



An
Bord
Pleanála

Inspector's Report

ABP-319664-24

Development	A 10 year planning permission for the construction and operation of a solar PV farm and all ancillary works. A Natura Impact Statement accompanies the planning application.
Location	Townlands of Jamestown, Kilmolash Upper and Rathkeevin, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	23172
Applicant	Springmount Solar Farm Limited
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant	Alice Slattery
Observer	Tommy Slattery
Date of Site Inspection	15 th July 2024
Inspector	Máire Daly

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Further Information Request	6
3.2. Clarification of Further Information Request	7
3.3. Decision	7
3.4. Planning Authority Reports	8
3.5. Prescribed Bodies	11
3.6. Third Party Observations	11
4.0 Planning History.....	12
5.0 Policy Context.....	12
5.1. National Policy	12
5.2. Regional and Local Planning Policy.....	16
5.3. Natural Heritage Designations	18
5.4. EIA Screening	18
6.0 The Appeal	20
6.1. Grounds of Appeal	20
6.2. Applicant Response	21
6.3. Planning Authority Response.....	23
6.4. Observations.....	24
7.0 Assessment	25
8.0 Appropriate Assessment.....	40
9.0 Recommendation.....	66

10.0 Reasons and Considerations..... 66

11.0 Conditions 69

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site, stated to measure 66.95ha, is located in the townlands of Kilmolash Upper, Rathkeevin and Jamestown, c. 3.4km southwest of the nearest urban settlement, the village of Ballyclerahan. The nearest town, Clonmel, is located c. 6.5km to the southeast. The town of Cahir is located c. 9km to the west of the site. The proposed site is bisected north-south by the R687 regional road and the N24 borders a section of its southernmost extent.
- 1.2. The proposed site is located in a rural area and consists of several improved agricultural grassland and wet grassland fields which are bounded by hedgerows and treelines and drainage ditches in some places. The fields are individually laid out in an informal pattern and the lands themselves are generally low lying with a varying topography. The topography of the site ranges from 81.45 to 139 mOD with the land rising in elevation as one travels north along the site. Scattered dwelling houses and farm buildings are also located around the periphery of the site, with notable ribbon development in the area to the northwest of the western portion of the site. Two water courses are identified as running along the site boundary, one along the southwestern boundary and the other along the eastern boundary of the site. Both watercourses continue to flow in a southerly direction towards Clonmel town.
- 1.3. The general setting also supports national grid assets and utility infrastructure, with a section of the existing Cahir-Doon 110kV overhead line running in an east-west orientation along the south of the proposed development. Two access points are to be provided to both respective halves of the proposed site off the R687. The entrance to the eastern portion of the proposed site is to be provided c.90m to the south of the existing Star Fuels and farm supplies premises and the entrance to the western portion of the site is to be located on the opposite side of the R687, c. 20m north of the eastern entrance.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a solar PV development with a maximum export capacity of c. 60MW over a total site area of c. 66.95 hectares consisting of solar arrays on ground mounted steel frames, with a maximum overall height of 2.6 metres. Planning permission is sought for a period of

10 years with an operational life of 40 years from date of commissioning. The proposed solar farm includes:

- Up to 20 no. transformers
- Internal underground electrical cabling and ducting
- Security fencing
- CCTV security camera stands
- 2 no. temporary construction compounds
- 2 no. new gated site entrances from the R687 regional road
- Internal site access tracks
- Site drainage
- Landscaping and
- Ancillary siteworks and services

The application is accompanied by the following information:

- Planning and Environmental Report
- Glint and Glare Assessment
- Environmental Impact Assessment Screening Report
- Traffic and Transportation Assessment
- Flood Risk & Drainage Assessment
- Geology and Hydrogeology Assessment
- Landscape Mitigation Plan
- Construction & Environmental Management Plan
- Policy Detail
- Appropriate Assessment Screening Report
- Natural Impact Statement
- Ecological Impact Assessment
- Noise Assessment

- Landscape & Visual Impact Assessment
- Cultural Heritage and Archaeology Assessment, and
- Maps and drawings.

2.2. The applicant has stated that a second planning application will be submitted to An Bord Pleanála under Section 182A of the Planning and Development Act 2000 (as amended) for the 110kV on-site substation and 110kV grid connection. This approach has been confirmed following consultation with An Bord Pleanála under the provision of Section 182E of the Planning and Development Act 2000 (as amended) (case ref: ABP -313693-22).

3.0 Planning Authority Decision

3.1. Further Information Request

3.1.1. Prior to making a decision on the planning application, the planning authority sought further information from the applicant on 15th August 2023, including details in respect of the following:

- Requested to liaise with Road Design Office with regard to N24 upgrade project and potential impact on route corridor option.
- Revised Glint and Glare assessment to consider an additional 3 no. properties.
- Detailed A1 drawings showing any and all SUDS proposals, with particular emphasis on how run off to the regional road is to be contained.
- Revised site layout indicating the required sightlines in accordance with Development Plan provisions.
- Clear and legible A2 format for proposed junction and proposed autotrack assessment as set out in submitted Traffic and Transport Assessment.

Further information was received from the applicant on 23rd October 2023.

3.2. Clarification of Further Information Request

3.2.1. Following receipt of further information, the planning authority were still not satisfied with regard to two points and requested clarification of further information from the applicant on 02nd January 2024 in relation to the following:

- Entrance arrangements and sightlines – revised setback of 4.5m showing unobstructed sightlines of 160m requested. Revision of site boundary as a result was also required.
- Addendum to Glint and Glare Assessment detailing potential impact of the proposed development on N24 Reservation Corridor options and appropriate mitigation measures where required.

Clarification of further information was received from the applicant on 22nd February 2024.

3.3. Decision

3.3.1. Following receipt of clarification of further information, the planning authority decided to grant permission on 12th April 2024 subject to 16 conditions, most of which were standard in nature, however the following were noted:

Condition No. 2 (a) permission shall be for a period of 40 years from the said date of commissioning of the solar farm. (b) Prior to commencement of development, a detailed restoration plan, providing for the removal of the solar arrays, including all foundations, anchors, internal roadways, fencing and all lighting and CCTV poles, to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/ anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the plans and particulars submitted with the application and the Restoration Plan to be agreed and all decommissioned structures shall be removed within three months of decommissioning.

Condition 6 (b) states that additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining dwellings as a result of the

development. Upon commissioning of the development and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no such glint impact has taken place, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved.

Condition 7 states that the roadside boundary shall be setback behind the required sight triangle, the sight triangle is taken from a point 4.5m back from the road edge at the centre of the proposed access to a point 160m away in both directions at the nearside road edge. The sight triangle shall be achieved prior to further construction on site.

Condition 8 states prior to the commencement of development, details of the proposed service road and drains shall be agreed in writing with the planning authority. The new tracks shall be surfaced in gravel or hardcore and shall not be hard topped with tarmacadam or concrete. In default of agreement, the matter shall be directed to An Bord Pleanála for determination.

Condition 10 states each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.

Condition 11 states the solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

Condition 13 (a) states with the exception of sections of hedgerow that are required to be removed in order to facilitate the construction of the access points, all existing hedgerows and any trees within such hedgerows shall be retained as illustrated in the mitigation plan submitted on the 23rd of October 2023.

3.4. Planning Authority Reports

3.4.1. Planning Reports

There are 3 no. Planning Reports on file, dated August 2023, December 2023 and April 2024. Key points to note include:

- Proposed development is acceptable in principle and is supported by national, regional and local policies in terms of renewable energy.
- Subject to the implementation of the landscaping mitigation plan with a number of minor modifications, the planning authority was satisfied that the proposed development would not adversely impact on landscape and visual amenities of the area.
- Concerns raised relating to a number of residential properties which were not included in the Glint and Glare Assessment.
- Concerns in relation to prematurity of the proposal pending a final determination being made in respect to the final route of the upgraded N24.
- Lack of detail in relation to drainage measures proposed, concerns in relation to potential impacts on N24, recorded flood events noted on the N24 to the south of the site.
- EclA submitted as part of application, badger setts and bat use on site. Provided appropriate mitigation measures are implemented it is not expected the proposal will give rise to significant impacts on the ecology of the site.
- 2 no. recorded monuments are located within the site, buffers of between 12m and 20m are provided to avoid impacts. Geophysical survey of field 7 recommended given the presence of potential rectangular enclosure.
- EIA Screening Determination submitted. Proposed development does not come within the scope of any class specified in Schedule 5 and it is not considered to constitute a sub-threshold development type which would require submission of an EIAR.
- The proposed ESB substation and associated grid connection would be subject to separate EIA screening.
- NIS submitted – Area Planner satisfied that there will be no adverse effects.

The response to the requests for Further Information and Clarification of Further Information addressed the matters raised. The development as revised is acceptable and the planning authority recommended that permission be granted subject to 16 no. conditions.

3.4.2. Other Technical Reports

- Clonmel Borough District Engineer, report dated 25th July 2023 requested further information -
 - 160m sightlines and a 4.5m set back required in accordance with Vol 3 Section 6.1 of Development Plan – revised drawings requested.
 - It was requested that Figures C1 Proposed Junction Layout and Figure C3 Proposed Autotrack Assessment be replaced with A2 minimum format drawings.
 - No details of the proposed vegetated wetlands and stormwater retention ponds as a method of managing run off as mentioned in the Planning and Environmental Report and Flood Risk & Drainage Assessment Report have been presented. Detailed A1 drawings showing any and all SUDS proposals, with particular emphasis on how run off to the regional road is to be contained were requested.
- Mid-west National Road Design Office, report dated 19th July 2023, no observations to make in relation to the application as it relates to the N24 Cahir to Limerick Junction project.
- Tramore House Regional Design Office, 2 no. reports received:
 - Report dated 10th July 2023 –
 - Proposal conflicts with the N24 upgrade project as it is partly located within a number of indicative option corridors that are currently under consideration for the upgrade. Proposal is therefore premature pending determination on the road upgrade.
 - Report dated 14th November 2023 –
 - Revised layout presented by applicant noted. Based upon the revised layout of the solar panels and revised resultant site boundary as presented in Figure 6, there is no longer a direct conflict between the solar panels and the option corridors as the most southerly panels and southern boundary of the development are outside of the corridors currently under consideration.

- As a precaution however should the yellow/cyan or green option corridors form part of the preferred transport solution for the N24 project there will be a road in close proximity to the solar farm. Appropriate mitigation measures in the form of planted/existing vegetation would therefore be required on the western, southern and eastern boundaries to mitigate any potential glint and glare effects to potential road users.
- Although it is noted that the cabling and end mast locations for connecting to the National Grid do not form part of the current application and will form part of a separate subsequent SID application it is still recommended that further ongoing consultation between the local authority and Tramore house form a condition on this planning application to ensure consideration of any impact on the N24 project.

3.5. Prescribed Bodies

3.5.1. Transport Infrastructure Ireland (TII) – Two submissions received, outlined as follows:

- Submission received on 30th June 2023 states proposal is located within an area currently under consideration as a route option for a national road improvement scheme and hence the application is premature pending the determination of the route. Any grant of permission would be at variance with the provisions of the DoECLG Spatial Planning and National Roads guidelines for Planning Authorities (January, 2012).
- Submission received 1st November 2023 states given the proposed development is located in the study area for a future national road scheme recommended the planning authority consult with the local road design office.

3.6. Third Party Observations

3.6.1. The planning authority received 2 no. third party submissions on the original application. No third-party submissions were received following receipt of further information. The issues raised in these submissions are generally reflected in the issues raised in the third-party appeal and observation received by the Board.

4.0 Planning History

4.1. Subject site:

None.

