



An
Bord
Pleanála

Inspector's Report

ABP-316131-23

Development	Amendments to previously approved Solar PV Energy Development under 16/600917, PI92.249060 and construction of battery energy storage system. A Natura Impact Statement (NIS) was submitted with this application
Location	Leonards Bog, The Sheehys, Derrymore, Roscrea, Co Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2310
Applicant(s)	Soleire Renewables SPV Alpha 2 Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party against Condition
Appellant(s)	Soleire Renewables SPV Alpha 2 Limited
Observer(s)	None
Date of Site Inspection	2 nd November 2023
Inspector	Susan Clarke

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1.0 Introduction

- 1.1. This is a first party appeal against a condition attached to the Notification of a Decision to Grant Permission relating to the operational lifetime for a solar farm and battery storage facility in County Tipperary.

2.0 Site Location and Description

- 2.1. The appeal site, stated to measure 58.11ha, is circa 5 km south-east of the town of Roscrea and just north of the M7 between Junction 21 (Borris-in-Ossary) and Junction 22 (N62/Roscrea). The area is characterised by flat open lands, much of it former raised bog and now either drained or planted with conifers. The M7 and a 15 turbine windfarm (Monaincha Wind Farm) dominate the local landscape. The N62 Thurles to Roscrea Road runs to the far west of the area, with a straight third class road known as the New Road running south-east from Roscrea, crossing the M7 on an overpass west of Leonards Bog. The upper reaches of the River Nore flows north-east through the area in an engineered channel. The area is sparsely populated, with a handful of farm dwellings and ribbons of dwellings along the New Road.
- 2.2. The site is a flat open area of former raised bog, now drained and used for grazing, and is located west of the windfarm (one turbine is on the land) and the River Nore. An overhead power line crosses the site roughly north to south. The eastern part of the site is bounded by a canalised section of the River Nore. A dwelling with farm complex is just outside the site area on the western side. Access is via a minor road with a junction on the New Road next to the M7 overpass, which turns into a private track and serves the farm dwelling and both the conifer plantation and windfarm.

3.0 Proposed Development

- 3.1. The proposed development consists of amendments to previously permitted development (Tipp Reg. Ref. 16/600917; An Bord Pleanála Reg. Ref. 249060) including
 - changes to the configuration of the Solar PV rows,
 - a reduction in the height of the solar PV panels,

- reduction in the spacing of Solar PV rows (strings),
- increase in size of solar panels,
- increase in solar panel output resulting in an overall increase in solar power generation,
- a change in solar panels tilt (degree),
- an increase in the number of transformers/inverters,
- an increase in the area of the individual transformers,
- an increase in the number of panels, and
- landscaping works including an earthen berm along the western and southern boundary of the site.

In addition, the proposed development includes a Battery Energy Storage System with a compound size of 5,400 square metres containing 60 battery units and 30 inverter units, (all of which measure 6.1 m in length, 2.45m in width and 2.9m in height), together with a switch room/SCADA room.

The Cover Letter (18th January 2023) submitted with the planning application advises that the Applicant is seeking a 10 year permission in which to commence construction and a 40 year operation of the solar farm.

3.2. **Accompanying Documents**

The application is accompanied by the following information:

- Completed application form
- Planning application drawings
- Statutory notices
- Landowner consent letters
- Preliminary Construction Environmental Management Plan
- Modifications Planning Statement
- Natura Impact Statement
- Ecological Impact Statement

- Biodiversity Management Plan
- Geographical Survey and Archaeological Impact Statement
- Landscape Management Plan
- Landscape and Visual Impact Assessment
- Noise Assessment
- Glint and Glare Assessment
- Traffic Management Plan
- Flood Risk Assessment.

4.0 **Planning Authority Decision**

4.1. **Decision**

Notification of the Decision to Grant Permission subject to three conditions issued on 9th March 2023.

Condition No. 2 states that the permission shall be for a period of 25 years from the date of commissioning of the solar array to include the decommissioning period. Reason: To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing.

4.2. **Planning Authority Reports**

4.2.1. Planning Report (3rd March 2023)

Key points to note include:

- Principle of the proposed development acceptable, including design and overall layout of the solar farm.
- The proposed modifications result in minor alterations to the permitted layout.
- Negligible change to the landscape (BESS only accommodates 0.1% of the site).

- No significant impacts anticipated in terms of biodiversity, glint and glare, archaeology, architecture and cultural heritage assessment, traffic, or noise.
- Satisfied that due to the relatively minor nature of the alterations proposed to the original permission, it is considered that the impacts on any Natura 2000 sites or Natural Heritage area sites will not be exacerbated by the change in layout of the solar farm, alterations to the size or increase in numbers of PV panels etc.

4.2.2. Other Technical Reports

District Engineer (1st February 2023 and 9th February 2023): First report requests that 160m sightlines are available, whilst the second report advises there is no objection to the proposal.

4.3. Prescribed Bodies

Mid-west National Road Design Office (15th February 2023): No observations in respect of the proposed development.

TII (17th February 2023): The Authority will not entertain claims in respect of impacts on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning; the Authority requests that the mitigation identified in the glint and glare assessment to avoid any impact on adjoining M7 is implemented in full in the event of any grant of permission; and the Council is requested to identify a monitoring programme for the applicant to adhere to which should allow for additional mitigation necessary or removal to adhere to which should allow for additional mitigation necessary or removal of any item in the solar farm resulting in the glint and glare and road safety impact on adjoining M7.

HSE: No objection, subject to condition.

Minister for Housing, Local Government and Heritage: No comments received.

Comm Energy Reg: No comments received.

Inland Fisheries: No comments received.

4.4. **Third Party Observations**

None.

5.0 **Planning History**

Subject Site: Planning permission granted for a 58.11ha solar farm with a 25 year operation and subsequent decommissioning (Tipp Ref. 16600917, ABP Ref, 249060).

Monaincha Wind Farm: Planning permission granted for the 15 No. turbines, one of which is located on the appeal site (Reg. Refs: 03510957, 09510084, 11510203, 11510442, 12510174, 14510109).

Monaincha Solar Farm: Planning permission granted for a 142ha solar farm (Reg. Refs. 21261, 22662; ABP 315975)

Brehony's Bog Solar Farm: Planning permission has been sought for a 34ha solar farm (Reg. Ref. 2360677). At the time of writing this report, the Local Authority had not issued a decision in respect of the application.

Substation and Overhead Lines: Planning permission was secured for the construction of a 110kV loop-in substation, overhead lines and associated works in May 2023 (ABP 314024).

6.0 **Policy Context**

6.1.1. **REPowerEU Plan 2022 and Directive EU 2018/2001, as amended 18.05.2022**

This plan was prepared in response to the Russian invasion of Ukraine. It focuses on the need to end the EU's dependence on Russian fossil fuels and to tackle the climate crisis. Recovery and Resilience Facility is central to this plan. It includes the accelerated rollout of renewable energy. It amends the Directive on the Promotion of the Use of Energy from Renewable Sources (Directive EU 2018/2001) to require that 45% of energy is from renewable sources. It notes that lengthy, complex administrative procedures are a key barrier to investment in renewable energy and its infrastructure. The Directive simplifies and shortens the length of the administrative permit granting processes in certain environmental-related aspects. This includes national plans for designated renewable go-to areas, that have been subject to SEA.

In these areas, the Directive states:

“Renewable energy projects that comply with the rules and measures identified in the plan or plans prepared by Member States, should benefit from a presumption of not having significant effects on the environment. Therefore, there should be an exemption from the need to carry out a specific environmental impact assessment at project level in the sense of Directive 2011/92/EU of the European Parliament and of the Council 24, with the exception of projects which are likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests.”

It confirms that:

Article 1(10) inserts a new Article 16d to ensure that plants for the production of energy from renewable sources, their connection to the grid, the related grid itself or storage assets are presumed to be of overriding public interest for specific purposes.

The following Article 16d on Overriding Public Interest is inserted:

“By [three months from entry into force], until climate neutrality is achieved, Member States shall ensure that, in the permit-granting process, the planning, construction and operation of plants for the production of energy from renewable sources, their connection to the grid and the related grid itself and storage assets are presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in the individual cases for the purposes of Articles 6(4) and 16(1)(c) of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1)(a) of Directive 2009/147/EC.’

