



An  
Bord  
Pleanála

## Inspector's Report ABP-303930-19

### Development

10-year permission for a 110kV electricity substation, two control buildings, radio mast, four number lattice towers, modifications and connection to the existing on-site 110kV transmission line, perimeter fencing and access gate and all ancillary development services and works.

### Location

Townland of Curraghduff, Mothel, Co. Waterford

### Planning Authority

Waterford City and County Council

### Applicant(s)

BNRGN Mothel Ltd.

### Type of Application

S.182A

### Observer(s)

Transport Infrastructure Ireland

### Inspector

Ciara Kellett

### Date of Site Inspection

23<sup>rd</sup> August 2019

### Inspector's Recommendation

Grant Permission subject to conditions

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## 1.0 Introduction

- 1.1. This is an application for approval for the development of a 110kV electricity substation, two control buildings, 36m high radio mast, 4 no. lattice towers, ancillary works and connection to an existing 110kV overhead line in the townland of Curraghduff, near Mothel in County Waterford, under Section 182A of the Planning and Development Act 2000, as amended (the Act). Permission is sought for a period of ten years.
- 1.2. Pre-application consultations were held between the applicant and the Board under Section 182E of the Act (Ref. ABP-301206-18). The Board determined on the 11<sup>th</sup> January 2019 that the substation, cable end masts and overhead line fall within Section 182A of the Act and directed the applicant to apply for approval under Section 182A(1) of the Act. The current application before the Board is made on foot of this direction. The Board decided on the 26<sup>th</sup> July 2019 that an Oral Hearing would not be necessary.
- 1.3. The proposed works will serve a solar farm spread across two land parcels, named as the northern and southern parcel in the townlands of Carraghduff and Mothel respectively. The solar farm and battery energy storage system (BESS) planning application was submitted for permission to Waterford City and County Council on 21<sup>st</sup> March 2019 (WCC Reg. Ref. 19183) and was granted permission by the Council on the 14<sup>th</sup> May 2019. The decision of Waterford City and County Council to grant permission for the solar farm has been appealed to the Board and is being considered concurrently with the subject application under reference number ABP-304651-19. The report and recommendations pertaining to same should be read in conjunction with the subject case.

## 2.0 Site Location and Description

- 2.1. The location of the proposed development of the solar farm and subject electricity plant is located in the townland of Curraghduff near the village of Mothel in a rural part of Co. Waterford. The site is c.3.5km south of Carrick-on-Suir and close to the border of counties Kilkenny and Tipperary. The proposed solar farm development is located across two parcels of land identified as the 'northern parcel' and the 'southern parcel'. The R676 road runs to the west of the northern parcel in a roughly

north-south direction. A local road serving Mothel from the R676 runs to the south of both parcels. Both sites are bisected by the existing ESB 110kV Ballydine to Cullenagh overhead electricity line.

- 2.2. The northern parcel is described as being c.27Ha and the southern parcel as being c.11Ha. The northern parcel is c.1.3km to the north-west of Mothel village and the southern parcel is located adjacent and to the east of Mothel village.
- 2.3. The lands are currently in agricultural use and there is evidence of cattle grazing across the sites. The land is flat to mildly undulating and the northern parcel slopes down towards the Abbey Bishop stream and the southern parcel slopes towards Mothel village. Mature hedgerows and trees bound the sites. There are no watercourses within the sites. The Abbey Bishop stream runs alongside the south-western perimeter of the northern parcel and connects to the Joanstown River which is a tributary of the Clodiagh River. The Lower River Suir SAC is c.2.5km at its closest to the south-east of the northern parcel and c.1km to the south-east of the southern parcel.
- 2.4. Appendix A includes maps and photos.

### **3.0 Proposed Development**

- 3.1. A new 110kV substation and ancillary works will be required to export generated electricity from the solar farm to the national grid. The works the subject of this application includes a substation. The substation is a typical Air Insulated Switchgear (AIS) substation. It is proposed to locate the substation in the south-east corner of the northern parcel on a 1.6Ha site. It is planned to loop the existing 110kV overhead line which bisects the site into the new substation. To cater for an overhead loop in, there is a requirement for four masts at this location and the existing poleset will be removed. Two of the masts under the line will be 15m high (to the bottom of the cross-arm) with the other two masts being 12m high installed just outside the substation.
- 3.2. There is no fibre connection in place on the line and as a result it is proposed to install a 36m high lattice mast to facilitate radio communications from the new substation to adjacent EirGrid substations at Ballydine and Cullenagh.

- 3.3. The EirGrid Control Building within the substation compound is identified on the drawings as being 25m by 15m by 8.825m high at roof apex in a simple portal frame type design. The roof materials are identified as blue/black slates on the drawings. The customer switchroom is similar in design and materials and is 10.4m by 9m by 6.725m high.
- 3.4. While an operational life for the solar farm of 30 years is being sought by the applicant, there is no defined operational life for the substation and ancillary infrastructure the subject of this application.
- 3.5. An Natura Impact Statement (NIS) and a Planning & Environmental Considerations Report (PECR) accompany the Planning Application. Photomontages as well as drawings have been prepared and also accompany the application.

#### 4.0 Planning History

- **ABP-304651-19/WCC Reg. Ref. 19183:** Planning application for the referenced solar farm across the two land parcels was submitted to Waterford City and County Council on the 21<sup>st</sup> March 2019. Waterford County Council decided to grant permission on the 14<sup>th</sup> May 2019. This decision was appealed to the Board (Ref. ABP-304651-19) and is being considered concurrently with this SID application.

Other planning applications in the vicinity relate to small scale domestic and agricultural developments.

#### 5.0 Legislative and Policy Context

##### National Planning & Development Context

##### 5.1. National Planning Framework

- 5.1.1. Chapter 9 of the NPF addresses sustainability. It is stated that:

*Ireland's national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. The Government recognise that Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% by 2050, compared to 1990 levels, while at the same time*

*ensuring security of supply of competitive energy sources to our citizens and businesses.*

National Policy **Objective 55** seeks to promote renewable energy use and generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050.

