



Development

Permission to construct a Solar Energy development (total site area of 36.70 hectares). A Natura Impact Statement (NIS) accompanies this application.

Location

Within the townlands of Castlebank, Parteen, Ballykeelaun and Drummin, Ardnacrusha, Co. Clare.

Planning Authority

Clare County Council.

Planning Authority Reg. Ref.

2460416.

Applicant(s)

Castlebank Green Energy Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission with Conditions.

Type of Appeal

Third Party.

Appellant(s)

Sean McGovern
Teresa Crawford
Peter McCarthy

Observer(s)

None.

Date of Site Inspection

15th October 2025.

Inspector

Peadar McQuaid

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 36.7 ha, adjoins the settlement boundary of Ardnacrusha village to the southwest and is c. 3.5 km north of Limerick City centre. Parteen village is located c.0.39 to the east on the opposite side of the Ardnacrusha Tailrace Canal. The site contains two distinct parcels of land, c. 300m apart separated by a forest (broadleaved & conifer) plantation. The site comprises a total of nine agricultural fields, with mature hedging/treelines, within the townlands of Parteen and Castlebank. The southern parcel of the site consists of two fields (Field no 8 & 9) in use for grazing. The northern portion is bounded by and accessed from the L3056 and consists of seven fields (Field no 1 to 7) in use also for grazing. A period dwellinghouse (Castlebank House) with outbuildings are located within the northern land parcel but are excluded from the application site boundary.
- 1.2. The surrounding area is rural in character, comprising of dispersed one-off rural dwellings, sections of ribbon development and small village settlements. The local landscape contains agricultural field systems predominantly pasture and areas of forestry. The Ardnacrusha ESB Power Station and a forestry plantation is situated just to the northeast of the site. The Ardnacrusha Tailrace Canal runs to the east of the site c55m at its closest point.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:
- 2.2. The applicant is seeking planning permission for a period of 10 years to construct and complete a Solar Energy development with a total site area of 36.70 hectares and to include the following:
 - Construction of PV panels mounted on metal frames, (proposed maximum height of up to 3.2m),
 - 1 no. substation including 18m high lightning mast,
 - 9. No inverter substations, (each unit measures c.6.1m x 2.5m),

- Internal access tracks (new and upgraded),
- Underground cabling,
- Security fencing (2.4m high) and access gates,
- 15 no. CCTV cameras and lighting units, 3.5m high galvanised steel posts.
- A temporary construction compound (located in field no. 2 circa 60mx 50m in area),
- All ancillary grid infrastructure and associated works,
- The proposed grid route will connect the substation at the application site to the existing grid infrastructure at Ardnacrusha Power Station via a 38kV underground cable which is 1.2km in length (320m of which is on the local road L3056),
- The Solar Farm would be operational for 40 years,
- A Natura Impact Statement (NIS) will be submitted with this application.

2.3. Submitted Documentation

2.3.1. The application included the following accompanying documents:

- Infrastructural Drawings
- Planning Statement
- Natura Impact Statement (NIS)
- EIA Screening Report
- Decommissioning Statement
- Landscape and Visual Impact Assessment
- Ecological Impact Assessment
- Archaeology and Architectural Heritage Impact Assessment
- Flood Risk and Drainage Impact Assessment
- Construction Traffic Management Plan

- Noise Impact Assessment
- Glint and Glare Assessment
- Outline Construction Environmental Management Plan
- Grid Route Assessment

2.3.2. Subsequent to a request for Further Information (FI) by the Planning Authority, the following key documents were updated and submitted by the Applicant:

- SFI Site Notice and Newspaper Notice (both dated 5th May 2025)
- Glint and Glare Assessment
- Ecological Impact Assessment including Landscape & Ecology Management Plan (LEMP) and Biodiversity Management Plan (BMP)
- Outline Construction Environmental Management Plan
- Archaeology and Architectural Heritage Impact Assessment including a Geophysical Survey
- Visibility Splay drawings
- Site layout plan with proposed route of the Limerick Northern Distributor Road (LNDR) overlain.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Clare County Council (The Planning Authority) issued a notification of decision to GRANT permission for the above-described proposed development on the 30th June 2025, subject to 11 no. conditions: The conditions include inter alia the following:

- Condition no.1 (c): Permission to be carried out within 10 years.
- Condition no.3: Submission of finalised Construction Environmental Management Plan (CEMP).
- Condition no.4 (a): Structures removed not later than 40 years.

- Condition no.4 (b): Submission of detailed Restoration Plan.
- Condition no.5: All identified mitigation measures to be implemented.
- Condition 6 (b): Condition Survey of the L3056 and all local roads, bridges and culverts.
- Condition 6 (e): Appointment of Temporary Traffic Liaison Officer for the construction stage.
- Condition no.8: All measures of the updated Landscaping Plan to be carried out.
- Condition no.9: All mitigation measures of the revised Archaeology and Architectural Heritage Impact Assessment to be implemented.
- Condition no.11: Payment of a Development Contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Planning Report No.1

3.2.3. The first report of the Executive Planner dated 23rd October 2024, provided a description of the site and subject development, an outline of the planning history of solar developments in the surrounding area, a summation of the 3rd party public submissions and referral responses on file and a description of the relevant planning policy context. The principle of development was deemed to be acceptable by the Planning Authority. It is also considered that the proposal would not have any negative noise, built heritage and visual impacts or impacts upon the amenities of adjoining properties. It was accepted that the site was not subject to flood risk and would not increase the risk of flooding. An EIAR Screening opinion determined that the proposed development did not come within the scope of Part 1 or Part 2 of Schedule 5 of the Planning & Development Regulations 2001 as amended, and there was otherwise no individual or combination of aspects of the proposal that would trigger the requirement for an EIAR. An AA screening determination and AA determination was made by the Planning Authority and deemed the proposed

development would not have a negative impact or tother impact on the conservation objectives of any Natura 2000 Site.

3.2.4. A number of key issues were raised during the assessment. A summary of the issues which formed the basis of the Planning Authority's FI request is included as follows:

- Update Glint and Glare Assessment to consider Shannon Contingency Tower as an aviation receptor and to limit the tilt angles of the proposed solar panels.
- Update Archaeological Impact Assessment, to include a program of targeted archaeological test excavations.
- Address traffic safety issues relation to forward visibility distances and revised speed survey assessment.
- Potential impacts on the proposed Limerick Northern Distributer Road (LNDR).
- Update Bird Assessment for the proposed development, specifically pertaining to Roost Surveys for Hen Harrier.
- Revise landscaping proposals.
- Assess the cumulative and in combination effects with other schemes in the wider area.

3.2.5. A second Planner's Report (dated 27th June 2025) refers to the further information submitted, which included and considered that, having regard to the additional information, permission should be granted subject to 11 no. conditions.

3.2.6. **Other Technical Reports**

- Road Design Office (RDO) - The Road Design Office report dated 11th October 2024, has concerns with the forward visibility from vehicles (HGVs) approaching the site entrance from the west along the L3056. The RDO note the inclusion of a speed survey assessment to justify the reduction of the design speed of the L3056 but do not accept this assessment. A pre, during and post condition survey is to be carried out on the L3056 200m in each

direction from the proposed entrance and agreed with the MD area engineer. Further information was requested in relation to the submission of a revised speed survey assessment in accordance with TII publication document DN-GEO-03060 and forward visibility concerns. The second report dated 8th May 2025 states that the RDO is satisfied that the criteria listed in section 3 of the F.I request have been met.

- Environmental Assessment officer – The officer requires further surveys within the optimal survey window (October, January and March) for potential roosting of the Hen Harrier within the site and the inclusion of new hedgerow along the boundary of the substation and Solar PV Array. The site is within the core sustenance zone (CSZ) of the Lesser Horseshoe Bat. The second report dated 19th June 2025 states the officer agrees with the findings of the EclA regarding no evidence of Hen Harrier wintering roosting. The updated Landscaping Management Plan should be conditioned as part of any grant of permission. The applicant's response to cumulative and in- combination effects is deemed acceptable. The officer is satisfied once the mitigation measures as outlined in Section 4.1.1 and 4.1.2 of the NIS are conditioned, together with the correct implementation of the landscape management plan, biodiversity management plan and CEMP that no risk of adverse effects on the qualifying interests features of the Lower River Shannon SAC or the River Shannon and Fergus SPA.

3.3. Prescribed Bodies

- 3.3.1. Department of Housing, Local Government & Heritage: The initial report from the Development Applications Unit (DAU) sought further information in the form of an updated Archaeological Impact Assessment, to include a programme of targeted archaeological test excavations. A second report from the DAU dated 4th June 2025 states that they broadly concur with the mitigation measures of the contained with the revised Archaeology & Architectural Heritage Impact Assessment and recommend conditions by included in any grant of permission.

3.3.2. Transport Infrastructure Ireland (TII): The TII requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's '*Code of engineering practice for works on, near, or adjacent the Luas light rail system*'.

3.3.3. Air Nav Ireland: The report states that the Air Nav Ireland is satisfied with the assessment for aviation receptors at Shannon Airport, however the developer was requested to limit the tilt angle of the solar panels to mitigate potential effects on airborne (VFR) traffic.

3.3.4. Shannon Airport Authority: The Authority in the initial report dated 21st October 2024 want the applicant to limit the tilt angle of the panel in this development to mitigate potential effects on airborne Visual Flight Rules (VFR) traffic. It is also requested that the Shannon Contingency Tower be included in a revised Glint and Glare Assessment. The second response dated 26th June 2025 note the submission of the revised Glint and Glare Assessment and have no further comments.

3.4. Third Party Observations

- There were eight submissions from third parties in respect of the planning application to the Planning Authority. The contents of each submission have been considered in my assessment of the subject proposal. The issues raised in these submissions are generally reflected in the issues raised in the third-party appeal and are assessed in further detail in Section 6 of this assessment.

3.5. Planning History

3.5.1. A review of the Planning Authority's planning portal and the Coimisiún's case files was carried out on 17th November 2025 to collate any recent and relevant (within 10 years) planning history for the subject site. There is no recent planning history on the appeal site itself.

3.5.2. Other significant or noteworthy renewable energy developments within the general vicinity of the site are listed in Table A below:

Table A				
Ref. No.	Applicant/Location	Status	Description	Note
2560563	Harmony Solar Clare Limited, Land to the west/north-west of Ardnacrusha, within the townlands of Castlebank, and Glenlon South, Co.Clare.	Decision pending on the 24 th December 2025	Amendments to part of the design of an approved solar farm development (Clare County Council Planning Reg. Ref. P23/60249). Amendments to grid connection, substation, placement of overhead lines and underground cables.	Approx. 0.48km north of the subject site at its nearest point.
2460485	Reeve Wave Ltd - Coolderry, Dromintobin North, Dromintobin South, Knockback Lower, Knockbrack Upper, Monaskeha, Oakfield and Ruanard (townlands), Ardnacrusha, Co. Clare.	Grant permission with 12 no conditions.	A solar farm development consists of 330,000 m ² of solar panels on ground mounted frame, to have an operational lifespan of 40 years. The proposed development provides for minor modifications to the solar array permitted under Clare County Council	Approx. 4km northeast of the subject site at its nearest point.

			Reference P22/591 / An Bord Pleanála Reference ABP-316043- 23.	
2360249	Harmony Solar Clare Ltd - Land to the west/north-west of Ardnacrusha within the townlands of Castlebank, Drummin, Glenlon North, Glenlon South and Ballykeelaun, Co Clare.	Grant permission with 14 no conditions.	A solar farm development on a site of 70 hectares, to be operational for 40 years.	Approx. 0.48km north of the subject site at its nearest point.
22591/ ABP-316043-23	Reeve Wave Ltd - Ballyglass, Coolderry, Dromintobin North, Reanabrone, and Oakfield (townlands,), Ardnacrusha, Co Clare.	Grant permission with 13 no conditions.	A solar farm development consists of c265,000 m ² of solar panels on ground mounted frame, to have an operational lifespan of 35 years.	Approx. 2.3km northeast of the subject site at its nearest point
ABP 318943-24	Ballycar Green Energy Ltd - Cappateemore East, Ballycannan West, Ballycannan East, Ballycar South, Ballycar North, and Glennagross, Co Clare.	Pending decision by ACP.	Proposed 12 turbine windfarm, located on a 140-hectare site.	Approx. 2.5km northwest of the subject site at its nearest point.
22254 / ABP314887	Seamus Madden	Grant permission with 10 no conditions.	Permission for a revised site boundary and revised position of a single 800kw wind turbine, 73 metres to hub height as granted under P10/453 and P15/812.	Approx. 1.0km east of the subject site at its nearest point.

4.0 Policy Context

4.1. International/EU Policy

- 4.1.1. RED III (European Renewable Energy Directive (EU/2023/2413))
- 4.1.2. The revised Directive EU/2023/2413 came into force on 20th November 2023. RED III sets an overall renewable energy target of at least 42.5% binding at EU level by 2030, but it is aiming for 45%. This target is raised from the previous 32% target. It means almost doubling the existing share of renewable energy in the EU. The Directive introduces several provisions to facilitate the deployment of photovoltaic (PV) projects, including the designation of renewable acceleration areas by Member States, a simplified and expedited permit granting process for solar PV projects and streamlined environmental assessment procedures for solar PV projects in designated renewable acceleration areas. This Directive has been transposed by way of SI 254/2025 on the 6th August 2025.
- 4.1.3. REPowerEU Plan 2022 and Directive EU 2018/2001, as amended 18.05.2022
- 4.1.4. The plan was prepared in response to the Russian invasion of Ukraine. It focuses on the need to end the EU's dependence on Russian fossil fuels and to tackle the climate crisis. It includes the accelerated rollout of renewable energy. It amends the Directive on the Promotion of the Use of Energy from Renewable Sources (Directive EU 2018/2001) to require that 45% of energy is from renewable sources.

