleire Renewables SPV Ltd. of Finance House, Main Street, Charleville, Co. Cork, D56 XY00 requested a declaration on this question from Cok County Council and the Council issued a declaration on the 22nd day of April 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Soleire Renewables SPV Ltd. referred this declaration for review to An Coimisiún Pleanála on the 19th day of May 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Article 6(1) and Article 9(1) and in particular Article 9(1)(viiB) of the Planning and Development Regulations, 2001, as amended
- (d) Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and
- (f) the Appropriate Assessment Screening Report submitted by the applicant and the Ecology Reports of Cork County Council

AND WHEREAS An Coimisiún Pleanála has concluded that

- (a) the provision of a 33 kV underground cable to connect the permitted Ardnageehy Solar farm to the permitted Ballyroe 110 kV Substation constitutes development as defined under Sections 2 and 3 of the Planning and Development Act 2000, as amended, and
- (b) the works come within the scope of the exempted development provision provided at Class 26 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (c) none of the restrictions on exempted development provided for under article 9(1)(a) of the Planning and Development Regulations, 2001, as amended, apply in this case.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the development of a 33 kV underground cable to connect the permitted Ardnageehy Solar farm to the permitted Ballyroe 110 kV Substation is or is not development and is or is not exempted development is development and is exempted development.

Professional Declaration

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.

Tomás Bradley,

Senior Planning Inspector

18th August 2025

Appendix A – Screening for Appropriate Assessment

Introduction

The referral documentation includes an AA Screening Report, which is dated May 2025 and appears to have been revised since the initial submission to CCC. The AA Screening Report submitted to CCC is dated December 2024. The AA Screening Report describes the development, its receiving environment and relevant European Sites in the potential zone of influence of the development.

The documentation is in line with current best practice guidance and provides adequate information to allow a complete examination and identification of any potential significant effects of the development, alone, and in combination with other plans and projects on European sites.

The documentation was prepared by Aine O’Sullivan of VEON, on behalf of the applicant, who is scientifically and technically competent to do so and the qualifications and experience of the authors of the report and various appendices associated with it are suitable and relevant.

Both screening statement versions in December 2024 and May 2025 conclude that a Stage 2 AA is not required in this instance. However, CCC considered that there is not sufficient certainty to conclude that significant impacts on European sites can be ruled out, and as such, a Stage 2 AA is required.

European Sites

The AA Screening Report considers European sites with a source-pathway-receptor link to the proposed development. This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (e.g., surface water drainage). The relevant sites in respect of the Zone of Influence are:

- Blackwater River SAC,
- Ballyhoura Mountains SAC and
- Kilcolman Bog SPA.

The site is not located within a European site and there will be no direct impacts on the Natura 2000 sites.

Likely impacts

In respect of the screening statement for Blackwater River SAC and Ballyhoura Mountains SAC, I am satisfied with the authors assessment, as set out in Table 4.1 of the AA Screening Report and it is recommended that Commission simply adopt this.

There is manifestly no source-pathways to the Blackwater River SAC and the identified construction methodology using HDD at the Dromin Stream would further reduce potential for source-pathways to arise. In addition, the condition of the Dromin Stream, which holds very little water and flow in particular, is more of a drainage ditch than a stream and has little potential to move pollutants downstream. No species or habitat of conservation interests are identified along the route of the development.

The Ballyhoura Mountain SAC is upstream, and upslope of the development and no source-pathway could physically arise either. No species or habitat of conservation interests are identified along the route of the development.

The Kilcolman Bog SPA is a distance of approximately 8 km away and has no hydrological connection to the development. However, the whooper swan, a QI of the Kilcolman Bog SPA are known to utilise lands in the wider vicinity of the development as part of network of ex-situ foraging sites . In addition, a roost is located 222 metres south of the site at Ballyroe Quarry Pond.

There will be no habitat loss, fragmentation or degradation as a result of a hydrological or hydrogeological connection on these ex-situ sites. Air quality impacts are negligible owing to the scale of the proposed development. There is no potential for direct injury or mortality. I am satisfied that the underground cable will not create a barrier to movements or pose a significant collision risk to Whooper Swans in the area.

The primary potential impact is disturbance and displacement of QIs at these ex-situ sites. During the construction phase, the existing vegetation on the site which includes pastoral grassland, hedge/treelined fields, arable grassland, and planted will be removed. There will be soil and earth movement to prepare the site. As a result, there will be general construction related noise, dust, lighting, traffic. Therefore, disturbance impacts should be considered further.

No whooper swan activity is identified on the site of development. Similarly, the route of the underground cable will not directly impact on habitat used by Whooper Swan. The ex-situ areas of whooper swan activity, as identified in various surveys, is largely to the south of the development activity in proximity to the roost at Ballyroe Quarry. Admittedly, the site at its closest point is 222 metres from the roost at Ballyroe Quarry and this is within a disturbance buffer (200-600 metres) as defined by a NatureScot study¹.