4.2. **Pre-Application Request** - ABP 313693-22 (VC92.313693) - Proposed 110kV substation with connection to the national grid via an existing 110kV overhead line and associated works – determined to fall within the scope of Section 182A of the Planning & Development Act 2000 (as amended) – and would constitute Strategic Infrastructure.

4.3. Site in immediate vicinity:

P.A. Ref. No. 21551 – 2021 - Permission granted for the construction of a two-storey dwelling, garage, driveway, treatment system, percolation area and new entrance and all necessary site works.

P.A. Ref. No. 212 – 2021 - Permission refused for the erection of a dairy unit comprising slatted cubicle shed with underground effluent storage tanks, milking equipment, and bulk tank, dairy tank, two no. meal bins, three walled open silage pits and underground soiled water storage tank, meal storage shed, concrete yard, adjustments to existing entrance onto public road to provide required sightlines and all associated site works.

P.A. Ref. No. 17600565 – 2017 - Permission granted for the construction of a storage building to the rear of an existing industrial building, the new building will be used to store grain for processing, also included signage and associated site works.

5.0 Policy Context

5.1. National Policy

National Planning Framework 2018-2040 (NPF)

5.1.1. National Strategic Outcome 8 seeks to transition Ireland to a low carbon and climate resilient society. Objective 54 seeks to reduce our carbon footprint by integrating climate action into the planning systems. National Policy Objective 55 promotes renewable energy use and generation at appropriate locations within the built and

natural environment to meeting national objectives towards achieving a low carbon economy by 2050. Ireland's national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% (compared to 1990 levels) by 2050, while ensuring security of supply of competitive energy sources. The transition to a low carbon energy future requires a shift to predominantly renewable energy.

5.1.2. The NPF states;

'In meeting the challenge of transitioning to low-carbon economy, the location of future national energy generation, for the most part, needs 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'.

National Development Plan 2021-2030

5.1.3. The NDP sets out investment priorities underpinning the implementation of the NPF. Chapter 13 deals with NSO 8 Transition to a Climate-Neutral and Climate Resilient Society. Public capital investment choices must contribute to a 51% reduction in greenhouse gas emissions by 2030 and lay the pathway to achieve net-zero greenhouse gas emissions by 2050. This will require grid-scale renewable electricity generation and storage.

Climate Action and Low Carbon Development (Amendment) Act 2021

5.1.4. The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 amends the principle act such that Section 15(1) requires:

"(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- a) the most recent approved climate action plan,*
- b) the most recent approved national long term climate action strategy,*
- c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*

- d) *the furtherance of the national climate objective, and*
- e) *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

“Relevant body” means a prescribed body or a public body.

Climate Action Plan (CAP) 2024

- 5.1.5. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland’s Climate Action Plan. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050 (as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021), the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.
- 5.1.6. Central to achieving these goals is the strategic increase in the share of renewable electricity to 80% by 2030. To reach 80% of electricity demand from renewable sources by 2030:
 - Accelerate the delivery of utility-scale onshore wind, offshore wind, and solar projects through a competitive framework;
 - Target 6 GW of onshore wind and up to 5 GW of solar by 2025;
 - Target 9 GW of onshore wind, 8 GW of solar, and at least 5 GW of offshore wind by 2030;
 - Deliver a streamlined electricity generation grid connection policy and process, and remove barriers, where possible, for the installation of renewables and flexible technologies reducing the need to build new grid, including hybrid (wind/solar/ storage) connections.
- 5.1.7. CAP 2024 details the significant changes to enhance the electricity grid’s capacity and flexibility. This will accommodate the significant upsurge in renewable energy while ensuring the system’s reliability and efficiency. Additionally, managing electricity demand through innovative policies and technologies is crucial for aligning energy consumption with cleaner production.

National Energy Security Framework (April 2022)

5.1.8. The Framework addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions. Theme 3 - Reducing our Dependency on Imported Fossil Fuels, focusses on three areas of work:

7.1 Reducing demand for fossil fuels.

7.2 Replacing fossil fuels with renewables, including solar energy.

7.3 Diversifying fossil fuel supplies.

5.1.9. Under 7.2, the statement notes that prioritising renewables is in line with the requirements of the recast Renewable Energy Directive and the EC REPowerEU action statement. The Commission has called on Member States to ensure that renewable energy generation projects are considered to be in the overriding public interest, and the interest of public safety, and the Government supports this request.

Food Vision 2030

5.1.10. 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 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.*"

5.2. Regional and Local Planning Policy

The Regional Spatial and Economic Strategy for the Southern Region

- 5.2.1. This document 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.
- 5.2.2. 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.

Development Plan - Tipperary County Development Plan 2022 – 2028

- 5.2.3. 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.
- 5.2.4. Chapter 3 Low-Carbon Society & Climate Action – the following policies and objectives are noted;
- Policy 3-1 Promote and facilitate renewable energy development, in accordance with the policies and objectives of the Tipperary Renewable Energy Strategy 2016 (and any review thereof), and the Tipperary Climate Adaptation Strategy 2019.
 - Objective 3-A - Support and facilitate the implementation of European and National objectives for climate adaptation and mitigation, and to prepare a Climate Action Plan for Tipperary in compliance with the Climate Action and Low Carbon Development (Amendment) Bill (DECC, 2020) and any review thereof.

- Objective 3-E - Support, in collaboration with stakeholders, research and innovation in smart renewable energy technologies and initiatives to accelerate diversification away from fossil fuels.

5.2.5. Chapter 10 relates to Renewable Energy and Bioeconomy and contains a number of relevant policies and objectives 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.
- Objective 10 – A - Support the Climate Action Plan (DECC, 2019) as it relates to renewable energy production, having consideration to the strategic importance and potential benefits of renewable energy investment to rural communities.
- Objective 10- C To continue to support renewable energy development and to maintain a positive framework for development through the review of the Renewable Energy Strategy over the lifetime of the Plan.

5.2.6. The Development Plan’s Renewable Energy Strategy is outlined in Appendix 2, with Section 6.8 outlining the key considerations for solar farm developments. And stating *“There has been recent interest in the development of large-scale ground mounted solar PV installations. The Council will facilitate proposals for solar PV installations; subject the demonstration by the applicant that the proposal will not have a significant adverse impact on the built and natural environment, the visual character of the landscape or on residential amenity. Particular care must be taken in respect to proposals for commercial PV in Primary and Secondary Amenity Areas, where the Council may require a Visual Impact Assessment (VIA) in support of the proposal, particularly where there is potential for cumulative visual impact as a result on existing and permitted solar development in the area”*.

- 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.

- 5.2.7. Other policies of relevance are contained in the Development Plan relating to Habitats Directive (Policy 11-1 and 11-2), biodiversity (11-4), water quality (11-7), landscape and visual amenity (11-16 and 11-17), noise disturbance (11-18) and flooding (11-9).
- 5.2.8. Chapter 13 relates to Built Heritage with relevant policies including 13-4 and 13-6.
- 5.2.9. Chapter 15 relates to Water and Energy Utilities with relevant objectives 15-E and 15-F.
- 5.2.10. Appendix 3 contains the Landscape Character Assessment and Schedule of Views and Routes.

5.3. **Natural Heritage Designations**

5.3.1. Natura 2000 Sites (SAC & SPA)

The following natural heritage designations are located in the general vicinity of the proposed development site:

- Lower River Suir SAC [002137] – 3.4km South
- Nier Valley Woodlands SAC [000668] – 13.2km Southeast

5.3.2. Natural Heritage Area (NHA)

Slievenamon Bog NHA – this is the nearest NHA at c. 11.8km east of the proposed site - There is no hydrological connectivity between the proposed development site and this designated site. Potential for direct or indirect impact on this site can be excluded.

5.4. **EIA Screening**

Solar Energy development

- 5.4.1. Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of the Fifth Schedule, within the Planning and Development Regulations, 2001 (as amended). In this regard, a requirement for preliminary examination or EIA does not arise for this type of development.

Rural Re-structuring

- 5.4.2. It is noted however that rural restructuring is listed as development for the purposes of Part 10 under the heading of *Agriculture, Silviculture and Aquaculture*, Class 1 of Part 2 of the Fifth Schedule, with the following stated under subsection (a) '*Projects for the restructuring of rural land holdings, undertaken as part of a wider 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.*'
- 5.4.3. The proposed development involves the removal of a limited extent of hedgerow, primarily at access track openings and entrances, and to enable construction of security fencing, in total comprising c. 180m. Such removal is associated with access requirements and does not result in the amalgamation or enlargement of existing fields. This proposed removal of hedgerow is significantly below the EIA threshold of 4km as outlined under Planning and Development Regulations 2001 (as amended). The development would, however, constitute sub-threshold development for rural restructuring (Class 1(a), Part 2 of Schedule 5). I refer to Appendix 1 of this report and completed Form 1 Pre-screening and Form 3 Screening Assessment which contains the final EIA Screening Determination on file.

Private Roads

- 5.4.4. In addition to the examination of thresholds in relation to rural restructuring, given the proposal for new access tracks on site, I have also examined the proposed project as it may relate to Class 10: *Infrastructure projects* (dd) "*all private roads which would exceed 2000 metres in length*". This class has been screened out at preliminary stage from further consideration as detailed in Form 1 of Appendix 1 of this report.

Conclusion

- 5.4.5. Having regard to the nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning & Development Regulations 2001 (as amended), and the Schedule 7A information submitted by the applicant, following a

screening determination as detailed under Form 3 of Appendix 1 of this report, it can be concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded following this screening determination and an EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Alice Slattery, Woodrooffe, Clonmel, Co. Tipperary. The main points made can be summarised as follows:

- Impact on residential amenity - proximity of proposed solar farm within 100m of northwestern side of house.
- No viewpoint location was selected near the appellant's property for the photomontage viewpoints, despite House 26 (appellant's house) being referenced in the Glint and Glare Report as predicted to experience "substantial" effects from the proposed site.
- The conclusion of the Landscape and Visual Impact Assessment which states that no high visual effects will occur is inaccurate.
- No amount of mitigation planting and hedgerow or screening will reduce or prevent visibility of the solar farm from the appellant's property given the topography of the surrounding lands and the fact that the appellant's house is built on elevated foundations.
- It is stated as part of the application that the proposed screening in the form of hedging will take at least 3-5 years to reach what is deemed an adequate height. Therefore, substantial glint and glare will be experienced by the appellant over a period of several years.
- Any substantial hedging would also have the resultant impact of blocking out sunlight to the appellant's property.
- It is incorrect that there is no mandatory requisition to provide an EIA for solar farms on the grounds that this type of development within the EIA context is

deemed to be 'relatively new' (as referred to under Section 4.6.2 Solar Energy Potential of the current Development Plan).

- There is a conflict between the current Development Plan and the South Tipperary Biodiversity Action Plan 2010-2015 – appellant refers to SEA process.
- As solar farms are not specifically identified in the classes of EIA development listed in either the EIA Directive or in Schedule 5 to the P&D Regs the local authority is not in a position to provide assurances and to allay specific concerns regarding the proposed development.
- Concerns in relation to soil erosion during the installation period and soil degradation during the 40-year operational period.
- Concerns in relation to disruption to the ecosystem, loss of natural vegetation and habitats, negative impact on biodiversity, possible impact on Irish hare and other protected species. Appellant is willing to commission environmental assessment of the area identified as Section 7 of the proposed site to investigate presence of protected species.
- Concerns in relation to possible impact on groundwater or springs if panels are damaged or potential runoff from cleaning chemicals.
- The local authority did not call for an independent NIS despite the proximity of Lower River Suir SAC and the Nier Valley Woodlands SAC.
- In absence of SEA and EIA on what grounds did the council base its decision.
- Conflict of opinions between the applicant's decommissioning statement and the planning authority's condition no.2 (b) in relation to the removal of the solar array foundations and the resultant impact on agricultural lands.