## 5.2. **Government White Papers**

- 5.2.1. The *Ireland's Transition to a Low Carbon Energy Future, 2015 – 2030* white paper was issued by the Department of Communications, Energy and Natural Resources in December 2015. This paper sets out a vision for transforming Ireland's fossil fuel-based energy sector into a clean, low carbon system by 2050. This paper supports and acknowledges the growing solar technology.

## 5.3. **Climate Action Plan 2019**

- 5.3.1. In June 2019 the Department of Communications, Climate Action and the Environment published *Climate Action Plan 2019*. This Plan seeks the achievement of 70% of national electricity generation to be from renewable sources by 2030. This renewable energy target will require up to 1.5GW of grid-scale solar energy production as part of this goal.

## 5.4. **National Mitigation Plan**

- 5.4.1. The National Mitigation Plan was published in July 2017. This first National Mitigation Plan represents an initial step on a pathway to achieve the level of decarbonisation required. It was prepared in accordance with the provisions of the Climate Action and Low Carbon Development Act 2015. It contains a series of mitigation measures and actions to prepare for the EU targets that Ireland will take on for 2030. Solar technology is recognised as contributing to renewable energy targets.

## 5.5. **National Renewable Energy Action Plan**

- 5.5.1. Ireland submitted the NREAP to the European Commission in July 2010. It sets out the targets for the share of energy from renewable resources. Ireland's overall target

is to achieve 16% of energy from renewables by 2020. It states that the Government has set a target of 40% electricity consumption from renewable sources by 2020.

## **Regional Plans**

### **5.6. Draft Regional Spatial & Economic Strategy (RSES)**

5.6.1. At the time of writing this report there is only a Draft of the Plan. The opportunity to make a submission on the Plan closed on 8<sup>th</sup> March 2019. However, in the Draft plan, Chapter 8 of Volume 1 considers Water and Energy Utilities. It notes that the region is particularly rich in renewable energy resources and contains significant energy generation infrastructure. It is stated that '*The RSES supports a safe, secure and reliable transmission and distribution of electricity*'.

5.6.2. Regional Policy Objective **RPO 214** states with respect to Electricity Infrastructure:

*It is an objective to support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy (subject to appropriate environmental assessment and the planning process) to serve the existing and future needs of the region and strengthen all-island energy infrastructure and interconnection capacity.*

### **5.7. Regional Planning Guidelines for the South East Region 2010 – 2022**

5.7.1. It is a Strategic Goal to *support the development and improvement of key economic infrastructure, such as energy generation and transmission networks, including renewable energies and telecommunications, all of which are essential for the continued development of the region*

5.7.2. It is a Strategic Goal to *develop the Green Economy in rural areas; actively promoting the exploitation of wind energy and other forms of renewable energy as valuable regional assets in appropriate locations*

## **Local Development Plans**

### **5.8. Waterford County Development Plan 2011 – 2017 (as extended)**

- 5.8.1. Chapter 4 of the Plan addresses the Settlement Strategy. Chapter 6 addresses Economic Development. Chapter 7 of the Plan addresses Infrastructure. Chapter 8 of the Plan addresses Environment & Conservation.
- 5.8.2. Mothel is not identified in the Settlement Strategy for the County. It is a rural area with a sparse population.
- 5.8.3. Section 6.7 of the Plan refers to Rural Employment & Enterprise. It is stated that '*The Planning Authority will support and facilitate sustainable agricultural developments and improvements where the developments are considered in relation to their likely impact on the environment, landscape, character and amenity of the surrounding area*'.
- 5.8.4. Section 7.23 of chapter 7 considers Energy. It states that '*Waterford County Council recognises that the increased utilisation of the County's indigenous energy resources in conjunction with the reduction in use of fossil fuels is imperative to developing a sustainable future for the people of Waterford*'.
- 5.8.5. **Policy INF 26** seeks:
- 1. To facilitate improvements in energy infrastructure and encourage the expansion of the infrastructure at appropriate locations within the County.*
  - 2. To support and facilitate the future expansion of the natural gas pipeline.*
  - 3. To facilitate, where appropriate, future alternative renewable energy developments throughout the County that are located in close proximity to the National Grid Strategy improvements so as to minimise the length and visual impact of grid connections.*
  - 4. To collaborate with EirGrid in accordance with the Grid 25 Strategy to facilitate the delivery of quality connection, transmission and market services to electricity generators, suppliers and customers utilising the high voltage electricity system at appropriate locations within County Waterford.*
- 5.8.6. Section 8.8 of chapter 8 considers Renewable Energy. Policy **ENV 10** seeks:



*To facilitate and encourage sustainable development proposals for alternative energy sources and energy efficient technologies.*

## **5.9. Renewable Energy Strategy for Waterford City and County 2016 – 2030**

5.9.1. The Strategy states that *'This Renewable Energy Strategy has been prepared for Waterford City and County in the context of EU and national renewable energy targets. Waterford has varied renewable energy resources with objectives to support the development of renewable energy'*.

5.9.2. Section 5 considers Solar Energy. It states that *'Waterford is in the top 15% in terms of solar resource in Ireland and therefore, subject to rigorous planning assessment, solar energy has good potential in Waterford'*. It is further noted that *'This Renewable Energy Strategy has included a projection of 84.1MW of solar energy for Waterford up to 2030'*.

## **5.10. Natural Heritage Designations**

- Lower River Suir SAC (Site Code 002137) is c.2km south of the site.
- The Comeragh Mountains SAC (Site Code 001952) is c.8km to the south-west of the site.
- River Barrow and River Nore SAC (Site Code 002162) is c.27km to the east.