4.2. National Policy and Guidance

- 4.2.1. Climate Action and Low Carbon Development Act, 2015, as amended.
- 4.2.2. 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 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 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.

- 4.2.3. Climate Action Plan 2024 (“CAP24”) and 2025 (“CAP25”)
- 4.2.4. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland’s Climate Action Plan 2019. The plan is prepared under the Climate Action and Low Carbon Development Act 2015 (as amended, see below), which introduced economy wide carbon budgets and sectoral emission ceilings, to achieve a 51% reduction in emissions by 2030 (relative to 2018 levels) and net zero emissions by 2050. CAP24 sets out the sectoral emission ceilings for the electricity sector (Table 3.2) and, in Table 12.5, KPIs to accelerate renewable energy generation. Key objectives include deploying up to 5 GW of solar power by 2025 and at least 8 GW by 2030. The Plan also details the significant changes required to enhance the electricity grid’s capacity and flexibility.
- 4.2.5. To meet its targets and obligations CAP 24 sets a course for Ireland to halve emissions by 2030 and reach net-zero no later than 2050. In terms of the electricity sector a 75% reduction in emissions based on 2018 levels is required by 2030 and CAP 24 provides that central to achieving this is the strategic increase in the share of renewable electricity to 80% by 2030 including ambitious targets of deploying 9GW of onshore wind, 8GW of solar power and at least 5GW from offshore wind projects.
- 4.2.6. CAP 2025 was published on 15th April 2025. It re-affirms the previous commitment to increase the share of renewable electricity generation to 50% by 2025 and 80% by 2030 including solar targets of up to 5 GW by 2025 and 8 GWs by 2030.
- 4.2.7. Ireland’s Long-term Strategy on Greenhouse Gas Emissions Reductions 2024
- 4.2.8. The National long-term Climate Action Strategy, entitled Ireland’s Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. The Strategy

provides a pathway to a whole-of-society transformation and serves as a vital link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland's National Climate Objective.

4.2.9. The National Adaptation Framework; Planning for a Climate Resilient Ireland (June 2024)

4.2.10. The most recent approved national adaptation framework, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 (NAF) is Ireland's second statutory National Adaptation Framework (NAF) and was published on 5th of June 2024. The NAF and its successors do not identify specific locations or propose adaptation measures or projects in individual sectors, but sets out the context to ensure local authorities, regions and key sectors can assess the key risks and vulnerabilities of climate change, implement climate resilience actions and ensure climate adaptation considerations are mainstreamed into all local, regional and national policy making. The NAF identifies 13 (previously 12) priority sectors under 7 lead Departments that are required to prepare sectoral adaptation plans under the Climate Act in accordance with the Sectoral Planning Guidelines for Climate Change Adaptation which were published in 2018 and updated in 2024.

4.2.11. Electricity and Gas Networks Sectoral Plan 2025 (EGN SAP 2025)

4.2.12. The aim of the Plan published in November 2025 is to help Ireland's electricity and gas networks build long term resilience to climate impacts and extreme weather events. The plan considers national scale impacts and risks for the three EGN subsectors (electricity generation, electricity networks and gas networks) rather than assessing impacts on individual EGN assets. A total of 45 climate risks for the EGN sector have been identified, as part of the climate impact screening. To address the risks posed by climate change to the EGN sector, the EGN SAP 2025 sets out a EGN SAP Vision underpinned by three goals: (i) Establish structures to strengthen and enable action across the EGN sector to increase resilience; (ii) Strengthen the capacity of the EGN sector to ensure long-term resilience and (iii) Deliver a sustainable and resilient EGN sector. These goals are supported by 7 objectives and 38 actions, ranging from enhancing existing SAP governance processes, to

prioritising research, and strengthening policy integration. The Plan is viewed as a 'live' document and will be evaluated and adapt, in line with developments in climate adaptation and mitigation efforts across the EGN sector.

4.2.13. Project Ireland 2040: National Planning Framework ("NPF"), First Revision of the NPF and the National Development Plan ("NDP 2021-2030")

4.2.14. The Project Ireland 2040 is the Government's long-term overarching strategy to make Ireland a better country for all and to build a more resilient and sustainable future. The NPF and the NDP combine to for Project Ireland 2040. The NPF sets out to deliver a spatial strategy through a set of National Strategic Outcomes ("NSO's"), including: 'Transition to a Low Carbon and Climate Resilient Society' (NSO 8) which establishes a national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050. The first revision of the NPF has been approved by both Houses of the Oireachtas, following the decision of the Government to approve the final revised NPF in April 2025. The 'First Revision' introduces regional renewable electricity capacity allocations for each of the three Regional Assemblies to be achieved by 2030 which for the Southern Regional Area is an additional 3,302MW (Total 7,555MW), for solar PV or 43% of the National share in 2030. This is the minimum required for solar generation to meet the 2030 emission reductions in the electricity sector. The NDP 2021-2030 sets out the investment priorities that will underpin the implementation of the National Planning Framework, through a total investment of approx. €116 billion. It recognises that Ireland's energy system requires radical transformation in order to achieve its 2030 and 2050 targets and objectives. It recognises that investment in renewable energy sources affords Ireland an opportunity to decarbonise our energy generation, but that this must be complemented by wider measures to moderate growth in energy demand, increase energy security, diversify supply sources and facilitate more variable electricity generation on the grid.

4.2.15. Relevant National Policy Objectives (NPO) include:

- NPO 69 - Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets.
- NPO 70 - Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.
- NPO 71- Support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development.
- NPO 75 - Local Authorities shall plan for the delivery of Target Power Capacity (MW) allocations consistent with the relevant Regional Spatial and Economic Strategy, through their City and County Development Plans.

4.2.16. Ireland's 4th National Biodiversity Action Plan 2023–2030

4.2.17. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues: - Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity, - Objective 2 - Meet Urgent Conservation and Restoration Needs, - Objective 3 - Secure Nature's Contribution to People, - Objective 4 - Enhance the Evidence Base for Action on Biodiversity - Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

4.2.18. National Energy Security Framework, April 2022

4.2.19. 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.

4.2.20. 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.

4.2.21. Food Vision 2030

4.2.22. 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.

4.2.23. 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

4.2.24. **Other Relevant National Guidelines**

4.2.25. Regard is also given to:

- Architectural Heritage Protection Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2011. (updated in 2022).
- Ireland's 4th National Landscape Strategy for Ireland 2015-2025,
- The Planning System and Flood Risk Management, 2009,

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

4.3. **Regional Policy**

4.3.1. Regional Spatial & Economic Strategy – Southern Region

4.3.2. This document seeks to support the delivery of the programme for change set out in Project Ireland 2040, the National Planning Framework (NPF) and the National Development Plan 2018-27 (NDP), and to ensure coordination between the City & County Development Plans and Local Enterprise & Community Plans. It seeks to facilitate the sustainable development of additional electricity generation capacity throughout the region and to support the sustainable expansion of the transmission network. The Regional Authority seeks to ensure that future strategies and plans for the development of renewable energy, and associated infrastructure, will promote the development of renewable energy resources in a sustainable manner.

4.3.3. The following relevant Regional Policy Objectives –

- RPO 87 Low Carbon Energy Future
- RPO 95 Sustainable Renewable Energy Generation
- RPO 96 Integrating Renewable Energy Sources
- RPO 100 Indigenous Renewable Energy Production and Grid Injection
- RPO 219 New Energy Infrastructure
- RPO 221 Renewable Energy Generation and Transmission Network

4.4. **Development Plan**

4.4.1. Clare County Development Plan 2023-2029

4.4.2. The Clare County Development Plan 2023-2029 came into effect on 20th April 2023. There is no specific land use zoning for the site. The appeal site is located within a landscape that is designated as the 'Western Corridor Working Landscape' and 'A Rural Area Under Strong Urban Influence'. It is also within the River Shannon Farmland Landscape Character Area (LCA) and the River Valley Farmland Landscape Character Type (LCT).

4.4.3. The chapters of the Development Plan relevant to this assessment and specific objectives relating to Solar Developments are as follows:

- Volume 1
- Chapter 2 Climate Action
- Objective CDP 2.14 It is an objective of Clare County Council: a) To facilitate measures which will accelerate the transition to a low carbon economy and a circular economy through mechanisms such as the Climate Action Competitive Fund; b) To support the development of enterprises that create and employ green technologies and to promote County Clare as a low carbon county as a means of attracting inward investment to the county and to the wider Southern Region; f) To facilitate the development of energy sources which will achieve low carbon output. h) To work to implement the provisions of Ireland's Transition to a Low Carbon Energy Future 2015-2030 as they relate to County Clare.
- Objective CDP 2.18 It is an objective of Clare County Council: a) To facilitate and support the development of solar farms in appropriate locations throughout the county including on agricultural lands and brownfield sites subject to normal planning considerations; and b) To encourage the use of solar thermal or solar PV installations as part of the design and planning process for new developments and refurbishments.
- Chapter 3 Core Strategy
- Objective CDP3.3 It is an objective of the Clare County Council: a) To require compliance with the objectives and requirements of the Habitats Directive,

specifically Article 6(3) and where necessary 6(4), Birds, Water Framework, and all other relevant EU Directives and all relevant transposing national legislation; b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required together with the preparation of both statutory and non-Statutory Ecological Impact Assessments (EclA); c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network; d) To require all proposals to ensure there is 'no net loss' of biodiversity within developments; e) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected; f) To require the preparation and assessment of all plans and projects to have regard to the information, data and requirements of the Appropriate Assessment Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this development plan; and g) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the plan).

- Chapter 6 Economic Development
- Chapter 8 Rural Development and Natural Resources
- Objective CDP8.12 It is an objective of Clare County Council: To support the implementation of the National Renewable Energy Action Plan (NREAP), the Clare Wind Energy Strategy and the Clare Renewable Energy Strategy to facilitate the development of renewable energy developments in rural areas to meet national objectives towards achieving a low carbon economy by 2050 subject to the requirement of the RES SEA Environmental Report and the mitigation measures arising from the CDP Appropriate Assessment as contained in Volume 10(a).
- Chapter 11 Physical Infrastructure

- Objective CDP11.45 (b) & (f) It is an objective of Clare County Council: b) To facilitate future alternative renewable energy developments and associated utility infrastructure throughout the county. f) To have regard to environmental and visual considerations in the assessment of developments of this nature and ensure compliance with the environmental requirements of objective CDP 3.3 of this plan.
- Chapter 14 Landscape
- Objective CDP14.3 It is an objective of Clare County Council: a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources; b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact.
- Objective CDP14.7 It is an objective of Clare County Council: It is an objective of Clare County Council: a) To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community; b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and c) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.
- Chapter 15 Biodiversity, Natural Heritage and Green Infrastructure
- Objective CDP15.8 It is an objective of Clare County Council: a) To ensure the protection and conservation of areas, sites, species and ecological networks/corridors of biodiversity value outside of designated sites throughout the County and to require an ecological assessment to accompany development proposals likely to impact on such areas or species;
- Chapter 16 Architectural and Cultural Heritage

- Appendix 1 Development Management Guidelines
- A1.2.3 Renewable Energy
- The Planning and Development Regulations 2001 (as amended) includes planning exemptions for renewable energy technologies below certain thresholds and in different site contexts, for example commercial and residential. For renewable energy developments outside of these exemptions planning permission is required and the Planning Authority will assess such development proposals on a case by case basis, having regard to current Government policy and Ministerial Guidelines, the Clare Renewable Energy Strategy (Appendix 5), the Clare Wind Energy Strategy (Appendix 6), the relevant Objectives contained in this Plan, site specific circumstances, the content of the submissions and observation received and other planning and environmental considerations. In relation to utility-scale solar energy applications, any pre-application discussion and/or planning application proposal for solar farm development in the vicinity of the strategic national road network shall include a Glint and Glare Assessment.
- Volume 5 Clare Renewable Energy Strategy
- Chapter 7 Solar Energy
- Objective RES 7.1 Increase the penetration of commercial scale solar energy projects. It is an objective of Clare County Council: (a). To increase the penetration of utility scale solar energy development in appropriate locations. (b). To favourably consider the redevelopment of brown field sites for large solar PV projects. (c). To favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multipurpose land use.

4.4.4. Limerick-Shannon Metropolitan Area Strategic Plan

4.4.5. RPO 9 Holistic Approach to Delivering Infrastructure: It is an objective to ensure investment and delivery of comprehensive infrastructure packages to meet growth targets that prioritise the delivery of compact growth and sustainable mobility as per

the NPF objectives including: Water services, digital, green infrastructure, transport and sustainable travel, community and social, renewable energy, recreation, open space amenity, climate change adaptation and future proofing infrastructure including flood risk management measures, environmental improvement, arts, culture and public realm.

4.5. Natural Heritage Designations

- 4.5.1. The nearest designated Natura 2000 sites are the Lower River Shannon Special Area of Conservation (SAC) (Site Code: 002165) located c.0.3km to the south. The River Shannon and River Fergus Estuaries Special Protection Area (SPA) (Site Code: 004077), is located c.3.6 kilometres to the south-west of the appeal site.
- 4.5.2. The nearest Natural heritage site is the Knockalisheen Marsh pNHA (Site Code: 002001) which is located c 0.8 kilometres south-west of the appeal site boundary.

