

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2560003

Appeal by Moycarkery Community Association of Graigue, Thurles, County Tipperary and by Thomas Dywer and others of Killough Avenue, Thurles, County Tipperary against the decision made on the 28th day of July, 2025 by Tipperary County Council to grant subject to conditions a permission to Marmoris Limited trading as Killough Solar care of Anthony Ryan of Core House, Pouladuff Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of a 10-year permission for the development of a solar farm on a site of 222.23 hectares consisting of the following: 745,168 square metres of solar photovoltaic panels on ground mounted steel frames; 23 number inverter/transformer stations; underground power and communication cables and ducts; boundary security fencing; one number Medium Voltage (MV) Ring Main Unit (RMU) Control Building; new internal access tracks and associated drainage infrastructure; continued use of existing site entrances off the L-4106 and L-13101 local roads; CCTV/Lighting posts; landscaping and all associated site services and works. The project will also include biodiversity enhancement and bat/bird and

archaeological buffers within the site. The development is located proximate to Killough Castle and Tower House, which is a Protected Structure (TRPS 1029). Temporary works to the existing splayed entrance onto the L-4106 are proposed to accommodate construction works for the solar farm, all at Killough, Clohoge, Graigue, County Tipperary. The solar farm will be operational for 40 years. As amended by the further public notices received by the planning authority on the 5th day of June, 2025.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission had regard to European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

- (a) European policy/legislation including:
 - (i) Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive),
 - (ii) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive), and
 - (iii) Directive 2000/60/EC (Water Framework Directive),
- (b) National Policy and Guidance including:

- (i) Project Ireland 2040: National Planning Framework ("NPF"), First Revision of the NPF,
 - (ii) National Development Plan 2021-2030,
 - (iii) the objectives and targets of the National Biodiversity Action Plan 2023-2030,
 - (iv) Policy Statement on Security of Electricity Supply (November 2021),
 - (v) National Energy Security Framework (April 2022), and
 - (vi) National Energy and Climate Action Plan (2021-2030),
- (c) Regional and Local Planning Policy, including in particular:
- (i) Regional Spatial and Economic Strategy for the Southern Region (2019-2031),
 - (ii) Tipperary County Development Plan 2022-2028,
 - (iii) the nature, scale and extent of the proposed development,
 - (iv) the pattern of development within the area and context of the receiving environment,
 - (v) measures proposed for the construction, operation and decommissioning of the development,

- (vi) the range of mitigation measures set out in the Planning and Environmental Report, Ecological Impact Assessment, Construction and Environmental Management Plan, Flood Risk Assessment, Glint and Glare Assessment, Landscape and Visual Impact Assessment and Archaeological and Architectural Heritage Assessment,
- (vii) the range of mitigation measures set out in the Natura Impact Statement,
- (viii) the submissions of the Third-Party appellants and the submission received in relation to the appeal,
- (ix) the documentation submitted with the application and the appeal, and,
- (x) the Inspector's report and recommendation.

The Commission otherwise performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Appropriate Assessment Stage 1

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lower River Suir Special Area of Conservation (Site Code 002137) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for such sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for the Lower River Suir Special Area of Conservation (Site Code 002137) in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and

(iii) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites, in view of the site's conservation objectives.

Environmental Impact Assessment Screening Determination

Having regard to the nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning & Development Regulations 2001 (as amended), and the Schedule 7A information submitted by the Applicant, following a screening determination as detailed in the Inspector's report, it can be concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded following this screening determination and an EIA is not required.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national and regional renewable energy policies and would align with the provisions of the Tipperary County Development Plan 2022-2028, would be acceptable in terms of traffic impacts and safety, would not have an adverse impact on the character of the landscape or the cultural or archaeological heritage of the site and surround area, would not give rise to flood risk on site or elsewhere downstream, would not result in adverse impacts on water quality, would not seriously injure the residential amenities of the area or of property in the vicinity, would not have a significant adverse impact on terrestrial, ornithological or aquatic ecology and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 5th day of June 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect the integrity of European Sites.

4. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report, Ecological Impact Assessment, Flood Risk Assessment, Construction and Environmental Management Plan, Glint and Glare Assessment, Archaeological and Architectural Heritage Assessment and other particulars submitted with the application and by way of further information, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order. In addition:

- (a) the developer shall install silt fences where access tracks are located adjacent to watercourses or drains on the subject site for the duration of the construction period. Details and locations of the proposed silt fences shall be submitted to the planning authority for written agreement prior to the commencement of development,

- (b) the Project Ecologist/Ecological Clerk of Works (ECoW) shall oversee the construction works and audit the implementation of the Construction Environmental Management Plan and all mitigation measures included within the Ecological Impact Assessment and Natura Impact Statement, and
- (c) as committed to in Section 7 of the Ecological Impact Assessment, the developer shall submit the monitoring status reports to the planning authority for agreement, with a record of same being placed on the public file.