## **5.11. EIA Screening**

Having regard to:

(a) The nature and scale of the proposed development, which comprises a 110kV overhead line of c.40m in length. This is substantially below the threshold of 220kV and 15km as listed in Part 1 Class 20, and below the threshold of 200kV as listed in Part 2 Class 3(b) of Part 5 of the Planning & Development Regulations, 2001 as amended,

(b) The location of the site on lands that are currently in use for agricultural purposes and for which it is intended to remain available for grazing where possible,

(c) The location of the site in a sparsely populated and rural location,

(d) The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the absence of any relevant connectivity to any sensitive location,

(e) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(f) no known archaeological features within the site boundary and a suitable buffer between the known archaeological features, and

(g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

## **6.0 Reports and Submissions**

### **6.1. Planning Authority**

Following a request by the Board, the Planning Authority submitted a report dated the 12<sup>th</sup> July 2019. In summary it includes:

- Heritage Officer concurs with the findings of the NIS.
- Notes no Protected Structures or ACAs in area; roads department not aware of any flooding but acknowledge this is based on limited information; Road R676 is in an acceptable condition – require cooperation with Council during construction; substation is outside of scenic designated route but likely to be within viewshed.
- Photomontages provide only an outline of the substation development – preferable that applicant provide a full as-built illustration of all infrastructure associated with the substation, in order to carry out a thorough visual assessment. Consider that additional landscape screening is required to satisfactorily absorb the impact.

- Note that the Planning & Environmental Considerations Report was previously assessed by the Planning Authority as part of the assessment of the solar farm and consider the findings and mitigation acceptable.
- Note that the Planning Authority decided to grant permission for the solar farm and consider the subject development to be supporting infrastructure enabling development of same, therefore consider the proposal to be acceptable subject to a number of mitigation measures including the requirement for additional landscaping and road condition surveys.
- Consider that the two control buildings will attract development contributions.

## 6.2. Prescribed Bodies

- **Transport Infrastructure Ireland (TII):** TII note that traffic and access analysis indicates that there are no abnormal loads associated with the subject application. Therefore, TII have no specific observations to make.

## 6.3. Observers

There were no third-party observations made to the Board.

## 7.0 Oral Hearing

- 7.1. The Board decided, by Board Direction dated the 26<sup>th</sup> July 2019, that an oral hearing was not warranted in relation to the subject case, having regard to the detail accompanying the application, including the Planning & Environmental Considerations Report and appendices, as well as the Natura Impact Statement and the submissions received from prescribed body and the Planning Authority.

## 8.0 Assessment

Having regard to the requirements of the Planning and Development Act, 2000 as amended, this assessment is divided into two main parts, planning assessment and appropriate assessment.

## 9.0 Planning Assessment

### 9.1. Introduction

- 9.1.1. As discussed previously this substation and ancillary infrastructure will serve a proposed solar farm spread over two land parcels identified as the northern and southern land parcel. The planning application for the solar farm was submitted to Waterford City and County Council and was granted permission by the Council on 14<sup>th</sup> May 2019. That proposal was subsequently appealed to the Board (ABP Ref. 304651-19 refers). Accordingly, the solar farm appeal is being considered concurrently with this SID application. It is noted that the potential impacts of the *Overall Development* were included as part of the Planning & Environmental Considerations Report and Natura Impact Statement submitted by the applicant. Together with the Planning & Environmental Considerations Report, AA Stage 1 Screening Report and Natura Impact Statement submitted with the subject application, I am satisfied that the Board has the necessary information before them to allow for a cumulative assessment of impacts for the *Overall Development*. I am satisfied that, taken together with my site inspection, there is adequate information available on both files to consider the two proposals concurrently and to enable the Board to determine the impact of the schemes on the proper planning and sustainable development of the area and the environment.
- 9.1.2. Having regard to the information presented in the course of the planning application and my inspection of the application site, I consider the key planning issues relating to the assessment of this application can be considered under the following general headings:
- Legislative Issues
  - Principle of Development
  - Biodiversity
  - Flood Risk Assessment
  - Landscape and Visual Impact
  - Cultural Heritage

- Traffic and Transportation

## 9.2. Legislative Issues

- 9.2.1. Whilst the application for the solar farm was submitted directly to Waterford County Council, the subject proposal before the Board is required to facilitate a connection from that solar farm to the National Grid and has been submitted under Section 182A of the Act. The solar farm has been appealed to the Board by thirteen third parties.
- 9.2.2. Clearly the development of the solar farm and the electrical infrastructure are intrinsically linked, and the solar farm could not export power to the National Grid without the electrical connection to the grid. Neither the solar farm or the electrical infrastructure is subject to the requirements to prepare an Environmental Impact Assessment Report. However, the information provided by the applicant includes a Planning & Environmental Considerations Report as well as a Natura Impact Statement. It is noted that both of these documents assessed the potential impact of the overall development cumulatively, i.e. the generation asset infrastructure and the grid connection infrastructure. Furthermore, the solar farm appeal is being considered concurrently with this SID application.
- 9.2.3. Having regard to this documentation, I am satisfied that the Board has the necessary information before it to allow for a cumulative assessment of impacts for the overall development as well as the specifics of the subject file.

## 9.3. Principle of Development

- 9.3.1. The substation and ancillary items are to be located in what has been termed the northern parcel. This is currently in use for agricultural purposes. The Plan states that the Council will support agricultural development and rural enterprise. Furthermore, with respect to energy the Plan notes that *utilisation of the County's indigenous energy resources in conjunction with the reduction in use of fossil fuels is imperative to developing a sustainable future for the people of Waterford*. The substation will facilitate the use of the County's indigenous energy sources as proposed with the solar farm application.
- 9.3.2. Moreover, Policy INF26 states that the Council will *facilitate, where appropriate, future alternative renewable energy developments throughout the County that are*

*located in close proximity to the National Grid Strategy improvements so as to minimise the length and visual impact of grid connections.*

- 9.3.3. I am satisfied that the solar farm and as such the subject proposal is in close proximity to the National Grid and thus, minimises the length and visual impact of the grid connection. I am of the opinion that the subject proposal fully accords with the overall aims of the Development Plan and in particular supports policy INF26.
- 9.3.4. The need for the development of additional renewable energy projects is supported by national, regional and local policies. In the National Planning Framework, Policy **Objective 55** seeks to promote renewable energy use and generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050.
- 9.3.5. The national objective, contained in NREAP, of achieving 40% of electricity generation from renewable sources by 2020 forms part of the national strategy for meeting our legally binding targets with respect to renewable energy. Furthermore, the most recent Climate Action Plan published in June 2019 states that a target of 70% of electricity is to be generated by renewable sources by 2030. Thus, the contribution of renewable energy projects, such as the proposed solar farm that will connect to the national grid through this electrical infrastructure, to achieving the transition to a low carbon future is well established. Solar power is also acknowledged as being capable of being delivered relatively quickly and efficiently without the need for large scale transmission grid infrastructure. Accordingly, I consider that the principle of the substation and associated works is acceptable.
- 9.3.6. I am therefore satisfied that the principle of development in this rural area is in compliance with the national, regional and local Development Plan policies. In addition, I consider that it is reasonable, having regard to the nature of the proposed development, to specify a period of permission of 10 years as requested by the applicant should the Board be minded to grant permission.