4.6. EIA Screening

- 4.6.1. 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. The proposed development is to be connected to the national grid via an 38kV underground grid connection cable to the existing 110Kv substation adjacent to the Ardnacrusha Hydro Electric Power Station. Such underground grid connection would not constitute a class of development under Schedule 5 and would not require preliminary examination or EIA.
- 4.6.2. 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.'

- 4.6.3. The proposed development involves the removal of a limited extent of hedgerow/vegetation, primarily at the site entrance and along access tracks, in total comprising c. 453.8m². 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 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 and Appendix 2 of this report which contains a pre-screening final EIA screening determination.
- 4.6.4. In relation to Schedule 5, Part 2, Class 10: Infrastructure projects (dd) "*all private roads which would exceed 2000 metres in length*". I note the High Court Judgement in the Cummins & Ors v ACP [2025] IEHC 521 case and the Coimisiún previous decisions in cases (ABP-301028-18, ABP-302681-18, PL17.248146) whereby access tracks in respect of solar developments are not considered to fall under Class 10, therefore I am satisfied Schedule 5, Part 2, Class 10: Infrastructure projects (dd) is not applicable in this instance.
- 4.6.5. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.0 The Appeal

5.1. Grounds of Appeal

5.1.1. Three third party appeals were received from Peter McCarthy, Teresa Crawford and Sean Mc Govern, against the Planning Authority's decision to grant permission. The grounds of appeal can be summarised as follows:

- No objection to solar energy in general or this specific solar farm development however concerns are raised in relation to the location of proposed 38kV substation which is 120m from a private residence. Concerns were also raised regarding EMF, audible noise emissions and light pollution. No detail on noise suppression or EMF mitigation measures for either the substation or the inverters. Substation is open air and will provide no shield from electromagnetic radiation and may have health risks.
- If the Coimisiún are disposed to granting permission, a condition should be included to relocate the substation 250m away from the boundary wall of the residential dwelling.
- Inadequacies in the ecological appraisal and Natural Impact Statement based on their lack of assessment of the adjoining mature forest which is a protected woodland under the Clare Development Plan 2023-2029. The ecological assessments only focus on the lands within the site boundary of the application site and a small plantation while omitting reference to the mature woodland's wider ecological significance.
- Exclusion of protected and threatened species have not been adequately referenced in the NIS despite their protection under Irish and European Law such as the great spotted woodpecker, buzzards, lesser horseshoe bat, marsh fritillary butterfly, salmon and otters.
- Impact on Castlebank House a protected structure, built circa 1770 and is of historic/architectural importance. The proposed development in its vicinity

undermines its setting and threatens the integrity of one of the area's most valuable cultural landmarks.

- The Landscape and Visual Impact Assessment (LVIA) claims that views from residences within 250m radius will experience low to negligible impact is inaccurate. Views from several rooms in their residence (Eircode V94 W6KV) will be dominated by the proposed development. The assessment states in para 1.157 that '*the proposed development will add an industrial character to available views...the development will be seen in the context of the wider landscape*'. This significant change cannot be reasonably be described as negligible.
- The use of top-grade agricultural land is increasingly recognised as inappropriate for large scale solar energy developments. Similarly, projects have been refused in Italy and the UK for this reason.
- Community engagement considered inadequate with the only written communication was via a vague promotional leaflet.
- The proposed development intersects with the route and constraint area of the Limerick Northern Distributor Road (LNDR) as protected under the Clare Development Plan 2023-2029. Allowing permanent infrastructure within this corridor is premature and risks prejudicing the delivery of a regionally strategic transport objective.
- The applicant has not submitted finalised layout drawings for the solar panel arrays, substations, inverters or internal access track at the time of decision. condition 1 (b) confirms that full layout, design and material details are deferred to pre-construction stage. This means that the public and prescribed bodies could not assess the full environmental or residential impacts of the scheme at application stage. Likewise with condition number 14 regarding the financial contributions.
- The application site lies within Flood Zone A and require flood mitigation on a site that contains several archaeologically sensitive zones and recorded monuments. The feasibility of delivering flood mitigation measures within an

archaeologically sensitive landscape has not been proven and is technically unresolved.

- No assessment of the Woodpeckers habitat, foraging range or breeding potential was included in the Ecological Impact Assessment or Natural Impact Statement. The presence of Woodpeckers (protected species) is confirmed in the applicant's biodiversity submission. Planning decisions must be based on a full understanding of ecological impacts particularly when protected species are known to occur on the site.

5.2. Applicant Response

5.2.1. A response to the various issues raised in each Third-Party appeal has been prepared by the Applicant's agent Neo Environmental Ltd and is summarised in the Table B below.

Table B	
Issue Raised	Response
Lack of assessment of woodland habitat outside of the site boundary.	<p>The woodland adjoining the site to the east is identified in the CDP as 'OS1 ESB Land' or OS4 Woodland west of the power station', the latter involves the preservation of mature trees. The proposed grid route utilises an existing services route thru the woodland was subject to ecological survey. No tree felling is required to deliver the proposed ground cable route.</p> <p>The potential for indirect ecological effects to occur outside of the appeal site boundary and ex-situ effects were considered in the EclA and NIS. No source -receptor pathway was identified to cause ecological effects to occur on the woodland habitat or any other habitat outside of the site boundary.</p>

Lack of inclusion of protected flora and fauna in the EclA and NIS. (Great Spotted Woodpecker and Buzzard etc).	The presence of Great Spotted Woodpecker and Buzzard was identified during both desk top study and monthly bird surveys. The EclA evaluates the site as being of Local Importance (Higher Value). The NIS considered all relevant 'Special Conservation Interest' (SCI) species.
Lack of inclusion of Lesser Horseshoe Bat in EclA and NIS.	The presence of Lesser Horseshoe Bat was identified during both desk top study and dedicated bat surveys with a roost identified at Ardnacrusha. The project design reflects a 'mitigate by design approach' which achieves no net loss of potential Lesser Horseshoe Bat habitat. The EclA describes the potential effects on these species as a result of the proposed development.
Lack of inclusion of salmon and otter in EclA and NIS.	Detailed ecological surveys targeting species including salmon and otter was carried by qualified and experienced ecologists. The potential for both direct and indirect effects on such species was considered in the EclA and NIS.
Lack of inclusion or failure to identify, mammals (Red squirrel, hedgehog, badger, pine marten) and birds (Heron, ducks, geese) species and marsh fritillary butterfly.	Detailed ecological surveys targeting non- volant mammals and birds was carried by qualified and experienced ecologists. Evidence of the presence of non-volant mammal species is reported in the EclA including trail camera images. A badger sett, pine martin, stoat and red squirrel were all recorded. Extensive bird species were carried out across multiple seasons by experienced bird surveyors. Mitigation measures and potential for effects are presented in the EclA. The foodplant of the marsh fritillary butterfly was not noted during habitat and botanical surveys. NPWS does not hold any records of this species occurring within the 10km square grid in which the site is

	located. The grasslands on the site are subject to intensive agricultural management. Based on best available scientific information, Marsh Fritillary Butterfly is not a relevant ecological receptor in relation to the current project and is addressed in the EclA and NIS.
Impact on heritage site (Castlebank House)	Castlebank House (Protected Structure & Record Monument) is not surrounded by the proposed development as suggested but rather lies to the east of the application site, separated by a thick band of woodland which envelope and define its curtilage. The proposed development will not encroach upon the immediate setting of the house, while views between the curtilage and the proposed solar farm will be heavily screened by this intervening woodland.
Feasibility of delivering non-intrusive foundations and floating tracks over flood prone and archaeologically sensitive landscape.	The interaction between non-intrusive construction methods and flood-prone land is not directly due to the clear separation between the areas of land designated as Flood Zone A and the proposed areas of non-intrusive foundations. The non-intrusive methods are located within the northeast of the appeal site. The flood risk is within the southern fields so there is considerable distance between the two areas. No concrete feet or other non-intrusive methods are proposed within any areas of flood risk. There is no interaction will occur between flood risk land and the non- intrusive methods intended for archaeological mitigation. There is no unresolved conflict between the two.
Conflict with the Limerick Northern Distributor Road (LNDR) and risk to the LNDR future implementation.	The proposed development is located entirely outside the proposed route of the Limerick Northern Distributor Road (LNDR), with the sole exception of

	<p>the existing access track that connects the northern and southern parcels of the site. The design of the LNDR incorporates a private underpass, with a clearance height and width of 4.5m to ensure continued access to the southern lands. This underpass is required regardless of the proposal and is intended to provide access for the landowner. No new access tracks crossing the LNDR route are required.</p> <p>If the proposal is constructed in advance of the LNDR, the connecting access track will be formed from crushed aggregate and can be readily reinstated to facilitate the delivery of the LNDR. There is sufficient clearance to allow vehicles to pass through into both parcels of lands during the construction, operational and decommissioning periods. The proposal accords with Development Plan polices relating to the LNDR.</p>
Locations of substation to receptors for reasons such as EMF/audible noise emissions.	<p>The noise assessment carried out August 2024 predicted noise levels at residential receptors from plant equipment associated with the proposed development and grid route. The closest receptor to the substation (receptor no 9) would experience a resultant noise rating level of 27.4dB. This represents a negligible to low impact, as the predicted level is 7.6dB below the adopted baseline noise level.</p> <p>For context, typically an open window provides 13dB of attenuation and therefore a predicted an internal noise level of 14.4dB which is 15.6dB below the BS8233 criteria of 30dB in bedrooms during the night-time period. The noise assessment evaluates that an acoustic mitigation strategy is not required</p>

	<p>due to low noise impact on all nearby noise sensitive receptors.</p> <p>Solar farms do not emit any harmful by-products or material during their operation they do generate low levels of electromagnetic fields (EMF). Exposure to low-level electromagnetic fields has been studied extensively and there is no evidence that it is harmful to human health according to the World Health Organisation.</p>
<p>Visual impacts on nearby receptors and character.</p>	<p>As outlined in the LVIA3 (the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition), a LVIA is not determined by the experience of a single individual, but by consideration of the sensitivity of the neighbourhood and wider landscape.</p> <p>The residents adjacent to the site are classified as close-range residential receptors. As described, in the LVIA, the proposed mitigation will be landscape led, well integrated and will bring long term enhancements to the site that offset the short-term effects in an area which has existing industrial surroundings.</p> <p>This observation, therefore, maintains that the overall short -term impact for close- range residential receptors will be mitigated appropriately and the development, over time will be appropriately integrated into its surroundings and the long-term impact on the close-range residential receptors will be minor/negligible.</p>
<p>Materially incomplete application.</p>	<p>All infrastructure drawings were submitted and uploaded to the Local Government Planning website on the 30th August 2024 for public viewing. The</p>

	<p>proposed design is based on the most likely configuration and positioning of the panels, reflecting current industry standards and best practice. The design may involve minor adjustments to the configuration, angles or spacing of the panels as a result advancing technologies. Prior to commencement of development, full details of the final locations, design and materials to be used for the solar arrays shall be submitted to the Local Planning Authority for agreement in writing. These adjustments will remain within the parameters assessed at application stage and will not give rise to any material change in environmental or residential impacts.</p>
<p>Inadequate community consultation.</p>	<p>Community engagement was undertaken in July 2024 in the form of a leaflet and letter drop to residents within a 500m radius from the proposed development. Contact details were provided for those who had observations/comments or queries regarding the proposal. Face to face meetings with residents were arranged and carried out on request to ensure that individual concerns could be addressed directly.</p>
<p>The use of perfectly good agricultural land.</p>	<p>The application encourages multi-purpose land use through continued agricultural activity (e.g. grazing small livestock such as sheep) or agri-environmental measures that support biodiversity, yielding both economic and ecological benefits. This dual use of the site (agricultural, plus renewable energy production) maximises the potential use of the site. The solar farm will only result in a ground disturbance of 3.84% of the application site, leaving the rest for grazing and habitat development. Resulting a net</p>

	<p>gain due to ecological enhancement measures. Upon decommissioning of the site, any previous effects of the proposal will revert to 'No Change' or be of 'Minor' beneficial effect due to the mitigation planting being well established at this stage. The proposal will help achieve its renewable energy targets for 2030, support national/EU climate commitments and provide local economic benefits through construction/operational jobs.</p>
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5.3. Planning Authority Response

5.3.1. The Planning Authority has no observations to make regarding the appeal.

6.0 Assessment

6.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, the reports of the local authority, prescribed bodies, and having inspected the site, and having regard to the relevant EU/national, regional, local policies and guidance, I consider, notwithstanding the variety of issues and objections raised, that the main planning issues to be considered are under the following headings:

- Principle of Development
- Landscape & Visual Impact
- Loss of Agricultural Land
- Impact of Proposed Road Infrastructure
- Architectural Heritage
- Residential Amenity
- Archaeology & Flooding
- Biodiversity

- Other Matters

6.2. Principle of Development

6.2.1. The proposed development consists of a solar farm development with associated infrastructure, underground cabling and ancillary grid infrastructure. The proposed grid route will connect the proposed substation at the application site to the existing grid infrastructure at Ardnacrusha Power Station via a 38kV underground cable which is 1.2km in length of which 320m is within the local public road. The appeal site comprises of nine agricultural fields in pastural use, across 36.7ha in area.