6.2. Applicant Response

- 6.2.1. The applicant's response to the third-party grounds of appeal dated 30th May 2024 (prepared by MKO on behalf of the applicant) can be summarised as follows:

Landscape and Visual

- Viewpoint selection - The applicant sets out the criteria that was used in selecting the various viewpoints. Firstly, at a desktop study level these were based on potential visibility, critical landscape designations, proximity to receptors, public roads and accessible areas, views and elevation. Following the desk study a site visit was then conducted and a total of 7 no. locations were identified as suitable viewpoints for photomontages.
- The applicant outlines that it is not possible to present every view and every location by means of viewpoint.
- Viewpoints 5 and 3 respectively are located to the north and south of the appellants property.
- A dedicated mitigation plan has been submitted with the application and a buffer of 20m has been employed between the proposed planting and the boundary of the appellant's property. The nearest solar array to the appellant's property is 94m away and it is noted that their property is not immediately adjacent to the proposed site but is separated by way of a private access road. The setback and mitigation proposed was determined to be acceptable to the planning authority.

Glint and Glare

- A dedicated Glint and Glare Assessment has been prepared for the proposal. This has been prepared based on a bare-earth scenario where no screening elements have been taken into account. It is noted that Receptor (House) 26 (appellant's property) is deemed to be subject to a 'substantial' preliminary magnitude of impact i.e. prior to any mitigation employed.
- With mitigation employed, in this case a 3m high proposed hedgerow on the boundary of the site, receptor no. 26 will be entirely screened from views of the proposed solar panels. No residual effects are identified. Planning condition no.6 of the planning authority's permission which outlines screening mitigation and follow up glint and glare surveys following commissioning is noted.

Environment and Biodiversity

- The project was screened for EIA and a subthreshold assessment was carried out. Schedule 7A information was presented in the EIA Screening Report which accompanied the planning application.
- SEA is undertaken at the policy level when plans are being developed.
- A NIS was prepared for the proposal and submitted with the application. Surface water mitigation measures were considered as part of the proposal and are presented in the CEMP. Appropriate mitigation measures will take place to alleviate any contamination of the groundwater or springs in the surrounding area due to the proposal. An impact and mitigation table is presented by the applicant to ensure details of all possible impacts are addressed.
- A regular cleaning schedule will be implemented to keep the panels free from debris and running efficiently. All that is needed to clean the panels is de-ionised water. In the unlikely event that lichens, or moss were to grow on the panels a removal agent is used to break the bond between these and the solar glass. The agent is biodegradable and poses no threat to plants and animals.

Decommissioning

- Upon decommissioning, the site can be restored back to previous land quality. The applicant proposes that as is typically the case that foundations remain in situ at the stage of decommissioning whereas the Council have requested as per Condition no. 2 (b) that foundations be removed. The Planning Authority have sought to confirm final site restoration details via further detail to be provided in accordance with Condition no. 2. Ultimately the applicant and authority will engage on this matter at a later date and the authority will be the final arbiter in the matter.

6.3. Planning Authority Response

- None received.

6.4. Observations

6.4.1. One observation was received from Tommy Slattery of Woodrooffe, Clonmel. Issues raised in the observation generally reflect the issues raised in appeal submission and are summarised as follows:

- The proposal will have impacts on the character of the area and the amenities of adjoining properties. Parts of the proposed development are planned to be constructed on elevated land and only 100m away from House 26.
- Concerns raised over solar farm's impact on 'uplands'. The Council did not ensure a balance in the protection, management and planning of the landscape.
- An EIA should have been completed for the proposal given the 'substantial' impacts on House 26.
- House 26 is elevated from the roadway and therefore the 1.7m receptor height used in the Glint and Glare assessment is questioned.
- Concerns in relation to the proposed landscaping works to be planted in the first planting season and impacts on residents from glint and glare which may occur prior to this planting occurring.
- Also concerns regarding the time it will take for the proposed hedgerow to develop sufficiently to a height of 2.5m to provide any screening to House 26.
- Conflict of opinions between the applicant's decommissioning statement and the planning authority's condition no. 2 (b) in relation to the removal of the solar array foundations and the resultant impact on agricultural lands.

7.0 Assessment

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

- Principle of Development
- Landscape and Visual Impact
- Glint and Glare
- Requirement for EIA and SEA
- Ecological Impact
- Land and Soil - De-commissioning
- Impact on Groundwater and Springs

7.2. Principle of Development

7.2.1. Renewable energy development is supported in principle at national, regional and local policy levels, with collective support across government sectors for a move to a low carbon future and an acknowledgement of the need to encourage the use of renewable resources to reduce greenhouse gas emissions and to meet renewable energy targets set at a European Level. It is also an action of the NPF under National Policy Objective no. 55 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'. At regional level the Regional Spatial and Economic Strategy for the Southern Region includes an objective to increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.

7.2.2. The Tipperary County Development Plan 2022-2028 is supportive of renewable energy in general, and solar power and acknowledges the geographical advantages of the area in this respect. The development plan supports national and European policy with Objective 3-A reaffirming this stating the Council will support and facilitate the implementation of European and national objectives for climate adaptation and mitigation, and to prepare a Climate Action Plan for Tipperary in compliance with the

Climate Action and Low Carbon Development (Amendment) Bill (DECC, 2020) and any review thereof. With regard to the Council area Policy 3-1 of the development plan states that the Council will promote and facilitate renewable energy development, in accordance with the policies and objectives of the Tipperary Renewable Energy Strategy 2016 (and any review thereof), and the Tipperary Climate Adaptation Strategy 2019. Specifically in relation to solar, Policy RE10 of the Renewable Energy Strategy 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.

- 7.2.3. The proposed development is therefore supported by national, regional, and local policies in terms of renewable energy. Accordingly, I consider the proposal to be acceptable in principle and that it would contribute to the diversity of sources of energy supply and hence the security of energy supply. The acceptability of the proposal is contingent on other issues addressed below.

7.3. Landscape and Visual Impact

- 7.3.1. In terms of landscape, the subject site forms part of the Landscape Character Area (LCA) 4 - River Suir Central Plain character area, as set out in Appendix 3 to the Development Plan titled Landscape Character Assessment and Schedule of Views and Routes. LCA 4 is defined as a lowland pasture and arable landscape character type. This area is characterised by its rich and productive agricultural lands and rolling landscape. Such areas are considered to have a low sensitivity to change (Class 1) as outlined in Table 5.2 Appendix 3 of the development plan. It is also noted that the site does not form part of an area classed as a primary or secondary amenity area in the Tipperary County Development Plan. In addition there are no scenic routes that would be impacted by the proposed development, with the closest route V38 located to the southeast of the proposal and directed away from the proposed site, facing southeast. Table 6.2 of the Landscape Character Assessment outlines the Land-Use Compatibility between LCAs and Land-Use Types and illustrates that LCA 4, where the proposed development is to be located has a 'Medium' capacity for solar.

7.3.2. The submitted landscape and visual baseline mapping and viewpoint selection, as outlined in the applicant's Landscape and Visual Impact assessment (LVIA) are based on a wider study area, consisting of all the area within 2 kilometres of the development site boundary. I note the applicant has selected 7 no. locations which they deemed suitable viewpoints for photomontage production and also outlined that these provide a representative range of local views. The appellant contests this selection of locations highlighting that no viewpoint location was selected near their residential property, House 26, even though their house is located just 100 metres from both the proposed solar panels and inverters. The appellant also highlights that no assessment of their residential receptor has been carried out as was done for other properties to the northwest (Figure 4-3 of LVIA). I note that the nearest view to House 26 is illustrated on Plate 4-14 of the LVIA and shows the view from the R687 regional road looking northwest toward the site. This view specifically focuses on the visibility of the solar farm from the R687 regional road. The field that the view shows is the same field that is located to the immediate north of House 26. The Photomontage Viewpoint locations are outlined within Figure 4-4 of the LVIA. The closest viewpoint for photomontage purposes to House 26 is VP5, located c. 50m northeast of the appellant's property, however this viewpoint is taken from the eastern roadside of R687 looking northwest and therefore the possible impacts on House 26 are not visible. The presented photomontages illustrate the viewpoint with the proposed development in place pre-mitigation and post mitigation. Figure 4-22 shows this Viewpoint 5A with the mitigation established which clearly illustrates how well the site will be screened once the mitigation hedgerow is established.

7.3.3. The appellant highlights the conclusion of the LVIA which they disagree strongly with, this states that "No High visual effects will occur as a result of the Proposed Development, which has been sited and designed with mitigation planting to reduce and prevent visibility of the elements of the Proposed Development from sensitive locations in close proximity". Having examined the LVIA I would agree with the appellant and observer that a more extensive range of viewpoints would have been beneficial as part of the assessment, however having visited the site and examined the views from the areas in the vicinity of those residential properties that may possibly be affected by the solar farm in the future, I am satisfied that with the inclusion of appropriate landscape mitigation, which would include enhanced

planting and screening, any adverse impacts on visual amenity can be avoided. I do acknowledge that notwithstanding the proposed landscaping certain residents will be exposed to views of elements of the solar farm, these individual properties are further considered under the assessment for glint and glare below. However, for the purposes of assessing visual effects, overall, I would agree with the LVIA that the proposed development would have a medium visual effect as it will be seen and alter the view from some visual receptors, however the key scenic sensitivities within the landscape will not be impacted nor will the views of the wider landscape character. I acknowledge that the site itself will undergo a change in character due to the creation of a large solar farm development, however I am satisfied that with the implementation of the Landscape Mitigation Plan, with a number of minor modifications outlined below, no substantial impact on the character of the wider landscape setting will be experienced as mitigation planting becomes established. While it is an attractive, mature rural landscape, this area is not designated as a scenic landscape in the development plan and solar energy development is identified as a compatible use, and this change must be seen in the context of the energy and climate issues facing the country.

7.4. Glint and Glare

Residential Amenity

- 7.4.1. Receptors with potential views were determined initially through a Zone of Theoretical Visibility (ZTV) analysis of the proposed development as outlined in the submitted Glint and Glare Assessment. In total 39 residential receptors and two roads, the R687 Regional Road the N24 National Road, which would have theoretical visibility of the proposed solar panels, were brought forward for further analysis. As stated in the submitted Glint and Glare report the photovoltaic panels will be directed to the south (180 degrees) and will remain fixed in this position. The panels reach a maximum height of 2.6m above ground level and will be titled at an angle of 20 degrees. As part of the assessment, the worst-case dimensions were used to inform the predicted glint and glare results at the site hence 6m tall panels with a tilt of 20 degrees was used. I also note that photovoltaic solar panels are by no means a highly reflective surface, as they are designed to absorb sunlight and not to reflect it, however a certain degree of reflection is still to be expected in certain conditions.