It states that:

“Renewable energy sources are crucial to fight climate change, reduce energy prices, decrease the Union’s dependence on fossil fuels and ensure the Union’s security of supply. For the purposes of the relevant Union environmental legislation, in the necessary case-by-case assessments to ascertain whether a plant for the production of energy from renewable sources, its connection to the grid, the related grid itself or storage assets is of overriding public interest in a

particular case, Member States should presume these plants and their related infrastructure as being of overriding public interest and serving public health and safety, except where there is clear evidence that these projects have major adverse effects on the environment which cannot be mitigated or compensated. Considering such plants as being of overriding public interest and serving public health and safety would allow such projects to benefit from a simplified assessment.”

6.2. The Climate Action and Low Carbon Development (Amendment) Act 2021

- 6.2.1. The Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate Act, 2021), commits Ireland to a legally binding 51% reduction in overall greenhouse gas emissions by 2030 and to achieving net zero emissions by 2050. As part of its functions the Board must, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State¹.

6.3. Climate Action Plan 2023

- 6.3.1. The Climate Action Plan 2023 (CAP 23) follows the commitment in the Climate Act, 2021 and sets out the range of emissions reductions required for each sector to achieve the committed to targets. CAP 23 supports the acceleration of the delivery of renewable energy onto the national grid with a target of achieving 80% of electricity demand being met from renewable energy by 2030. Towards this end CAP 23 sets a target of providing 5GW of solar energy by 2025, and a longer-term target of 8GW by 2030.

6.4. National Planning Framework

- 6.4.1. The National Planning Framework 2018-2040 (NPF) sets ten strategic outcomes, one of which (No. 8), is to Transition to a Low Carbon and Climate resilient society. In discussing this outcome the NPF states “New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation

¹ Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) refers.

system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand.” The NPF states that this transition to a low carbon economy requires:

- A shift from predominantly fossil fuels to renewable energy sources,
- Increasing efficiency and upgrades of appliances, buildings, and systems.
- Decisions around development and deployment of new technologies relating to wind, smart grids, electric vehicles, buildings, ocean energy and bioenergy, and
- Legal and regulatory frameworks to meet the relevant demands and challenges.

6.4.2. The NPF states that the future planning and development of our communities at local level will be refocused to tackle Ireland’s higher than average carbon-intensity per capita and enable a national transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050 through harnessing our country’s prodigious renewable energy potential. National Policy Objective 55 seeks to “Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.” The NPF goes on to note the following in relation to the role of rural areas:

“In meeting the challenge of transitioning to a low-carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas.”

6.5. National Development Plan 2021-2030

6.5.1. The National Development Plan 2021-2030 (NDP) sets out Government’s investment strategy and budget up to 2030. The NDP commits to increasing the share of renewable energy up to 80% by 2030 and acknowledges that this will require world-leading levels of wind and solar electricity penetration onto the national grid.

6.6. NMS – Solar Farm Developments - Internal Guidance Document

6.6.1. The National Monuments Service produced an internal guidance document (IGD) specifically in relation to solar farm development as a supplement to the 1999 document set out above. This document acknowledges that solar development can occupy a large site but also have potentially relatively low levels of ground impact over much - but not all - of the development site. The IGD notes that any solar farm development application should be accompanied by an archaeological statement (including a field assessment of the entire site). It also notes that blanket requests for geo-physical surveys or test trenching by further information should not issue just due to the size of the site area, the document also notes that it may be acceptable to deal with areas of unclear archaeological potential by way of conditions on any grant of development requiring geo-physical survey and/or testing followed by avoidance or appropriate mitigation.

6.7. Food Vision 2030

6.7.1. Food Vision 2030 is a strategy produced by the Department of Agriculture, Food and Marine in August 2021; it sets out the 2030 vision for Ireland's Agri-Food sector which aims for Ireland to become a world leader in Sustainable Food Systems (SFS). The Agri-food sector grew substantially between 2010 to 2020 with Irish food and drink exports increasing by 60% from €8.9 billion in 2010 to €14.2 billion in 2020. Agriculture is recognised as having a key role in protecting Ireland's climate and environmental credentials as the sector is the largest contributor to Ireland's greenhouse gas emissions. The strategy notes that facing into the decade to 2030 the agri-food sector can make significant and urgent improvements in its environmental footprint. To realise this vision the strategy has adopted four high level missions for the sector to work towards in the period to 2030. Mission 1 of the strategy is to create "A climate smart, environmentally sustainable Agri-food sector". To achieve this mission seven goals have been created, the first of these is to "*Develop a Climate Neutral Agri-Food System by 2050*". The ten actions identified to achieve this goal includes Action 7 which states the sector must "*Scale up renewable energy (RE) sources especially anaerobic digestion, biorefining and biomass supply, and solar PV, focus on energy efficiency and examine potential barriers to the roll-out of RE at farm level, including necessary support for microgeneration and access to the grid.*"

6.8. Regional Planning Policy

6.9. The Regional Spatial and Economic Strategy for the Southern Assembly (RSES) notes that the region is particularly rich in renewable energy resources. The RSES supports renewable industries and its associated requirements for transmission and distribution infrastructure. RPO 100 states that it is an objective to support the integration of indigenous renewable energy production and grid injection. The RSES also supports the development of a regional renewable energy strategy (RPO 98), the implementation of the national renewable energy action Plan as well as leveraging the region as a lead and innovator in sustainable energy generation (RPO 95). RPO 219 also states that it is an objective to support the provision of new energy infrastructure subject to suitable environmental assessments and the planning process to ensure the energy needs of the future population and economic expansion are met in a sustainable manner.

6.10. Local Policy - Tipperary County Development Plan 2022 – 2028

6.10.1. The relevant development plan to this assessment is the Tipperary County Development Plan 2022 – 2028, which was adopted on 11th July 2022 and came into effect on 22nd August 2022.

6.10.2. Chapter 10 relates to Renewable Energy and Bioeconomy and contains a number of relevant policies including *inter alia*:

- Policy 10-1: *Support and facilitate new development that will produce energy from local renewable sources such as hydro, bioenergy, wind, solar, geothermal and landfill gas, including renewable and non-renewable enabling plant, subject to compliance with normal planning and environmental criteria, in co-operation with statutory and other energy providers. The provisions of the Tipperary Renewable Energy Strategy (and any review thereof) as set out in Volume 3, will apply to new development.*

6.10.3. The Development Plan's Renewable Energy Strategy is outlined in Appendix 2, with Section 6.8 outlining the key considerations for solar farm developments.

6.10.4. Policy RE10 states:

It is the policy of the Council to facilitate solar energy installations where it is demonstrated to the satisfaction of the Council that there will be no significant

adverse impact on the built and natural environment, the visual character of the landscape or on residential amenity.

6.10.5. Section 4.2.3 of Appendix 2 states that *Future energy storage on a national and regional scale is an integral aspect of the industry and therefore must be considered in the overall context of planning frameworks for energy.*

6.10.6. Other policies of relevance are contained in the Development Plan relating to Habitats Directive (Policy 11-1), biodiversity (11-4), water quality (11-7), and flooding (11-9).

6.11. Natural Heritage Designations

6.11.1. The site is hydrologically linked to two Natura 2000 sites:

- River Nore SPA (site code 004233) – 6km downstream
- River Barrow and River Nore SAC (site code 002162) – 14.3km downstream.

6.11.2. There are two NHA's within one kilometre – the Monaincha Bog/Ballaghmore Bog NHA to the north, and the Nore Valley Bogs to the south, across from the M7. In addition, Sheehills Esker Proposed NHA is located northeast of the site.

6.11.3. The application was accompanied by an NIS.

6.12. EIA Screening

6.12.1. Solar farms and battery storage units do not comply with any class of development as set out in Parts 1 and 2 of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended).

6.12.2. However, the Board requested the Applicant on 25th September 2023 to provide information with respect to 'projects for the restructuring of rural land holdings' as per Class 1 of Part 2 of the Fifth Schedule:

“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.” (Bold: My emphasis.)

6.12.3. In summary, the Applicant responded on 13th October 2023 stating that the proposed development can be screened out from the need for EIA on the basis of a preliminary examination. It was stated that there are no field boundaries proposed to be removed. In terms of re-contouring, the Applicant highlighted that the solar array and deer fencing will be pile driven and that the total recontouring area is 1.617ha, significantly below the 5ha threshold. Furthermore, the Applicant stated that there is no area of land to be restructured by removal of field boundaries. The Applicant concluded that having regard to the criteria specified in Schedule 7 together with the context and character of the site and the receiving environment and the extent, form and character of the proposed development that an environmental impact assessment report for the proposed development is not required.

Having regard to the above, I am satisfied that the proposed solar farm is not of a class that requires EIA or screening for EIA under Parts 1 or 2 of Schedule 5. I am satisfied that the localised levelling and foundation works are not significant in nature and would not constitute recontouring of the lands. Similarly, I consider the proposed landscaping works, including the earthen berm are not significant to warrant the preparation of an environmental impact assessment report. Notwithstanding this, the development would, however, constitute sub-threshold development for rural restructuring (Class 1(a), Part 2 Schedule 5). In this regard the Applicant has submitted Schedule 7A information.