6.2.2. 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. The National Planning Framework (NPF) (First Revision) under National Strategic Outcome 8 states Ireland will have a more renewables-focused energy generation system harnessing energy sources such as solar. The accelerated delivery of additional renewable electricity generation is essential for Ireland to meet its climate targets, reduce its greenhouse gas emissions, and improve its energy security by reducing reliance on imported fossil fuels and diversifying its electricity supply.

6.2.3. The NPF also seeks to reduce the country's carbon footprint under National Policy Objective (NPO) 69 and promotes renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050 (NPO 70). This policy is now aligned with the ambitious targets set out within CAP24 and CAP25 of achieving net zero emissions by 2050. There are also objectives included within CAP24 and CAP25 to deploy up to 5 GW of solar power by 2025 and at least 8 GW by 2030.

6.2.4. I further note the NPF acknowledges that rural areas will continue to contribute to the energy needs of the country playing a strong role in securing a sustainable renewable energy supply and development of renewable energy generation can

include co-location with agricultural activities that supports both a reduction in carbon emissions and land use diversification options for farmers in line with the carbon budget programme and the Climate Action Plan 2024.

- 6.2.5. Similar support is provided at regional level where the Regional Spatial and Economic Strategy (RSES) for the Southern Region includes Regional Policy Objectives (RPO's) 87, 95, 96 and 100 which seek to increase the use of renewable energy sources across the key sectors of electricity supply, to leverage the Region as a leader and innovator in sustainable renewable energy generation and to integrate renewable energy sources into the grid.
- 6.2.6. The Clare County Development Plan 2023-2029 is generally supportive of renewable energy subject to environmental and visual considerations. The Plan contains a specific Renewable Energy Strategy (Volume 5). Under Development Plan Objective 2.18 (a) it is an objective of Clare County Council to facilitate and support the development of solar farms in appropriate locations throughout the county including on agricultural lands and brownfield sites subject to normal planning considerations.
- 6.2.7. Furthermore, Objective 7.1 of the Renewable Energy Strategy states that it is an objective of Clare County Council (a) To increase the penetration of utility scale solar energy development in appropriate locations; (b) To favourably consider the redevelopment of brown field sites for large solar PV projects; (c) To favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multipurpose land use.
- 6.2.8. The appeal site is located on agricultural lands that are outside of any designated settlement or zoned land. Utilising lands for solar farms is an increasingly common agricultural practice as farmers and landowners diversify their business. This diversification in agriculture is supported in the Development Plan by Objective RES 7.1. No constraints in the area of the appeal site are identified in Map 7.2 'Solar Opportunity Areas' of the Renewable Energy Strategy nor does the appeal site location within the 'Western Corridor Working Landscape' preclude solar developments. I note the Planning Authority accepted the principle of development at

this location and considered it to be in accordance with the adopted planning policy for the area.

6.2.9. Overall, I consider the proposed development, is consistent with planning policy in relation to EU/national, regional and local commitments and binding obligations in relation to the reduction of greenhouse gas emissions and the provision of new renewable energy. Therefore, I am satisfied that the principle of development is acceptable at this location subject to consideration of key planning issues as assessed below.

6.3. Landscape & Visual Impact

6.3.1. Concern has been raised in the grounds of appeal with regards to visual impact of the proposed development. In particular views of the proposal from the appellants (Mr Peter McCarthy & Dr Teresa Crawford) residence to the northeast of the appeal site. It is contended that the proposal will dominate the views from several rooms of this residence and associated yoga studio/counselling room and that the impact of the proposal cannot be reasonably be described as negligible as stated in the submitted Landscape and Visual Impact Appraisal (LVIA).

6.3.2. The Planning Authority within its assessment considered the proposed development would not have a significant negative visual impact on the landscape or on surrounding residents. This is based on the undulating nature of the land, the existing mature screening and the proposed mitigation measures – including the addition of planting. The Planner acknowledges that the proposed development would alter views and the character of the site from an existing agricultural character to an industrial character. However, views of the proposed development would be limited to close up views of the site. There are significant hedgerows, trees and natural boundaries around the boundaries of the nine individual fields which will serve to integrate the development into the landscape.

6.3.3. The appeal site is located within an area designated as a 'Settled Landscape'/'Working Landscape' in the Development Plan. 'Working Landscapes' are those areas within 'Settled Landscapes' that contain pockets of concentrated development

or a unique natural resource. Land uses envisaged within this landscape include agriculture and energy developments.

- 6.3.4. The appeal site is within the 'Western Corridor Working Landscape' with Development Plan Objective CDP14.3 of relevance to this appeal. This objective seeks to permit development, that sustain economic activity, enhances social well-being and quality of life, requires appropriate site selection to minimise visual impact and avoids intrusions on scenic routes, ridges or shorelines. The area is further designated as being with the River Valley Farmland Landscape Character Type (LCT). I note the site is not within any of the designated heritage landscapes nor is it situated on or near a Scenic Route and therefore would not impact upon any associated views and prospects.
- 6.3.5. The submitted application is accompanied by a Landscape and Visual Impact Appraisal (LVIA) with photomontage and associated Landscape & Ecology Management Plan (LEMP). A 5km radius study area is used, with a focus on views within 2km of the appeal site based on the production of Zone of Theoretical Visibility (ZTV) mapping and a 3.2m high solar array. Eight viewpoints (VPs) have been selected for the photomontages. The LVIA finds that during the construction phase likely effects to landscape character or visual amenity will be as a result of construction activities and temporary site infrastructure. The highest landscape and visual effects during the construction stage will be experienced in the vicinity of the appeal site, within a radius of up to approximately 250m from the north. More distant views of the construction work beyond 500m will be unlikely, given the amount of screening provided by the natural vegetation within the immediate context of the site. The landscape and visual effects and their significance at construction stage are deemed to be temporary, adverse and range from '*Not Significant*' in the wider study area and '*Not Significant to Slight Adverse*' for areas in close proximity.
- 6.3.6. In terms of landscape effects at operational stage, the likely effect of the development is whether it has the potential to alter (beneficial or adverse) the composition of the view from a viewpoint and the cumulative effects of the development in conjunction with other committed developments of similar type and scale. The main landscape effects of the proposal are associated with the

introduction of PV panels, substation and associated infrastructure within fields previously used for agricultural practices which will alter the character within the confines of the appeal site boundary. A change in character will be added to the site and immediate site surroundings where views are possible. The magnitude of landscape change is considered '*Low and Very Low/ Negligible*' and the resulting significance '*Not Significant to Slight Adverse*' as the site is used for farming and is agricultural in character. The indirect change in landscape character is greatest in its immediate and close surroundings where there are limited/ no views possible within approximately 500m radius from the development boundary. The magnitude of change in these areas is considered '*Low - Very Low*'. The significance of landscape effects on the landscape character is therefore considered to be '*Slight Adverse – Not Significant*'.

- 6.3.7. In relation to visual effects of the proposal, the highest visual effects will be experienced within a radius of approximately 250m, north of the appeal site boundary. The magnitude of visual change for views up to 250m is considered '*Low*' to '*Very Low/Negligible*' and the significance '*Not Significant*' and '*Slight Adverse*'. The magnitude of visual change is considered '*Very Low/ Negligible*' and the significance '*Medium*' for views beyond approximately 500m with only the taller elements visible such as fencing, mitigation planting or substation infrastructure. Long distance views ranging between approximately 1km – 3km, particularly from the road network to the north and west, effects will vary from '*Negligible*' and their significance from '*Not Significant*'. The LVIA acknowledges the proposed development will add an industrial element to the view when seen but the change will be seen in the context of the wider landscape where mitigation measures will help integrate the proposed development into its setting.
- 6.3.8. The eight viewpoints selected are within both the core study area and wider study area. The magnitude of visual effects has been ranked as '*Very low/ Negligible*' for all viewpoints apart from viewpoint 6 which is rated a '*Low*'. The significance/quality of visual effects is considered as '*Not significant*' for all viewpoints apart from again viewpoint 6 which is rated a '*Slight*'. For clarity, viewpoint 6 is views looking east along the Parteen Local Road northwest of the appeal site circa 0.44km away. From

a cumulative perspective within a 3km radius, two solar farm developments and one wind farm have been granted planning permission with one wind farm (ABP PA03.318943) currently pending decision with the Coimisiún. It is deemed that there will be a '*Moderate - Minor adverse*' cumulative landscape effect and with '*Moderate-Minor*' cumulative visual effect reducing to '*Minor*' post construction.

- 6.3.9. A Landscape and Ecology Management Plan outlining the mitigation planting proposals has been included with the LVIA with mitigation planting (555m of native hedgerow and 494m of infill planting) the main intervention. It is noted that a total of 453.8m² of vegetation and 3 no trees are to be removed during the construction stage. The submitted Landscape & Ecology Management Plan (LEMP) was amended at FI stage and now includes additional native hedgerow planting along the access track and substation (a total of 1,025.5m new hedgerow planting and 494m of native infill hedgerow planting).
- 6.3.10. Having inspected the site and surrounding area and observed vistas from each of the viewing reference points plus from other points along the public road network and in addition to reviewing the submissions and all documentation. I am satisfied the study area distances and locations for the photomontage viewpoints chosen within the LVIA to be in general representative and allow for a proper assessment of the landscape and visual impacts of the proposed development. I do accept findings of the LVIA with regards to the magnitude and significance of visual effect at viewpoints VP1, VP2, VP3, VP4, VP5, VP6 and VP8.
- 6.3.11. On the day of my site inspection with trees still in foliage, I observed that sections of the northern parcel of the appeal site (field numbers 2 and 3) were visible intermittently along the L3056 particularly in vicinity of the site entrance. The remaining northern parcel of appeal site is screened from views along the L3056 due to local topography, roadside vegetation and existing mature field boundaries in the form of hedgerows and treelines. The southern parcel of the appeal site is not visible from views along the R464 due to the existing built environment and roadside vegetation. Field number 9 is visible from the narrow cul-de-sac road to the southwest, however the existing roadside mature hedging interrupts any continuous views of this field. The riparian woodland along the Ardnacrusha tailrace canal

corridor, effectively screens the proposal from any medium/long-range viewpoints to the northeast & east of appeal site.

6.3.12. I note concerns raised by the appellant in relation to the visibility of the site from their dwelling to the northeast, represented by viewpoint VP7. As part of my site inspection, I viewed the appeal site at the residence and points along the associated private residential road. An existing mature hedgerow and treeline forms the eastern site boundary of field no 3 of the appeal site. Whilst there are some gaps in the hedging, the mature boundary vegetation affords a significant degree of screening to the appeal site from views to the northern east and the four existing dwellings along the private road. Views from ground level at the dwelling are generally well screened with only one small 2nd floor bedroom window on the western gable end of the dwelling having clear views of the appeal site (circa 25.5m set back from site boundary). I note planning permission has been granted by the Planning Authority (Ref No 24/60249) for an extension and alterations to the existing dwelling including a proposed yoga studio extension to first floor flat roof. Works had not commenced at the time of my site inspection.

6.3.13. I consider the mitigation planting proposed in the Landscape & Ecology Management Plan as indicated on drawing numbers NEO001273_A Figure 1.8a and 1.8b to be acceptable and will soften the visual impact of the proposal from views to the northeast. I note the existing trees and hedgerow along the eastern site boundary would be retained and supplemented by planting of circa 213m of a new hedgerow. I am satisfied the proposed development would not have a significant negative impact on the residential amenity of this dwelling in terms of visual impact or overbearance.

6.3.14. Furthermore, having reviewed the proximity of the surrounding dwellings to the site boundaries of the proposed solar farm, including the dwellings to the northwest, northeast and south. I note that a buffer is provided to these dwellings with additional mitigation planting at these locations. I refer the Coimisiún to drawings no. NEO001273_A Figure 1.8a, 1.8b, 1.8c and 1.8d of the Landscape & Ecology Management Plan (LEMP). I am also satisfied that the proposed development would not impact on the visual or residential amenity of any other dwellings in proximity to

the site having regard to separation distances to site boundaries, existing mature natural vegetation and proposed landscaping.

6.3.15. I do acknowledge that the proposed development will change the local landscape from a visual perspective, however in my view the established landscape designated as a 'Working Landscape' under the Development Plan has the capacity to absorb this change with a limited degree of visual impact generated as a result of the proposal. I am satisfied that the proposed solar farm and planned grid infrastructure including the substation will not become a prominent feature in the local landscape or will have significant skyline impact. In general, it will be mostly screened and well contained within existing field boundaries of the appeal site.

6.3.16. In my opinion the proposed solar farm would not give rise to any significant residual visual impact or cumulative impact. I note a small number of solar and renewable energy developments are planned or permitted, in proximity to the site and within a 5km radius however I am satisfied significant cumulative landscape and visual impacts are unlikely when considering the local landscape fabric, topography, significant natural screening and intervening distances. The conclusions of the LVIA are considered reasonable in this regard. Solar energy developments are likely to become increasingly read as part of the rural landscape and diverse agricultural sector, which is supported by EU and domestic policy.

6.3.17. On balance, I consider the proposed development would not adversely impact on the landscape and visual amenities of the area including those from adjoining properties. The appeal site is not designated as being within a sensitive 'Heritage or Settled' landscape in the Development Plan. This landscape designated as a 'Western Corridor Working Landscape' can accommodate the proposed solar energy development as a compatible use. I am satisfied the proposal is in accordance with Objective CDP14.3 (a) and (b) of the Development Plan. In conclusion the proposed development is considered to be acceptable from a landscape and visual impact perspective, subject to compliance with appropriate conditions.

