



An
Coimisiún
Pleanála

Inspector's Report PL-501457-CE-26

Development	RETENTION: of an existing 80m high lattice type meteorological mast and associated instruments, for a period of two years.
Location	on lands at Glenmore Upper , Cloontra East Knockshanvo, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2660153
Applicant(s)	FuturEnergy Ireland
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	FuturEnergy Ireland
Observer(s)	AirNav Ireland
Date of Site Inspection	28 th Augst 2026
Inspector	Ciara McGuinness

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Knockshanvo, Co. Clare, approximately 3km south of Broadford. The site is located in a remote, rural area, at an elevated position within a forested area. The site is within the boundaries of the proposed Knockshanvo Wind Farm which is currently the subject of a live Strategic Infrastructure Application submitted directly to the Commission under reference ABP-230705-24. The site is accessed via the local road L3042 with a winding gravel access leading from the public road to the site. The application site has a stated area of 0.15 hectares.

2.0 Proposed Development

- 2.1. The proposed development is for the retention of an existing temporary 80m high lattice type meteorological mast and associated instruments. The structure is fixed to ground mounted anchors by guy wires and includes instruments to measure local meteorological conditions.
- 2.2. The mast was erected on site as exempted development under the provisions of Class 20A of the Planning & Development Regulations 2001, as amended. One of the conditions of this exempt development provision, limits the length of time a mast can be in place to 15 months out of 24. It is acknowledged that this temporary mast has now been in place for in excess of 15 months, having been erected in November 2023, and permission is sought to extend the period of use for a further 2 years from the decision date of this application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused planning permission for the development by order dated 6th May 2026. The reason for refusal is as follows
1. The Planning Authority is not satisfied from the information submitted that the applicant has adequately demonstrated that the development as constructed does not present a real and serious danger to low flying aircraft. The retention

of the development would compromise the safety and safe and efficient navigations of aircraft, set an undesirable precedent for further such development and therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report (dated 06/05/2026) notes that the application site is situated within a Wind Energy Strategic Area, where wind energy is acceptable in principle. Given that the subject development is to support the development of wind energy, the development is considered acceptable in principle.

However, the Planner notes the submission received from AirNav Ireland, which details serious concerns about the impact of the structure on aviation safety, which is a core and material consideration that compromises the acceptability of the development. Accordingly, the development would not be acceptable due to the hazard it poses to aviation activity in the vicinity of the site. On this basis a refusal of retention permission is recommended.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None. See details of AirNav submission below.

3.4. Third Party Observations

Third party observations were received from Aidan O'Brien, Teresa O'Connell, Cathal Crowe TD and East Clare Environment Protection CLG. The primary issues raised relate to a breach of exempted development provisions, inaccuracies in the application, project splitting, no assessment of ecological or water impacts, unacceptable impacts on visual and residential amenity, lack of engagement with locals, inadequate AA Screening and inadequate Cumulative Assessment.

A submission has also been received from AirNav Ireland. The submission can be summarised as follows;

- It is unclear whether the Mast qualified for exempted development status when the mast was erected pursuant to the other strict pre-conditions to the exempted development status under Class 20A or Class 19 of Parts 1 or 3 of the Regulations.
- S.I. No. 215/2005 - Irish Aviation Authority (Obstacles To Aircraft in Flight) Order, 2005 (“the Order”) requires prior written notice of an “obstacle” to aviation to be given to AirNav Ireland (previously to the Irish Aviation Authority (IAA) 2) before it is erected or constructed. This obligation is expressly *“separate from any permission required to be obtained under the Planning and Development Act, 2000 in respect of the said erection or construction”*. The Order is not qualified or otherwise set aside by any provision of the Regulations or the 2000 Act.
- Article 4(1)(a) of the Order defines an existing or future object as an “*obstacle*” to air navigation where it is greater than 45 metres in height above ground or water surface level at the site of the object. As defined in Article 2 of the Order the Mast, at 80m in height (and not fitted with aviation obstacle lighting), constitutes a “*potential en-route air navigation obstacle*”. Article 5(1) of the Order prohibits the erection or construction of an “obstacle” without giving prior written notice of at least 30 days to the IAA.
- An 80 metre (approx. 262 ft) slender mast, particularly one supported by guy-wires, presents a high-risk obstacle to low-flying aircraft for the following reasons:
 - guy wires are extremely difficult to see from the air, even in good visibility;
 - the Mast is unlit, visually unobtrusive, and does not appear on any aeronautical chart;
 - pilots flying Visually Met Conditions (VMC) justifiably expect open countryside to be free of tall, unmarked vertical obstacles of this nature.