- 7.4.2. Having visited the site and examined the location of House 26 I would acknowledge the appellant and observer's concerns. I also note the results of the Glint and Glare Report for this residential receptor which states it is predicted to experience "substantial" effects from glint and glare as a result of the proposed development. Table 1-2 of the Glint and Glare report outlines that House 26 pre-mitigation will experience 29 minutes of glare a day and 68 hours per year. The appellant argues that no amount of mitigation planting of hedgerow or screening, either natural or man-made, will reduce or prevent visibility of the elements of the proposed development from their residence. This is due to the sloping nature of the land to the north of House 26 which rises in elevation as one travels north and also the fact that House 26 is built on a raised foundation.
- 7.4.3. In order to understand the possible impacts on House 26 the Board should firstly be aware that this house is a bungalow, located on the southern side of Section 7 of the proposed site. Site Layout sheet 7 of 11 shows the location of this dwelling house in the lower southeastern corner of the map at a level of approx. 107mOD, it can be seen then that the land to the north, on which the proposed solar farm is to be located begins to rise as the contours evidence. The nearest solar panels are proposed to be located c. 94m from the northern gable of House 26. The proposed site to the north rises from the 107mOD, which is approximately the same level as that of House 26 site, to approx..117mOD at the site's highest point on the northern edge of the field. Page 32 of the submitted Glint and Glare Assessment examines residential receptors 23,24,25 and 26 in greater detail and as supported by the annual glare footprints outlined in Appendix 1 it can be seen that the solar panels identified as theoretically giving rise to glare for these residential receptors are those located in the central and upper part of the western half of the site, to the west of these residential receptors.
- 7.4.4. I note there is an existing low hedge along the northern boundary of the appellant's property (House 26), this is turn is separated from the proposed site by an access track which leads to an adjoining farmstead. Photos submitted by the appellant illustrate the visibility of the proposed solar farm site from the front and side of their house looking north. The submitted Landscape Mitigation Plan (Appendix 7) illustrates that the applicant proposes native hedgerow and tree planting to the southern site boundary of Section 7 to provide screening from the solar development

to surrounding visual receptors. I note that all existing boundary vegetation in the form of mature hedgerows and treelines are to be retained and protected, mitigating potential effects on these valuable landscape receptors. Where vegetation is scarce or gaps occur, additional native screening planting in the form of native shrubs and trees is proposed to reinforce visual screening of the proposed solar development from adjacent visual receptors.

- 7.4.5. The hedgerow is to be planted in double or triple staggered rows as required with a mix of native species. These hedgerows are expected to grow to approximately 2.5m in 3 to 5 years. However, the Landscape Mitigation Plan states that growth is dependent on plant quality, plant condition, soil and weather and therefore may be subject to change. These hedgerows are then to be maintained to a height of not less than 2m and up to 3m. The Landscape Mitigation Plan states that the proposed vegetation is semi-mature in size and acknowledges that there may be additional, however limited, visual effects during construction stage until planting fully establishes within a 3-to-5-year period. The appellant and observer have both raised concerns in relation to the development and growth of these hedgerows, which could take up to 5 years to develop to a height of 2.5m and the resultant impacts from glint and glare that House 26's residents will experience in the intervening time. I note that the length of time it may take for this landscaping to mature is a concern, given the lack of adequate screening at present to the north of the applicant's dwelling. I also note that the area planner has included a condition which requires the planting to be undertaken within the first planting season following commencement of construction of the solar panels. In order to address the concerns of the appellant and observer, as well as those in relation to glint and glare effects on the road network, as discussed further under Section 7.4.10 below, I would suggest that if the Board are minded to grant permission a condition is attached specifically requiring boundary landscaping proposals in compliance with the locations shown in the Landscape Mitigation Plan be completed prior to commencement of development on site, this would allow for sufficient time for the screening to develop and an element of screening provision, which would increase in time. This condition should also stipulate that any initial planting to be inserted should be semi-mature and at a minimum height of 2m. In addition to this, in order to assess the robustness of the proposed screen planting and to ensure any impacts on adjoining receptors are

monitored I would also suggest that a condition is attached stating that upon commissioning of the development and for a period of two years following first operation, detailed glint surveys on an annual basis should be completed by the developer and submitted to the planning authority in order to confirm that no such glint impact has taken place. Where required further mitigation planting can then be provided if deemed necessary. These measures in my opinion would address the concerns raised by the appellant/observer.

- 7.4.6. Having regard to the site layout and panel orientation, separation distances to roads and dwellings, the existing vegetative screening onsite, the proposals for new and additional planting and application of appropriate mitigation measures, I am satisfied that the issue of glint and glare would not likely give rise to significant adverse impacts on road or residential receptors or on the amenities of the area.
- 7.4.7. The appellant has also queried the height at which impacts are considered. Section 1.4.1 of the Glint and Glare report states that the receptors height is 1.7m, which represents the typical eye level for an observer at ground floor level. The various receptor locations may vary in mOD level and this height is used as a general measurement to assess all areas. While I note the appellant's house may be constructed using raised foundations, I am satisfied with the standard measures used to assess impacts in the submitted report.
- 7.4.8. The appellant raises concerns in relation to possible overshadowing as a result of the proposed hedgerow/ screening. I note the proposed location of this hedgerow is to be approximately 30 metres from the northern gable of House 26. Given this separation distance and orientation to the north of the dwelling house, notwithstanding a possible height of 3m, I would have no concerns regarding possible overshadowing of the appellant's dwelling house nor any resultant impact on residential amenity in this instance.

Traffic Impacts

- 7.4.9. In addition to the impact on residential receptors as raised by the appellant/observer, I note also that the submitted glint and glare assessment considered potential impacts on both road and aviation receptors. While no impacts on aviation receptors were identified, the preliminary magnitude of impacts on the N24 and the R687 were deemed to be substantial in the absence of mitigation measures (see Section 1.5.2.1

of Glint and Glare assessment). In particular these impacts were identified on the N24 national road at the point adjacent to the southern site boundary of Section 11 (see Site Layout Key Plan, Drawing No. 210246-04 for locations and Section 1.5.2.2 of Glint and Glare report for further details) and at intervals along the R687 as a result of proposed panels located in the Sections 7, 8 and 10. As stated previously in Section 7.4.6 above, given the potential for glare occurrence on road users due to inadequate/immature screening, I would suggest that the provisions of the Landscape Mitigation Plan be implemented prior to commencement of development on site. While it is acknowledged that the desired screening height may take time to develop to the desired 3m, ensuring that initial landscaping is planted with species at a height of 2m will address any concerns outlined above. I note that no residual glare effects are determined to occur for these road receptors, as a result of the high levels of screening surrounding the site from existing hedgerows and treelines, buildings, and proposed mitigation planting proposed as part of the proposed development.

7.5. Requirement for EIA and SEA

Environmental Impact Assessment (EIA)

- 7.5.1. Both the appellant and observer raise concerns over the proposed solar project and the requirement for EIA and query the local authority's conclusion on the matter. As noted under Section 5.9 above, solar farms are not listed as a class of development for the purposes of EIA within the Planning and Development Regulations, 2001 (as amended). In assessing all elements of the development, I have also examined the possibility of the proposal requiring assessment as a result of rural-restructuring and this assessment is detail under Section 5.4 above and Form 1 and 3 under the appendices attached to this report. In addition to ensure a thorough examination, I have also considered the thresholds in relation to Class 10 of Part 2 of Schedule 5 (dd) All private roads which would exceed 2000 metres in length. This has also been detailed under Form 1, attached to this inspector's report.
- 7.5.2. Having considered all the above matters and as set out under Section 5.4 above and in detail in Appendix 1 of this report, I am satisfied that the proposed solar farm does not require EIA.

Strategic Environmental Assessment (SEA)

7.5.3. The appellant raises concerns in relation to the absence of an independent EIA or SEA by the local authority and highlights that given this absence of assessment there are doubts over the legitimacy of the authority's publicly accountable decision making. Concerns in relation to EIA have previously been examined in Sections 7.5.1 and 7.5.2 above and Section 5.4 of this report, as well as Appendix 1. As regards SEA, I note that the European Union's SEA Directive (2001/42/EC) requires that an environmental assessment be carried out for all plans/programmes or amendments to plans/programmes which are prepared for certain specified sectors outlined within the directive. Having examined the appeal, I would not concur with the appellant's assertion on this subject. The European Union's SEA Directive (2001/42/EC) requires an environmental assessment be carried out for all plans/programmes or amendments to plans/programmes which are prepared for certain specified sectors outlined within the directive. The proposed development represents a project level development and does not comprise either a plan or programme as outlined in the SEA Directive, it is therefore clear that the proposal does not require SEA as part of the provisions of the SEA Directive or its provisions as transposed into Irish law under either S.I. No. 435 of 2004 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. No. 200 of 2011 (European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011) or S.I. No. 436 of 2004 (Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended by S.I. No. 201 of 2011 (Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011).

7.5.4. In addition to the above, I note that the operative development plan has been subject to SEA to predict and evaluate the likely environmental effects of implementing the plan, including policy in relation to future renewable development. In addition, other relevant higher-level plans, such as the National Planning Framework and the Regional Spatial and Economic Strategy have also been subject to SEA and support renewable energy development.

7.6. **Ecological Impact**

7.6.1. Concerns are raised within the grounds of appeal regarding the potential negative impacts on ecology and biodiversity as a result of the proposed development. An

Ecological Impact Assessment (EclA) accompanies the application and includes the findings of a habitat and species survey. An Appropriate Assessment Screening Report and associated Natura Impact Statement (NIS) have also been submitted and these are examined further under Section 8 of this report below.

- 7.6.2. I note that multidisciplinary ecological walkover surveys and mammal surveys to inform the EclA were conducted on the following dates: 8th and 10th September 2021, 6th and 20th December 2021, 3rd March 2022 the 6th and 20th December 2022 and the 28th February 2023. I am satisfied that the survey timing falls within the recognised optimum period for vegetation surveys/habitat/species recording/mapping. As part of these walkovers vegetation was visually assessed for potential to support roosting bats and commuting/foraging habitat for bats. A search for Invasive Alien Species (IAS), with a focus on those listed under the Third Schedule of the European Communities Regulations 2011 (S.I. 477 of 2011), was also conducted.
- 7.6.3. As regards the habitat survey a total of 11 habitat types were noted during the Fossitt habitat surveys. The species poor Wet Grassland (GS4), Improved Agricultural Grassland (GA1), Arable Crops (BC1), Drainage ditches (FW4), and Tilled Land (BC3) within the proposed project site were assigned Local Importance (Lower Value) as they are of low ecological significance and are widespread and abundant in the wider area. The lack of a diverse range of species within these areas do not make them notable for wildlife and provide limited food resources to pollinating insects and other wildlife in comparison to more diverse habitats.
- 7.6.4. The Hedgerow (WL1), Treeline (WL2) and Scrub (WS1) habitats were assigned Local Importance (Higher Value) as they help maintain links and ecological corridors between features of higher ecological value and are likely to be utilised by commuting and foraging bats and provide nesting and foraging habitats for birds. The Depositing/lowland rivers (FW4) habitat is also assigned Local Importance (Higher Value), as the habitat also provides an ecological corridor between features of high ecological value and is an important habitat for aquatic species that are present in the surrounding landscape. The Dry Calcareous and Neutral Grassland (GS1) within the proposed site was also classified as Local Importance (Higher Value) as this was somewhat more species diverse than the improved grassland. Section 5.2 of the EclA noted Himalayan balsam, an invasive species, within the site

but highlighted that no infrastructure nor access tracks are proposed to be located within close proximity to the species. In addition in order to ensure that no invasive species are present within the construction footprint at the time of construction, a pre-construction survey is proposed, to be carried out by a suitably experienced ecologist to ascertain the current extent of invasive species within the site with subsequent treatment as required.

7.6.5. As noted above, there is some loss of hedgerows (180m in total) proposed as part of the development, however replacement tree and hedgerow planting is proposed as part of additional landscape screening. This habitat loss is not considered to be a significant effect at any greater than local geographical scale.