6.4. Loss of Agricultural Land

6.4.1. The appellant (Dr Teresa Crawford) has raised concerns regarding the inappropriate use of top-grade agricultural land for large-scale solar energy developments. It is stated that similar projects have been refused in other European countries for this reason. The sequestering of Clare's best farmland is considered by the appellant to be difficult to justify.

6.4.2. The applicant in their First Party response has stated that proposal encourages multi-purpose land use through continued agricultural activity such as grazing small livestock like sheep or agri-environmental measures that support biodiversity, yielding both economic and ecological benefits. It is stated the proposed solar farm will only result in a ground disturbance of 3.84% of the appeal site, therefore leaving the rest of the site for use as grazing or habitat development. The development of large-scale utility solar farms is essential for Ireland to achieve its renewable energy targets for 2030 and National/EU climate commitments. The proposal will provide economic benefits through construction/operational jobs and support Irelands transition to a sustainable low carbon economy.

6.4.3. I note that there is no national land use policy in relation to solar energy which prescribes the preservation or protection of agricultural lands and to which this development would be contrary. Furthermore, there is no national guidance or policy specifically in relation to the preferred locations of solar energy developments. National policy such as the Climate Action Plan 2024 (CAP24) and 2025 (CAP25) acknowledge the challenges facing the country to meet its climate and emissions targets and identifies such renewable energy projects as being in the overriding public interest. The plans note that an ambitious target of up to 5GW of solar by 2025 and 8 GW by 2030 will require a transformation from agricultural land use to other uses such as solar PV. This would not suggest that development of the nature proposed on agricultural lands is unacceptable in principle. Furthermore, the agricultural strategic vision as set out in Food Wise 2025 supports increasing the value of agri-food, fisheries and wood production sector by 70% and the value of food exports by 85%. The strategy also recommends on-farm diversification along

with a suite of recommendations and actions which do not place any restrictions on land use.

- 6.4.4. The appeal site comprises mainly agricultural grassland used for cattle grazing in the production of beef/dairy. Objectives in the Development Plan do not identify a preference for what type of land is used for the solar energy developments such as brownfield lands, industrial lands or productive agricultural land etc. Development Plan Objective CDP2.18 is clear in this regard and states that it is an objective of Clare County Council, 'to facilitate and support the development of solar farms in appropriate locations throughout the county including on agricultural lands and brownfield sites subject to normal planning considerations. Therefore, I am satisfied that solar farms are not precluded from using agricultural lands such as the appeal site.
- 6.4.5. Furthermore, Objective RES 7.1 (c) of the Clare Renewable Energy Strategy states that 'it is an objective of Clare County Council to favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multipurpose land use'. The Clare Renewable Energy Strategy has identified 2,227 sq.km of land including agricultural lands that is deemed as 'Solar Opportunity Areas' suitable for the development of solar farms as identified in Map 7.2.
- 6.4.6. I am satisfied that the appeal site lands can still be used for low intensity grazing or for beneficial habitat development during the operational phase of the proposed development. I do acknowledge that dairy or beef production would cease as it cannot be farmed concurrently with the proposed development. I note the development works themselves are relatively non-intrusive and are reversible, such that the lands could be returned to intensive agricultural use following the completion of the decommission phase. The contents of the submitted Decommissioning Statement are noted in this regard. Whilst I consider other land types such brownfields land or industrial lands and indeed agricultural/industrial rooftops etc would be preferable there is no over-riding national or local policy to prohibit the use of agricultural land such as those of appeal site. Having regard to the foregoing, I do not consider that the proposed development would be unacceptable solely on grounds of the loss of productive agricultural lands.

6.5. Impact on Proposed Road Infrastructure

- 6.5.1. The appellant (Mr Sean McGovern) has raised concerns in relation to the proposed development and its impact on the Limerick Northern Distributor Road (LNDR) scheme. The appellant contends that allowing permanent infrastructure within the corridor of the LNDR is premature and risks prejudicing the delivery of a regionally strategic transport objective. Development Plan policy exists to protect this corridor, and the proposed crossing introduces unnecessary complexity and risk to its future implementation.
- 6.5.2. The applicant in their response has stated that proposed development is located entirely outside of the proposed LNDR corridor, with the sole exception of an existing track that connects the northern and southern parcels of the appeal site. The design of the LNDR incorporates a private underpass, with a clearance height and width of 4.5m to ensure continued access to the southern lands. This underpass is required regardless of the proposal to provide access to the landowner. No new access tracks crossing the LNDR route are therefore required. If the proposed development is constructed in advance of the LNDR, the access track formed from crushed aggregate can readily reinstated to facilitate the delivery of the LNDR.
- 6.5.3. As part of the Planning Authority's assessment of the application, it considered the impact of the proposal on the LNDR scheme. Further information was requested under item number 4 (a) and (b) seeking the submission of a site layout plan with the LNDR route shown and details on how the southern parcel would be accessed. As part of the FI response, the applicant submitted an updated site layout plan with the proposed route overlaid as indicated on drawing no NEO01273_056I_A figure 3. The Planning Authority considered the FI response to be acceptable and was satisfied that the proposal is not within or close to the route of the LNDR and would not impact on the delivery of the LNDR.
- 6.5.4. I note under section 11.2.9.5 of Development Plan it outlines that the Clare County Council will seek to provide relief roads where necessary in towns and villages throughout the county as resources permit. The Limerick Northern Distributor Road

(LNDR) is listed in Table 11.3 of the Development Plan as a project identified for future development.

6.5.5. Furthermore, Objective CDP11.15 (b) and (e) of the Development Plan states that it is an objective of Clare County Council to '*provide and/or facilitate the projects identified in Table 11.3 where necessary, and to ensure that such road infrastructure is designed and constructed to fulfil its intended purpose and to promote and support active travel*' and to '*progress the delivery of the LNDR*'. I note the LNDR corridor is labelled as a '*defined Infrastructure Safeguard*' route on Map ref I12 in Volume 2 of the Development Plan.

6.5.6. Having reviewed drawing number NEO01273_056I_A figure 3, submitted by the applicant at FI stage, the preferred route corridor of the LNDR intersects with the proposed development along the southern section of field no 7 within the northern parcel of the appeal site. The proposed solar PV array configuration (Array No 1) is set back from the route corridor and provides a buffer zone ranging between 25m to 30m. The proposed access track linking both parcels of the appeal site is the only part of the proposal that directly impinges on the route corridor.

6.5.7. I note the submissions of Transport Infrastructure Ireland (TII) on the original application dated 15th October 2024 and 2nd May 2025 did not specifically object to the proposed development. However, the submissions did request the Planning Authority have regard to the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities of which Section 2.9 is of relevance.

6.5.8. The Coonagh to Knockalisheen Distributor Road often referred Phase 1 of the LNDR has been recently completed and is open to traffic. The remaining route corridor for Phase 2 is identified in the published Route Corridor Selection Report (September 2012)¹ extends from the Knockalisheen end of Phase 1, passes in the vicinity of the appeal site, Parteen and Ardnacrusha villages before going to the north of the University of Limerick and crossing the River Shannon to link up with the old Limerick/Dublin Road (R445) at the Cappamore Road (R506) junction.

¹ Route Corridor Selection Report

6.5.9. The Limerick Shannon Metropolitan Area Transport Strategy 2040 (LSMATS) which sets out the framework for the future delivery of the transport system for the Limerick Shannon Metropolitan Area, has not included the remainder of the LNDR route as a scheme for delivery within the strategy period (2022-2040). I note the National Transport Authority (NTA) omitted the LNDR from the transport strategy on the direction of the Minister for Transport². The LNDR has also not been allocated funding under National Development Plan (NDP) 2021-2030 nor included within the National Development Plan Review 2025, Sectoral Investment Plan (Transport) published in November 2025³. Furthermore, it is not listed under the Transport Infrastructure Ireland (TII) Major Road Projects List (December 2024)⁴.

6.5.10. There are no indications that the LNDR scheme is pending or in any way likely to be activated within the short to medium term. Based on its omission from the Limerick Shannon Metropolitan Area Transport Strategy and lack of allocated funding under the NDP, I consider the LNDR as a long-term aspirational road scheme rather than one pending or active.

6.5.11. Notwithstanding the above whilst the LNDR route corridor has been formally identified, the alignment has not yet been determined nor has any design work been undertaken and while I agree that the Coimisiún should consider the appellants concerns regarding prematurity, in the absence of a finally approved road scheme, I will outline why I do not concur with the concerns raised by the appellant.

6.5.12. Based on the updated site layout of the proposed development only the proposed access track linking the two land parcels of the appeal site would interact/overlap with the route corridor and a suitable access arrangement between both land parcels could be accommodated in a finalised scheme design. Given the nature of the access track, it could be easily removed to facilitate the delivery of the LNDR if required.

6.5.13. Having regard to the nature of the development, its temporary duration, the extent of the overlap on the selected route corridor and the Development Plan Policy, I

² LSMATS – Page 101

³ NDP Review 2025 Sectoral Investment Plan - Transport

⁴ TII Major Road Projects Active List 2024

consider that a refusal would be unreasonable in this instance. In my opinion the proposed development would not be premature pending the determination of a final layout for the road or prejudice the delivery of the Limerick Northern Distributor Road. Therefore, I am satisfied the proposed development would not be in conflict with Objective CDP11.15 (b) and (e) of the Development Plan and would be in accordance with the proper planning and sustainable development of the area.

6.5.14. If the Coimisiún are minded to grant permission, I consider it appropriate that a specific condition is attached to ensure that an appropriate buffer zone and all year-round mitigation is included to avoid any potential glint or glare impact on road users of the proposed future Limerick Northern Distributor Road.

6.6. **Architectural Heritage**

6.6.1. The appellant (Dr Teresa Crawford) has raised concerns regarding the potential impact on Castlebank House which is listed in the Record of Protected Structures (RPS). It is argued that the proposed development in the vicinity of Castlebank House and associated burial grounds undermines its setting and threatens the integrity of one of the area's most valuable cultural landmarks.

6.6.2. The applicant has contended that Castlebank House is sufficiently separated from the proposal by a thick band of woodland which envelopes and defines its curtilage. Any views between the curtilage and the proposed solar farm would be heavily screened by this intervening woodland.

6.6.3. I note that the Planning Authority considered the proposal would not impact negatively on the built heritage of Castlebank House and would be acceptable. No comments were received from the Development Applications Unit of the Department of Housing, Local Government and Heritage (DHLGH) in relation to architectural heritage.

6.6.4. As part of the application documentation the applicant has considered the impact on Castlebank House in the submitted Archaeological and Architectural Heritage Assessment report. The report found 12 no. historic structures listed as a protected structure or included in the National Inventory of Architectural Heritage (NIAH) are within the 2km study zone and the Zone of Theoretical Visibility (ZTV) of the

proposed development. Negligible indirect impacts are anticipated for 11 of these structures. ‘*Low to negligible*’ indirect impacts are anticipated for the Quinnsborough House a Protected Structure (RPS No 093) to the south of the appeal site. ‘*Low*’ indirect impacts are anticipated on Castlebank House due to its location outside of the appeal site.

- 6.6.5. No specific architectural heritage mitigation measures are proposed. The report does acknowledge that the Zone of Notification for Castlebank House as its classification as a Recorded Monument extends into field number 6 and that the design of the proposed development has avoided this area. Indirect effects upon the surrounding heritage assets have been assessed as overall ‘*Low*’. No specific mitigation is considered to be required for the reduction of any visual impacts.
- 6.6.6. Castlebank House and associated outbuildings are listed both as a protected structure (RPS no 653) and a recorded monument (CL063-010- Castle & CL063-010001- Architectural fragment). Under Volume 4 of the Development Plan ‘Record of Protected Structures’ the house and quadrangle of associated outbuildings are deemed as being of regional importance and of architectural, historical special interest. The burial ground, a small triangular earthen mound is listed as record monument (SMR No CL063-028).
- 6.6.7. Having examined the proposed site layout plan (Drawing numbers NEO01273_029I_C Figure 5.6 & NEO01273_056I_A Figure 3) and inspected the appeal site. I consider the proposed solar farm would be in close proximity to Castlebank House and burial grounds occupying the fields to the west. The owner of residential property, the agricultural complex and associated landholdings is a party to the planning application and has given consent to the making of the application. The nearest solar arrays of the proposed development would be situated within field number 6 which at its nearest point are circa 53m away from Castlebank House and 19m away from the field boundary. The field boundary between Castlebank House and field number 6 is well-established consisting of mature trees/hedging. This vegetation provides a notable visual buffer between Castlebank House, the grounds within the curtilage of the house and the proposed development. Whilst views from Castlebank House towards the appeal site are not completely screened I do not

consider the potential visual impact to be significant. Impacts on the burial ground are considered below in section 6.8 of this report.

6.6.8. Overall, having regards to the forgoing, I am satisfied the character and visual setting of Castlebank House would not be adversely impacted by the proposed development having regard to the intervening mature vegetation and separation distance.

6.7. **Residential Amenity**

6.7.1. An appellant has raised a residential amenity concern in the context of audible noise, lighting and EMF from the substation and inverters. The appellant has requested the relocation of the substation to a minimum of 250m away from their residence. I note residential amenity was not a particular concern raised by the Planning Authority in its assessment of the planning application.