#### 9.4. **Biodiversity**

- 9.4.1. An NIS has been submitted with the application and is considered in Section 10 below. As part of the Planning & Environmental Considerations Report submitted,

the applicant has considered Biodiversity and Biodiversity Enhancement Measures (Chapter 4 of PECR).

- 9.4.2. The applicant notes that a desktop study as well as field studies have been carried out. The site and habitats are described and the distance to Designated Sites are detailed. The closest European Site is the Lower River Suir SAC (Site Code 002137) which is located c.2.5km directly south-east of the northern parcel and 1km south-east of the southern parcel.
- 9.4.3. The Abbey Bishop Stream forms just north of the northern parcel and flows in a southerly direction along the south-western perimeter of the site. No protected flora or fauna were recorded on the site and one invasive species was recorded (Sycamore) during the walkover survey. None of the trees on site were recorded as having high bat roost potential. No bird species of high conservation concern were noted on the site and based on site size and habitats present, bird populations are considered to be of moderate ecological value.
- 9.4.4. The potential impacts for the development of the solar farm as well as the subject application are described. Construction stage impacts are associated with vegetation clearance and/or excavation for the substation including habitat loss, habitat damage/disturbance and potential pollution of surface water. However existing hedgerows will be fenced off with a 5 to 10m buffer between hedgerows and the substation so as not to disturb existing field boundaries. No in-stream works are proposed therefore there will be no direct impacts on the aquatic environment.
- 9.4.5. In terms of mitigation, mitigation by design has been implemented. The majority of key ecological receptors will be avoided by the footprint of the proposed development. A Construction Environmental Management Plan (CEMP) which will include a surface water management plan will be prepared. It is stated that as there is potential for a lengthy time span to elapse between approval (should consent be forthcoming) and commencement of works, a pre-construction survey is recommended. This is of particular importance for badger and bat species which may have developed setts or roosts in the intervening period.
- 9.4.6. It is stated that 11 “biodiversity areas” will be created within the larger site boundary amounting to an area of c.3.4Ha. The details of each area are described. Furthermore, it is noted that while the site is operating as a solar farm it will be

covered by grassland. It is considered that once mitigation measures are implemented, potential negative impacts are considered to be slight, of low magnitude and temporary to permanent. It is considered that the biodiversity enhancement measures will add to the overall ecological value of the site, will protect existing features and are likely to result in net positive impacts.

- 9.4.7. Having regard to the documentation, my site visit and the proposed ecological enhancement measures, I am satisfied that there will not be a seriously negative impact on biodiversity in the area. The CEMP states that as there is potential for a lengthy time span to elapse between approval (should consent be forthcoming) and commencement of works, a pre-construction survey is recommended, which I consider is appropriate. Moreover, I am satisfied that there will be minimal impact on the land use, as it is currently in use as pasture lands for agriculture. While the substation land will inevitably result in the permanent loss of agricultural lands, I am satisfied that this is a minor area within the overall site and will not have a seriously detrimental impact on the overall land use or biodiversity of the area.

## 9.5. Flood Risk Assessment

- 9.5.1. A Flood Risk Assessment (FRA) has been carried out and is included in the Planning & Environmental Considerations Report. It is noted that both land parcels are located close to the fluvial extents of the Abbey Bishop and Joanstown Streams. Hydraulic modelling of the two watercourses was carried out as part of the FRA.
- 9.5.2. It is noted that the Planning System and Flood Risk Management Guidelines state that electricity generating power stations are classified as “essential infrastructure”. The predicted extents of flooding during the 100 and 1000 year are modelled. It is estimated that a portion of the northern parcel is liable to flooding during a 1 in 1000-year mid-range future scenario. It is predicted that the maximum depth of fluvial flooding is 0.3m.
- 9.5.3. It is estimated that the vulnerable elements of the proposed development including the substation are located in Flood Zone C, i.e. they are not liable to flooding. Pluvial modelling indicates that some localised pluvial flooding may occur along the northern boundary of the southern parcel during an extreme rainfall event. The pluvial flood risk mapping did not indicate any sources of groundwater flooding in the vicinity.



- 9.5.4. A Justification Test as per the Guidelines has been carried out. It is noted that the location for the proposed solar farm is not covered by a local area plan and as such is not zoned lands. However, the Flood Risk Assessment has shown that while a portion of the proposed site may be subject to localised pluvial flooding the flood risk can be addressed through the implementation of mitigation measures and locating vulnerable elements of the development above the expected flood level.
- 9.5.5. It is estimated that the risk of flooding will be minimal, and the proposal will not impact flooding elsewhere.
- 9.5.6. I am satisfied based on the results of the FRA that there will not be a serious impact caused by flooding on the larger site and in this instance the substation site.

## 9.6. **Landscape and Visual Impact**

- 9.6.1. Chapter 11 of the Planning & Environmental Considerations Report considers the Landscape and Visual Impact of the solar farm and the substation and ancillary works. A number of photomontages accompany the planning application which demonstrate the visual impact of both the solar farm, the substation and associated works including the communications mast at 36m high.
- 9.6.2. The assessment included a desktop study, fieldwork, assessment of significance and incorporation of mitigation measures to reduce the potential impact. It is stated that the proposed development is likely to be difficult to discern beyond c.5km and is not likely to give rise to significant landscape or visual impacts beyond c.2km.
- 9.6.3. It is stated that a Landscape Character Assessment has not yet been prepared for Co. Waterford, but a Scenic Landscape Evaluation has been included in the Development Plan. The subject site is located in an area of landscape classified as 'normal' sensitivity. It is located within the Rural Area Type "Stronger Rural Area" and there are no sensitive, vulnerable or visually vulnerable areas occurring within the study area. However, there is a designated Scenic Route along the R676 bounding the northern parcel where the substation is proposed: Scenic Route 13 "R676 South from Clonmel to Lemybrien".
- 9.6.4. The main mitigation is stated as being the siting of the solar farm in a robust and well-contained rural area. With respect to the substation compound, it is proposed to surround three sides of it with advanced nursery stock to form a woodland thicket

reaching 6-8m height upon maturity. Two enlarged patches of woodland will be incorporated into the north-western corner of the scheme as a buffer and visual screen to reduce visual impacts. It is considered that the substation, in isolation to the solar array, will not appear out of context as such facilities are familiar features within rural areas.