It is requested that permission should be refused for further use of the mast.

4.0 Planning History

None.

5.0 Policy Context

5.1. Clare County Development Plan 20

Volume 6 Clare Wind Energy Strategy

The subject area is designated as 'Open to Consideration' meaning applications for wind energy in these areas will be evaluated on a case-by-case basis subject to viable wind speeds, environmental resources and constraints and cumulative impacts.

Volume 1 Written Statement

Objective CDP 11.19 Shannon International Airport

It is an objective of Clare County Council;

h) To have regard to, and implement, the national land use policies and guidance in relation to the Red Zones and Public Safety Zones for Shannon International Airport, the Irish Aviation Authority (Obstacles to aircraft in flight) Order, 2005 (S.I. No. 215/2005) and EASA Regulation (EU) No 139/2014;

i) To have regard to the advice of the Irish Aviation Authority with regard to the effects of any development proposals in the vicinity of Shannon International Airport on the safety of aircraft or the safe and efficient navigation thereof;

Objective CDP14.2 Settled Landscapes

To permit development in areas designated as 'settled landscapes' to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

I. Conformity with all other relevant provisions of the Plan and the availability and protection of resources;

II. Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;

III. Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:

- a) That the site has been selected to avoid visual prominence
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

5.2. **Wind Energy Development Guidelines 2006**

The Guidelines are intended to ensure consistency of approach in the identification of suitable locations for wind energy developments and acknowledge that the siting of developments is an important consideration.

Section 4.2 of these guidelines relate to wind measuring masts. The following guidance is set out:

“Planning applications for wind anemometers and measuring masts are generally sought for a limited period only. Permissions should be granted for approximately a two-year period, in consultation with the developer, to allow a wind resource analysis to be carried out. It would be inadvisable for the planning authority to grant planning permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan. In a case where a developer wishes to extend the period of the permission an application must be made to the planning authority to retain the wind measuring mast; otherwise the developer should be required to remove it”.

Section 5.11 relate to Aircraft Safety and state the following;

“Regard must be had to the Irish Aviation Authority's Obstacles to Aircraft in Flight Order, 2002, (S.I. 14 of 2002), as amended, which specifies the criteria used to determine whether or not any object anywhere in the State is deemed to be an obstacle affecting aircraft operations. In addition, in order to assure the safety and efficiency of aircraft operations in the vicinity of airports, the International Civil Aviation Organisation (ICAO) has defined a volume of air space above which new

objects are not permitted. No part of the wind turbine should penetrate these defined surfaces.”

5.3. Draft Wind Energy Development Guidelines 2019

Section 4.6 relates to wind measuring masts.

The following is noted in this regard: “Planning applications for wind anemometers and measuring masts are generally sought for a limited period only (usually 12 months but might be longer). Permissions should be granted for approximately a two-year period, in consultation with the developer, to allow a wind resource analysis to be carried out. It would be inadvisable for the planning authority to grant planning permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan. In a case where a developer wishes to extend the period of the permission an application must be made to the planning authority to retain the wind measuring mast; otherwise the developer should be required to remove it”.

Section 4.9.5 of the Guidelines relate to Aircraft Safety. In this regard, it is stated that the Irish Aviation Authority (IAA) should be informed 30 days in advance of the erection of any structure exceeding 45 metres in height under S.I. 215 of 2005. This includes wind monitoring masts which may be exempt from planning permission.

5.4. Irish Aviation Authority (Obstacles to Aircraft in Flight) Order, 2005 (S.I. No 215 of 2005)

5.5. Article 4(1) of the order states that

‘An existing object, including a mobile object, is and a future object would be, an obstacle to air navigation if it is of greater height than any of the following heights or surfaces:

(a) A height of 45 metres above ground or water surface level at the site of the object or an object which otherwise constitutes an en-route obstacle or a potential en-route obstacle in accordance with this Order;’

Article 5(1) of the order provides that a person shall not cause to be erected or constructed an object as defined in Article 4(1)(a) without first notifying the Authority (now AirNav Ireland) in writing of that intended erection or construction at least thirty

days prior to such erection or construction and shall provide such information in relation thereto to the Authority as may be requested under Article 5(3).