Noise

6.7.2. Noise impacts are assessed in the submitted Noise Impact Assessment. A total of 55 noise sensitive receptors and four residential areas were included in the assessment within a study area of 500m around the appeal site boundary. The identified receptors are residential dwellings. The assessment states that the solar panels themselves do not generate noise. The main noise source associated with the proposed development will be the inverters located around the site and the substation transformer. The noise levels of the inverters and transformers will change throughout the day, reaching their peak when the solar farm is generating at its maximum power, usually when the sun is high in the sky just after noon. A continuous operation at peak level is assumed for both daytime and nighttime hours as a worst-case scenario. Table 6 - 3 shows A-weighted sound power levels of the noise sources (solar inverter & transformer) which have been included in the noise model. I note in the absence of background noise monitoring being carried out for this noise impact assessment, the applicant has adopted a 35dB background noise level for all noise sensitive receptors.

6.7.3. The acoustic impact of the proposed development was undertaken in accordance with BS 4142: 2014+A1:2019 and used SoundPlan noise modelling software. Predicted specific sound levels are detailed in Table 6 – 4. The highest rating level

(dB) was at 27.0 dB and 27.04dB at receptors 23 and 9 respectively. Table 6 - 5 compares the predicted rating level with the adopted background noise levels of 35dB used for a rural night-time setting.

- 6.7.4. For the assessment of noise levels, night-time is considered to be between 23:00 to 07:00. During summer, the sun will rise before 07:00 and therefore it is assumed that the solar farm will be operating during night-time hours and is seen as a worst-case scenario. The impact was assessed as '*Negligible*' for all receptors except at receptors 9, 10 and 23 where it was deemed to be '*Low*'. No mitigation measures were deemed necessary for the proposed development.
- 6.7.5. Table 6-7 compares the predicted cumulative rating level with the adopted background noise levels for both the daytime and nighttime periods. The proposed development, including cumulative, is predicted to have '*Negligible*' impacts at all receptors within the study area except at receptors 9, 10 and 23 where it was deemed to be '*Low*'. It is considered that there would be no cumulative effects with regards to the other proposed solar farm developments within the area. The levels at each receptor are found to be below the Night Noise Guideline value of 40dB set out in the World Health Organisation (WHO) Night-time Guidelines.
- 6.7.6. In terms of noise emissions during the construction phase, the submitted outline construction environmental management plan (oCEMP), outlines that the construction phase is anticipated to cover a period of up to six months. All traffic movements will be carried out between the hours of 08.00 to 19.00 from Monday to Friday and 08.00 to 16.00 on Saturdays. Under section 8.111 of the oCEMP, operating plant noise will be kept within the standards and time periods dictated for the site. Mitigating measures in line with British Standard BS 5228 would be applied such as vehicles and machinery will be switched off when not in use and operating plant will include the fitting and proper maintenance of silencers and/or enclosures. Any noise complaints to be directed to the site manager.
- 6.7.7. I note the concerns of the appellant however based on the Noise Impact Assessment the impact of the proposal on their residence (Receptor 9) is considered '*Low*' with a noise rating level of 27.4dB. The nearest inverter unit is circa 130m away to the

northwest of this residence. The proposed substation compound is 110m away to the southwest.

- 6.7.8. During the construction phase, I acknowledge there will be routine construction related noise pollution and nuisance generated with the potential to cause nuisance and impact on the amenities of nearby dwellings. These impacts are considered to be temporary and short-term and would be controlled as part of standard and best practice construction measures as well as the mitigation measures set out in the oCEMP.
- 6.7.9. Overall, I am satisfied having regard to the separation distances provided between the inverters, substation and the residential receptors, the operational phase impacts considered to be '*negligible*' to '*low*' and would not result in undue noise impacts on surrounding residential uses. Whilst the submitted Noise Impact Assessment has not proposed any mitigation measures, I consider it reasonable to include conditions in respect to construction noise/vibration and operational noise to ensure compliance with established standards for rural areas. The background noise level of 35dB adopted by the applicant for a typical low noise rural night-time setting should be included as the appropriate operational phase nighttime noise limit.

Lighting

- 6.7.10. With regards to lighting, I note the applicant has stated that no artificial lighting is proposed, with the exception of motion-triggered security lighting which will be installed at the proposed sub-station. The substation lighting is to be designed in accordance with Institution of Lighting Professionals guidance note 08/23 (ILP 2023) in order to minimise disturbance through light spillage. It is noted that the proposed substation compound is circa 110m away to the southwest of the nearest residence and would be screened by intervening mature boundary vegetation in addition to proposed new mitigation planting measures. The proposed CCTV security system will utilise infra-red cameras.
- 6.7.11. During the construction stage, it is proposed that works will generally take place during daylight hours only, and the site will not be lit during the hours of darkness. If lighting is required to facilitate night-time working, standard mitigation measures are

proposed. I note that the Planning Authority have included a condition (Condition No. 7) which requires no artificial lighting to be installed or operated on site unless authorised by a prior grant of permission.

6.7.12. Based on the information provided with the application I am satisfied that the proposed development would not have any negative impact on the amenities of adjoining properties by way of light pollution or spill.

Electro-Magnetic Fields

6.7.13. In respect of Electro-Magnetic Fields (EMF), I note that under Regulation S.I. 190 of 2019 the Environmental Protection Agency's (EPA) function was extended to cover public exposure to electromagnetic fields. As such the monitoring of EMF exposure is not a matter that the Coimisiún can determine.

6.7.14. Electromagnetic fields (EMF) are produced by all electrical equipment. The EPA has stated that there is no scientific evidence that exposure to low levels of EMF of any frequency causes damage to human health⁵ and that current scientific evidence does not support long-term health effects due to exposure to high or low frequency EMF. The International Commission on Non-Ionizing Radiation Protection (ICNIRP) regularly issues recommended exposure levels. The electrical works/plant proposed will be subject to the standard health and safety requirements and technical specifications ensuring that works will not give rise to adverse health impacts.

6.7.15. I am satisfied that there is no substantive evidence to indicate that the proposed development or the resultant transmission of electrical energy poses a risk to public health.

Conclusion

6.7.16. On balance, having regard to the foregoing and the concerns raised by the appellant, I am satisfied that the proposed development including the substation and inverters would not seriously injure the residential amenities of dwellings in the surrounding

⁵ EPA EMF Guidance

area to any significant extent, subject to compliance with conditions. I do not consider a relocation of the substation is warranted in this instance.

6.8. Archaeology & Flooding

- 6.8.1. In the grounds of appeal, concern has been raised in relation to the conflict between the flood risk and archaeology of the appeal site. The appellant has stated that the feasibility of delivering flood mitigation measures requiring elevated infrastructure using raised or pilled supports within an archaeologically sensitive landscape of appeal site has not been proven and is technically unresolved.
- 6.8.2. The applicant in their response has dismissed this claim as not directly relevant due to the clear separation distance between the areas of land designated as being within Flood Zone A and the proposed areas of non- intrusive foundations. The flood risk is present within the southern portion of site whereas the archaeological sensitive area requiring the usage of non- intrusive methods is located in the northeast portion of the site.

Flooding

- 6.8.3. In respect of flooding, the applicant has submitted a Site-Specific Flood Risk and Drainage Impact Assessment. The most significant hydrological features identified in the assessment are the South Ballycar stream located along the western boundary of Field 1 and southern boundaries of Field 4, 5 and 7, it flows in a southeast and then southern direction, before running along the northeast boundary of Field 9 and continuing in a southern direction before converging with the Lower Shannon River approximately 0.6km south of the appeal site. The West Roo stream is located approximately 0.2km east of Field 7 and flows in a southern direction before converging with the South Ballycar stream. Lastly, the Parteen stream runs along the northern boundary of Field 8 and 9, before converging with the South Ballycar Stream on the northern boundary of Field 9.
- 6.8.4. The assessment using CFRAM Mapping and a topographical survey data has identified the appeal site is mostly contained within Flood Zone C. However, areas of Field numbers 1, 4, 5, 7, 8 and 9 due to their proximity of the Parteen and South Ballycar streams are at risk of fluvial flooding during the 1 in 1000 (0.1%) year event.

The CFRAM modelling highlights the flood depths associated with flooding, which have been used to ensure only '*Water Compatible Development*' is located in those areas at risk of flood depths up to 1m. All panels located in areas at risk of fluvial flooding will have the panel table located at least 0.15m above the flood depth to ensure there is a sufficient freeboard from the 1 in 1000-year flood event level and are to have pile driven foundations.

6.8.5. A limited number of locations have been identified based on PFRA mapping where surface water flooding was predicted, with only solar array panels to be located in these locations. A topographical survey of appeal site shows all locations had minor potential flooding depths (<0.3m) and will be well below the minimum panel height. No historic flood events or groundwater flooding were identified within close proximity to the appeal site. The assessment considers the risk of flooding from groundwater for the part of the appeal site outside the predicted floodplain is likely to be '*Low*'. Drainage strategies involving SUDs measures for the solar farm and substation area are proposed.

Archaeology

6.8.6. In relation to archaeology, the applicant has submitted an Archaeology & Architectural Heritage Impact Assessment (AAHIA) and geophysical survey report to evaluate the cultural heritage assets and archaeological remains relevant to the appeal site. As part of a further information request by the Planning Authority, the applicant submitted a revised Archaeology & Architectural Heritage Impact Assessment to address the concerns raised in a submission by the Development Application Unit of the Department of Housing, Local Government and Heritage (DHLGH). An archaeological programme of test trenching was implemented to investigate the specific below-ground potential for prehistoric remains across the appeal site. A total of 63 trenches was excavated in February 2025 under licence (24E1283) and are detailed as part of an archaeological testing report and photographed in Appendix 4F.1-Plates. I note the trench location map included in Appendix 4-E shows the general location of the trench digs however it does not identify the relevant trench number, making cross-referencing with the information presented in the Archaeological Testing Report onerous.

6.8.7. Potential archaeological features were revealed in 16 of the test trenches. I note trench 39 yielded evidence relating to the formal gardens of the Castlebank Demesne. It is proposed that these remains should be preserved in situ through the use of non-intrusive construction methods to be exclusively used within a 10m buffer zone.

6.8.8. The remaining potential archaeological features are to be assessed under a phase two programme of excavation works at post consent stage. This is to involve their full investigation, recording and sampling by qualified archaeologists with a detailed method statement to be produced and approved by National Monument Service in advance of works being undertaken. Mitigation measures in the form of non-intrusive construction methods, including ballast foundations (concrete shoes), floating tracks and suspended cables have been incorporated around the Zone of Notifications of both Recorded Monuments identified within the appeal site namely SMR No CL063-009: 'Enclosure' and SMR No CL063-028 'burial ground'. The design of the proposed development has avoided the Castlebank House Zone of Notification that extends into field number 6.

6.8.9. A possible enclosure identified during a geophysical survey of the site has been provided with a buffer zone requiring only non-intrusive construction methods within field number 6 and is likely to represent Recorded Monument SMR No CL063-009 'Enclosure'. A revised site layout plan has been provided in Appendix 4-G of the FI Response with drawing no NEO01273_029i_C Figure 4.6 showing the increased usage of concrete shoes for the solar PV array within field number 6 as result of the trench number 39 findings and the potential enclosure location identified during the geophysical survey.

6.8.10. Upon review of the revised Archaeology & Architectural Heritage Impact Assessment, the DHLGH was generally satisfied with the various recommendations. They have recommended suitable conditions which includes the monitoring of groundworks and a programme of topsoil stripping. I note that the Planning Authority have included these requirements under condition No. 9.

Conclusion

6.8.11. Having reviewed all the documentation submitted by the applicant in relation to flooding and archaeology. I am satisfied the areas of the appeal site primarily at risk of fluvial flooding during the 1 in 1000 (0.1%) year event have been suitably identified based on CFRAM Mapping. These areas are along the western and southern boundaries of the appeal site in proximity to the Parteen and South Ballycar stream. I note pluvial flooding (Indicative 1% AEP (100-yr) Event) have also been identified based on PFRA map in the northeast corner of field number 7.

6.8.12. Notwithstanding, issues in relation to the formatting and labelling of the Archaeological Testing Report and Appendix 4F.1-Plates, I am satisfied that an adequate baseline archaeological environment has been established by the applicant and that a proportionate level of investigation consisting of a geophysical survey and targeted test excavations has been carried out to examine the likelihood of unrecorded sub-surface archaeological remains across the appeal site. I note, further precautionary mitigation is proposed in the form of a second phase of (pre-construction) archaeological investigation with the DHLGH in agreement with this proposal. Non-intrusive construction methods are to be utilised in the Zone of Notifications for both Recorded Monuments which are located within field number 6.

6.8.13. In considering the grounds for appeal, I do not accept the assertion of the appellant that delivering flood mitigation measures within an archaeologically sensitive landscape of appeal site is technically unresolved. I am satisfied there is sufficient separation distance between the flood risk extents and the area of known archaeologically sensitive zones. Where the areas identified as requiring a programme of further excavation works at post consent stage that may interact with the flood extents of Flood Zone A, I am satisfied this can be satisfactorily dealt with by way of condition requiring the implementation of appropriate mitigation measures. In the event the Coimisiún are minded in granting permission, I would consider it appropriate to include a condition as recommended by the DHLGH in relation to ground disturbance and areas of identified archaeology.