- 9.6.5. 13 viewpoints have been assessed. Each image depicts the existing view, the outline view and the montage view with and without mitigation. I am satisfied that there will be limited views of the substation and ancillary infrastructure from most viewpoints. The 36m high communications mast will be seen from a number of viewpoints, but having regard to the existing 110kV and 38kV infrastructure in the vicinity, I do not consider that this will result in a 'new' or unusual type of structure in the environment. The existing environment already contains such utility type installations.
- 9.6.6. I note that the Planning Authority consider that additional photomontages with a full as-built illustration of all infrastructure associated with the substation should be submitted in order to carry out a thorough visual assessment. As noted above, I am satisfied with the information provided in the photomontages, as I consider that it is representative of how the development will look when viewed from various viewpoints. I do not consider that additional photomontages are necessary with respect to the substation and ancillary infrastructure. I acknowledge that the development including the substation and the communications mast at 36m high will be visible from certain viewpoints. However, this will be fleeting glimpses only and as noted is not unusual infrastructure in the wider environment.
- 9.6.7. Notwithstanding the above, I consider that additional landscaping should be provided along the boundary with the R676 and the south-western boundary of the northern parcel. More semi-mature trees should be provided in this area. I accept that this will not completely mitigate the view, but it will lessen the magnitude. A suitable condition can be appended should the Board consider granting permission.

## 9.7. **Cultural Heritage**

- 9.7.1. A Cultural Heritage assessment is included in the Planning & Environmental Considerations Report. It states that there are no known archaeological sites or monuments within the boundary of the southern parcel but that there are a number

of Recorded Monuments in the village of Mothel, including Mothel Abbey. One known archaeological monument (a ringfort; RMP WA003-047) is located centrally to the northern parcel. The assessment states that the site boundary has been established in order to exclude the area of the monument and adjacent dwelling house from the proposed development. It is further stated that this area is considered adequate to protect the monument from any physical impact associated with the proposed development and with the use of appropriate screening to protect its visual setting.

- 9.7.2. The main potential impact is considered to arise from the substation and battery storage system. These components are located c.250m from the boundary with the ringfort. The solar panels themselves are considered to have relatively small subsurface impacts. The assessment states that the subsurface impacts of PV panels are relatively unobtrusive and cumulatively low relative to most standard agricultural regimes currently operable in the Irish landscape.
- 9.7.3. Physical impacts on known features are considered unlikely, but mitigating measures are required to ensure that impacts on any unknown subsurface elements are avoided. All access roads, cable trenches and structural elements have been located so as to avoid construction impacts in areas that may contain features associated with the ringfort. Visual impacts associated with the proposed development on the nearby known archaeological monuments are considered unlikely to be of noteworthy importance with appropriate mitigation in place. Archaeological monitoring during groundworks is required as mitigation in case of unknown subsurface features.
- 9.7.4. Based on the above I am satisfied that there will not be an adverse impact on cultural heritage. Having visited the site, I am satisfied that the development will not impact on Mothel Abbey and with an appropriate condition requiring archaeological monitoring during groundworks, I am of the opinion there will not be a significant impact on the cultural heritage of the area.

## 9.8. **Traffic and Transportation**

- 9.8.1. A traffic report is included as part of the Planning & Environmental Considerations Report. It is stated that a Traffic and Transport Assessment and Road Safety Audit

was not required following consultations with the Council's Roads Department. The Roads Department requested an Outline Traffic Management Plan (OTMP). The report prepared as part of the Planning & Environmental Considerations Report is considered to be the OTMP.

- 9.8.2. It is stated that construction will take c.12 months and an average of 100 construction workers per day will be required. No abnormal loads are envisaged. Autotrack assessments have been prepared and figures are included in the Planning & Environmental Considerations Report.
- 9.8.3. It is further stated that it is envisaged that a series of Traffic Management Operatives, or a stop / go system, will be implemented on the approaches to the site accesses to facilitate the swept paths of large articulated lorries. It is noted that due to the low level of construction traffic generated by the proposed development, the impacts associated with such manoeuvres shall be for short durations and shall be a minor impact on local traffic.
- 9.8.4. In terms of potential impacts due to the low levels of construction generated traffic, the traffic at the proposed development access locations is considered to have minimal impacts on existing traffic levels, provided the measures in the OTMP are adopted in the development of the Construction Stage Traffic Management Plan (CSTMP), and are adhered to. Due to the relatively low operational traffic, it is envisaged that the operational impacts of the proposed development will be imperceptible when compared to the existing background traffic.
- 9.8.5. I am satisfied and concur with the conclusion of the Traffic Report which states that construction and operational traffic volumes associated with the proposed development will be low in number and relate primarily to the delivery of construction equipment and materials and inspection/ maintenance of the proposed development on completion. The implementation of an approved CSTMP will minimise the potential for traffic and transport impacts during construction activities and the residual impact will be minor.

## 10.0 Appropriate Assessment

### 10.1. Introduction

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

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

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

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

10.1.3. The application was accompanied by a Natura Impact Statement (NIS) which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

10.1.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised

in Section 6 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

## 10.2. Stage One – Screening for Appropriate Assessment

10.2.1. I consider that the proposed development as described in Section 3 of this Report is not directly connected with or necessary to the management of any European site.

10.2.2. The Stage 1 Screening Report is set out in Section 3 of the separately bound document which accompanies the planning application. Using the source-pathway-receptor model an examination of the potential effects of the project was undertaken (alone and in-combination) to identify what European sites and which of their qualifying interests, special conservation interests or conservation objectives were potentially at risk. This was required to determine the Zone of Influence (Zol) of the proposed development.

