



An
Bord
Pleanála

Addendum Report ABP-313424-22.

Development	Solar PV energy development at 42.68-hectare site.
Location	Rathduff, Thomastown Demesne South, Co. Tipperary.
Planning Authority	Tipperary County Council.
Planning Authority Reg. Ref.	211014.
Applicant	Renewable Energy Systems (RES).
Type of Application	Permission.
Inspector	Mairead Kenny.

1.0 Introduction

- 1.1. This addendum report comprises an updated EIA Screening relating to the proposed solar PV energy development.

2.0 Applicant's EIA Screening Report

- 2.1. This section of this addendum report provides a summary of the applicant's position as set out in the Environmental Impact Screening Report, which was received by the planning authority on 13 July 2021.
- 2.2. The EIA Screening Report outlines relevant legislation and policy. It is considered that the proposed development is not listed in Schedule 5 and therefore is not subject to a mandatory EIA and nor is it sub-threshold.
- 2.3. Having regard to the provisions of the Tipperary Renewable Energy Strategy and Article 103 of the P&D Regulations an assessment of the impacts of the development is provided in the form of this EIA Screening Report.
- 2.4. The proposed development will have a localised moderate / minor to moderate adverse landscape effect and will result in minor to moderate / minor adverse visual effects. Design mitigation measures include minimising disturbance to lands, the retention, enhancement and management of grassland, hedgerows and trees and planting of new native trees and hedgerows at gaps in existing field boundaries.
- 2.5. There will be a net beneficial gain for biodiversity.
- 2.6. The potential for direct impacts on the three RMP sites are avoided in the adopted design. The potential for direct impacts on Thomastown Castle HGDL is low. There is high to moderate archaeological potential within the application site and moderate potential for construction work to impact on hitherto unknown subsurface remains. Overall indirect impacts on the surrounding heritage assets have been assessed as moderate to low and will be partly mitigated by planting measures within the LVIA.
- 2.7. There is no risk of flooding. The design/layout avoids some areas where temporary ponding occurs.
- 2.8. The peak construction period will give rise to a maximum of 15 daily HGV deliveries. Improved visibility splays will be achieved with realignment of 68 m of hedge,

trimming of 80 m of hedge and removal of 3 no. trees. A CTMP sets out specific mitigation.

2.9. Solar reflections are possible at 10 no. residential and road receptors based on the bald earth scenario. On reviewing actual visibility there will be no glint and glare impacts. Mitigation as part of the Landscape and Ecology Management Plan includes new sections of hedgerows.

2.10. The AA Screening has concluded that impacts on Natura 2000 sites will not be significant.

2.11. Third party comments and Observations

2.12. The submitted comments to the planning authority, the observations and the further comments raise a number of issues relating to EIA. These include:

- The individual components of the proposed development including the roads have not been considered in terms of EIA Screening.
- The EIA Screening inadequately considers the impact on adjacent land uses and amenities.
- Due to the failure to undertake EIA there has been inadequate assessment of the impact of the proposed development in terms of its impacts on the environment including noise, ecology, cumulative, material assets, water and flood risk.
- It is not demonstrated how the grid connection would fit into national strategic plans of Eirgrid. The proposed development comprises project splitting.

2.13. EIA Screening

2.14. Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of Schedule 5, within the Planning and Development Regulations, 2001 (as amended). I am satisfied that solar PV energy developments is not a class that requires EIA or screening for EIA.

2.15. Third party comments reference the consideration by the applicant of roads in the context of EIA Screening. Roads are a class of development for EIA. Part 2 of

Schedule 5 Class 10 is : Infrastructure projects (dd) “*all private roads which would exceed 2000 metres in length*”. The applicant references the determination in the Highfield solar case, namely that the subject development which involved 3.2 km of maintenance track did not fall within Annex I or Annex 2 of the EIA Directive.