Article 5(1) expressly notes that *‘This requirement is separate from any permission required to be obtained under the Planning and Development Act, 2000 in respect of the said erection or construction’.*

5.6. Natural Heritage Designations

Danes Hole, Poulnalecka SAC (Site Code 000030) – c.3.2km from the site

Glenomra Wood SAC (Site Code 001013) – c.4.7km from the site

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads).

7.0 The Appeal

7.1. Grounds of Appeal

The appeal is first party appeal against the decision to refuse permission. The grounds of appeal can be summarised as follows;

- There is no evidence in the Planner’s Report that the submission received from AirNav Ireland was subject to any detailed examination or assessment.
- The applicant should have been afforded the opportunity to address the concerns of AirNav before it was relied upon as a ground of refusal.
- There is no evidence that the Planning Authority made any effort to engage with AirNav Ireland to explore whether the concerns raised could be appropriately dealt with through the attachment of conditions.
- The mast operated continuously from October 2023 until May 2026 without any recorded aviation safety incident.
- The mast was erected in full compliance with the requirements of Class A of Schedule 2, Part 1 or the Regs. The applicant was not required to notify

AirNav Ireland or the Irish Aviation Authority at the time of erection under the applicable planning requirements.

- It is acknowledged that notification to AirNav of an 'obstacle' before it is erected or constructed is required under a separate code. (S.I. No. 215/2005 – Irish Aviation Authority (Obstacles To Aircraft in Flight) Order 2005). The applicant did not notify AirNav of the mast, however this should have no bearing on the decision.
- The AirNav submission is unsubstantiated. There is no evidence of a site-specific assessment of the subject mast, any identified flight path that could be affected or the nature or likelihood of risk quantified.
- Several wind farms comprising permanent structures of significant height have been granted permission in the area surrounding the mast.
- The refusal undermines the practical utility of the Class 20A exempted development provisions.
- The refusal also calls into question the practical meaning of the Wind Energy Designations in the Clare County Development Plan.
- The sole concern of AirNav relates to the visibility of the mast to low-flying aircraft. This is a well understood routinely managed issue in the context of wind energy and communication infrastructure. Aviation obstacle warning lighting, installed to the specification and satisfaction of both the Irish Aviation Authority and Air Nav Ireland, is the standard industry response to aviation safety concerns of this nature.
- ACP regularly imposes conditions requiring obstacle lighting on tall structures and it is submitted that such a condition could be attached in this instance.
- The Planning Authority's concerns about the risk of setting an undesirable precedent is further addressed by the time-limited nature of the permission sought.

7.2. Planning Authority Response

The Planning Authority have submitted a response which notes that the Commission recently refused permission for a windfarm on aircraft safety grounds in the wider area (318943). In assessing the application, the Planning Authority noted the observation on file from AirNav where the aircraft safety implications of the development are clearly outlined.

7.3. Observations

An observation has been received on behalf of AirNav Ireland. The observation can be summarised as follows;

- Neither the IAA or AirNav Ireland were notified prior to the erection of the mast in 2023 which is requirement of the 'Obstacles to Aircraft in Flight Order, 2005'. There are references to the Order in the Wind Energy development Guidelines (2006), the proposed draft wind energy guidelines (2019) and the Clare County development Plan 2023-2029.
- Aviation safety was not a consideration in the methodology for designating areas that are acceptable for wind energy, as set out in the Councils Wind Energy Strategy (Vol 6 of the CDP). Under Section 6.10 'Aviation Safety and Navigation', Applicants are advised to consult with the Irish Aviation Authority in relation to interference with airport navigational aids.
- The mast would be unexpected to aircraft, would not be visible and would result in an increased risk of collision.
- Inspections conducted by Flight Calibration Services (FCSL) failed to take account of the presence of the mast, due to the applicant not fulfilling their requirement pursuant to the order, resulting in inadvertent non-compliance with IAA-approved procedures.
- The Runway 24 Instrument Landing System (ILS) at Shannon Airport provides coverage in accordance with International Civil Aviation Organisation (ICAO) Annex 10 requirements. Flight inspections must be carried out every 180 days to maintain compliance with ICAO standards. Local requirements of these standards are set out by the Irish Aviation Authority (IAA) through its

procedures for operating in Instrument Meteorological Conditions (IMC). Where checks are not completed or where parameters fall outside limits, the ILS must be withdrawn from active service.