6.12.4. Schedule 7A of the Planning and Development Regulations sets out the required information to be provided by the applicant which is set out below:

1. A description of the proposed development, including in particular—

(a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and

(b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—

(a) the expected residues and emissions and the production of waste, where relevant, and

(b) the use of natural resources, in particular soil, land, water and biodiversity.

4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.

6.12.5. Schedule 7 of the Planning and Development Regulations, 2001, as amended, outlines the ‘Criteria for determining whether a development would or would not be likely to have significant effects on the environment’ having regard to the Schedule 7A information provided. These criteria are assessed below.

6.12.6. **Characteristics of proposed development**

Size of the proposed development

6.12.7. The site in question has a stated area of 58.11ha. Planning permission has already been approved for a solar farm on the site (Reg. Ref. 16/600917; ABP 249060). The proposed development includes for:

- an increase in the number and size of transformers/inverters from 9 No. (each measuring 10sqm) to 12 No. (each measuring 12.1sqm),
- the provision of a battery energy storage system (BESS) with a compound size of 5,400 sq m containing 60 battery units and 30 inverter units all of which measure 6.1m in length, 2.45m in width and 2.9m in height, together with a switch room/SCADA room,
- the construction of a landscaped earthen berm (5,625 sqm) along part of the southern and western site boundaries,
- a temporary construction compound (5,000 sqm).
- minor alterations to the permitted solar panel arrays including an increase in the number of panels from 73,710 No. to 104,250 No.

Cumulation with other proposed development

6.12.8. There is a wind turbine located in the centre of the site. The turbine (156m tip height) forms part of a 15 No. wind farm turbine (Monaincha Wind Farm). There are a small number other permitted or proposed developments in the surrounding area, including *inter alia* ABP Reg. Ref. 315975 (amendments to a permitted solar farm on a site measuring 142.7ha.); ABP Reg. Ref. 314024 (construction of a 110kV loop-in substation and overhead lines) and TCC Reg. Ref. 2360677 (construction of a 34ha solar farm). Having regard to the location and nature of these developments and the proposed development, no significant cumulative environmental impacts are anticipated.

Nature of associated demolition works, production of waste, pollution and nuisances

6.12.9. There are no demolition works proposed as part of the development. Soil removed from the area of the proposed transformers and BESS will be used to construct the earthen berm. The proposal will not involve any significant or deep excavations. The solar array and deer fencing will be pile driven. Localised levelling and foundation works (circa 1.617ha) will be required for the transformers, an earthen berm, the battery energy storage system and the temporary construction compound. As is evident from the site photographs attached with this Report, the ground levels in this area do not vary significantly. The proposal does not include the levelling off hills or infilling of hollows (by removing or shifting earth or rocks). As stated by the Applicant, there is no area of land to be restructured by removal of field boundaries.

6.12.10. During the construction phase wastes will be produced largely in accordance with the calculations for the parent permission which will be appropriately disposed of in accordance with Waste Management Act, 1996, as stated in the CEMP. The operational phase of the development will produce minimal waste. As outlined in the Environmental Noise Assessment submitted with the planning application, no significant noise impacts will arise as a result of the proposed development at either the construction or operational phases of the development. As detailed in the Traffic Management Plan submitted with the application, the proposed development is anticipated to result in a modest increase in traffic in comparison to the permitted development on the site, however no significant impacts are anticipated that would warrant the preparation of an environmental impact assessment report. The construction phase will be the subject of a detailed CEMP. This provides details on the proposed construction and operation methodologies and provides a framework for the proposed mitigation measures and

environmental monitoring to ensure that changes arising from the proposed development do not exceed environmental quality standards or objectives of the project. The CEMP assesses key environmental features, including noise, water, ecology, dust and the potential sources of pollution during the construction of the proposed development. The operational phase of the development will not give rise to any residues or emissions.

There are no sensitive developments in the vicinity such as designated SEVSO Sites, Industrial Emissions Licenced Facilities or developments incorporating surface water discharge licences. Construction activities would be undertaken subject to best construction practices. There is no risk of major accidents and/or disasters which are relevant to the project concerned with no risks to human health.

Use of natural resources

6.12.11. The proposal will not involve the use of any natural resources other than the resources needed to construct the project. The operation of the development will not involve the use of depletion of any natural resources in respect of soil, land, water and or biodiversity.

6.12.12. ***Location of proposed development***

Existing and approved land use

6.12.13. As stated above, the proposed development site primarily consists of cutover bog, improved agricultural and built land and has permission for a solar farm development. There is also one wind turbine positioned in the centre of the site and associated hard surfaced areas. The area is rural in character including a limited number of one-off dwellings, with the exception of the M7. Following the construction of the proposed development, it is envisaged sheep and poultry will graze the site.

Natural resources and absorption capacity of natural environment

6.12.14. In terms of the environmental sensitivity of the geographical area of the area likely to be affected, the proposed development site primarily consists of cutover bog, improved agricultural and built land. The Ecological Impact Assessment submitted with the application highlights that these habitats are of low botanical diversity and of low biodiversity value and relatively low ecosystem functionality. As outlined above, the site is hydrologically linked to two Natura 2000 sites: River Nore SPA (site code 004233) – 6km downstream and the River Barrow and River Nore SAC (site code 002162) –

14.3km downstream. There are two NHA's within one kilometre – the Monaincha Bog/Ballaghmore Bog NHA to the north, and the Nore Valley Bogs to the south, across from the M7. In addition, Sheehills Esker Proposed NHA is located northeast of the site. There are no Annex I habitats present within the site boundary.

6.12.15. The most immediate hydrological features in the general vicinity of the proposed development site are the River Nore, the Sheehy's Stream, the Rackethall Stream and a tributary channel of the Rackethall Stream. At its closest point to the proposed development site the River Nore flows in a mainly southwest to northeast direction adjacent the southeast boundary of the site. At its closest point the Sheehy's Stream flows in a mainly northwest to southeast direction approximately 62m south of the southwest boundary of the site. At its closest point the Rackethall Stream flows in a mainly northwest to southeast direction along the northeast boundary of the site. The River Nore is the predominant hydrological feature in the vicinity of the proposed development site. A number of drainage channels transverse the proposed development site. These appear to be artificial drainage channels that have most likely been provided in order drain the lands for agricultural or resource extraction potential. The proposal includes for a 25m landscaping buffer from the River Nore. An NIS was submitted with the application and an Appropriate Assessment of the proposed development has been carried out as part of the consideration of this appeal. It has been found that there is no potential for the proposed development to undermine the integrity of any European Site, acting in-combination with other plans or projects. The Biodiversity Management Plan submitted with the application outlines that proposal will have minimal detrimental environmental impacts and may provide opportunities to enhance ecosystem function. I concur with this analysis.

6.12.16. ***Type and Characteristics of potential impacts***

6.12.17. The LVIA and accompanying photomontages submitted with the application clearly illustrate that the proposal will not have a significant impact on the visual amenity of the area. Having regard to the topography of the site in respect to sensitive receptors and the proposed landscaping plans, I concur with these findings. As detailed above, the proposal is not anticipated to result in any significant ecological impacts on the environment. The landscaping plan includes for a 25m buffer from the River Nore, a 20m buffer tree and whip planting, and screen planting of various heights from 4m to 6m. In addition, 15 No. wildlife ponds, mammal friendly fence etc and various

biodiversity friendly elements as outlined in the Biodiversity Management Plan are proposed. A Glint and Glare Assessment submitted with the application clearly demonstrates that there will be no significant impacts on dwellings or road users. As stated above, no significant traffic impacts are expected at either the construction or operational phases of the development. Similarly, no significant noise impacts are anticipated at either phases of the proposal. The site-specific flood risk assessment determined that the flood risk to and from the proposed development is low. There will be no transboundary impacts arising from the proposed development.

Conclusion

6.12.18. It is my considered opinion that the above opinion is reasonable having regard to the nature and scale of the proposal and the nature of the receiving environment. Having carried out an independent EIA screening evaluation, I am satisfied that an EIA is not warranted or justified in this instance. Impacts on the adjacent Natura 2000 sites are subject of a separate assessment below in my report.

7.0 The Appeal

7.1. Grounds of Appeal

The Applicant submitted a First-Party Appeal to the Board on 23rd March 2023 in respect of Condition No. 2 attached to the Notification of Decision to Grant Permission, which states that “*the permission shall be for a period of 25 years from the date of the commissioning of the solar arrange to include decommissioning period*”. The Reason stated is “*To enable the planning authority to review the operation of the solar array in light of the circumstances then prevailing*”.