7.6.6. I note the appellant's concerns in relation to the thoroughness of the surveys conducted and the possible existence of protected species on the proposed site, in particular Irish Hare. Section 4.2 of the EclA presents records for rare and protected species that have been previously recorded within the proposed site's geographical area, this list includes Irish Hare. Following these desktop studies field studies were then conducted on the dates detailed above. I note that Irish Hare were not recorded during these ecological surveys. While I note that the presence of Irish Hare has been recorded historically in the wider area, I am aware that this is a mobile species and a species known to forage over ranges of up to 2 km at a time. I note the EclA states that faunal species will not be restricted from foraging within the site or under the solar panel supports. In addition the security fencing which is to be erected along the perimeter of the site boundary shall use mammal-friendly fencing; which will incorporate a minimum 100mm gap at ground level to facilitate continued uninterrupted mammal access throughout the site. Where disturbance to soils and grassland occurs from the installation of the solar array, grass is to be planted and maintained during operational stage thus providing for continued foraging opportunities and detailed mitigation on this is presented under Table 6.2 Assessment of Impact on Grassland Habitats of the EclA. I am therefore satisfied that existing wildlife commuting corridors will be maintained and that no significant negative impacts will occur on Irish Hare or any other species.

7.6.7. I note that evidence of badgers was also recorded on site as part of the habitat and species surveys conducted. Two potential sett locations were identified in addition to paw prints and the EclA states that the habitat on the site is highly suitable for

foraging and sett creation. As mentioned above in order to minimise the impacts on foraging badgers, security fencing will incorporate a minimum 100mm gap at ground level. In addition to this given the activity of this species recorded on site I would suggest that if the Board are minded to grant permission a condition is attached to ensure that no piling of foundations occurs within 150 metres of an active badger sett during the breeding season (December to June) and also that no construction works within 50 metres of such an active sett occur during the breeding season.

7.6.8. I note from the results of the surveys conducted and presented in the EclA that no evidence of otter was recorded within or along drainage ditches or watercourses within the vicinity of the proposed development site boundary. In addition, no potential holts were found, with no other evidence recorded to suggest there may be otter within, or surrounding, the proposed development site. However, given the presence of a watercourse on the eastern boundary of the site and it's possible connectivity to suitable otter habitat downstream, a precautionary approach to this species possible presence on site was taken in the EclA and appropriate mitigation is presented.

7.6.9. Taking into the consideration the above the impact assessment presented in the EclA identifies the Key Ecological Receptors (KERs) of bats, birds, badgers and otters. Potential impacts on these KERs are set out at Tables 6-5 to 6-8 inclusive. Residual effects following the implementation of mitigation (as set out in these tables) is:

- No significant effects on bats as result of the construction phase.
- In relation to birds, habitat loss is not considered to be significant at any geographic scale.
- In relation to disturbance/displacement, no significant residual effect at any geographic scale is expected.
- In relation to badgers, no significant fragmentation to or loss of badger foraging habitat is anticipated at any geographic scale.
- No significant adverse impacts to badgers is anticipated as result of displacement.
- No significant effects on otters expected.

- 7.6.10. Section 6.3 of the EclA examines Operational Phase impacts. There will be no loss or fragmentation of habitats during the operational lifetime of the proposed solar PV farm. Operational phase disturbance on fauna will be minimal and not significantly different to normal agricultural activities.
- 7.6.11. With regard to cumulative effects a review of relevant plans and a number of developments in proximity to the proposed development were considered under Section 7 of the EclA including those relating to agricultural, commercial and small scale residential developments. No likely significant cumulative effects on ecological features are predicted.
- 7.6.12. I consider that it has been demonstrated based on the findings of the EclA that with the implementation of mitigation measures, there would be no significant effects on biodiversity, the ecology of the site or the surrounding area arising from the proposed development.

7.7. Land and Soil - Decommissioning phase

- 7.7.1. It is noted that only minor works will be required for the installation of the solar panels. The frame legs will be pile driven into the ground and therefore no intrusive foundations are required as part of the solar panel installation works. This also removes the need for soil/overburden stripping for construction of the solar farm. Soil/overburden stripped is therefore restricted to the compound/ future substation locations (under separate application) etc. and will be minimal in the area.
- 7.7.2. Section 3.7 of the Planning and Environmental Report and Section 6.4 of the EclA refers to the decommissioning phase of the development and states that upon decommissioning an environmental appraisal will be undertaken to inform the decommissioning strategy. I note the appellant and observer have stated that there is ambiguity between what is recommended by the developer regarding the solar array foundations and what the planning authority have included as Condition no. 2 (b). The applicant states that foundations would generally remain in place underground and would be covered with earth and reseeded as appropriate. The applicant states leaving the pilings in-situ is considered a more environmentally prudent option as removing piling could result in significant impact on agricultural lands. Condition no.2 (b) of the planning authority's notification of grant however requires that all foundations are removed as part of a detailed restoration plan. I also

note that Condition no.11 included by the planning authority refers to solar panels being fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission. The reason for this is stated as being in the interest of the long-term viability of this agricultural land, and in order to minimise impacts on drainage patterns. I would concur with the planning authority's approach on this matter and would suggest that if the Board are minded to grant permission that conditions reflecting the above should also be included. This in my opinion would also address the appellant/observer's other concerns in relation to possible soil erosion issues during the installation period.

- 7.7.3. With regard to concerns raised in relation to soil degradation over the operational period, I note that grass is to be planted beneath the solar panels and maintained to reduce risk of erosion during operation stage. This measure in combination with the method of foundation installation and removal discussed above and insured by way of condition will ensure that minimal impact occurs on soils on site and that soils can be returned to agricultural use following decommissioning.

7.8. Impact on Groundwater and Springs

- 7.8.1. Concerns in relation to possible impact on groundwater or springs as a result of the proposal are also raised by the appellant. I note a Geological and Hydrogeological Impact Assessment of the proposed development has been submitted in support of the application. This assesses potential impacts to geology and hydrogeology and where necessary includes mitigation measures. The report states that the proposed development is located within the South-East River Basin District, with a number of open land drains located within the boundaries of the site. The site is also located within the Clonmel Groundwater Body (GWB), however there are no group groundwater abstraction schemes in the vicinity of the proposed site, with the closest approximately 20km south-west. The water quality status in the watercourses surrounding the site are classed as "good" or "moderate".
- 7.8.2. A comprehensive impact and mitigation table (Table 3.4) is included within the assessment which outlines the various impacts, the level of impact arising from this and then the mitigation measures proposed for these which include the following:
- 15m buffer zone from natural water courses;
 - 10m buffer zones to separate construction from drainage ditch network;

- Baseline water quality sampling to take place prior to construction;
- A water sampling regime for construction and operational phase;
- Correct storage of oil and other hydrocarbons in bunded areas;
- Use of appropriately designed SuDS measures.

7.8.3. The assessment concludes that the potential impacts are expected to be localised and minimal, with implementation of appropriate mitigation measures as proposed. I also note that the CEMP presents further details on the construction methodology that will be utilised to avoid indirect effects on aquatic receptors.

7.8.4. In addition to the assessment of possible construction level impacts I also note the applicant's response to the appeal in relation to cleaning and maintenance of the solar panels. The applicant states that a regular cleaning schedule will be implemented to keep the panels free from debris and running efficiently. De-ionised water will be used for this cleaning process and in the unlikely event that lichens or moss were to grow on the panels a removal agent is to be used to break the bond between these and the solar glass. The applicant states that this agent is biodegradable and poses no threat to plants and animals.

7.8.5. Having regard to the foregoing and the relatively low intensity nature of construction activity, limited excavation requirements and standard construction mitigation measures, standard cleaning and panel maintenance measures, as well as the implementation of measures included in Table 3.4 Impact and Mitigation, I consider there would be no significant impact on the local geology and hydrogeology as a result of the proposed development during both the construction and operational phase.

7.9. Other Matters

Operational Life

7.9.1. I note that planning permission is sought for a period of 10 years with an operational life of 40 years from date of commissioning. No reasoning is presented for the proposed operational life, however I do note that with technological advances the longevity of solar photovoltaic panels has been extended and in my opinion there would not appear to be any planning rationale to suggest that 40 years operation

would be unreasonable and I would recommend a condition in respect of decommissioning is included.

8.0 Appropriate Assessment

8.1. Introduction

8.1.1. The requirements of Article 6(3) as related to Appropriate Assessment of a project under Part XAB and Section 177U and 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section with the areas addressed as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Brief Description of the Development
- Submissions Received
- Information received with application
- Screening for Appropriate Assessment
- Appropriate Assessment
- Recommendation

8.2. Compliance with Article 6(3) of the Habitats Directive

8.2.1. 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.

8.2.2. 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).

8.3. Brief Description of the Development

- 8.3.1. The Applicant provides a description of the proposed development at Section 2 of the Natura Impact Statement (MKO, June 2023) submitted with the application. In summary, the development comprises:

A Proposed Solar Farm consisting of approximately 275,544m² of solar panels on ground mounted steel frames, with a maximum overall height of 2.6 metres, within an overall site area of 66.95 ha.

8.4. Submissions Received

- 8.4.1. No relevant submissions were received from prescribed bodies in relation to the Appropriate Assessment process.
- 8.4.2. I note that the appellant raises concerns in relation to how the NIS was conducted stating that the local authority did not call for an independent NIS despite the proximity of Lower River Suir SAC and the Nier Valley Woodlands SAC.

8.5. Information received with application

- 8.5.1. The application included submission of an Appropriate Assessment Screening Report (dated June 2023) and a Natura Impact Statement (dated June 2023).
- 8.5.2. The AA Screening Report concluded a potential hydrological pathway for effect between the proposed development site and the Lower River Suir SAC (Site Code: 002137)(6.7km hydrological distance) and identified that therefore the site is within the Likely Zone of Impact and that further assessment was required for this site and therefore the production of a NIS. The project has been screened out for any likely significant effect on the Nier Valley Woodlands SAC (000668).
- 8.5.3. The submitted NIS (dated June 2023) outlines the methodology used for assessing potential impacts on the habitats and species within Lower River Suir SAC (002137) that have the potential to be affected by the proposed development. It predicts the potential impacts for this site and its conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European site and its conservation objectives. The NIS makes no reference to any consultation having taken place in the preparation of the Report.

- 8.5.4. The submitted NIS concluded that the proposed development will not adversely affect any of the Qualifying Interests (QIs) associated with the Lower River Suir SAC, in any phase of development either individually or cumulatively with other plans and projects.
- 8.5.5. 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. Set out below is my own independent assessment.

8.6. **Screening for Appropriate Assessment**

European Sites

- 8.6.1. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site(s).
- 8.6.2. The development site is not located in or immediately adjacent to a European site. The nearest designated Natura 2000 site is the Lower River Suir SAC (002137) approx. 3.4km to the south at its nearest point.
- 8.6.3. European sites within the potential zone of influence (Zoi) of the proposed development must be evaluated on a case by case basis. The preferred method of doing this is by using the Source-Pathway-Receptor (SRP) model. The submitted Screening Report used this SRP model and also catchment mapping to establish or discount potential hydrological connectivity between the site of the proposed development and any European Sites. NPWS datasets for European designated sites were also used. In order to assess any possible impacts on Special Conservation Interest (SCI) species of SPAs, the Scottish Natural Heritage (SNH) Guidance, 'Assessing Connectivity with Special Protection Areas (SPA)' (2016) was consulted. This document provides guidance in relation to the identification of connectivity between proposed developments and SPAs. Table 4.1 of the submitted AA Screening Report provides details of all relevant European Sites as identified in the preceding steps and assesses which are within the potential likely Zone of

Impact. Having regard to the nature of the proposed development, the nature of the receiving environment and the SPR model, it is considered that this is a reasonable approach to defining the Zol.