Reason: In the interest of clarity and of the protection of the environment during the construction and operational phases of the development.

- 5. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

- 6. The RMU building and inverters shall be dark green in colour or other dark colour that shall be agreed with the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenity of the area.

- 7. (a) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

- (b) Prior to commencement of development, a detailed maintenance regime for the solar farm and a separate restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. The maintenance regime shall have due regard to the mitigation measures prescribed in the submitted Flood Risk Assessment.
- (c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan, and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

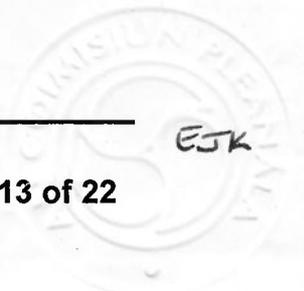
8. The developer shall submit updated site layout drawings which clearly overlay the areas that have been identified as having archaeological potential (AA1-AA3) in the Archaeological Assessment dated June 2025. Furthermore, the updated layout drawings shall clearly identify where the proposed panels are to be located on concrete shoes.

In addition, the following requirements shall apply:

- (a) The developer shall retain the services of a suitably qualified archaeologist to advise on, and establish a 20-metre radius Exclusion Buffer Zone around the external most elements of the following archaeological site:
- (i) The outermost subsurface features as identified in the geophysical survey that was carried out under Licence 24R0361 and that are likely to be related to the recorded monument: RMP TN047-126---- Earthwork.
 - (ii) The archaeologist shall advise on, and establish 20 metres radius concentric buffer zones comprising an inner Exclusion Buffer Zone measuring 10 metres and an outer No-Dig Buffer Zone measuring 10 metres around the external-most elements of the following archaeological sites: Archaeological Areas 1-3 (AAI -3) as identified in the in the geophysical survey that was carried out under Licence 24R0361 and the archaeological testing that was carried out under Licence 25E0348.
 - (iii) No groundworks of any kind (including, but not limited to, advance geotechnical site investigations) will be permitted in buffer zones of either type.

- (iv) Only non-invasive above ground solar panel supports shall be used within No-Dig Buffer Zones and all cable connections or other necessary service conduits shall be placed in above-ground housings. Protective matting shall be put in place during installation to prevent machine rutting. Machine access and transits shall be limited to essential works for installation only. No other activity related to construction will be permitted within No-Dig Buffer Zones.
- (b) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage. The testing shall take place in advance of any site preparation works or groundworks (other than those which may be necessary to fulfil this condition) including site investigation works/topsoil stripping/site clearance and/or construction works. The report shall include an archaeological impact statement and mitigation strategy:
- (i) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record archaeological excavation and/or monitoring may be required.

- (ii) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to the Department and the Local Authority and approval to proceed is agreed in writing with the planning authority.
- (c) The developer is required to engage a suitably qualified archaeologist to monitor all grounds disturbance required for this development. No groundworks of any type (including any preparatory/enabling works or advance site investigations) are to take place in the absence of the archaeologist without his/her express consent.
- (d) The archaeological monitoring programme must be carried out under licence from the National Monuments Service and in accordance with an agreed method statement (to include specified details on the use of a mechanical excavator to be fitted with a flat grading bucket), note a period of five to six weeks should be allowed to facilitate processing and approval of the licence application and method statement.
- (e) Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall suspend work in the area of archaeological interest pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the planning authority, in consultation with the Department with regard to any necessary mitigating action e.g. preservation in situ, and/or excavation. The developer shall facilitate the archaeologist in recording any material found.



- (f) The Department and the Local Authority shall be furnished with a report describing the results of the monitoring. All resulting and associated archaeological costs shall be borne by the developer.
- (g) The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological investigative works and monitoring following the completion of all archaeological work on site and the completion of any necessary post excavation work. All resulting and associated archaeological costs shall be borne by the developer.
- (h) The Construction Environment Management Plan (CEMP) shall incorporate all significant findings from the reports titled 'Archaeological and Architectural Heritage Assessment at Killough, Clohoge and Graigue, County Tipperary', 'Geophysical Survey Report Killough, Clohoge and Graigue, County Tipperary. Licence No.: 24R0361' and 'Archaeological Assessment at Killough Solar Farm Killough, Clohoge and Graigue, County Tipperary. Licence Number: 25E0348' including (but not limited to) the location of any archaeological or cultural heritage constraints relevant to the proposed development. The Construction Environment Management Plan shall clearly describe all identified likely impacts both direct and indirect and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of construction activity. It shall have particular regard to the requirements as set out at Points 1 and 2 above in relation to the establishment and characteristics of the protective buffer zones that will be implemented to ensure preservation in situ of archaeological sites and monuments.