The grounds of appeal can be summarised as follows:

- The Local Authority originally granted permission for Reg. Ref. 16/600917 with a 30 year operational lifetime, however this Decision was subsequently appealed to the Board (Reg. Ref. 249060), who ultimately reduced the operational life of the Parent Permission to 25 years.

- Section 139 of the Act enables the Board to consider where conditions attached to the Notification of Grant of Permission should be revised. It is highlighted that the case includes physical works and as such would constitute development.
- No specific reason was provided as to why such a time restriction should apply.
- The Condition is contrary to the principles of proper planning and sustainable development.
- In light of the scale of the proposal, the duration of consent for solar farm construction and the strategic financial framework required for their implementation, a 25- year operational life is disproportionately short.
- A 40-year lifetime operation would guarantee the contribution of carbon free electricity generation in excess of the national targets, thereby guaranteeing Ireland's contribution to net-zero within the 21st century.
- The proposal specifically set an operational lifetime of 40 years due to its integration with other solar farms previously granted permission.
- The Applicant provides a list of examples of solar farm examples granted permission by Tipperary County Council that have been permitted operational lifetime periods ranging from 25 and 35 years. In addition, examples of whereby the Board granted permission for solar farms with operational lifetimes of 35 and 40 years are included.
- Through the planning process, the potential impacts have been identified, assessed and mitigated against where mitigation was considered necessary. As such, the time limit on the operational life is unnecessary.
- The financial feasibility of the proposed development is hindered by the imposition of a 25 year operational lifetime through strategic financial implications for initiation and returns on the projects.
- Financing of the project has been calculated across a 40 year period as this was the lifetime stated in the description of the development.
- It is reasonable to expect solar panel technology to function adequately for up to 40 years now.

- The Applicant requests that the Condition be amended to provide for a 40 year period from the date of the commissioning of the solar arrange to include decommissioning period.

7.2. **Planning Authority Response**

No response received.

7.3. **Observations**

None.

7.4. **Further Responses**

None.

8.0 **Assessment**

8.1. The First-Party Appeal relates only to Condition No. 2 attached to the Planning Authority's Notification of Decision to Grant Permission.

8.2. Having regard to national, regional and local policy with respect to renewable energy and the site's planning history, I consider that the principle of the development is acceptable. The proposed development will result in relatively minor alterations to the previously permitted development. I concur with the Local Authority's Planning Officer that there would be negligible impact on the landscape and no significant impacts in terms of biodiversity, glint and glare, archaeology, architecture and cultural heritage assessment, traffic, or noise. Furthermore, having reviewed the planning documentation, I am satisfied that proposal would not have any negative hydrological impacts. Having regard to the foregoing, I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the Condition, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).

- 8.3. As outlined above, Condition No. 2 limits the lifespan of the solar farm to 25 years from the date of commissioning of the development. The stated reason for the application of Condition No. 2 is *'To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing'*. Whilst the Local Authority's Planner's Report notes that the solar farm's Parent Permission (ABP Ref. 249060) has a 25 year operational life, it is silent on why the subject development proposal was limited to 25 years, instead of 40 years as requested by the Applicant in the Cover Letter (dated 18th January 2023) submitted with the planning application. There is no discussion of lifespan at all by the Local Authority. However, the Condition limiting the lifespan to 25 years is then included without any discussion of same. As stated before, I am satisfied that the proposal will not have any adverse effect on the local environment. Furthermore, I do not consider that the proposed amendments to the operational lifetime of the permission will result in any adverse environmental impacts that have not already been considered. I highlight that there were no third-party observations made in respect of the proposal and only one Observation from TII.
- 8.4. As demonstrated in the examples listed by the Applicant, it is not uncommon for the Board to condition solar farms with operational lifespans of 35-40 years. I acknowledge the rationale for the longer lifespan sought by the Applicant including advances in technology, financial implications and environmental benefits in terms of renewable energy. Given that there appears to be no rationale provided by the Local Authority for the 25-year lifespan, no known negative environmental impacts resulting from the extension of the operational lifetime, the Applicant's rationale for the 40 year lifespan proposed and in the interest of consistency, I recommend that the condition is amended to 40 years.

9.0 **Appropriate Assessment**

9.1. **Introduction**

- 9.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000, as amended, are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive

- Submissions Received
- The Natura Impact Statement
- Screening the need for Appropriate Assessment
- Appropriate Assessment
- Recommendation.

9.2. **Compliance with Article 6(3) of the EU Habitats Directive**

- 9.2.1. 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 before consent can be given.
- 9.2.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

9.3. **Submissions Received**

- 9.3.1. None received in relation to AA matters.

9.4. **The Natura Impact Statement**

- 9.4.1. The application included a Natura Impact Statement (Veon Ecology, December 2022). Sections 1 – 3 of the document comprise an introduction, description of the project, and the results of the desk and field surveys that were undertaken. Section 4 comprises Screening for Appropriate Assessment, while Section 5 relates to the Screened in European Sites. Section 6 outlines the Protective Mitigation Measures, while Sections 7 and 8 address Residual Effects and In-combination Effects, respectively. Section 9 concludes the NIS. The Report includes the following Appendices:
- Appendix 1: Maps and Figures
 - Appendix 2: Ecological Surveys and Investigations

- Appendix 3: Conservation Objectives
- Appendix 4: Photographs

9.4.2. The AA Screening (Section 4) concludes that in view of best scientific knowledge and in the absence of mitigation measures, potential likely significant effects from the Proposed Development cannot be ruled out for the River Nore SPA (004233) and the River Barrow and River Nore SAC (002162) in view of the European Site(s) conservation objectives. As such, it is necessary to proceed to a Stage 2 Appropriate Assessment. The substantive NIS, contained in Section 5 of the report, outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives. The NIS concludes (Section 9) that with the implementation of construction best practice and mitigation measures, there will be no significant effects which would adversely affect the Qualifying Interests or Conservation Objectives of the relevant European Sites under consideration with regard to the favourable conservation condition of the considered habitats and species of Qualifying Interest.

9.4.3. The NIS was informed by the guidelines as referenced in Section 1.3. and desktop research and a field walkover survey.

9.4.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential effects, and uses 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.

9.5. **Screening the Need for Appropriate Assessment**

9.5.1. The proposed development is not directly connected to or necessary to the management of any European Site and therefore is subject to the provisions of Article 6(3).

9.5.2. There are six European sites within 15km of the Proposed Development: Slieve Bloom Mountains SAC (000412), Coolrain Bog SAC (002332), Knockacoller Bog SAC (002333), River Barrow and River Nore SAC (002162), Slieve Bloom Mountains SPA

(004160) and River Nore SPA (004233). However, the Applicant states that using the source-pathway-receptor model one two of these sites are considered relevant based on proximity to the proposed development and source-receptor pathway relationships.

Table 10.1: Table of European Sites Within a Possible Zone of Influence of the Proposed Development					
European Site (Code)	Minimum Distance (km)	Qualifying Interest(s)	Conservation Objectives	Connections (Source-Pathway-Receptor)	Considered further in screening
Slieve Bloom Mountains SAC (000412)	8.9km northeast	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] Blanket bogs (* if active bog) [7130] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]	To restore the favourable conservation condition of the Annex I habitats / Annex II species for which the SAC has been selected, as defined by a list of specific attributes and targets.	No source pathway connectivity via surfacewater, groundwater or environmental vectors	No
Coolrain Bog SAC (002332)	9.3km northeast	Raised Bog (Active)* [7110] Degraded Raised Bog still capable of natural regeneration [7120] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]	To restore the favourable conservation condition of Active raised bogs in Coolrain Bog SAC. A conservation objective has not been set in Coolrain Bog SAC in relation to Degraded raised bogs [7120] and <i>Rhynchosporion</i> [7150].	No source pathway connectivity via surfacewater, groundwater or environmental vectors	No
Knockacoller Bog SAC (002333)	12.9km northeast	Active raised bogs* [7110] Degraded Raised Bog still capable of natural regeneration [7120] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]	To restore the favourable conservation condition of Active raised bogs in Knockacoller Bog SAC.	No source pathway connectivity via surfacewater, groundwater or environmental vectors	No
River Barrow and River Nore SAC (002162)	12.5km east	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	To restore / maintain the favourable conservation condition of the Annex I habitats / Annex II species for which the SAC has been selected, as defined by a list of specific attributes and targets.	There is a potential pathway (i.e. hydrological connection which could act as a route for potential impacts) from the source site and so the Qualifying Interests of this SAC could be affected.	Yes