- 8.6.4. Having regard to: the information and submissions available; the nature, size and location of the proposed development; its likely direct, indirect and in-combination effects; the source-pathway-receptor model; and the sensitivities of the ecological receptors, I consider that two designated sites are relevant to include for the purposes of initial screening for the requirement for Stage 2 Appropriate Assessment on the basis of likely significant effects, these are namely the Lower River Suir SAC (Site Code: 002137) and the Nier Valley Woodlands SAC (Site Code: 000668).
- 8.6.5. Table 8.1 below lists the qualifying interests of the 2 no. European Sites within the defined Zol, their conservation objectives and identifies possible connections between the proposed development (source) and the sites (receptors).

Table 8.1: 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
Lower River Suir SAC [002137]	3.4km South 7.5km West 9.2km East Hydrological distance: approx.. 6.7km	Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritim) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0]	To maintain or restore the favourable conservation condition of those QIs listed. Detailed conservation objectives for this site (Version 1, 28 th March 2017) https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002137.pdf	Yes - There is hydrological connectivity between the proposed development site, and the Lower River Suir SAC. Hydrological connectivity has been identified between the proposed solar farm and the SAC via the Clonmel 16 (16C67) watercourse and land drains that drain directly to same watercourse, which in turn flow into the Suir in the town of Clonmel; there is therefore a potential pathway for indirect impacts on the aquatic QI's of this SAC as a result of potential deterioration in water quality. There is also a potential pathway for indirect effects resulting from water pollution and ex situ disturbance through the construction of the proposed solar farm in relation to otter, since	Yes

		<p>Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) [1029]</p> <p>White-clawed Crayfish (<i>Austropotamobius pallipes</i>) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Brook Lamprey (<i>Lampetra planeri</i>) [1096]</p> <p>River Lamprey (<i>Lampetra fluviatilis</i>) [1099]</p> <p>Twaite Shad (<i>Alosa fallax fallax</i>) [1103]</p> <p>Salmon (<i>Salmo salar</i>) [1106]</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p>		<p>individuals that use the SAC may also utilise the site via these watercourses.</p> <p>Potential for significant effect on downstream habitats was identified via spread of invasive species (Himalayan) via the watercourse (Clonmel 16 (16C67)) during construction activities.</p>	
Nier Valley Woodlands SAC [000668]	13.2km south east	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Nier	<p>No - outside of any zone of influence of the development due to the lack of ecological connections to the specific habitat type and species for which the site is designated.</p> <p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p>	No

			<p>Valley Woodlands SAC.</p> <p>Detailed conservation objectives for this site (Version 1, January 2021), were reviewed as part of the assessment and are available at:</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000668.pdf</p>	<p>Due to the terrestrial nature of the woodland QI habitats, the intervening distance and the nature of the proposed development, there is no potential for indirect effects to this habitat.</p>	
--	--	--	--	--	--

8.6.8. No SPAs have been considered in the above assessment as none have been identified with hydrological connectivity to the proposed site. In addition no ex-situ impacts on any SCIs are expected.

Screening Determination

- 8.6.9. Based on my examination of the submitted AA Screening Report and 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 one European Sites: Lower River Suir SAC [002137]. This conclusion is consistent with the documentation submitted by the applicant.
- 8.6.10. The remaining site Nier Valley Woodlands SAC [000668] 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 site.
- 8.6.11. An on-site electrical substation and cabling will be required to connect the solar farm to the electricity grid and will be the subject of a separate consent procedure. Potential impacts arising will be assessed as part of that application.
- 8.6.12. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

8.7. Appropriate Assessment of Implications of the Proposed Development

- 8.7.1. The proposed development is not directly connected with or necessary to the management of the Lower River Suir SAC (002137) or any other European sites in the surrounding area. However, as the proposed development is located upstream of and hydrologically connected to this European site, this raises the potential for indirect effects on it and its qualifying interests during the construction and operation phase.
- 8.7.2. The potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of pollutants, including sediments and invasive species to the drains and streams that hydrologically connect the site to the River. This in turn could have adverse impacts on qualifying interests. In particular

there may be a potential for adverse impacts to FWPM, white-clawed crayfish, sea lamprey, brook lamprey, river lamprey, twaite shad, salmon and otter.

8.7.3. The potential likely significant impacts that could arise during the construction, operational and decommissioning phases of the proposed development on the European site's qualifying interests habitats and species are:

- The release of pollutants, including siltation/sediments to surface water with resultant impacts to water quality.
- Disturbance and/or displacement of species listed as qualifying interests due to potential water quality impacts during construction or disturbance of foraging/commuting routes or breeding habitats.
- Habitat loss, fragmentation or alteration.
- The dispersal of invasive species with resultant impacts on qualifying interest habitats and species in particular downstream bank destabilisation

8.7.4. The information contained in the following Table 8.2 is a summary of the objective scientific assessment of the implications of the proposed development on the qualifying interest features of the Lower River Suir SAC [002137] 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.

Table 8.2 - Summary of Appropriate Assessment of implications of the proposed development on the integrity of Lower River Suir SAC (alone and in combination with other plans and projects in view of the sites' Conservation Objectives.

Qualifying interest feature	Conservation objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on site integrity be excluded?
<p>[1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p>	<p>To restore the favourable conservation condition of Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) in Lower River Suir SAC</p>	<p>Yes - A potential pathway for indirect effect has been identified resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse.</p> <p>Potential for adverse effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI</p>	<p>See Section 8.9 below for more detail.</p> <p>Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.</p>	<p>The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites.</p> <p>Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will</p>	<p>Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.</p>

		has therefore been identified on a precautionary basis.		occur as a result of the proposed development.	
[1410] Mediterranean salt meadows (<i>Juncetalia Maritima</i>)	To restore the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritim</i>) in Lower River Suir SAC	Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for adverse effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis,	See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.	The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
[3260] Water courses of plain to montane levels	To maintain the favourable conservation	Yes - A potential pathway for indirect significant effect has been identified, resulting from	See Section 8.9 below for more detail.	The applicant's NIS considers that no projects in the vicinity of the proposed	Yes – There is no doubt as to the

<p>with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</p>	<p>condition of Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation in Lower River Suir SAC</p>	<p>potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis.</p>	<p>Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.</p>	<p>development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.</p>	<p>effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.</p>
<p>[6430] <i>Hydrophilous</i> tall herb fringe communities of plains and of the montane to alpine levels</p>	<p>To maintain the favourable conservation condition of <i>hydrophilous</i> tall herb fringe communities of plains to alpine</p>	<p>Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of</p>	<p>See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity</p>	<p>The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under</p>	<p>Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or</p>

	levels in Lower River Suir SAC	deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis. Potential for significant effect on downstream habitats was identified via spread of invasive species (Himalayan Balsam <i>Impatiens glandulifera</i>) via the watercourse (Clonmel 16 (16C67)) during construction activities.	measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.	Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	indirect effects on integrity.
[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	To restore the favourable conservation condition of old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the	No - The site of the proposed development is located entirely outside of the SAC, with no identifiable habitat connection with this terrestrial habitat. No complete source-pathway-receptor chain for any effect on	N/A	N/A	Yes

	British Isles in Lower River Suir SAC	this habitat as a result of the proposed development was identified. No further assessment is required.			
[91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) in Lower River Suir SAC	Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis.	See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.	The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

[91J0] <i>Taxus baccata</i> woods of the British Isles	To restore the favourable conservation condition of <i>Taxus baccata</i> woods of the British Isles in Lower River Suir SAC	No - The site of the proposed development is located entirely outside of the SAC, with no identifiable habitat connection with this terrestrial habitat. No complete source-pathway-receptor chain for any effect on this habitat as a result of the proposed development was identified. No further assessment is required	N/A	N/A	Yes
[1029] Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>	To restore the favourable conservation condition of Freshwater Pearl Mussel in Lower River Suir SAC	Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A	See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to	The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as	Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

		complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis.	prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.	outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	
[1092] White-clawed Crayfish <i>Austropotamobius pallipes</i>	To maintain the favourable conservation condition of White-clawed crayfish in Lower River Suir SAC	Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis.	See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.	The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

<p>[1095] Sea Lamprey <i>Petromyzon marinus</i></p>	<p>To restore the favourable conservation condition of Sea Lamprey in Lower River Suir SAC</p>	<p>Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis.</p>	<p>See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.</p>	<p>The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.</p>	<p>Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.</p>
<p>[1096] Brook Lamprey <i>Lampetra planeri</i></p>	<p>To restore the favourable condition of Brook Lamprey in Lower River Suir SAC</p>	<p>Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the</p>	<p>See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the</p>	<p>The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination</p>	<p>Yes – There is no doubt as to the effectiveness or implementation of mitigation</p>

		SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis.	NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.	effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	measures proposed to prevent direct or indirect effects on integrity.
[1099] River Lamprey <i>Lampetra fluviatilis</i>	To restore the favourable conservation condition of River Lamprey in Lower River Suir SAC	Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A	See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to	The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as	Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

		complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis,	prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.	outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	
[1103] Twaite Shad <i>Alosa fallax fallax</i>	To restore the favourable conservation condition of Twaite Shad in Lower River Suir SAC	Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis	See Section 8.9 below for more detail. Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.	The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

<p>[1106] Salmon <i>Salmo salar</i></p>	<p>To restore the favourable conservation condition of Atlantic Salmon in Lower River Sur SAC</p>	<p>Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality on the SAC cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis.</p>	<p>See Section 8.9 below for more detail.</p> <p>Best practice drainage and water pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.</p>	<p>The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.</p>	<p>Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.</p>
<p>[1355] Otter <i>Lutra lutra</i></p>	<p>To restore the favourable conservation condition of Otter in</p>	<p>Yes - A potential pathway for indirect significant effect has been identified, resulting from potential hydrological connectivity from the site of the proposed development to the</p>	<p>See Section 8.9 below for more detail.</p> <p>Best practice drainage and water pollution prevention methods are set out in the</p>	<p>The applicant's NIS considers that no projects in the vicinity of the proposed development, nor any plans listed would be seen to have an adverse in-combination</p>	<p>Yes – There is no doubt as to the effectiveness or implementation of mitigation</p>

	<p>Lower River Suir SAC</p>	<p>SAC via the Clonmel_16 watercourse. Potential for significant effect as a result of deterioration in water quality and ex situ disturbance on the species cannot be ruled out in the absence of mitigation. A complete source-pathway-receptor chain for adverse effects on this QI has therefore been identified on a precautionary basis</p>	<p>NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures, which include for pre-construction survey, are also set out in the NIS to prevent the spread of Himalayan Balsam or the introduction of other invasive species/ biohazards.</p> <p>Best practice mitigation measures have been incorporated into the proposed development to avoid or minimise any potential indirect effect on otter. A pre-construction otter survey is also to be carried out.</p>	<p>effect on European sites. Having reviewed the information submitted under Section 8 of the NIS and also having considered any possible residual impacts as outlined under Section 7 of the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.</p>	<p>measures proposed to prevent direct or indirect effects on integrity.</p>
--	-----------------------------	---	--	--	--

8.8. Potential In-Combination Effects

- 8.8.1. In combination effects are examined within Section 8 of the submitted NIS and have been also considered under Table 8.2 above. The proposed development was considered in combination with other developments collated in the Tipperary County Council planning portal. This assessment also considers the Board's planning portal and planning histories considered in Section 4.0 of this report. The proposed grid infrastructure including substation is to be subject to a separate s182 planning application. Following mitigation as outlined in Table 8.2 above and detailed in Section 8.9 below no adverse impacts on site integrity have been identified for the current proposed solar project and therefore no in-combination effects are anticipated with any future grid-infrastructure project, however it is acknowledged that any future application will also be subject to its own assessment of any impacts on European sites. In addition a list of relevant Plans were detailed under Section 8.1 of the NIS. I consider the list presented adequate for the purpose of the assessment.
- 8.8.2. The conclusion that with the implementation of mitigation measures, the in-combination effect of the proposed development will not be adverse is considered reasonable. It can therefore be concluded that there would be no in-combination effects on the European sites or their qualifying interests.