- Flight inspections were conducted by Flight Calibration Services (FCSL) under procedures approved by the Irish Aviation Authority (IAA). A key requirement of these procedures is that the aircraft must remain at least 1,000 feet above the highest obstacle that is within 5 NM either side of the flight track.
- FCSL were not aware of the mast due to the applicant's failure to notify the IAA or AirNav and the mast was not incorporated into the recognised aviation safety environment. As a result, during the Glide path (GP) 8° left slice inspection for runway 24, the aircraft was unintentionally operated in breach of these procedures, as they required obstacle clearance from the mast could not be assured.
- Furthermore, if the mast was re-erected compliance with the approved inspection procedures would require the Glide Path 8° left slice to be flown at a significantly increased height (approximately 2100 ft QFE (which relates to the barometric Pressure value at the threshold of Shannan Runway 24) in IMC. This would represent a deviation from ICAO recommended inspection profiles. Any such deviation would require a formal regulatory approval from the IAA, including a notification of change to the ILS functional system by AirNav Ireland.
- Under EU regulations 2017/373¹ any change to the system must demonstrate that it is at least as safe as it was before. There is no guarantee that equivalence can be achieved.
- The requirement to deviate from the ICAO-defined flight inspection profile is not driven by operation necessity but arises due to the presence of a non-essential third-party temporary structure.

¹ (Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight.

- FCSL have confirmed to AirNav Ireland that they have no prior experience of adjusting inspection procedures for a Category II ILS due to obstacles of this nature.
- In the event that mitigation measures (such as an increased glide path angle) were required in order to facilitate the mast, the Runway 24 ILS would lose its Category II status. This would significantly impact Shannon Airport operations as low visibility landings would no longer be possible. CAT II ILS is required for 30% of operations each calendar year.
- AirNav considers that the development description citing the ‘retention of an existing mast’ is misleading as the mast has been taken down and would require re-erection.
- The submitted drawings illustrate a typical generic mast but does not reflect the actual mast that was taken down for which retention permission is still purportedly being sought.

7.4. Further Responses

None.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Aircraft safety
- Procedural Issues

8.2. Aircraft Safety

8.2.1. At the outset I note that the site is located within Strategic Area for wind energy and that a mast is considered a typical element of a wind energy development. The Wind energy Strategy contained in Volume 6 of the Clare County Development Plan

outlines that Strategic Areas are considered eminently suitable for wind farm developments for a number of reasons which include inter alia, the distance to properties, access to the grid and location outside of Natura 2000 sites. I note however that the designation of strategic areas does not consider technical considerations associated with aviation safety with Section 6.10 of the Strategy advising that applicants are advised to consult with Irish Aviation Authority in relation to interference with airport navigational aids. Notwithstanding the designation the Wind Energy Strategy notes that each application for development will be considered in line with existing planning policy, objectives and legislation.

- 8.2.2. The refusal reason considers that the retention of the development would compromise the safety and safe and efficient navigations of aircraft and set an undesirable precedent for further such development. The refusal reason has had regard to the submission on the application from Air Nav Ireland which outlined that the mast is high-risk obstacle to low-flying aircraft and recommended that permission be refused.
- 8.2.3. I note that Air Nav Ireland (AirNav) are not listed as a Prescribed body under Article 213 or elsewhere within the Planning and Development Regulations 2001 as amended. The Irish Aviation Authority (IAA) are identified in Article 213 (1) (k) where the development might endanger or interfere with the safety of, or the safe and efficient navigation of, aircraft. AirNav are a semi state body established as the Irish Air Navigation Service (IANS) under the provisions of the Air Navigation and Transport Act 2022. Section 50 (2) of this act provides that- *“References in any enactment or other record or document referred to in subsection (1) to the IAA shall, on and after the vesting day, in so far as the reference relates to a matter to which a function of the IANS relates, be construed as a reference to the IANS”*. Accordingly, I am satisfied the reference to the ‘Irish Aviation Authority’ in the Planning and Development Regulations should be read as AirNav Ireland in so far as the matter relates to the functions of AirNav Ireland.
- 8.2.4. The applicant has outlined that the mast was erected in full compliance with the requirements of Class 20A of Part 1, Schedule 2, of the Planning and Development Regulations, which relates to *‘the erection of a mast for mapping meteorological conditions’*. In accordance with the conditions and limitations set out within the Planning and Development Regulations, the lifetime of this permission is restricted to