		<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (Whiteclawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twait Shad) [1103]</p>			
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		<p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>Margaritifera durrovensis (Nore Pearl Mussel) [1990]</p>			
Slieve Bloom Mountains SPA (004160)	3.9km northeast	Hen Harrier Circus cyaneus [A082]	To restore the favourable conservation condition of hen harrier in Slieve Bloom Mountains SPA.	No source pathway connectivity via surfacewater, groundwater or environmental vectors	No
River Nore SPA (004233)	6.1km east	Kingfisher Alcedo atthis [A229]	To maintain the favourable conservation condition of the bird species for which the SPA has been selected, as defined by a list of specific attributes and targets.	Downstream hydrological connection (6km) between the European site and the proposed development.	Yes

- 9.5.3. Based on my examination of the NIS 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 conclude that a Stage 2 Appropriate Assessment is required for two European Site: River Barrow and River Nore SAC (002162) and River Nore SPA (004233).
- 9.5.4. The remaining sites (Slieve Bloom Mountains SAC, Coolrain Bog SAC, Knockacoller Bog SAC, and Slieve Bloom Mountains SPA) can be screened out from further assessment because of the characteristics of the appeal site, the scale of the proposed development, the nature of the Conservation Objectives and Qualifying Interests, the separation distances, the results of baseline surveys and in particular the lack of a substantive linkage between the proposed development and the European sites.

9.6. **Screening Determination**

- 9.6.1. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the possibility of significant effect): River Barrow and River Nore SAC (002162) and River Nore SPA (004233).
- 9.6.2. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:
- Slieve Bloom Mountains SAC (000412),
 - Coolrain Bog SAC (002332),
 - Knockacoller Bog SAC (002333), and
 - Slieve Bloom Mountains SPA (004160).
- 9.6.3. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

9.7. Appropriate Assessment of Implications of the Proposed Development

- 9.7.1. The following is a summary of the objective scientific assessment of the implications of the proposed development on the qualifying interest features of the River Barrow and River Nore SAC (002162) and River Nore SPA (004233) using the best scientific knowledge in the field. All aspects of the proposed development which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.
- 9.7.2. A description of the sites, their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for the site, are set out in the NIS and summarised in Table 10.2 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for the site available through the NPWS website (www.npws.ie).

9.8. Aspects of the Proposed Development

- 9.8.1. In my opinion, having reviewed the development proposal and the characteristics of the European Sites, the main aspects of the proposed development that could adversely affect the conservation objectives of the abovementioned European Sites primarily arise during the construction phase and include:
- Impacts to water quality through construction related pollution events (e.g. chemicals, oil/fuel, cementitious materials etc.) or sediments/silt run-off, which may impact on food supplies and habitats downstream.
- 9.8.2. With regard to the operational phase, considering the nature of the proposed development, the qualifying interests and conservation objectives of the River Barrow and River Nore SAC and River Nore SPA, and the separation distances, I consider that the proposed development – once operational – is not likely to adversely affect the integrity of the European Sites in light of their conservation objectives. There is, however, low potential for hydrocarbon, oil or other pollutant run-off to result in a deterioration in water quality in the abovementioned European Site.
- 9.8.3. Table 10.2 below summarises the Appropriate Assessment and site integrity test. The conservation objectives for the European Sites have been examined and assessed with regard to the identified potential significant effects and all aspects of the project

(alone and in combination with other plans and projects). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of the European sites.

9.9. In-Combination Effects

9.9.1. Section 8 of the NIS provides an assessment of the proposed development in combination with other plans and projects in the locality that could have a cumulative/in-combination effect on European sites. Section 8.1 examines the Tipperary County Development Plan 2022-2028, while Section 8.2 (Table 8.1) examines a number of projects located in the wider area for potential in-combination effects. Many of the identified applications relate to *inter alia* the Monaincha Wind Farm, and neighbouring solar farm farms including a 29ha farm (Reg. Ref. 19601323) and a 142ha farm (Reg. Ref. 22662; ABP315975) and have been completed or superseded by later permissions. The assessment concludes that “*provided adherence to the overarching policies and objectives of the plans and programmes and best practice and mitigation measures are implemented for individual projects, there is no potential for the mentioned plans and projects to have a cumulative impact to features of biodiversity interest, in combination with the proposed development.*” In addition, to the projects identified by the Applicant, I note that planning permission has been sought, subsequent to the lodgement of the subject application, for 34ha solar farm located north of the subject site (Reg. Ref. 2360677). Due to the location, scale and status (many have already been completed) of the neighbouring projects, they are not likely to cause effects to European sites when considered in combination with the current proposal, either during the construction or operational phase. I am satisfied that there is no potential for significant in-combination effects of these developments with the proposed development.

Table 10.2: River Nore SPA (site code:004233)					
Summary of Key issues that could give rise to adverse effects: <ul style="list-style-type: none"> Impacts to water quality through construction related pollution events (e.g. chemicals, oil/fuel, cementitious materials etc.) or sediments/silt run-off. 					
Conservation Objectives: CO004233.pdf (npws.ie)					
Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	In-combination effects	Mitigation measures	Can adverse effects on integrity be excluded?
A229 Kingfisher (Alcedo atthis)	To maintain or restore the favourable conservation condition of the bird species.	<p>Yes</p> <p>This QI was recorded within the 10km, but not the 2km grid squares.</p> <p>Siltation or pollution could result in deterioration of water quality,</p>	No	See Section 9.10 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality.	Yes
Overall conclusion: Integrity test Following the implementation of mitigation, the construction, operation and decommissioning of the proposed development will not adversely affect the integrity of the River Nore SPA in light of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.					
Table 10.2: River Barrow and River Nore SAC (site code:002162)					
Summary of Key issues that could give rise to adverse effects: <ul style="list-style-type: none"> Impacts to water quality through construction related pollution events (e.g. chemicals, oil/fuel, cementitious materials etc.) or sediments/silt run-off. 					
Conservation Objectives: Site specific cons_obj (npws.ie)					

Summary of Appropriate Assessment

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	In-combination effects	Mitigation measures	Can adverse effects on integrity be excluded?
<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	<p>Restore favourable conservation condition. Area stable or increasing, subject to natural processes (181.54ha); No decline in occurrence; Woodland area stable or increasing; Woodland to have diverse structure with a relatively closed canopy containing mature trees, subcanopy layer with semi-mature trees and shrubs and well-developed herb layer; Maintain diversity and extent of Woodland community types; Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy; Appropriate hydrological regime necessary for maintenance of alluvial vegetation; Ensure at least 30m³/ha of fallen timber greater than 10cm dia., 30 snags/ha, both categories should include stems greater than 40cm dia. (greater than 20cm dia. in the case of alder); No decline in veteran trees per hectare; No decline in occurrence of indicators of local distinctiveness; No decline in native tree cover; A variety of typical native species present; Negative indicator species, particularly non-native, invasive species, absent or under control.</p>	<p>No Habitat is not present in the vicinity of proposed development. No potential for indirect effects due to distance, nature of proposed development and terrestrial nature of habitat.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>

<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	<p>Restore favourable conservation condition.</p> <p>Area stable or increasing, subject to natural processes (85.08ha); No decline in occurrence; Woodland area stable or increasing; Woodland to have diverse structure with a relatively closed canopy containing mature trees, subcanopy layer with semi-mature trees and shrubs and well-developed herb layer; Maintain diversity and extent of Woodland community types; Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy; Ensure at least 30m³/ha of fallen timber greater than 10cm dia., 30 snags/ha, both categories should include stems greater than 40cm dia.; No decline in veteran trees per hectare; No decline in occurrence of indicators of local distinctiveness; No decline in native tree cover (not less than 95%); A variety of typical native species present; Negative indicator species, particularly non-native invasive species, absent or under control.</p>	<p>No</p> <p>Habitat is not present in vicinity of proposed development. No potential for indirect effects due to distance, nature of proposed development and terrestrial nature of habitat.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>
<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>	<p>Maintain favourable conservation condition.</p> <p>Area stable or increasing, subject to natural processes; No decline in occurrence; Maintain appropriate hydrological regimes; Maintain oligotrophic</p>	<p>No</p> <p>Habitat is not present in vicinity of proposed development. No potential for indirect effects due to distance, nature of</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>

	and calcareous conditions; Maintain occurrence of typical species.	proposed development and terrestrial nature of habitat.			
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	<p>Maintain favourable conservation condition.</p> <p>No decline in occurrence, subject to natural processes; Area stable or increasing, subject to natural processes; Maintain appropriate hydrological regimes; 30-70% of sward is between 40 and 150cm in height; Broadleaf herb component of vegetation between 40 and 90%; At least 5 positive indicator species present; Negative indicator species, particularly non-native invasive species, absent or under control.</p>	<p>No</p> <p>Habitat is not present in vicinity of proposed development. No potential for indirect effects due to distance, nature of proposed development and terrestrial nature of habitat.</p>	No	No mitigation required.	Yes
European dry heaths [4030]	<p>Maintain favourable conservation condition. No decline from current habitat distribution, subject to natural processes; Area stable or increasing, subject to natural processes; No significant change in soil nutrient status, subject to natural processes; No increase or decrease in area of natural rock outcrop; Cover of characteristic sub-shrub indicator species at least 25%: gorse (<i>Ulex europaeus</i>) and where rocky outcrops occur bilberry (<i>Vaccinium myrtillus</i>) and woodrush (<i>Luzula sylvatica</i>); Cover of senescent gorse less than 50%; Long shoots of bilberry with signs of browsing collectively less than 33%; Cover of scattered native</p>	<p>No</p> <p>Habitat is not present in vicinity of proposed development. No potential for indirect effects due to distance, nature of proposed development and terrestrial nature of habitat.</p>	No	No mitigation required.	Yes