8.9. Mitigation Measures

- 8.9.1. The mitigation measures that are proposed in the NIS to address the potential adverse effects of the construction and operation of the proposed development are listed under Sections 6.2.1.1.1 to 6.2.1.5. These can be summarised as follows:

Pollution prevention measures for the protection of water quality

- No in-stream works are proposed as part of the development.
- A minimum 15 metre buffer will be maintained from all drainage features within the site boundary.
- Silt fencing will be installed between all drainage features on site during the construction phase of the proposal.
- Works shall not take place at periods of high rainfall and shall be scaled back or suspended if heavy rainfall is forecast. No works will be undertaken during periods of flooding or if floods are forecast.

- Where required, soils will be stripped to facilitate the installation of infrastructure such as the substation and access roads. A limited area of soils will be stripped at any one time to avoid exposing large areas of the proposed development area, thereby limiting rainfall infiltration and preventing run off onto exposed soil surfaces. Silt fencing will be installed around stripped areas.
- Following reinstatement of each section, the area will be reseeded to facilitate immediate revegetation of the site and prevent suspended solids runoff.
- Stockpiles of excavated materials will be sealed with a digger bucket to reduce the potential for sediment runoff. These areas will be surrounded with silt fencing to prevent any pathway to any sensitive receptor. Polyethylene sheeting will also be placed over stock piles as required.
- Whilst no significant silt laden run off is anticipated, the site will be regularly monitored by the Environmental Manager for signs of run-off such as silt in surrounding vegetation and measures will be put in place to prevent this where necessary.
- Silt fences will be installed around all drainage features.
- Excavations will be carried out using a suitably sized excavator and, in all circumstances, excavation depths and volumes will be minimised.
- Heavy plant and equipment will travel slowly across bare ground at a maximum of 5 km/hr.
- Any construction materials, prior to use, will be stored at designated locations, 20m away from drainage features to avoid excessive sediment run-off or wind-blow.
- Any excess construction material shall be removed immediately from the area and sent to an authorised waste recovery facility.
- No refuelling of machinery or overnight parking of machinery is permitted in areas adjacent to watercourses or on-site drainage infrastructure. On-site refuelling will only take place at distances greater than 50 metres from the nearest site drainage feature.
- Mobile storage tanks will only take place at distances greater than 50 metres from the nearest site drainage feature. Mobile storage tanks such as fuel

bowsers will be bunded to 110% capacity to prevent spills. Tanks for bowsers and generators shall be double skinned. When not in use, all valves and fuel trigger guns from fuel storage containers will be locked.

- All plant refuelling will take place using mobile fuel bowsers. Only dedicated trained and competent personnel will carry out refuelling operations. A spill kit and drip tray shall be on site at all times and available for all refuelling operations. Equipment shall not be left unattended during refuelling. All pipework from containers to pump nozzles will have anti siphon valves fitted. The plant refuelling procedures shall be detailed in the contractor's method statements.

General best practice pollution prevention measures

- Table 6.1 of the NIS lists a number of European regulations and National best practice guidelines which are to be adhered to as part of the proposed development. These recommend specific setback distances for agricultural, forestry and other development works. These set back distances are typically 5m setback distances from surface waters, with stockpiled contaminated material to be at least 10 metres from a watercourse. In addition it is stated that oil should not be stored within 10 metres of a watercourse, ditch or drainage channel. Also it is outlined that a vegetated buffer zone, minimum 5 metres, should be maintained during construction along all watercourses.
- The proposed measures to protect water quality incorporated in the project design including the use of silt fences, storage of excavated material away from watercourses and storage of hydrocarbons and other potential pollutants in bunded containers away from waterbodies, will ensure that no deleterious material enters waterbodies in proximity to the development site.

Biosecurity

- A pre-construction survey will be carried out by a suitably experienced ecologist to ascertain the current extent of invasive species within the site which will have regard to the NRA guidance document - Guidelines on management of noxious weeds and non-native invasive plant species on national roads, National Roads Authority (TII, 2020). The Survey will also assess the need for any specific additional mitigation required in order to

ensure that there would be no significant residual impacts on ecological receptors

- Removal of Himalayan balsam within the site will be carried out using the most appropriate measures according to the species' current extent at the time of the pre-construction survey.
- Good construction site hygiene will be employed to prevent the further introduction and spread of problematic invasive alien plant species by thoroughly washing vehicles prior to entering the site.

Disturbance and Displacement of Otter

Best practice disturbance limitation measures have been included in the Proposed Development design and are described in Section 6.3.1 of the NIS.

- Within the site, all infrastructure has been proposed to avoid natural watercourses (located over 15 metres from EPA mapped watercourses).
- A pre-construction Otter survey, will be undertaken by a qualified ecologist to ensure that otter has not taken up residence within or close to the proposed works area.
- In the unlikely event that a holt is identified that could be potentially impacted during the preconstruction surveys, the need for additional mitigation will be assessed with reference to the procedures as outlined in the TII/NRA guidelines (2006), and in consultation with the National Parks and Wildlife Service (NPWS).
- Where works risk impacting an otter holt, these works will only be carried out under a derogation licence from NPWS, and all conditions of a derogation licence will be implemented in full.

Decommissioning

- Upon decommissioning of the development, an environmental appraisal will be undertaken to inform the decommissioning strategy.
- Any materials removed from site will be disposed of in an environmentally friendly manner, i.e. sent for re-use/recycling, where appropriate.

- All relevant mitigation employed during the construction phase (see above) will also be adhered to during the decommissioning phase

Subject to the implementation of the mitigation measures, there would be no resultant adverse effects on qualifying interest species and habitats respect to its attributes and targets.

8.10. Residual Effects

- 8.10.1. Section 7 of the NIS contains an assessment of residual adverse effects and focuses on the detailed attributes and targets listed under the conservation objective for each qualifying interest of the Lower River Suir SAC. No residual impacts have been identified post mitigation. I consider the information and assessment presented comprehensive and I would concur with this conclusion.

8.11. Integrity Test

- 8.11.1. Following the Appropriate Assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Lower River Suir SAC (002137), in view of the Conservation Objectives of that site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with other plans and projects.

8.12. Conclusion

- 8.12.1. 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.
- 8.12.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Lower River Suir SAC (Site Code: 002137). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives of relevance to the proposed development. The possibility for likely significant effects was excluded for other European sites.
- 8.12.3. Following AA, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of

Lower River Suir SAC, or any other European site, in view of the site's conservation objectives.

8.12.4. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures.
- Detailed assessment of in-combination effects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lower River Suir SAC.

9.0 Recommendation

9.1. Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

10.0 Reasons and Considerations

Having regard to:

- a) The nature, scale and extent of the proposed development,
- b) The national targets for renewable energy contribution to the overall national grid,
- c) The national, regional and local policy support for developing renewable energy, in particular:
 - i. Climate Action Plan 2024
 - ii. Climate Action and Low Carbon Development (Amendment) Act 2021
 - iii. Project Ireland 2040 National Planning Framework (2018)
 - iv. National Development Plan 2021-2030
 - v. National Energy Security Framework (April 2022)
 - vi. National Energy & Climate Action Plan 2021-2030
 - vii. Southern Regional Spatial & Economic Strategy,

viii. Tipperary County Development Plan 2022-2028,

- d) Measures proposed for the construction, operation and decommissioning of the development,
- e) The submissions on the file, and
- f) The documentation submitted with the application and the appeal,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the character of the landscape or on cultural heritage, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of public health, traffic safety and convenience, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology or on any European Site, would not lead to an increased risk of flooding within the site or adjoining lands, and would make a positive contribution to Ireland's requirements for renewable energy in accordance with national regional and local policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment - Stage 1

The Board considered the Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the Lower River Suir SAC (Site Code 002137) is the only European site for which there is a likelihood of significant effects. The Board concluded that, having regard to the qualifying interests for which the site was designated and in the absence of viable connections to, and distance between the application site and the European Site, the Nier Valley Woodlands SAC (site code 000668) could be screened out from further consideration and that the proposed development, individually or in combination with other plans and projects would not be likely to have significant

effects on this European Site or any other European Sites in view of the sites conservation objectives and that the Stage 2 appropriate assessment is therefore not required in relation to this European Site.

Appropriate Assessment – Stage 2

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

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

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

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 23rd day of October 2023 and 22nd day of February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report, Natura Impact Statement, Ecological Impact Assessment, Landscape Mitigation Plan, Construction and Environmental Management Plan, Cultural Heritage and Archaeological Assessment, and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

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

Reason: In the interest of clarity.

5. (a) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary

structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

(c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

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

6. (a) Prior to commencement of development the proposed native hedgerow and tree planting shall be placed along those site boundaries indicated in the submitted Landscape Mitigation Plan. This new planting shall be semi-mature in nature with an initial planting height of 2 metres.

(b) Landscaping and planting shall be carried out in accordance with details contained in the Landscape Mitigation Plan and the Ecological Impact Assessment.

(c) Upon commissioning of the development and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no glint impact on adjoining dwellings as a result of the development has occurred, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved.

(d) All existing hedgerows (except at access track openings, entrances or at locations that require thinning as indicated) shall be retained notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to the planning authority with the application.

(e) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

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

8. During the construction phase, the developer shall adhere to the 'Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes', published by the National Roads Authority in 2006. In particular, there shall be no piling of foundations within 150 metres of an active badger sett during the breeding season (December to June) or construction works within 50 metres of such an active sett during the breeding season.

Reason: In the interest of wildlife protection.

9. Before construction commences on site, details of the structure of the security fence showing provision for the movement of mammals at regular intervals shall be submitted for prior approval to the planning authority.

Reason: To allow wildlife to continue to have access across the site and in the interest of biodiversity protection.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological

materials or features which may exist within the site. In this regard, the developer shall:

- (a) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works.
- (b) investigate areas of archaeological potential by means of geophysical survey and, depending on the findings, carry out test excavations if deemed necessary following consultation with the National Monuments Services.
- (c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and
- (d) submit a report to the planning authority, containing the results of the archaeological investigations and assessment. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation in-situ or by record and protection of any archaeological remains that may exist within the site.

11. Prior to the commencement of any works on site the applicant shall:

- (a) Complete all works at the proposed access points to achieve the required sightlines, ensuring that the public road is maintained clean and free of any dirt or debris at all times.
- (b) Submit a Construction Stage Traffic Management Plan to the planning authority for prior written agreement.

Reason: In the interest of traffic safety.

12. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) Cables within the site shall be located underground.
- (d) The transformers/ inverters shall be dark green in colour.

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

13. The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s);
 - (b) location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;
 - (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - (k) details of on-site re-fuelling arrangements, including use of drip trays; (l) details of how it is proposed to manage excavated soil;
 - (m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
 - (n) Hours of construction.

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the NIS.

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

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

14. (a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be agreed in writing with the planning authority prior to the commencement of development.

This plan should be subject to periodic review and shall specify the construction practice, including measures for the suppression and mitigation of on-site noise and vibration.

(b) The plan shall be developed having regard to, and all construction activity shall be undertaken in accordance with, best practise guidelines, including BS 5228-1:2009+A1:2014, parts 1 & 2.

(c) The mitigation measures described in the Traffic and Transport Assessment and the Noise Assessment Report and shall be implemented in full.