a period exceeding 15 months within a 24 month and the total mast height shall not exceed 80m. The subject appeal seeks to retain the mast for a period of two years. I note however that the applicant has advised in the appeal documentation submitted that the mast has now been removed from the site in an abundance of caution.

- 8.2.5. The applicant considers that there is no evidence in the Planner's Report that the submission received from AirNav Ireland was subject to any detailed examination or assessment. There is no evidence of a site-specific assessment of the subject mast, any identified flight path that could be affected or the nature or likelihood of risk quantified. They also have noted that several wind farms comprising permanent structures of significant height have been granted permission in the area surrounding the mast.
- 8.2.6. I note AirNav have made a further observation on the appeal in which they have set out further reasoning in relation to their position on the development. In the first instance it is noted that due to the failure of the appellant to notify the IAA, AirNav Ireland or FCSL of the proposed mast prior to its erection, the existence of the mast at this location was not incorporated into the recognised aviation safety environment. As a result, during the requisite inspection of operations at Shannon Airport Runway 24 there was an unintentional breach of the IAA approved procedures as the required obstacle clearance from the mast could not be assured. The applicant has set out that they were not required to notify AirNav Ireland or the Irish Aviation Authority at the time of erection under the applicable planning requirements and that this should not impact the subject decision. The Irish Aviation Authority (Obstacles to Aircraft in Flight Order 2005 explicitly notes the requirement to notify IAA (now AirNav) of the intended erection or construction of an obstacle failing with the scope of at least 30 days prior to erection or construction of such object. It should be clearly understood that the exemption under the planning legislation does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation. I would note also that the Wind Energy Development Guidelines 2006 (Section 5.11), the Draft Wind Energy Guidelines 2019 (Section 4.9.5) and the County Development Plan (CDP 11.19 (h)) refer to the requirement to comply with this Order.
- 8.2.7. AirNav have further set out that the implications for the reinstatement of the mast;

“ if the mast was re-erected compliance with the approved inspection procedures would require the Glide Path 8° left slice to be flown at a significantly increased height (approximately 2100 ft QFE (which relates to the Barometric Pressure value at the threshold of Shannan Runway 24) in IMC. This would represent a deviation from ICAO recommended inspection profiles. Any such deviation would require a formal regulatory approval from the IAA, including a notification of change to the ILS functional system by AirNav Ireland. ”

- 8.2.8. Furthermore, AirNav has noted that under EU regulations 2017/373² any change to the system must demonstrate that it is at least as safe as it was before. In this regard AirNav would be required to demonstrate that the modified inspection regime provides a level of safety assurance equivalent to that achieved through ICAO-defined profiles. There is no assurance that regulatory approval for non-standard profiles would be granted. In addition, there is no precedent to have regard to, with the Flight Calibrations Services (FCSL) having confirmed to AirNav that they have no prior experience of adjusting inspection procedures for a Category II ILS due to obstacles of this nature.
- 8.2.9. In relation to Instrument Landing System (ILS), Shannon Airport Runway 24 is CAT II enabled. Cat II allows for precision landings in lower visibility than standard CAT I. Its purpose is to allow landings in conditions where CAT I approaches would be impossible, thereby enhancing airport capacity and safety during low visibility events. AirNav have also outlined that in the event that mitigation measures were required in order to facilitate the mast, such as an increased glide path angle, the Runway 24 ILS would lose its Cat II designation. This would significantly impact Shannon Airport operations as low visibility landings would no longer be possible. The observation outlines that CAT II ILS is required for 30% of operations each calendar year Shannon Airport Runway 24.
- 8.2.10. AirNav have clearly outlined the significant implications which have occurred due to the previous erection of the mast and implications which would arise if the mast were to be re-erected. The siting of a meteorological mast at this location would introduce a direct safety risk and significant regulatory compliance risk to the continued

² (Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight.

operation of the runway 24 ILS. The proposed development would necessitate a departure from approved ICAO-aligned inspection procedures, and undermine the basis of the EU Regulation 2017/373 Safety Case. The use of mitigation measures to facilitate the development would also result in the loss of CAT II designation to runway 24.