6.8.14. Overall, I am satisfied that the Applicant has provided a thorough assessment of both the flood risk and archaeological potential. Subject to compliance with the conditions as recommended by the Department, I consider the proposal to be fully in accordance with policy CDP16.11 of the Development Plan that require decisions relating to development (including infrastructure associated with renewable energy,) which may have implications for Recorded Archaeological, Monuments/Sites, Zones of Archaeological Potential or undiscovered archaeology, are informed by an appropriate level of archaeological investigation undertaken by qualified persons. I consider the proposed development to be acceptable from an archaeological and flooding perspective.

6.9. **Biodiversity**

6.9.1. This section concerns general biodiversity and in particular the potential for impacts on habitats and species which are not qualifying interests of nearby European Sites. Matters relating to European Sites will be considered below in Section 7.0 and appendices (3 & 4). However, it is acknowledged that these topics interact. It is noted that the site itself does not have any specific natural heritage designations. The nearest is the Knockalisheen Marsh proposed Natural Heritage Area (pNHA) located c. 0.8km to the southwest. The appeal site is not hydrologically connected to Knockalisheen Marsh and there are no other pNHAs or NHAs of relevance due to a lack of any source-pathway receptor.

6.9.2. I note that concerns regarding the potential impacts on biodiversity and protected species in particular the lesser horseshoe bat, great spotted woodpecker, buzzard and marsh fritillary butterfly have been raised by two of the appellants. Similar issues were raised by observers at application stage. In addition, commentary was provided from the Planning Authority's Environment Assessment officer during the course of the application which I will discuss in further detail below. The applicant has in support of the application submitted an Ecological Impact Assessment (EclA) and Biodiversity Management Plan.

Bats

6.9.3. Within the Ecological Impact Assessment (EIA) it is noted that a number of surveys were conducted to inform the assessment. The applicant submitted a protected species data request to the NPWS and species records for the relevant area were received on 18th November 2022 to help inform the assessment. NPWS data shows that Lesser Horseshoe Bat (Annex II species) has been recorded at Ardnacrusha approximately 270m from the proposed appeal site at the closest point, which is within the Core Sustenance Zones (CSZ) of the lesser horseshoe bat. Recent surveys (March and May 2024) carried out by the ESB at Ardnacrusha have found lesser horseshoe bats roosting within a structure on the Ardnacrusha site. This roost is considered to be of significant conservation importance. Loss of foraging habitat or loss of landscape connectivity within the CSZ of the roost would represent a conservation threat for the colony. Natterers and Common Pipistrelle were also recorded as present. It should be noted that the lesser horseshoe bat is a Qualifying interest species of three designated sites as detailed in Appendix 3 of this report. All these designated sites are in excess of 10km away and outside of the Core Sustenance Zones (CSZ) of the lesser horseshoe bat (2km). Any potential for effects as a result of ex-situ impacts on the Lesser Horseshoe Bat can be ruled out.

6.9.4. I note four visual roost surveys (26th October 2022, 9th & 16th January 2023 and 7th February 2024) were conducted at the appeal site. Table 3.6 of the assessment details 38 no trees as having a suitability for potential roosting features for individual bats (PRF -I). No tree roosting bats were encountered during the visual roost surveys and no unoccupied roosts which contained signs of bats were encountered. No potential roosting features for multiple bats (PRF -M) suitability trees were identified during the surveys. I note a single tree located east of the existing site access will be removed to facilitate the proposed development. This tree was surveyed as part of a group of 3 no trees. These trees are considered to be of PRF-I suitability with minor PRFs. Two other trees are proposed for removal to facilitate the construction of the internal access track. These trees are classed as 'None' in terms of their potential roosting suitability for bats.

6.9.5. Two active bat surveys (8th June and 23rd August 2023) both emergence and active transect were carried out at the appeal site with moderate to high level of species diversity being recorded which were concentrated around the courtyard of Castlebank House. The assessment evaluation deemed the appeal site to be of Local Importance (Higher Value) for Bats. An emergence survey on Castlebank House and the associated farm buildings was carried out on the 8th June 2023. During this emergence survey Lesser Horseshoe Bats were recorded using the courtyard and farm buildings.

6.9.6. Passive Bat Monitoring surveys were carried on three separate occasions (26th October - 4th November 2022, 8th June - 15th June 2023, 23rd August – 27th August 2023) at 18 locations shown on Fig 2.2. All nine of the resident Irish bat species were recorded within the study area. Geographical distribution of bat registrations reveals that activity is primarily focused along the east and centre of the northern section of the appeal site (Field numbers 1,4,5 and 6). The surveys found that there is no apparent pattern regarding Lesser Horseshoe Bat activity within the proposed development from all survey seasons. Locations whereby Lesser Horseshoe Bat activity (average nightly registrations) is elevated relative to other bat monitoring stations have been identified, on the linear hedgerow feature between field no 2 and 6. During the summer 2023 survey, a monitoring station (Bat_09) was deployed within an outbuilding of the private residence (Castlebank House) which is outside of the appeal site boundary. Most Lesser Horseshoe Bat registrations during this survey period were recorded within this building late in the night, indicating that this location is a night-roost for Lesser Horseshoe Bat. During the Autumn 2023 survey bat activity was dominated by common and widespread species including Common Pipistrelle and Soprano Pipistrelle.

6.9.7. In relation to potential impacts of the proposed development on bats in the construction and operational phases. The construction phase of the proposed development would necessitate the removal of 3 no trees and 453.9m² of hedgerow habitat, which form part of commuting and foraging routes. It is proposed to bolster existing hedgerows, and to plant new native hedgerows. No construction phase lighting is also proposed.

6.9.8. The overall effect on bats during the construction phase of the proposed development is considered to be '*temporary*', '*slight*', '*negative*'. During the operational phase no additional habitat loss is predicated to occur. In addition, no artificial lighting is proposed, with the exception of motion-triggered security lighting which will be installed at the proposed sub-station compound. The overall effect on bats at the appeal site and surrounding locality during the operational phase is considered to be '*imperceptible*', '*negative*'.

6.9.9. Section 5.4.2 of the assessment outlines the avoidance and mitigation measures to address identified potential negative effects on bats during the construction and operational phases of the proposed development. These measures relate to lighting, installation of bat boxes, mitigation planting, post construction monitoring reports and the appointment of an Ecological Clerk of Works (EcCoW). I note that the applicant is proposing to conduct a survey on trees proposed for removal and any adjoining trees which may be subject to indirect effects. If bats are found a derogation license is to be sought from the NPWS prior to works and any conditions imposed by that license will be implemented. As I conclude in the following paragraphs below, I am satisfied that this is reasonable given that there were no bats found at the trees at the time of the surveys.

6.9.10. As part of a further information request by the Planning Authority (Item 6), the applicant submitted an updated Landscape & Ecology Management Plan (LEMP), and Biodiversity Management Plan (BMP) that would now incorporate additional native hedgerow planting along the proposed access track and substation compound. A total of 1,025.5m is proposed along with 494m of native infill hedgerow to address the concerns raised in by the Environmental Assessment Officer regarding the loss of 453.9m² of hedgerow habitat during the construction stage.

6.9.11. Having regard to the surveys carried out, methodology, competency of the author, and the best practice approach taken line with the guidance contained in Collins (2023)⁶ and I am satisfied that it has been adequately demonstrated that the proposed development will not result in the loss of any bat roosts, or net loss of

⁶ Collins (2023)

potential habitat. I consider the proposed habitat creation and management measures will ensure that the proposed development will not have a significant negative impact on the commuting and foraging habitat for bats. Subject to compliance with the various mitigation measures set out within the Ecological Impact Assessment, Landscape & Ecology Management Plan and Biodiversity Management Plan, I deem the proposed development to be acceptable. I am satisfied the proposed development is in accordance with Policy CDP 15.12 (d) of the Development Plan which seeks to 'ensure there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5km of known roosts'.

Birds

6.9.12. The applicant has carried out desktop review and a number of surveys to inform the submitted Ecological Impact Assessment (EclA). Winter bird surveys were carried out in November to December 2022 and January to March 2023. Summer breeding bird surveys were carried out from April to June 2023. The proposed grid connection route was surveyed in February 2024. A high diversity of bird species was recorded during the winter bird surveys, with a total of 43 bird species noted, which are listed in Table 3.10 of the assessment. The species recorded included 7 no. Birds of Conservation Concern in Ireland 2020 -2026 (BoCCI) red-listed species and 5 no. BoCCI amber-listed species. 3 no. special conservation interest species of the River Shannon and Fergus Estuaries SPA were identified during the winter surveys, Cormorant, Golden Plover and Black-headed Gull, and of these only Golder Plover interacted with the site. No Hen Harrier was recorded during the winter (or summer breeding) surveys at the proposed site. A high number of BoCCI red-listed species of redwing and snipe were both recorded at the appeal site.

6.9.13. During the summer survey the species recorded included 2 no red-listed species: Kestrel and Swift and 6 no amber-listed species: Black-headed Gull, Cormorant, Goldcrest, Lesser Blackbacked Gull, Spotted Flycatcher and Starling. 2 no. special conservation interest species of the River Shannon and Fergus Estuaries SPA were identified during the summer breeding bird surveys, Black-headed Gull and Cormorant. Furthermore, I note the applicant submitted as part of a further

information request (item 5) a Hen Harrier winter roost surveys. Six no. surveys were carried out from October 2024 to March 2025 inclusive. Hen Harrier was not recorded during any of the monthly surveys carried out.

6.9.14. The ornithological evaluation states that the bird species recorded at the proposed site during the surveys represent a typical assemblage of hedgerow and woodland edge habitats with additional species typical of the local agricultural and coastal habitats. The number of individuals recorded during the surveys for any protected species does not correspond with the classification criteria for National or International Importance. The study site is considered to be of '*Local Importance*' (Higher Value) for birds.

6.9.15. The overall effect on birds at the appeal site and surrounding locality during the construction phase is considered to be '*temporary, slight, negative*'. The operational phase of the proposed works is not considered to result in any additional habitat loss relative to the construction phase. It is deemed that the impact of light reflection on local bird populations is considered to be minimal given the newer iterations of solar PV panels use '*high-transmission, low iron glass*'. This form of glass absorbs more light and produces lower levels of glare/reflectance than normal glass. The overall effect on birds as a result of the operational phase of the proposed development is considered to be '*slight negative*' at a local level. The overall residual effect of the proposed development during the construction, operational and decommissioning phases on birds will be a '*slight, negative effect*' at a local level. Furthermore, it is considered that the proposal, in combination with other plans and projects, does not give rise to any likelihood of additional significant adverse effects on ecological receptors.

6.9.16. I note the concerns raised by the appellants in relation to presence of the great spotted woodpecker, common buzzard and the potential impact of the proposed development and their lack of assessment in the submitted Natura Impact Statement. Although no dedicated surveys were carried in relation to both the great spotted woodpecker and buzzard. Both species were assessed during the winter and summer breeding surveys and were recorded as been present on site. Further bird species as referenced by the appellants in their grounds of appeal namely heron and

duck have also been assessed and recorded during the summer breeding bird surveys.

6.9.17. I note, to mitigate any potential disturbances to bird species during the construction phase, mitigation measures detailed in section 5.5 of assessment would be put in place. These include vegetation clearance outside of the bird breeding season. Where tree felling or vegetation clearance works are required during the bird breeding season, an exclusion zone will be installed if active bird nests are present. 12 no bird boxes and 2 no barn owl boxes are to be installed at suitable locations.

6.9.18. Overall, I consider the Applicant's assessment is adequate and that all relevant protected/threatened bird species have been identified and assessed. I am satisfied that proposed development will not have a significant impact on bird species subject to compliance with the various mitigation and habitat creation measures prescribed in the Applicant's Ecological Impact Assessment and Biodiversity Management Plan. Therefore, I am therefore satisfied that the proposed development is acceptable.

Non- Volant Mammals

6.9.19. The appellants have raised concerns regarding the non-identification of mammals such badger, hedgehog, red squirrel, pine marten and stoat within the submitted Natural Impact Statement. The Coimisiún will note that these species are not listed as Annex II animal species and therefore are assessed in the submitted Ecological Impact Assessment (EclA).

6.9.20. Surveys for non-volant mammals were undertaken in October 2022, (9th & 16th) January 2023 and February 2024. All of the above aforementioned mammals were recorded within the appeal site boundary with a main Badger sett located in the north-western area of the appeal site. Otter (Annex II listed species) was not found within the appeal site boundary. Based upon the results of non-volant mammal assessment and considering the scale and local context of the proposed site, the study site is considered to be of '*Local Importance*' (Higher Value) for non-volant mammals.

6.9.21. With respect to construction phase impacts, exclusion buffers (30m for main sett, 20m for other/non-breeding setts) have been incorporated into the design for both the construction and operational phases in relation to the recorded badger sett.

6.9.22. The overall effect on non-volant mammals during the construction phase of the proposed development is considered to be '*temporary, slight, negative*'. No additional habitat loss is predicted to occur during the operational phase and upon the establishment of measures outlined in the BMP, it is considered that an increase in foraging opportunities for mammals such as badgers will arise. The overall effect on non-volant mammals at the site and surrounding locality during the operation of the proposed development is considered to be '*neutral*'.

6.9.23. Mitigation measures are outlined in section 5.4 of the assessment for both the construction and operational phases. These measures included a pre-construction mammal survey and implementation of the CEMP. Furthermore, I note mammal gates/gaps will also be installed along the perimeter fence to ensure fencing does not inhibit the movement of wildlife, and to allow for commuting of mammals across the appeal site.