- (i) The developer shall retain the services of a suitably qualified archaeologist to advise on an archaeological mitigation plan for decommissioning of the development, to include mitigation measures for the removal of the solar panels and the protection of the archaeological sites and monuments that are in situ at the site. The Decommissioning Statement for the Proposed Solar PV Array shall be updated to include the location of any archaeological or cultural heritage constraints. It shall clearly describe all identified likely impacts from decommissioning both direct and indirect and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during decommissioning works.

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

9. (a) Existing field boundaries, including trees and hedgerow, shall be maintained and supplemented in accordance with the details submitted save where removal is proposed to facilitate access roadways and sight lines.
- (b) All proposed landscaping and planting shall take place in the first planting season following commencement of development and in accordance with the details proposed. The landscaping and screening shall be maintained at regular intervals. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

- (c) To assist in mitigating the visual impact of the solar arrays from the site's north, additional hedgerow planting (Hedgerow Type 2) shall be provided along the northern extent of the arrays located within Field 8 (as per AAHA).

- (d) All solar panels within the permitted development shall include an Anti-Reflective Coating (ARC). Upon commissioning of the development and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority to confirm the effectiveness of the proposed mitigation once implemented.

Reason: In the interests of the visual and residential amenity of the area.

- 10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In addition:
 - (a) Surface water from the site shall not be allowed to discharge onto the public road or adjoining properties.

 - (b) The developer shall monitor the existing drainage network for blockages and other issues that could affect its functionality throughout the lifetime of the solar farm.

 - (c) The developer shall submit revised site layout drawing(s) which omit the proposed solar panels from the locations identified in Figure 5-2 (Panel Exclusion Zones) of the Flood Risk Assessment.

Reason: In the interest of environmental protection and reducing run-off from the site.

11. With the exception of the panels that will use concrete shoes, the solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

Reason: In the interest of the long-term viability of this agricultural land, and in order to minimise impacts on drainage patterns.

12. (a) Save for lighting required for the Transformer Compound, no artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) Cables within the site shall be located underground.
- (d) Prior to the commencement of development and following the procurement process, the developer shall submit to the planning authority more detailed noise information for the proposed inverters so that it can be confirmed that the inverters meet the operational noise criteria.

Reason: In the interests of clarity, of visual and residential amenity and biodiversity.

13. (a) The site entrance onto the L-4106 shall not be used for the construction, operation or decommissioning phases of the development. All traffic associated with the construction, operation or decommissioning phases of the development shall access the site via the L-13101-0.
- (b) The roadside boundary either side of the site entrance onto the L-13101-0 shall be set back to achieve the required sightlines at the site access junction. The required sight lines are measured from a point 4.5 metres back from the road edge at the centre of the entrance to a point 70 metres along the public roadway in both directions from the entrance to the near side road edge.
- (c) The roadside boundary hedgerow either side of the entrance onto the L1 3101-0 shall be maintained such that clear and unobstructed sight lines of 70 metres are available from a point 4.5 metres back from the edge of the metalled surface of the roadway at the centre of the entrance to the nearside metalled surface. The appropriate eye and object heights of 1.05 metres and 0.15 metres respectively shall be used.
- (d) No feature in excess of 1.05 metres in height shall be located in the sight triangle of the site access. ESB, telecom poles or services connections on roadside shall be removed and setback to the new fence line in agreement with the service provider. The area between new road fence and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and thereafter maintained without obstruction, trim and tidy.

Reason: In the interest of traffic safety.

14. Prior to the commencement of development, the developer shall submit a detailed Construction Traffic Management Plan (CTMP) prepared by a suitably qualified transport engineer. The Construction Traffic Management Plan shall provide details for the management of construction traffic for the duration of the construction phase and shall include measures such as the use of flagmen at the site entrance for all HGV deliveries and the potential limited introduction of a stop/go system during peak delivery periods. The Construction Traffic Management Plan shall also include the appointment of a resident liaison or point of contact to ensure residents located along the L13101-0 are informed of peak delivery times, anticipated disruptions or other related matters.

Reason: In the interests of traffic safety and residential amenity.

15. The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The finalised Construction and Environmental Management Plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s),
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings
 - (d) details of on-site car parking facilities for site workers during the course of construction,

- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained, such bunds shall be roofed to exclude rainwater,
- (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (k) details of on-site re-fuelling arrangements, including use of drip trays,
- (l) details of how it is proposed to manage excavated soil,
- (m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses, and
- (n) hours of construction.

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the Natura Impact Statement. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of environmental protection, amenities, public health and safety.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Eamonn James Kelly

Eamonn James Kelly

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *17th* day of *December*, 2025