	<p>trees and shrub less than 20%; Number of positive indicator species at least 2 (e.g. gorse and associated dry heath/acid grassland flora); Cover of positive indicator species at least 60% (including gorse, bilberry and associated acid grassland flora); Number of bryophyte or non-crustose lichen species present at least 2; Cover of bracken less than 10%; Cover of agricultural weed species (negative indicator species) less than 1%; Cover of non-native species less than 1%; No decline in distribution or population sizes of rare, threatened or scarce species, including Greater Broomrape (<i>Orobanche rapum-genistae</i>) and the legally protected clustered clover (<i>Trifolium glomeratum</i>); Cover of disturbed bare ground less than 10% (but if peat soil less than 5%); No signs of burning within sensitive areas.</p>				
<p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p>	<p>Maintain favourable conservation condition.</p> <p>No decline in occurrence, subject to natural processes; Area stable or increasing, subject to natural processes; Maintain appropriate hydrological regimes; The groundwater flow to the habitat should be permanent and sufficient to maintain tufa formation; The substratum should be dominated by large particles and free from fine sediments; The groundwater and</p>	<p>No</p> <p>Habitat is not present in vicinity of proposed development. No potential for indirect effects due to distance, nature of proposed development and terrestrial nature of habitat.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>

	<p>surface water should have sufficient concentrations of minerals to allow deposition and persistence of tufa deposits; The concentration of suspended solids in the water column should be sufficiently low to prevent excessive deposition of fine sediments; The concentration of nutrients in the water column should be sufficiently low to prevent changes in species composition or habitat condition; Typical species of the relevant habitat sub-type should be present and in good condition; The area of active floodplain at and upstream of the habitat should be maintained.</p>				
<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	<p>Restore favourable conservation condition. Area stable or increasing, subject to natural processes, including erosion and succession; No decline in habitat distribution, subject to natural processes; Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions; Maintain natural tidal regime; Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession; Maintain range of saltmarsh habitat zonation including transitional zones, subject to natural processes including erosion and succession; Maintain structural variation within sward; Maintain more than 90% of area outside creeks vegetated; Maintain range of</p>	<p>No Coastal habitat, not located within likely Zone of Influence of proposed development.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>

	sub-communities with typical species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009; No significant expansion of Spartina. No new sites for this species and an annual spread of less than 1% where it is already known to occur.				
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	<p>Restore favourable conservation condition.</p> <p>Area stable or increasing, subject to natural processes, including erosion and succession; No decline in habitat distribution, subject to natural processes; Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions; Maintain natural tidal regime; Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession; Maintain range of saltmarsh habitat zonation including transitional zones, subject to natural processes including erosion and succession; Maintain structural variation within sward; Maintain more than 90% of area outside creeks vegetated; Maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009; No significant expansion of Spartina. No new sites for this species and an annual spread of less than 1% where it is already known to occur.</p>	<p>No</p> <p>Coastal habitat, not located within likely Zone of Influence of proposed development.</p>	No	No mitigation required.	Yes

<p>Salicornia and other annuals colonising mud and sand [1310]</p>	<p>Maintain favourable conservation condition. Area stable or increasing, subject to natural processes, including erosion and succession (0.03ha); No decline in occurrence, subject to natural processes; Maintain or where necessary restore natural circulation of sediments and organic matter, without any physical obstructions; Maintain natural tidal regime; Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession; Maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes including erosion and succession; Maintain structural variation within sward; Maintain more than 90% of area outside creeks vegetated; Maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009).; No significant expansion of Spartina. No new sites for this species and an annual spread of less than 1% where it is already known to occur.</p>	<p>No Coastal habitat, not located within likely Zone of Influence of proposed development.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>
<p>Reefs [1170]</p>	<p>Omitted from Conservation Objectives document.</p>	<p>No Coastal habitat, not located within likely Zone of Influence of proposed development.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>

<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	<p>Maintain favourable conservation condition. The permanent habitat area is stable or increasing, subject to natural processes; The following sediment communities should be maintained in a natural condition: Muddy estuarine community complex; Sand to muddy fine sand community complex</p>	<p>No Coastal habitat, not located within likely Zone of Influence of proposed development.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>
<p>Estuaries [1130]</p>	<p>Maintain favourable conservation condition. The permanent habitat area is stable or increasing, subject to natural processes; The following sediment communities should be maintained in a natural condition: Muddy estuarine community complex; Sand to muddy fine sand community complex; Fine sand with <i>Fabulina fabula</i> community; Maintain the natural extent of the <i>Sabellaria alveolata</i> reef, subject to natural process.</p>	<p>No Coastal habitat, not located within likely Zone of Influence of proposed development.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>
<p>Trichomanes speciosum (Killarney Fern) [1421]</p>	<p>Maintain favourable conservation condition. No decline in distribution; Maintain at least three colonies of gametophyte, and at least one sporophyte colony of over 35 fronds; At least one of the locations to have a population structure comprising sporophyte, unfurling fronds, 'juvenile' sporophyte and gametophyte generations; No loss of suitable habitat, such as shaded</p>	<p>No Known locations of habitat are not in vicinity of proposed development. No potential for indirect effects due to nature of proposed development and potential effects arising.</p>	<p>No</p>	<p>No mitigation required.</p>	<p>Yes</p>

	<p>rock crevices, caves or gullies in or near to, known colonies. No loss of woodland canopy at or near to known locations; Maintain hydrological conditions at the locations so that all colonies are in dripping or damp seeping habitats and water is visible at all locations; No increase in no. of dessicated fronds; No changes in shading due to anthropogenic impacts; Invasive species absent or under control.</p>				
<p>Margaritifera durrovensis (Nore Pearl Mussel) [1990]</p>	<p>Restore favourable conservation condition. Maintain distribution at 15.5km; Restore population to 5,000 adult Mussels; Restore to at least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length; Mortality no more than 5% decline from previous number of live adults counted and dead shells less than 1% of the adult population and scattered in distribution; Restore suitable habitat in length of river corresponding to distribution target (15.5km) and any additional stretches necessary for salmonid spawning; Restore water quality-macroinvertebrates: EQR greater than 0.90 and phytobenthos: EQR greater than 0.93; Restore substratum quality- filamentous algae: absent or trace (<5%); Restore substratum quality- stable cobble and gravel substrate with very little fine material and no artificially elevated</p>	<p>Yes No evidence of Nore Freshwater Pearl Mussel in the study area. However, siltation or pollution could result in a potential negative downstream of the site and as such a precautionary approach should be adopted.</p>	<p>No</p>	<p>See Section 9.10 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Any works near watercourses to be carried out in dry weather to prevent siltation and run off.</p>	<p>Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.</p>

	levels of fine sediment; Restore redox potential to no more than 20% decline from water column to 5cm depth in substrate; Restore appropriate hydrological regimes; Maintain sufficient juvenile salmonids to host glochidial larvae				
Lutra lutra (Otter) [1355]	Restore favourable conservation condition. No significant decline in distribution; No significant decline in terrestrial habitat (122.8ha above high water mark; 1136.0ha along river banks / around ponds); No significant decline in marine habitat (857.7ha); No significant decline in river habitat (Length 616.6km); No significant decline in lake habitat (2.6ha); No significant decline in couching sites and holts; No significant decline in fish biomass.	Yes Otters recorded within 2km grid squares. Potential otter tracks were observed onsite during previous ecology walkovers. Siltation or pollution could result in deterioration of water quality, reducing fish biomass available. Potential effects in the event of night time works resulting in potential disturbance.	No	See Section 9.10 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality and consequently fish biomass. Any works near watercourses to be carried out in dry weather to prevent siltation and run off. No night works anticipated.	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
Salmo salar (Salmon) [1106]	Restore favourable conservation condition. 100% of river channels down to second order accessible from estuary; Conservation Limit for each system consistently exceeded; Maintain or exceed 0+ fry mean catchment-wide abundance threshold value - currently set at 17	Yes No records of species observed on-site. However, siltation or pollution could result in a potential negative effect on spawning habitats, on salmon fry	No	See Section 9.10 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