10.2.3. Based on the type of development the Zol is considered to be in the local vicinity, with the exception of hydrological linkages where the Zol has potential to be of an increased distance, particularly downstream. It notes that there are two European sites within the Zol of the site, both SACs. Table 3.1 in the Screening Report lists the designated sites located within the Zol and includes their qualifying interests, pathway and possibility of likely Significant Effects.

10.2.4. Table 3.1 includes summary descriptions for each European site. The sites considered within the Stage 1 Screening and the distances from the solar farm site and the substation are summarised below.

Site	Site Code & Designation	Approx. distance from site (km)
Lower River Suir	002137 SAC	2
River Barrow and River Nore	002162 SAC	25

10.2.5. Based on my examination of the report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude

that a Stage 2 Appropriate Assessment is required for the European site namely the Lower River Suir SAC (Site Code 002137). Out of an abundance of caution I consider that the River Barrow and River Nore SAC (Site Code 002162) should also be subject to a Stage 2 Appropriate Assessment.

### 10.3. Stage Two – Appropriate Assessment

10.3.1. **Relevant European sites:** The Conservation Objectives and Qualifying Interests for these sites are set out below.

Site Name	Qualifying Interests	Distance
1. Lower River Suir (Site Code 002137)	<p>Atlantic Salt Meadows <i>Glauco-Puccinellietalia maritima</i></p> <p>Mediterranean salt meadows <i>Juncetalia maritim</i></p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>Hydrophilous tall herb fringe communities of plains and montane to alpine levels</p> <p>Old sessile oak wood with ilex and Blechnum in the British Isles</p> <p>Aluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> <i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i></p> <p>Taxus baccata woods of the British Isles</p> <p>Freshwater Pearl Mussel <i>Margaritifera margaritifera</i></p> <p>White Clawed crayfish <i>Austropotamobius pallipes</i></p> <p>Sea Lamprey <i>Petromyzon marinus</i></p> <p>Brook Lamprey <i>Lampetra planeri</i></p> <p>River Lamprey <i>Lampetra fluviatilis</i></p> <p>Twaite shad <i>Alosa fallax</i></p> <p>Salmon <i>Salmo salar</i></p> <p>Otter <i>Lutra lutra</i></p>	2km
2. River Barrow and	Estuaries	25km

Site Name	Qualifying Interests	Distance
<b>River Nore SAC (Site Code 002162)</b>	<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Reefs</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>European dry heaths</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail)</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel)</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish)</p> <p><i>Petromyzon marinus</i> (Sea Lamprey)</p> <p><i>Lampetra planeri</i> (Brook Lamprey)</p> <p><i>Lampetra fluviatilis</i> (River Lamprey)</p> <p><i>Alosa fallax fallax</i> (Twite Shad)</p> <p><i>Salmo salar</i> (Salmon)</p> <p><i>Lutra lutra</i> (Otter)</p> <p><i>Trichomanes speciosum</i> (Killarney Fern)</p> <p><i>Margaritifera durrovensis</i> (Nore Pearl)</p>	



Site Name	Qualifying Interests	Distance
	Mussel)	

#### 10.4. Lower River Suir SAC (Site Code 002137)

##### Brief Description of the Site

- 10.4.1. The Lower River Suir SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow/Nore immediately east of Cheekpoint in Co. Waterford, and many tributaries including the Clodiagh in Co. Waterford, the Lingaun, Anner, Nier, Tar, Aherlow, Multeen and Clodiagh in Co. Tipperary. The Suir and its tributaries flow through the counties of Tipperary, Kilkenny and Waterford. Much of the system flows through Carboniferous limestone, though towards Waterford the geology changes to Old Red Sandstone and Ordovician bedrocks. The site supports a diverse range of habitats, including marsh, reedbeds, wet and dry grasslands, broad-leaved semi-natural woodlands, salt marshes, tidal rivers and estuarine channels. Substantial areas of improved grassland and arable lands are included for water quality reasons.
- 10.4.2. This site contains a range of Annex I habitats, including floating river vegetation, eutrophic tall herbs, alluvial forest, old oak woods, yew woods and salt meadows. The site is very important for the presence of a number of scarce and specialised Annex II animal species with particularly important populations of the fish species; Freshwater Pearl mussel, Salmon, Lamprey and Twaite Shad. Otter is widespread on the system, as is freshwater white-clawed crayfish (*Austropotamobius pallipes*).
- 10.4.3. The site supports two Annex I priority and five non-priority Annex I habitats. Old oak woodlands are also of importance at the site. Parts of the site have also been identified as of ornithological importance for a number of Annex I (E.U. Birds Directive) bird species.
- 10.4.4. Fishing is a main tourist attraction on stretches of the Suir and some of its tributaries, and there are a number of Angler Associations, some with a number of beats. Fishing stands and styles have been erected in places. Both commercial and leisure fishing takes place on the rivers.

## **Conservation Objectives**

10.4.5. A copy of the detailed conservation objectives for the site are set out in Table 4.1 of the NIS, along with an evaluation as to whether there is potential for the conservation objectives to be affected by the proposed development. The overall aim of the objectives is to maintain or restore the favourable conservation status of habitats and species of community interest.

10.4.6. I note that the Qualifying Interest *Water Courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation* has not been addressed in the table 4.1. This is assumed to be a typographical error and I address this qualifying interest in this Appropriate Assessment having regard to the information available on the NPWS website. I am satisfied that there is no potential for adverse effects on this QI given the nature and location of the proposed development, and the location of the habitat and its ecological characteristics.

10.4.7. Of the 15 habitats and species, based on the conservation objectives and an understanding of the works entailed for the project combined with its location, it was determined that 7 of the qualifying interests are outside the Zone of Influence.

Information on aquatic species (Sea Lamprey, Brook Lamprey, River Lamprey, Twaite Shad and Salmon) were noted to be in preparation or unavailable in the NIS. Subsequent to the submission of the NIS, the NPWS have published updated Article 17 Data, *The Status of EU Protected Habitats and Species in Ireland 2019*, which I have had regard to.

The remaining species are mobile and without further details on their distribution using the precautionary principle, it is assumed that they occur throughout the catchment of the SAC.