The referrer has stated that the works will likely be completed during the summer period when whooper swans, which winter in Ireland, are not present in the area. This eliminates all impact. However, I am satisfied that even if works were to occur during the winter period, when the birds could be present in the general area. Any potential disturbance would be temporary and slight and certainly not significant in the context of the conservation objectives for the Kilcolman SPA. This conclusion is based on the assumption of the cable being laid at 100 m per day. In effect, any potential disturbance would not last more than a day or two at any one location and would not be within the disturbance buffer (200-600 metres) for any prolonged period. Given the distance between the proposed underground cable works area and nearest recorded areas for Whooper Swan and the visual screening provided by intervening hedgerows, the evidence points to a minimal or imperceptible effect if construction works are to be undertaken during the winter period. There would be no impact at all if works are undertaken outside of the October-April timeframe.

It is also noted that the related Ballyroe 110 kV Substation (ABP-314431-22) is permitted and currently under construction in the intervening disturbance buffer. There is also an existing agricultural complex in the intervening disturbance buffer and the cable is proposed on intensively used agricultural lands in a rural area. It is important to state that agricultural machinery could enter these fields at any time also to carry out routine agricultural activities. Other livestock could also be present. I am satisfied that the proposed construction works would generate low levels of noise, comparable to agricultural activities and be undertaken during normal working hours.

¹ Goodship, N.M. and Furness, R.W. (MacArthur Green) (2022) *Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species*. NatureScot Research Report 1283.

It should be noted that opting for summer or winter works is not considered a mitigation measure intended to either wholly or partially avoid and/or reduce an impact to a species of conservation interest. The referrer states the summer period is optimal in any case owing to ground conditions and is simply best practice. The AA Screening Report is circumspect to state that even in a winter construction scenario, the effects on conservation objectives of the SPA would not be significant in any case. The development does not present any significant risk to the levels of occurrence, population density and habitats for which qualifying species is designated due to disturbance or displacement effects.

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Considering the characteristics of the qualifying interests of the European Sites, as listed above, it is considered that no other form of pathway exists and that the site would not be likely to play a supporting or ex situ role for any of the identified habitats or species. The development does not constitute a significant infrastructure development in the context of the wider electricity network and indeed solar farms and substations being developed.

Likely significant effects

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of Blackwater River SAC, Ballyhoura Mountains SAC and in particular Kilcolman Bog SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related activity or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including whooper swans during construction or operation of the proposed development. There will be no significant disturbance to any birds (ex-situ) that may occasionally use the grassland area in proximity to the proposed development site.

In-Combination Effects

Should the construction of the proposed development occur in tandem with the solar farms in the area or indeed the substation (which is currently under construction), any impacts would be of a temporary nature and short-term given:

- the limited nature of works (i.e. no significant structures, 1.8 km length of cable),
- the expected duration/intensity of the works (8-12 weeks / 100 m a day),
- the location of lands to be developed (pastoral, agricultural),
- the abundance of other suitable habitat for whooper swans in the vicinity (particularly to the south near Ballyroe Quarry where they typically forage).
- the location and distance to the other existing and/or approved projects (which includes various lands in which the whooper swan could forage).
- the requirement to implement mitigation measures in other existing and/or approved projects (including in particular at the Ballyroe Substation (ABP-314431-22))
- the implementation of standard and best practice construction and operation measures.

It is considered unlikely that in-combination effects with other existing and/or approved projects would arise.

I am satisfied that from the evidence presented, the location of the cable to the rear of an existing farmyard will not remove any suitable foraging or roosting habitat for this species and this impact mechanism of direct habitat loss can be excluded from further consideration for the project alone and in combination with other plans and projects.

The proposed underground cable does not impact on any regularly (or irregularly) foraging or roosting areas for Whooper Swan and thus could not act in combination with other proposed Solar farms in the area to decrease the number or range of ex-situ areas used by this SCI species associated with Kilcolman Bog SPA.

Other proposals in the area will need to demonstrate the absence of adverse effects on site integrity of European Sites alone and in combination with other plans and projects, but I consider that no reasonable doubt remains that the proposed underground cable will not contribute to any significant effects that could arise.

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as

amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the surrounding area namely, Blackwater River SAC, Ballyhoura Mountains SAC and Kilcolman Bog SPA. or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- the relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- distance from and indirect connections to European sites
- No significant ex-situ impacts on birds and associated feeding habitats

Having regard to the foregoing, it is reasonable to conclude, on the basis of the information on the file, which is considered adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site, in view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development is not required.

No mitigation measures are required to come to these conclusions. I consider the temporal options (i.e. summertime/wintertime works) a standard operating measure and is not a mitigation measure for the purpose of avoiding or preventing impacts to the European Sites.