- 8.2.11. I note objective CDP 11.19 'Shannon International Airport' of the County Development Plan includes a provision *'to have regard to the advice of the Irish Aviation Authority with regard to the effects of any development proposals in the vicinity of Shannon International Airport on the safety of aircraft or the safe and efficient navigation thereof.'* As outlined above, AirNav are now the relevant body for air navigation services. Having regard to the aviation safety and navigations risks outlined above by AirNav, I am not satisfied that the proposed development would not have significant adverse impact on the operation of the Runway 24 Category II ILS at Shannon airport. I recommend that permission is refused.

8.3. Procedural Issues

- 8.3.1. I note that AirNav have raised issue with development description which seeks retention of an existing pole when in fact that pole has now been taking down and would require re-erection. In this regard I note, the scope of this assessment relates only to the permission sought as described in the development description and illustrated in the drawings submitted.
- 8.3.2. The applicant has also raised procedural concerns noting that they should have been afforded the opportunity to address the concerns of AirNav by Further Information before it was relied upon as a ground of refusal. I note that it is at the discretion of the Planning Authority as to whether further information is sought. Furthermore, noting the extensive air safety concerns outlined above by AirNav I do not believe it is within the gift of the applicant to address these concerns.
- 8.3.3. The applicant has also noted that there is no evidence that the Planning Authority made any effort to engage with AirNav Ireland to explore whether the concerns raised could be appropriately dealt with through the attachment of conditions. I would not that it is not the role of Planning Authority to liaise with prescribed bodies on behalf of the applicant. Furthermore, I note that the observation on the appeal by

AirNav has explicitly outlined that mitigation measures needed to facilitate the mast would adversely impact the operations of the airport.

9.0 AA Screening

Refer to Appendix 1 for AA Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed development.
- The lack of direct/indirect connections with regards to the Source-Pathway-Receptor Model.
- Taking into account screening determination by the Planning Authority.

10.0 Water Framework Directive

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that permission is refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

1. Having regard to the location and the nature of the development proposed to be retained, and to the Clare County Development Plan 2023-2029, specifically objective CDP 11.19 to have regard to the advice of the Irish Aviation Authority, and now AirNAv Ireland as the relevant body, with regard to the effects of any development proposals in the vicinity of Shannon International Airport on the safety of aircraft or the safe and efficient navigation thereof, the Commission considers that on the basis of the information before it, that the development would compromise the safety and safe and efficient navigations of aircraft, set an undesirable precedent for further such development and therefore be contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ciara McGuinness
Planning Inspector

4th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501457
Proposed Development Summary	RETENTION: of an existing 80m high lattice type meteorological mast and associated instruments, for a period of two years.
Development Address	Lands at Glenmore Upper, Cloontra East Knockshanvo , Co. Clare
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	State the Class here

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads).
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3) N/A
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3) N/A

Inspector: _____ Date: _____

Appendix 2: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: 501457	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention of an existing 80m high lattice type meteorological mast and associated instruments, for a period of two years.
Brief description of development site characteristics and potential impact mechanisms	The site is located in a remote, rural area, at an elevated position within a forested area. The site consists of Conifer Plantation (WD4) comprised of planted Sitka Spruce (<i>Picea sitchensis</i>). No water courses were identified within or adjacent to the site. The nearest watercourse is Blackwater (Clare)_010 which is 546m south from the site. There are areas of bare peat and several wet bog drains, categorised as drainage ditches (FW4) within the area.
Screening report	Yes
Natura Impact Statement	No
Relevant submissions	N/A

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

The applicant has listed all Natura 2000 sites within a 15km buffer of the proposed development in the AA Screening Report. I am satisfied that these sites can be excluded from further consideration as per the assessment below.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Danes Hole, Poulnalecka SAC (000030)	[1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) [8310] Caves not open to the public [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	3.1km	No direct/indirect	No
Glenomra Wood SAC (001013)	[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	4.7km	No direct/indirect	No
Slieve Bernagh Bog SAC (002312)	[4010] Northern Atlantic wet heaths with <i>Ericatetralix</i> [4030] European dry heaths [7130] Blanket bogs (* if active bog)	5.5km	No direct/indirect	No
Kilkishen House	[1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)	8km	No direct/indirect	No