- 2.16. The proposed development involves 4 m wide access tracks with a 3 m running width. In total under 750m of track will be in place for the construction, operation, maintenance and decommissioning of the solar panels and associated infrastructure. The Board has previously determined that access tracks in respect of solar developments do not fall to be considered under Class 10. I consider that in terms of their structure and function the access tracks are not ‘roads’ and do not constitute a class of development under Schedule 5. I am satisfied that the development of up to 750m of access track would not require a preliminary examination or EIA.
- 2.17. Comments have been made relating to the grid connection. I note an indicative grid connection is outlined as part of this application. An application for the grid connection would fall under the Strategic Infrastructure provisions and require a separate application under section 182 of the Planning and Development Act. An underground grid connection would not constitute a class of development under Schedule 5 and would not require a preliminary examination or EIA. Accordingly the associated grid connection does not give rise to project splitting as understood for the purposes of EIA.
- 2.18. Following recent legislative change it is appropriate to consider whether the proposed development consists of restructuring of a rural land holding. Under S.I. 383 of 2023 Planning and Development (Amendment) (No. 2) Regulations 2023, Class 1 of Part 2 of Schedule 5, is amended by the insertion of the following:
- (a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment)(Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.

2.19. Rural restructuring of farmland requires screening under the Environmental Impact Assessment (*Agriculture*) Regulations, 2011, by the Department of Agriculture, Food and the Marine. Part A of Schedule 1 of the 2011 Regulations sets out the following thresholds for screening for EIA:

Restructuring of rural land holdings	Screening Required
Length of field boundary to be removed	Above 500m
Re-contouring (within farm-holding)	Above 2 hectares
Area of lands to be restructured by removal of field boundaries	Above 5 hectares

2.20. In the absence of a legal definition relating to rural restructuring I consider that the above Schedule provides a useful basis for evaluation. I am satisfied that the development does not constitute rural restructuring in this case. In this respect:

- The removal of hedgerow is limited to a length 80 m at the site entrance for the purposes of improved sightlines. The length of field boundary to be removed is significantly below the threshold of 4 km which is set in the PDR and also significantly below the 500 m threshold specified in the 2011 Regulations. Due to the 80m length and the location of the affected area of hedgerow at the edge of the agricultural area and the proposed replacement planting there would be no change to the field pattern. No internal field boundaries are to be amended other than by the addition of more trees and hedgerows to fill any existing gaps. There are no consequences for the structure of the lands in terms of the number of fields or the field pattern.
- With respect to the hedgerow removal it is also relevant to consider the underlying purpose of that work, which is strictly related to traffic safety and convenience during construction in particular and is not related to rural restructuring.
- Requirements for recontouring of lands to serve the proposed development would be very limited at this site having regard to the generally level nature of the ground at which relevant development is to be sited. The solar panels will be installed by use of piling and no recontouring of lands will be involved in

their installation. Similarly, the insertion of cabling would not involve recontouring of lands. To the extent that aspects of the proposed development should be assessed as to whether or not there may be recontouring of lands and as a worst-case scenario I refer to the discreet areas within the site where development of the access tracks, site compound, substation and inverters are proposed. The access tracks would cover a footprint of no more than 2,960 m² and follow a largely level piece of land and can be developed without significant land recontouring. The stated area of ground disturbance for the inverter substations is 2,816 m² overall and will involve minimal earth movement at each location. The grid substation site as a whole is 314.6 m² (24.4 m x 13 m). The proposed temporary construction compound will be on an area of 3,000 m² (50 m x 60 m). Having regard to the land contours at which each of these elements would be developed I do not consider that the proposed development involves land recontouring but would be best described as land disturbance which is ancillary to the construction works.

- If the Board considers that the proposed development does involve re-contouring of lands then it is relevant to note that the total area of 9,090.6 m² is significantly below the threshold of 5km set under S.I. 383 of 2023 Planning and Development (Amendment) (No. 2) Regulations 2023.

- 2.21. Observers reference the impact on adjacent land uses and amenities, which it is considered are not adequately considered in the applicant's EIA Screening Report. I address this topic under Form 2 below.
- 2.22. I consider that the information presented comprises information for the purposes of Schedule 7A.
- 2.23. I consider that in the absence of EIA the assessment of impact of the proposed development on the environment falls to be considered under the planning appeal.
- 2.24. In conclusion, I am satisfied that the proposed solar farm is not of a class that requires EIA or preliminary screening or screening for EIA.

Appendix - Form 1 EIA Pre-Screening

Case Reference	ABP-313424-22		
Proposed Development	Solar PV on 42.68 hectare site.		
Development Address	Rathduff, Thomastown Demesne South, Co. Tipperary		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
No			No EIAR / Preliminary Examination required
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment
			Conclusion
No		N/A	None
			No EIAR or Preliminary Examination required
4. Has Schedule 7A information been submitted?			
No			
Yes	✓		

Mairead Kenny
Senior Planning Inspector

8 November 2023