	salmon fry/5 min sampling; No significant decline in out-migrating smolt abundance; No decline in no. and distribution of spawning redds due to anthropogenic causes; Water quality at least Q4 at all sampled sites.	abundance, on smolt abundance, on the number and distribution of redds, on water quality resulting in reduced numbers of different age classes, reduced breeding success and fish kills downstream of the site and as such a precautionary approach should be adopted.		mitigate impacts to water quality. Any works near watercourses to be carried out in dry weather to prevent siltation and run off.	
Alosa fallax fallax (Twaite Shad) [1103]	Restore favourable conservation condition. Greater than 75% of main stem length of rivers accessible from estuary; More than one age class present; No decline in extent and distribution of spawning habitats; Water oxygen levels no lower than 5mg/l; Maintain stable gravel substrate with very little fine material, free of filamentous algal growth and macrophyte growth	Yes No records of species observed on-site. However, siltation or pollution could result in a potential negative effect on population structure, on spawning gravels, on water quality and oxygen levels downstream of the site and as such a precautionary approach should be adopted.	No.	See Section 9.10 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Any works near watercourses to be carried out in dry weather to prevent siltation and run off.	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
Lampetra fluviatilis (River Lamprey) [1099]	Restore favourable conservation condition. Greater than 75% of main stem and major tributaries down to second order	Yes No records of species observed on-site.	No	See Section 9.10 below. Best practice drainage and	Yes No doubt as to the effectiveness or

	accessible from estuary; At least three age/size groups of river/brook lamprey present; Mean catchment juvenile density of brook/river lamprey at least 2/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive for juvenile habitat.	However, siltation or pollution could result in a potential negative effect on population structure of juveniles, on spawning beds and on juvenile habitat downstream of the site and as such a precautionary approach should be adopted.		pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Any works near watercourses to be carried out in dry weather to prevent siltation and run off.	implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
Petromyzon marinus (Sea Lamprey) [1095]	Restore favourable conservation condition. Greater than 75% of main stem length of rivers accessible from estuary; At least three age/size groups present; Juvenile density at least 1/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive for juvenile habitat.	Yes No records of species observed on-site. However, siltation or pollution could result in a potential negative effect on population structure of juveniles, on spawning beds and on juvenile habitat downstream of the site and as such a precautionary approach should be adopted.	No	See Section 9.10 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Any works near watercourses to be carried out in dry weather to prevent siltation and run off.	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
Lampetra planeri (Brook Lamprey) [1096]	Restore favourable conservation condition. Access to all watercourses down to first order streams; At least three age/size groups of brook/river lamprey present; Mean catchment juvenile density of	Yes No records of species observed on-site. However, siltation or pollution could result in	No	See Section 9.10 below. Best practice drainage and pollution prevention methods are set out	Yes No doubt as to the effectiveness or implementation of mitigation measures

	brook/river lamprey at least 2/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive for juvenile habitat	a potential negative effect on population structure of juveniles, on spawning beds and on juvenile habitat downstream of the site and as such a precautionary approach should be adopted.		in the NIS and include detailed measures to mitigate impacts to water quality. Any works near watercourses to be carried out in dry weather to prevent siltation and run off.	proposed to prevent direct or indirect effects on integrity.
Austropotamobius pallipes (White-clawed Crayfish) [1092]	Maintain favourable conservation condition. No reduction in distribution from baseline; Juveniles and/or females with eggs in at least 50% of positive samples; No alien crayfish species; No instances of disease; Water quality at least Q3-4 at all sampled sites; No decline in heterogeneity or habitat quality.	Yes White-clawed Crayfish have been recorded within the 10km grid squares. Siltation or pollution could result in a potential negative effect on population structure of juveniles, on spawning beds and on juvenile habitat downstream of the site and as such a precautionary approach should be adopted.	No	See Section 9.10 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Any works near watercourses to be carried out in dry weather to prevent siltation and run off.	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Status of freshwater pearl mussel as a qualifying Annex II species for the SAC is currently under review. No site-specific conservation objective currently.	Yes No records of species observed on-site. However, siltation or	No	See Section 9.10 below. Best practice drainage and pollution prevention methods are set out	Yes No doubt as to the effectiveness or implementation of

		pollution could result in a potential negative effect on population structure of juveniles, on spawning beds and on juvenile habitat downstream of the site and as such a precautionary approach should be adopted.		in the NIS and include detailed measures to mitigate impacts to water quality. Any works near watercourses to be carried out in dry weather to prevent siltation and run off.	mitigation measures proposed to prevent direct or indirect effects on integrity.
Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	Maintain favourable conservation condition. No decline in occupied sites (see Map 7 of Conservation Objectives document for 2 No. known sites); At least 5 adult snails in at least 50% of samples; Adult snails present in at least 60% of samples per site; Minimum of 1ha of suitable habitat per site; 90% of samples in habitat classes I and II as defined in Moorkens & Killeen (2011); 90% of samples in moisture class 3-4 as defined in Moorkens & Killeen (2011)	No Known sites of Desmoulin's whorl snail are not within likely Zone of Influence of proposed development.	No	No mitigation required.	Yes
Overall conclusion: Integrity test					
Following the implementation of mitigation, the construction, operation and decommissioning of the proposed development will not adversely affect the integrity of the River Barrow and River Nore SAC in light of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects					

9.10. Mitigation Measures

9.10.1. The proposed mitigation measures are set out in Section 6.0 of the NIS and include the following:

Construction Phase

- Mitigation by design: works to sensitive habitats (e.g. treelines, hedgerows, watercourses) will be avoided where possible.
- Setback distance of a ≥ 15 m to any watercourses, 25m buffer to River Nore.
- Preparation of a detailed CEMP that will provide a framework for the proposed mitigation measures and environmental monitoring to ensure that changes arising from the proposed development do not exceed environmental quality standards or objectives of the project. The CEMP will provide details of responsibilities and timeframes for the implementation of measures and management controls for each environmental discipline (where relevant) covered in the Planning Application. A Preliminary CEMP was submitted with the application and provides details on all the pollution mitigations in terms of:
 - Silt fences
 - Construction Compound and Designated Storage Areas
 - Access Route
 - Trenching, ducting and DC cable laying
 - Dust minimisation
 - Control of noise
 - Protection of Soil, Surface Waters and Groundwater
 - Flora and Fauna protection
 - Refuelling
 - Site Tidiness and Housekeeping

Some of the key measures include *inter alia*:

- Silt fences will be installed between the construction site and the River Nore and any potential drainage ditches/seasonal streams that

surround the boundary of site or flow throughout the site. The contractor shall be required to provide a construction method statement for approval which shall detail his particular specification and methodology for installation and management of silt fences. Straw bales will be placed in the ditches as an additional precaution to intercept and silt laden or potentially polluting run-off migrating towards the River Nore due to any unforeseen failure of silt fencing.

- A designated area for the storage of building materials (sand, cement, additives, etc.), plant, machinery and for delivery of materials and fuel shall be constructed close to the northern boundary of the site using hardcore material laid on a suitable geotextile membrane. Small low permeable earthen bunds shall be constructed along the boundary of the storage area. It is also proposed to utilise this area if required for the temporary stock-piling of any overburden sub-soil or peat material. Any surface water drainage from the storage area will pass through a temporary Class 1 bypass separator prior to discharge to an adjacent drainage channel.
- The site temporary haul road and access road shall be constructed using permeable material laid on a suitable geotextile membrane.
- Stripping of overburden on the site shall only be undertaken as necessary.
- Dust minimisation measures and controls.
- Environmental noise arising from activities on site will be controlled in accordance with the requirements of BS5228.
- Soil, Surface Waters and Groundwater measures including *inter alia*:
 - All liquid and hazardous material will be stored in a designated and temporarily bunded area with appropriate signage in the northern area of the site.
 - There will be no discharge of effluent to groundwater or surface water during the construction phase. All wastewater from the construction facilities will be stored before removal off site for

disposal and treatment – temporary portable toilet facilities only shall be used at the site.