(d) Prior to the commencement of development, a plan for the phased development of the site shall be submitted to and agreed in writing with the planning authority which shall seek to maximise separation from site boundaries at commencement of works and move progressively across the site.

Reason: In order to protect the amenities of the area.

15. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and, shall otherwise comply with submitted Flood Risk and Drainage assessment. A drainage management plan shall be developed for the construction and the operational phases of the development to include details of the proposed access routes and drains and is to be submitted to the planning authority for approval prior to commencement of development.

Reason: In the interests of environmental protection and flood prevention.

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

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

17. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

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

Reason: To ensure satisfactory reinstatement of the site.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory reinstatement of public roads that may be damaged by construction transport, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the

developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the reinstatement of public roads that may be damaged by construction traffic

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

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

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.

Máire Daly
Senior Planning Inspector

29th July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP - 319664-24		
Proposed Development Summary	Solar Energy development with ancillary development works		
Development Address	Townlands of Jamestown, Kilmolash Upper, and Rathkeevin, Co. Tipperary		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and 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)
			Conclusion
No	✓	Class 10 of Part 2 of Schedule 5 (dd) <i>All private roads which would exceed 2000 metres in length.</i>	The proposed development refers to all internal routes as internal access tracks – these tracks would not be classed as private roads, the proposed development is therefore not of this class specified in Part
			No EIAR or Preliminary Examination required

			2, Schedule 5, Planning and Development Regulations 2001 (as amended)	
Yes	✓	Class 1 of Part 2 of Schedule 5, (a) <i>Projects for the 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.</i>	Sub-threshold – c. 180m of hedgerow are proposed to be removed	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	✓	Screening Determination required

Appendix 1 – Form 3 - EIA – Screening Determination

Appendix 1 – Form 3 – Screening Determination		
A. CASE DETAILS		
An Bord Pleanála Case Reference	319664 – 24	
Development Summary	A 10 year planning permission for the construction and operation of a solar PV farm and all ancillary works. A Natura Impact Statement accompanies the planning application.	
Sub-threshold - development class referred to under Schedule 5 of Planning and Development Regulations 2001 (as amended):	Schedule 5, Part 2, Class 1 Agriculture, Silviculture and Aquaculture: <i>(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.</i>	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	EIA pre-screening was carried out.
2. Has Schedule 7A information been submitted?	Yes	Document entitled EIA Screening Determination - information specified in Schedule 7A of the Regulations is provided in Section 3.6 of the submitted report.
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Tipperary County Development Plan 2022-2028. The site is located within lands governed by this plan.

Appendix 1 – Form 3 - EIA – Screening Determination

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The site comprises agricultural fields. The field networks are bound by mixed hedgerows and mature trees on all sides which provides a good framework of well-established and mostly dense vegetative screening around the site boundary. The hedgerows present on site are comprised predominately of hawthorn, with elder, elm, dog rose, hazel and occasional mature ash trees also present. Some field boundaries are heavily grown over with bramble and other shrub species. The hedgerows vary between 1.5m-4.5m in height. Treelines present within the site comprise primarily of mature ash and white willow trees; the mature ash trees varied from 30-40m in height. It is envisaged that the proposal will result in the loss of 150 linear meters of hedgerow where access is required to fields, and a removal of a further 30 linear meters is needed to facilitate new security fencing. The volume of hedgerow to be removed is considered insignificant given the remaining linear features present in the surrounding environment.	No

Appendix 1 – Form 3 - EIA – Screening Determination

<p>1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Where existing hedgerow is required to be removed (e.g. for access to fields and the new security fencing locations) infill landscaping, e.g. hedgerows, will be planted where possible. In areas where vegetation is scarce or gaps occur, additional native screening planting in the form of native species characteristic of the local area will be instated. These hedgerows/landscaped areas will be maintained on an ongoing basis by landscaping/agricultural contractors (as outlined in submitted Landscape Mitigation Plan and associated drawing no. LMP01).</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Standard construction methods and materials. No significant use of natural resources in operational phase. The loss of natural resources (hedgerow) is not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Hedgerow removal activities will require the use of potentially harmful materials, such as fuels and other such substances to power necessary machinery. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the submitted Construction and Environmental Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Hedgerow removal activities will require the use of potentially harmful materials, such as fuels and other similar substances for necessary machinery and may give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during these activities are likely. Such impacts</p>	<p>No</p>

Appendix 1 – Form 3 - EIA – Screening Determination

	would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction and Environmental Management Plan, the project would satisfactorily mitigate the potential impacts.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Those areas of proposed hedgerow removal to facilitate the two new entrances are not located in proximity to any watercourses and given the limited nature of the proposed works no impact on groundwater is expected. It is noted that some areas where hedgerow removal is proposed to facilitate security fencing are located within close proximity to field drains, which ultimately drain to watercourses connected to the Lower River Suir SAC, however having regard to the nature of the proposed works, the distance of the subject site from this designated site and the proposed mitigation measures, particularly those relating to water quality as outlined in the submitted associated NIS, significant effects on the environment are not likely. No discharge of pollutants to ground water is likely.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for hedgerow removal activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Environmental Management Plan. The submitted Noise Assessment also contains proposed mitigation measures concerning plant machinery use and best practice noise reduction methods. No operational impacts in this regard are anticipated.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Hedgerow removal activity would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would	No

Appendix 1 – Form 3 - EIA – Screening Determination

	satisfactorily address potential risks on human health. No significant operational impacts are anticipated.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development.	No
1.10 Will the project affect the social environment (population, employment)	The initial removal of hedgerow at the proposed two new entrance locations may cause temporary disruption along the R687, however such disturbance will be short in duration and localised and managed through a Traffic Management Plan therefore no significant social environmental impacts anticipated.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes, the proposed development is part of a wider solar farm development which of itself is not a class for the purposes of the EIA Directive, but which is considered in the context of any resulting potential cumulative effects, including visual/landscape, water and biodiversity which are addressed separately in the Planning Assessment of my report. In this regard I note the proposed mitigation provided within the submitted EIA (Section 6.2.1.1), the Landscape Mitigation Plan and the CEMP. Following implementation of these measures no potential for significant effect exists at any geographic scale This concludes that no significant cumulative effects would arise in respect of the proposed development and the wider solar farm development.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a. European site (SAC/ SPA/ pSAC/ pSPA) b. NHA/ pNHA c. Designated Nature Reserve	There is only one Natura 2000 sites within the zone of influence of the project which has a potential pathway from the proposed works. This is the Lower River Suir SAC (Site code: 002137) which is located 3.4km south of the site at its	No

Appendix 1 – Form 3 - EIA – Screening Determination

<p>d. Designated refuge for flora or fauna</p> <p>e. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>nearest point. A surface water pathway has been identified along the eastern boundary of the site. This watercourse is not located within proximity to any of the proposed hedgerow removal works, however field drains which provide a pathway to the watercourse are located within proximity to certain areas of proposed works. These pathways are examined in detail under Section 8.0 of the inspector's report above and it has been concluded that following the implementation of those mitigation measures listed within the submitted NIS, no adverse impacts on the site integrity of the Lower River Suir SAC will occur.</p> <p>One NHA Slievenamon Bog NHA (002388) is located c. 11.8km east of the proposed development. A list of pNHAs which range in distance from 3.2km to 14.2km is also provided in the EclA, the nearest pNHA Marfield Lake is located c. 3.2km from the proposed works. Given the lack of pathway connections to these sites and the separation distances involved no potential impacts have been identified.</p> <p>It is noted that 2 badger setts (5 separate sett entrances) have been identified as part of the surveys carried out to inform the EclA, however none of the setts identified are located within proximity to areas that require hedgerow to be removed. Therefore, no potential impacts are likely.</p> <p>The treeline and hedgerow habitats proposed for removal are used by commuting and foraging bats as they provide connectivity with the wider</p>	
--	---	--

Appendix 1 – Form 3 - EIA – Screening Determination

	<p>landscape. In addition nesting birds are also noted to use these hedgerows. The EclA assesses the impact of the proposal on bats and bird species and concludes that provided mitigation is implemented which includes replacement hedgerow planting, as well as restrictions on the time of year in which hedgerow removal can occur, no significant effects are likely to arise.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>In total c. 180m of existing hedgerow are to be removed, this hedgerow provides habitat for bird species and linear foraging features for bats. While it is noted that there will be some temporary impacts on these species, provided the mitigation measures outlined in the submitted EclA are implemented it is not expected that the removal of hedgerow would result in significant impacts to protected, important or sensitive species</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Although two recorded monuments, TS076-051-enclosure and TS076-052 - moated site, are located within the environs, only the moated site is within the immediate vicinity of any proposed hedgerow removal works. The potential for impacts to arise during activities exists, these potential impacts include damage to the recorded monuments from excavation works or tracking from machinery. The submitted Archaeological and Cultural Heritage Impact Assessment outlines effective mitigation measures to be implemented to ensure such potential impacts do not occur, a 25m buffer around the two recorded monuments is recommended. Archaeological monitoring of ground works associated with the construction of the buffer zone fence is also to be undertaken. Section 6.1.1.3.2 of the Archaeological and Cultural Heritage Impact Assessment outlines the</p>	<p>No</p>

Appendix 1 – Form 3 - EIA – Screening Determination

	mitigation measures proposed. Provided these mitigation measures are implemented no significant impacts are expected.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	Given the minor nature of the works proposed there will be no foreseeable impact on any areas of high quality or scarce resources which could be affected by the project.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Having considered the locations of the proposed works, the limited nature of the works and the distance between the proposed hedgerow removal and any field drains in the vicinity (see Drawing no. 1101 of submitted Flood Risk and Drainage assessment) it is unlikely any surface run off would affect watercourses downstream.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a R687 regional road which links the N24 national route to Clonmel and NewInn and the M8 motorway to the north. While some traffic disruption is likely during the initial works on the site entrances, which involves the clearing of 150m of hedgerow from both sides of the R687 roadside, this is expected to be temporary in nature and no significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The surrounding area is comprised of agricultural land uses, farmsteads, dwellinghouses and some commercial enterprise. Having considered the minor nature of the works no significant impacts on these uses are anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		

Appendix 1 – Form 3 - EIA – Screening Determination

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>The proposed development is part of a wider solar farm development which of itself is not a class for the purposes of the EIA Directive, but which is considered in the context of any resulting potential cumulative effects, including visual/landscape, water and biodiversity which are addressed separately in the Planning Assessment within this report. Significant environmental effects from a cumulation of the proposed hedgerow removal with other existing development is unlikely based on a review of the relevant technical reports, the project design decisions and the proposed mitigation measures which effectively reduces the potential for cumulative effects. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. It is also noted that there are no other developments under construction in proximity to the site. The most recent permitted development within proximity to the proposal (117m from proposed works) is for a dwellinghouse to the southeast (P.A. Ref. 20138). No predicted cumulative effects are expected given that that the proposal will have no significant effects on the environment after mitigation measures are employed.</p> <p>Therefore, in summary and as outlined in the assessment it is not considered that any significant cumulative effects in combination with the subject project would arise.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>No</p>	<p>No</p>

Appendix 1 – Form 3 - EIA – Screening Determination

C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to</p> <ul style="list-style-type: none"> (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised; (b) The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm which is not, of itself, a class for the purposes of the EIA Directive; (c) The nature of the existing site and the pattern of development in the surrounding area; (d) The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised; (e) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003); (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and; (g) The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the submitted Construction and Environmental Management Plan, the Ecological Impact Assessment Report, the Landscape & Visual Assessment Report, the Natura Impacts Statement, the Flood Risk and Drainage Assessment and the Archaeological and Cultural Heritage Impact Assessment. 		

Appendix 1 – Form 3 - EIA – Screening Determination

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

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____