## **10.5. River Barrow and River Nore SAC (Site Code 002162)**

### **Brief Description of the Site**

10.5.1. This site which is located c.25km downstream of the development site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight

counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. The site includes the extreme lower reaches of the River Suir.

10.5.2. Both rivers rise in the Old Red Sandstone of the Slieve Bloom Mountains before passing through a band of Carboniferous shales and sandstones. The Nore, for a large part of its course, traverses limestone plains and then Old Red Sandstone for a short stretch below Thomastown. Before joining the Barrow, it runs over intrusive rocks poor in silica. The upper reaches of the Barrow also run through limestone. The middle reaches and many of the eastern tributaries, sourced in the Blackstairs Mountains, run through Leinster Granite. The southern end, like the Nore runs over intrusive rocks poor in silica. Waterford Harbour is a deep valley excavated by glacial floodwaters when the sea level was lower than today. The coast shelves quite rapidly along much of the shore.

10.5.3. Overall, the site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive. Furthermore, it is of high conservation value for the populations of bird species that use it. The occurrence of several Red Data Book plant species including three rare plants in the salt meadows and the population of the hard water form of the Freshwater Pearl Mussel, which is limited to a 10 km stretch of the Nore, add further interest to this site.

### **Conservation Objectives**

10.5.4. A copy of the detailed conservation objectives for the site are set out in Table 4.2 of the NIS, along with an evaluation as to whether there is potential for the conservation objectives to be affected by the proposed development. The overall aim of the objectives is to maintain or restore the favourable conservation status of habitats and species of community interest.

10.5.5. Of the habitats and species, based on the conservation objectives and an understanding of the works entailed for the project combined with its location, it was determined that 17 of the qualifying interests are outside the Zone of Influence. Information on aquatic species (Sea Lamprey, Brook Lamprey, River Lamprey, Twaité Shad and Salmon) were noted to be in preparation or unavailable. Subsequent to the submission of the NIS, the NPWS have published updated Article 17 Data, *The Status of EU Protected Habitats and Species in Ireland 2019*, which I

have had regard to. Without further details on their distribution using the precautionary principle, it is assumed that they occur throughout the catchment of the SAC.

## 10.6. Potential Impacts on Key Species

10.6.1. Having regard to the source-receptor-pathway model the key sensitive receptors are considered to be aquatic with the exception of Otter which can be considered semi-aquatic. They are:

- Freshwater Pearl Mussel      Lower River Suir SAC only
- White-clayed crayfish      Lower River Suir SAC only
- Brook Lamprey      Lower River Suir SAC only
- Sea Lamprey      Lower River Suir and River Barrow and Nore SAC
- River Lamprey      Lower River Suir and River Barrow and Nore SAC
- Twaité Shad      Lower River Suir and River Barrow and Nore SAC
- Atlantic Salmon      Lower River Suir and River Barrow and Nore SAC
- Otter      Lower River Suir and River Barrow and Nore SAC

10.6.2. No direct impacts are predicted on any European site as the application site is not directly located within a Natura 2000 site. The main source of impacts are therefore threats to the aquatic environment, including those that have the potential to affect the species themselves within the aquatic environment or reduce the quality of the environment within which the species carry out part, or all of their life-cycles.

## 10.7. Potential Adverse Effects

10.7.1. As mentioned the proposed site is not located within or directly adjacent to any designated European site. There will be no direct loss, fragmentation or disturbance to any Annex I habitat or Annex II species (or supporting habitat) which are QI for the relevant sites.

10.7.2. The overall development site is located in agricultural lands. The Abbey Bishop stream runs alongside the western perimeter of the northern parcel and connects to

the Clodiagh River via the Joanstown River. The point at which the Joanstown River flows into the Clodiagh River is within the Lower River Suir SAC.

10.7.3. The potential indirect effects on the conservation objectives of the qualifying interests of the SACs are detailed in section 5 of the NIS. In summary, the integrity of the sites could be indirectly affected by the proposal through release of sediment and other pollutants to surface water, movement and maintenance of vehicles, storage of materials adjacent to any dry or wet surface water drainage features, transportation or pouring of concrete, fragmentation of wildlife corridors due to fencing, loss of habitat and loss of breeding spaces. These potential impacts are mainly associated with the construction phase. Once construction works are complete operational phase impacts will be minimal.

## 10.8. **Mitigation Measures**

Mitigation measures are identified in Section 6 of the NIS under a number of headings, which include and can be summarised as follows:

### **Design Phase**

10.8.1. Sensitive habitats were avoided where possible, including treelines, hedgerows, and a linear strip of wet woodland. No new watercourse crossings are proposed for the overall project and no in-stream works will take place as part of the grid or cable connections. A 10m ecological exclusion zone runs along the Abbey Bishop Stream. Avoidance of sensitive habitat that is part of the riparian zone will further protect the aquatic environment and the species it supports.

### **Construction Phase**

10.8.2. It is stated that best practice construction methods as set out in CIRIA Guidance will be implemented on site. A summary of measures is identified including:

- Preparation and implementation of a Construction Environmental Management Plan (CEMP)
- Appointment of Ecological Clerk of Works with clear roles and responsibilities

- Management of Excavations
- Management of Silt
- Management of Potential Pollutants (excluding silt)
- Monitoring of Water Quality in Receiving Watercourses including at least 6 months sampling in advance of construction works commencing
- Bio-security

### **Operation Phase**

- A hydrocarbon interceptor will be installed at the substation site with regular inspection and maintenance
- Transformers and all fuel will be bunded
- No chemicals that are deleterious to aquatic organisms are to be used in cleaning works

10.8.3. As set out above the applicant proposes a suite of measures aimed at reducing potential effects on water quality. I am satisfied that the SID Works would not cause changes to the key indicators of conservation value, including water quality, hence there is no potential for adverse impact to occur on either species or habitat associated with the Lower River Suir SAC or the River Barrow and River Nore SAC.

### **10.9. Cumulative and in-combination effects.**

10.9.1. In-combination effects with other developments in the area are also possible. As noted above in Section 4, other planning applications in the vicinity relate to small scale domestic and agricultural developments. No large-scale commercial developments were noted in the Mothel area. Existing windfarms in the catchment are identified.