SAC (002319)				
Lower River Shannon SAC (002165)	[1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) [1095] Sea Lamprey (<i>Petromyzon marinus</i>) [1096] Brook Lamprey (<i>Lampetra planeri</i>) [1099] River Lamprey (<i>Lampetra fluviatilis</i>) [1106] Atlantic Salmon (<i>Salmo salar</i>) (only in fresh water) [1110] Sandbanks which are slightly covered by sea water all the time [1130] Estuaries [1140] Mudflats and sandflats not covered by seawater at low tide [1150] *Coastal lagoons [1160] Large shallow inlets and bays [1170] Reefs [1220] Perennial vegetation of stony banks [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts [1310] <i>Salicornia</i> and other annuals colonizing mud and sand [1330] Atlantic salt meadows (<i>Glauco-</i>	8.1km	No direct/indirect	No

	Puccinellietalia maritima) [1349] Bottlenose Dolphin (Tursiops truncatus) [1355] Otter (Lutra lutra) [1410] Mediterranean salt meadows (Juncetalia maritimi) [3260] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [91E0] *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)			
Ratty River Cave SAC [002316]	[1303] Lesser Horseshoe Bat (Rhinolophus hipposideros) [8310] Caves not open to the public	8.3km	No direct/indirect	No
Poulnagordon Cave (Quin) SAC (000064)	[1303] Lesser Horseshoe Bat (Rhinolophus hipposideros) [8310] Caves not open to the public	14.7km	No direct/indirect	No
River Shannon and River Fergus Estuaries	[A017] Cormorant (Phalacrocorax carbo) [A038] Whooper Swan (Cygnus cygnus)	11.3km	No direct/indirect	No

SPA (004077)	[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A048] Shelduck (<i>Tadorna tadorna</i>) [A050] Wigeon (<i>Anas penelope</i>) [A052] Teal (<i>Anas crecca</i>) [A054] Pintail (<i>Anas acuta</i>) [A056] Shoveler (<i>Anas clypeata</i>) [A062] Scaup (<i>Aythya marila</i>) [A137] Ringed Plover (<i>Charadrius hiaticula</i>) [A140] Golden Plover (<i>Pluvialis apricaria</i>) [A141] Grey Plover (<i>Pluvialis squatarola</i>) [A142] Lapwing (<i>Vanellus Vanellus</i>) [A143] Knot (<i>Calidris canutus</i>) [A149] Dunlin (<i>Calidris alpina</i>) A156] Black-tailed Godwit (<i>Limosa limosa</i>) [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A160] Curlew (<i>Numenius Arquata</i>) [A162] Redshank (<i>Tringa tetanus</i>) [A164] Greenshank (<i>Tringa nebularia</i>)			
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	[A179] Black-headed Gull (Chroicocephalus ridibundus) [A999] Wetlands			
Slieve Aughty Mountains SPA (004168)	[A082] Hen Harrier (Circus cyaneus) [A098] Merlin (Falco columbarius)	13.2km	No direct/indirect	No
Lough Derg (Shannon) SPA (004058)	A017] Cormorant (Phalacrocorax carbo) [A061] Tufted Duck (Aythya fuligula) [A067] Goldeneye (Bucephala clangula) [A193] Common Tern (Sterna hirundo) [A999] Wetlands	13.8km	No direct/indirect	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

No pathway for direct effects on this SAC was identified as the development site is located entirely outside of a European Site. There is no source-pathway-receptor chain for likely indirect significant effects on any of the terrestrial QI habitats given their terrestrial nature, the distance between the European sites and the site, and the nature and scale of the development. No surface water or groundwater pathway linking the development to any European site has been identified, and there is no potential for likely significant water quality effects on any QIs as a result of the development. There is no habitat within the development site suitable to support significant populations of the listed SCI bird species. The development site is located outside the 2.5 km core foraging range for lesser horseshoe bat roosts.

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

I conclude that the proposed development (alone) would not result in likely significant effects on any European Site. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed development.
- The lack of direct/indirect connections with regards to the Source-Pathway-Receptor Model.
- Taking into account screening determination by the Planning Authority