- Spill kits will be provided in areas where liquids are stored and refuelling area.
 - A wheel wash system shall be provided at the main site exit location.
 - All watercourses which have to be traversed during development should be effectively bridged prior to commencement.
 - Silt traps should be constructed at locations that will intercept run-off to the drainage network.
 - Natural flow paths should not be interrupted or diverted so as to give rise to or create potential for erosion.
- There shall be on-going monitoring of wildlife in the vicinity of the construction site and any unusual species, dead species or damaged habitats should be reported immediately to the Construction Manager and/or Environmental Officer. This will be co-ordinated with the appointed Ecologist for the project who will be responsible for the Biodiversity Management Plan (BMP).
 - An artificial otter holt will be installed close to the birch wood edge with particular care to avoid peat entry into the River Nore.
 - If bats are found during site clearance, works will cease and the National Parks and Wildlife Service (NPWS) will be contacted to avoid an offence being committed by disturbing a bat roost.
- Implementation of the Recommendations of Inland Fisheries Ireland (IFI)
 - No plant and machinery shall enter within 100 metres of the River Nore during or following heavy rain or other conditions likely to lead to large-scale or additional water flow that would carry peat into the watercourses.
 - Monitoring of the planting of trees in proximity to the River Nore shall be undertaken by an ecologist to ensure that soil does not enter into the waterway.

- Any plant or equipment that may have worked in environments where invasive species are present, shall be suitably cleaned by high pressure hose before being used in the site to prevent the spread of invasive species. Water used for this washing process shall always be intercepted and prevented from draining back into watercourses.
- If work likely to interfere with the safety of bird nests (i.e. major earth movements, construction or installation works) is to be undertaken within the bird nesting season (March 1st to August 31st), an assessment of the site for nesting birds shall be carried out in advance of the commencement to ascertain whether species such as merlin, skylark or meadow pipit are placed at risk.
- The source of any soil or fill material imported to site will be checked in advance at the source by a qualified ecologist to ensure that invasive, non-native species are not imported into this location.

Operational Phase

- Monitoring of the site will be undertaken as outlined in the Biodiversity Management Plan. Where it is clear that there are problems of insect egg-laying on solar panels, measures to reduce this issue will be introduced. This will involve the marking of the panels with white lines to remove the similarity with water bodies. Monitoring of the site shall commence with:
 - An ecological assessment (including botanical, herpetological, bird and invertebrate assessments)
 - And, on completion of all construction, incorporation of the ecological enhancement measures noted within the Biodiversity Management Plan and commencement of operations
 - And following a further year of operation to determine whether the measures are fully successful or whether they require any modification.
- All solar panel cleaning will involve the use of non-toxic cleaning agents and preferably will avail of pure filtered rainwater.
- A Biodiversity Management Plan (BMP) was prepared as part of the proposed development project. The aim of BMP is the suitable management measures to be undertaken for the enhancement of biodiversity, based on the physical

attributes and the existing flora and fauna adjacent too and within the footprint of the proposed development site. In addition, opportunities to provide further taxonomic diversification are included within the management plan, with particular focus on rare and protected species.

Decommissioning

- Prior to the Decommissioning Phase, a site assessment will be completed to map and establish any sensitive areas or changes in habitat on the site that may potentially be impacted upon during the decommissioning phase. Measures can then be taken to minimise any detrimental effects that may occur.
- Once all construction works are complete, the work areas will be reinstated with excavated soil and either seeded out with native species, allowed to vegetate naturally, or reinstated with excavated grass turves and will be restored to their original condition.

9.11. Integrity Test

9.11.1. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the proposed development would not adversely affect the integrity of the River Nore SPA (004233) or the River Barrow and River Nore SAC (002162) in view of the Conservation Objectives for these sites.

9.11.2. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

9.12. Appropriate Assessment Conclusion

9.12.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

9.12.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the River Nore SPA (004233) and the River Barrow and River Nore SAC (002162). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

- 9.12.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European site Nos. 004233 or 002162, or any other European site, in view of the sites' Conservation Objectives.
- 9.12.4. This conclusion is based on a full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of these European sites and an assessment of likely in combination effects with other plans and projects. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of these European Sites.

10.0 Recommendation

- 10.1. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act, as amended, to amend Condition 2.

11.0 Reasons and Considerations

Having regard to national and local policies in relation to renewable energy, the scale, extent and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national and local policy, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of biodiversity and landscape impacts and in terms of traffic safety and public health and would not negatively impact on any European site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Amend Condition 2 as follows:

The structures shall be removed at the expiration of a period of 40 years from the date of commissioning of the development unless planning permission for a further period has been granted.

Reason: To enable the planning authority to review the operation of the solar farm having regard to the circumstances then prevailing.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan Clarke

Senior Planning Inspector

16th November 2023

12.0 Appendix 1

Form 1 EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316131-23		
Proposed Development Summary	Amendments to previously approved solar PV energy development under 16/6000917, PL92.249060 and the construction of a battery energy storage system on a 58.11ha site.		
Development Address	Leonards Bog, The Sheehys, Derrymore, Roscrea, Co. Tipperary		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	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?			
Yes		Class	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
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 (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 1 of Part 2 of Schedule 5, (a) Projects for the	Proceed to Q.4

		restructuring of rural land holdings, 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.		
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4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes	✓	Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-316131-23	
Proposed Development Summary	Amendments to previously approved solar PV energy development under 16/6000917, PL92.249060 and the construction of a battery energy storage system on a 58.11ha site.	
Development Address	Leonards Bog, The Sheehys, Derrymore, Roscrea, Co. Tipperary	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>The Planning and Development (Amendment) (No. 2) Regulations 2023 (S.I. 383 of 2023) requires from 1st August 2023 that Projects for the restructuring of rural land holdings are screened for the purposes of Environmental Impact Assessment, as follows:</p> <p>Amendment of Schedule 5, Part 2, Class 1 of the Principal Regulations is amended: (a) By the insertion of the following before paragraph (c):</p> <p>(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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of</p>	<p>The proposed development is located on an open area of former raised bog, which has been drained and is partially used for grazing. The site is located just north of the M7 between Junction 21 and Junction 22. The site also contains one wind turbine which forms part of a larger wind farm development (Monaincha Wind Farm). Whilst planning permission has been secured on the site already for a solar farm, the Permission has not been implemented to-date. As such, the provision of a solar farm in the immediate area would be noval, but the change of use of the land to</p>	No

<p>any significant waste, emissions or pollutants?</p>	<p>renewable energy would not, having regard to the wind farm. Furthermore, the provision of solar farms in rural landscapes is becoming a normal diversification of pastoral lands, with numerous examples throughout the Country.</p> <p>The proposed development does not involve the removal of any hedgerow or recontouring of the lands by, for example, the levelling off hills or by infilling of hollows.</p> <p>The development will not result in significant emissions to the environment.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The scale of development is not exceptional in the context of surrounding development, having regard to the site size (58.11ha), the 15 wind turbines located in the area (Monaincha Wind Farm) one of which is positioned within the site, the M7, and nothing the size of other recent solar energy developments permitted in the Country.</p> <p>No hedgerow removal is proposed. The site has a relatively flat topography. The development does not involve recontouring and there are no significant excavation works proposed. An area measuring 1.617ha may require some localised levelling and foundation works to accommodate the proposed transformers, earthen berm, battery storage system, and the temporary construction compound. These are relatively minor works and I do not consider that they constitute “recontouring”. Notwithstanding this, the area of works (1.617ha) falls significantly below the 5ha threshold in Class 1 of Part 2 of Schedule 5.</p> <p>It is not considered that there is any likelihood of significant cumulative effects with other existing or permitted developments in the area including <i>inter alia</i> Monaincha Wind Farm and a permitted, but not yet constructed 142ha solar farm (Reg. Ref. 22662).</p>	<p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to</p>	<p>The site is hydrologically linked to two Natura 2000 sites (1) River Nore SPA (site code 004233) – 6km downstream and (2) River Barrow and River Nore SAC (site code 002162) – 14.3km downstream.</p> <p>There are two NHA’s within one kilometre – the Monaincha Bog/Ballaghmore Bog NHA to the north,</p>	

<p>significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>and the Nore Valley Bogs to the south, across from the M7. In addition, Sheehills Esker Proposed NHA is located northeast of the site.</p> <p>Having regard to the nature of the proposed works, the distance of the subject site from these sites, the proposed mitigation measures, particularly those relating to water quality as outlined in the NIS submitted with the application, significant effects on the environment are not likely.</p> <p>There are no adjoining protected structures.</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)