10.9.2. As discussed previously this substation and associated infrastructure will serve the proposed adjoining solar farm. Both applications included an Appropriate Assessment Stage 1 Screening Report and a Natura Impact Assessment to evaluate the potential impacts of the overall development (Solar Farm and SID Works) on the European Sites.

10.9.3. The potential impact sources which pose a risk to the qualifying interests of the sites are the reduction in water quality in receiving watercourses during construction, and the potential for invasive plant species to spread to the habitats downstream during construction and operation.

10.9.4. With the mitigation measures referred to above, it is unlikely that any of the identified potential impact sources would result in any adverse effects on the integrity of the Lower River Suir SAC or the River Barrow and River Nore SAC, and therefore I am satisfied that no in-combination impacts arise.

#### **10.10. Residual effects/Further analysis:**

No significant residual effects are identified following implementation of the recommended mitigation measures.

#### **10.11. Appropriate Assessment Conclusions**

10.11.1. Having regard to the works proposed, the hydrological distance between the site and the European sites and subject to the implementation of best practice construction methodologies and the proposed mitigation measures, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lower River Suir SAC (Site Code 002137) or the River Barrow and River Nore SAC (Site Code 002162) or any other European site, in view of the site's Conservation Objectives.

### **11.0 Summary of Conclusion and Recommendation**

11.1.1. In conclusion:

- The proposal constitutes a strategic infrastructural development that accords with, and will advance, national, regional and local policies and objectives in terms of renewable energy provision and security of supply.
- With regard to landscape and visual amenity, with the implementation of the mitigating landscaping as proposed by the applicant as well as additional

planting and screening along the western and south-western border of the northern parcel and substation, it is considered that there will not be a seriously injurious impact on visual amenities.

- The proposal would not impact on any known archaeological site and appropriate pretesting and monitoring should ensure against any adverse impacts on unknown or subsurface features.
- An appraisal of ecology was undertaken as detailed in the Appropriate Assessment Report and Natura Impact Statement as well as the ecological report submitted with the application. The proposal does not traverse nor is it adjacent to any site designated as being of ecological importance.
- It is concluded that based on the information available the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any European site having regard to the conservation objectives of those sites.
- Subject to the implementation of the best construction practices and methodologies as set out in the applicant's Planning & Environmental Considerations Report, I am satisfied that there will not be a likely significant adverse impact on the receiving environment.

Having regard to the foregoing I recommend that the Board approve the proposed development under Section 182B of the Planning and Development Act 2000, as amended, in accordance with the said plans and particulars lodged for the following reasons and considerations subject to conditions.

## **12.0 Reasons and Considerations**

### **12.1. Having regard to:**

- The nature, scale and extent of the proposed development,
- The decisions made in respect of an appropriate assessment,
- Government targets of 70% of national electricity generation to be from renewable sources by 2030,



- National and local policy support for developing renewable energy, in particular:
  - Government’s Strategy for Renewable Energy,
  - Climate Action Plan, 2019,
  - National Planning Framework, 2018,
  - Regional Planning Guidelines for the South East Region 2010 - 2022 and,
  - Policy INF26 of the Waterford County Development Plan, 2011-2017 as extended
- The location of the proposed development,
- The distance to dwellings or other sensitive receptors from the proposed development,
- The planning history of the immediate area including proximity to the proposed solar farm. This development will serve as the grid connection for that development,
- The submissions on file including those from the prescribed body and the Planning Authority,
- The documentation submitted with the application, including the Appropriate Assessment Screening Statement, Natura Impact Statement and the Planning and Environmental Considerations Report, and
- The Inspector’s Report.

The Board considered that the proposed development, subject to compliance with the conditions set out below, would:

- not have an unacceptable impact on the character of the landscape,
- not seriously injure the visual and residential amenities of the area,
- not have an unacceptable impact on biodiversity,
- make a positive contribution to Ireland’s requirements for renewable energy,
- be in accordance with:

- Government's Strategy for Renewable Energy,
- Climate Action Plan 2019
- the National Planning Framework, 2018 and
- Policy INF26 of the Waterford County Development Plan, 2011-2017 as extended.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### 12.2. **Appropriate Assessment Stage 1**

12.3. The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

The Board agreed with the screening assessment and conclusion carried out by the Inspector. The Board concluded that, having regard to the qualifying interests for which the sites were designated, namely the River Suir SAC (Site Code 002137) and the River Barrow and River Nore SAC (Site Code 002162) and having regard to the qualifying interests for which these sites were designated, that significant effects could not be ruled out and that the carrying out of an appropriate Assessment was necessary.

#### 12.4. **Appropriate Assessment Stage 2**

12.5. The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the River Suir SAC (Site Code 002137) and the River Barrow and River Nore SAC (Site Code 002162) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular

- (i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically the adjacent proposed solar farm (Ref. ABP-304651-19), and other developments including agricultural activities,
- (ii) mitigation measures which are included as part of the current proposal,
- (iii) Conservation Objectives for these European Sites.

In completing the Appropriate Assessment, the Board 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 Sites, having regard to the sites’ Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites’ Conservation Objectives.

### 13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.</p> <p><b>Reason:</b> Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.</p>
3.	<p>The mitigation measures contained in the Natura Impact Statement which</p>

	<p>was submitted with the application shall be implemented in full.</p> <p><b>Reason:</b> In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.</p>
4.	<p>All of the environmental, construction and ecological mitigation measures set out in the Planning and Environmental Considerations Report and other particulars submitted with the application 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.</p> <p><b>Reason:</b> In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
5.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"> <li>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development;</li> <li>b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works; and</li> <li>c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</li> </ul> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with,</p>

the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Details of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Details 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; and,
- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

7.	<p>The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the NPWS and Inland Fisheries Ireland. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.</p> <p><b>Reason:</b> To protect the environmental and natural heritage of the area.</p>
8.	<p>All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In order to ensure a satisfactory standard of development.</p>
9.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>Details of the materials, colours and textures of all the external finishes to the buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
11.	<p>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</p>

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 Bord 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.

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Ciara Kellett

Senior Planning Inspector

3<sup>rd</sup> September 2019