6.9.24. I note the mitigation measures in relation to badgers. Fencing will be established at the outset of works and will be maintained for the duration of the construction phase, to exclude machinery and access within a buffer zone of 30m from main setts and 20m from all other active setts. Screening will also be installed in relation to the main sett, to reduce the impact of noise and anthropogenic disturbance. No nightwork will be allowed with 100m of the main sett (or any subsequently identified main setts) during the badger breeding season (December to June inclusive). Generators will generally be located at the proposed site compound, and not within 50m of any sensitive ecological feature such as Badger setts. I am satisfied that the mitigation measures proposed are generally consistent with the NRA 'Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes' and are appropriate.

6.9.25. The residual effect of the proposed development during the construction, operational and decommissioning phases on nonvolant mammals following the implementation

of the proposed mitigation measures is considered to be ‘*short-term*’, ‘*slight negative*’ at a local level.

6.9.26. Overall, I am satisfied that the proposed development will not result in a significant adverse effect on badgers or any other non-volant mammals subject to compliance with the proposed mitigation and habitat creation measures prescribed in the Ecological Impact Assessment and Biodiversity Management Plan.

Other Species

6.9.27. Concerns have been raised in the grounds of appeal relating to the impact the proposed development would have of the Marsh Fritillary Butterfly. The applicant in their appeal observation has stated that Devil's-bit Scabious (*Succisa pratensis*) the foodplant of the Marsh Fritillary Butterfly (Annex II species) was not recorded during the habitat and botanical surveys of the appeal site. The NPWS does not hold any records of this species within the 10km grid square in which the appeal site is located. Other taxa were recorded during the walkover surveys and include Small Tortoiseshell (*Aglais urticae*), Meadow Brown (*Maniola jurtina*) and Red Admiral (*Vanessa atalanta*) butterflies. A list of the flora species recorded on site as part of the habitat survey are detailed in Table 4-1 of the revised Biodiversity Management Plan. It is considered by the applicant that based on best scientific information, the Marsh Fritillary Butterfly is not an ecological receptor relevant to the appeal site.

6.9.28. Devil's-bit Scabious (*Succisa pratensis*) can occur within wet grassland habitat (GS4)⁷ which is present within the appeal site as shown Figure 3.2 Habitat Map. At the time of my site inspection the appeal site grasslands were subject to intensive agricultural management (cattle grazing) which are considered to be of poor botanical diversity.

6.9.29. I note the applicant is proposing to manage the grassland of the appeal site during the operation phase in accordance with the guidance set out in National Biodiversity Data Centre guidelines ‘Pollinator – Friendly Management of Solar Farms (NBDC, 2023). The proposed grassland management would include low intensity grazing and non-use of fertilisers/chemical-based substances to promote an increase in flora

⁷ Fossitt Guide to Habitats in Ireland

species diversity and a diverse sward structure. The residual effect of the proposed development on habitats and flora is considered to ‘*slight positive*’ at a local level with the application of the proposed mitigation planting of native vegetation and the natural regeneration of wildflower meadows.

6.9.30. I am satisfied that no impacts would arise on the Marsh fritillary butterfly based on the lack of the food plant Devil’s Bit Scabious (*Succisa pratensis*) being recorded during the habitat and botanical surveys of the appeal site. If the Coimisiún are minded to grant permission, I consider it appropriate to include a condition requiring the need for pre-commencement surveys for protected plant/mammal/invertebrate species and invasive species to be undertaken at the appeal site.

Habitat

6.9.31. Concerns are raised by an appellant in relation to the adjoining woodland habitat to the northeast of the appeal site. It is contended that there are inadequacies of the submitted NIS and ecological appraisal with regard to a focus on lands only within the application site boundary. I note this woodland area has been identified in the Development Plan under the Ardnacrusha and Parkroe settlement map as lands (OS4 & OS1) reserved for ESB operations and that are to be maintained/protected in its current use (woodland). The lands are stated to offer an abundance of habitats/species and contribute to local biodiversity, the green infrastructure network and the overall visual amenity of the area.

6.9.32. I note the applicant has assessed this woodland habitat as part of the botanical, aquatic and habitat surveys carried out for the proposed development. The woodland was identified under the Phase 1 habitat survey as ‘Mixed Broadleaved Woodland (WD1)’ and is evaluated as being of ‘*Local Importance (Higher Value)*’. The proposed grid connection route was specifically surveyed on the 7th February 2024 and bird species recorded are included in section 3.5.2.3 of the EclA. Evidence of Otter was recorded along the West Roo stream (outside of the appeal site boundary) and mitigation measures have been proposed to minimise disturbance associated with these works which is discussed in the Non-Volant Mammals section of this report. Aquatic surveys of the watercourses within the vicinity of the proposed

development were conducted on 22nd and 23rd May 2023. Three of those survey sites identified in table 2.14 & figure 2.5 of the EclA were located within this woodland area namely sites no 4, 5 and 7. The aquatic ecological evaluation of the survey sites was considered to be of '*Local Importance (Higher Value)*'.

6.9.33. The proposed grid connection route connecting the proposed onsite substation to the 110kV substation adjacent to the Ardnacrusha Hydro Electric Power Station is the only part of the proposed development that directly interacts with this woodland area. The construction of the grid connection route is stated to involve the temporary loss of habitat which consists of a narrow strip of scrub through the woodland. A narrow line clearing already accommodates other buried infrastructure. No tree felling is proposed within this woodland area. The line of the proposed gird route is to be maintained to prevent tree growth during the operational phase.

6.9.34. I note the applicant requires two watercourse crossings within the woodland area along the grid connection route. There is an existing double-pipe culvert installed at the West Roo stream and a single pipe culvert located along an unnamed watercourse which will both be crossed as part of the facilitation works for the proposed GCR. No in-stream works are deemed to be required.

6.9.35. Having reviewed the submitted EclA and the BMP (including FI submissions). I do not accept the appellants ascertain with regards to the lack of assessment or consideration regarding this woodland area. I am satisfied the EclA represent a robust and reasonable assessment of the matters pertinent to ecology in relation to both the appeal site and the surrounding areas including the woodland area to the northeast. I am satisfied that the proposed development will not directly impact upon this woodland habitat or cause any significant indirect effects subject to compliance with proposed mitigation measures outlined in section 5 of the EclA.

Conclusion

6.9.36. Overall, I consider that adequate detail has been provided on the biodiversity of the appeal site to assess the overall impact of the proposal. Having considered the nature of the application and given the location of the site in an area characterised by similar habitats, and the detailed mitigation measures to be incorporated including

ecological enhancement measures. I consider the proposed development to be in accordance with Objectives CDP3.3 and 15.8 of the Development Plan

6.9.37. I am satisfied the likely ecological impact of the proposed development would be acceptable and would not have a significantly negative impact on overall biodiversity of the appeal site or wider area, subject to mitigation measures detailed in the application.

6.10. **Other Matters**

Public Consultation

6.10.1. It has been raised by the appellants (Mr Peter McCarthy & Dr Teresa Crawford) that the Applicant had failed to carry out adequate or meaningful community consultation. It is stated in the grounds of appeal that the Applicant did not meaningfully engage or respond in their attempts to liaise with the applicant. The only written communication received by the appellants was a promotional leaflet that was vague and lacked detail.

6.10.2. The applicant has stated that community engagement was carried out in July 2024 in the form of a leaflet and letter drop to local residents within a 500m radius of the proposed development. Face to face meetings with local residents were arranged and carried out on request to address individual concerns directly.

6.10.3. Whilst concern is expressed as to the level of public engagement, it is clear that local residents were aware of the application and engaged in the planning process by making their views known through written submissions to the Planning Authority in the first instance and to the Coimisiún at this appeal stage.

6.10.4. There are no legal obligations under planning legislation for the Applicant to engage in formal consultation with the general public for a development of this type. Planning and Development legislation sets out legislative requirements with regard to public consultation, in respect of planning applications submitted under Section 34 of the Planning and Development Act 2000 as amended. Any wider consultation or discussions with third parties, is a matter for the individual parties involved and is outside of the requirements of this legislation and is not a matter for the Coimisiún.

Application Incomplete

6.10.5. I note the concerns raised by the appellant with regard to the lack of a finalised layout for the proposed development. The appellant contends that public and prescribed bodies cannot assess the full environmental or residential impact of the scheme at application stage. The imposition of condition 1 (b) has deferred the finalised layout/detail/material detail to pre-construction stage. Furthermore, the financial contributions required under condition 14 are based on yet to be confirmed total megawatt capacity indicating the scale of the scheme remains undefined.

6.10.6. In response to this issue the applicant has stated that proposed design is based on the mostly likely configuration and positioning of the panels on current industry standards and best practices. As with all advancing technologies, solar PV continues to evolve offering greater efficiency. The applicant states that the most efficient specifications available at the time of construction would be adopted, any refinement may involve minor adjustments to the configuration, angles or spacing. Prior to commencement of the development full details of the finalised development would be submitted to the Planning Authority for written agreement. The potential adjustments would remain within the parameters assessed at application stage and not give rise to any material change in the environmental or residential impacts.

6.10.7. I do acknowledge that solar technology is continually advancing and the most efficient infrastructural specifications available at the time of construction will be used. I consider the proposed lifespan of the application is also of relevance, a ten-year permission is sought during which time technological improvements in solar panel technology are likely. While these potential adjustments may vary slightly from the details described in the submitted plans, I do not anticipate this to result in any significant departure or material change from the details specified. Any material or significant change in the proposed development from those prescribed in the application documentation would require the benefit of planning permission.

6.10.8. I am satisfied that any increases in generating capacity can only be achieved through improvements to the solar panel and electrical technology, which would not manifest in any significant differences nor would not give rise to any additional

impacts other than those that have been identified already within this current assessment as being appropriate.

6.10.9. Overall, I am satisfied the public and prescribed bodies have had sufficient detailed plans and information to assess the proposed development and make their observations/submission in relation to any potential impacts. Furthermore, I do not consider unreasonable to require the applicant to confirm the megawatt generating capacity prior to commencement of development to ensure the appropriate development contribution is provided in accordance with the relevant development contribution scheme of the Planning Authority.

7.0 AA Screening

7.1. Screening Determination

7.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on the Lower River Shannon SAC (002165) in view of the sites conservation objectives. Appropriate Assessment is required.

7.1.2. This determination is based on:

- The nature and scale of the proposed development/works.
- The hydrological connections to the Lower River Shannon SAC (002165) and the potential for significant effects on QI habitats and QI species, by way of pollution and deterioration of water quality.
- The potential for significant ex-situ impacts on QI (otter).
- Potential for spread of invasive species.

7.2. Appropriate Assessment Conclusion: Integrity Test

7.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon

SAC (002165) in view of the conservation objectives of the site and that Appropriate Assessment under the provisions of S177U was required.

7.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lower River Shannon SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

7.2.3. My conclusion is based on the following:

- Detailed assessment of construction, operational and decommissioning impacts.
- The respective site-specific conservation objectives, targets and attributes, QI's of the respective European Site as detailed and assessed in my Stage 2 AA as appended to this report (Appendix 4).
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- Effectiveness of mitigation measures set out in the NIS and in the Noise Impact Assessment, Flood Risk and Drainage Impact Assessment, Construction Traffic Management Plan, Decommissioning Statement that were submitted with the application and updated Ecological Impact Assessment and appendices, Biodiversity Management Plan, Landscape & Ecology Management Plan, Glint and Glare Assessment, Outline Construction Environmental Management Plan, Archaeology and Architectural Heritage Impact Assessment submitted to the planning authority by way of further information.
- Application of planning conditions to ensure these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC.

8.0 Water Framework Directive Screening

8.1. The appeal site comprises of nine agricultural fields, with mature hedging/treelines, within the townlands of Parteen and Castlebank to the southwest of Ardnacrusha village and c. 3.5 km north of Limerick City centre. Three waterbodies are adjoining or near the site, namely South Ballycar (code IE_SH_25N170970), West Roo (code IE_SH_25N170970) and Parteen (code IE_SH_25N170970). All three waterbodies have a status of 'good'. The relevant groundwater body is Limerick City North (code IE_SH_G_139) and Ardnacrusha (code IE_SH_G_009) with an overall status for both of 'good'. The proposed development comprises of the solar farm development.

No water deterioration concerns were raised in the planning appeal.

8.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, location of the project and local topography, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

8.3. The reason for this conclusion is as follows

- Nature and scale of the development.
- The proposed measures contained within submitted documentation such as the NIS and the outline CEMP.

8.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 Recommendation

9.1. It is recommended that the Coimisiún grant planning permission for the proposed development for the following reasons and considerations and subject to the conditions set out below.

10.0 Reasons and Considerations

10.1. The Coimisiún reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with *inter alia* the Climate Action Plan 2025 and the furtherance of the national climate objective.

And in coming to its decision, the Coimisiún had regard to the following:

- European legislation, including of particular relevance:
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
 - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025)
 - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
 - Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent

with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.

- National and regional planning and related policy, including:
 - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective 70.
 - National Development Plan 2021-2030
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
 - Policy Statement on Security of Electricity Supply (November 2021); National Energy Security Framework (April 2022);
 - National Energy and Climate Action Plan (2021-2030);
- Regional and local planning policy, including:
 - Regional Spatial Economic Strategy for the Southern Region;
 - Clare County Development Plan 2023-2029.
- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development as set out in the planning application
- The pattern of development within the area and the context of the receiving environment.
- The range of mitigation measures set out in the Natura Impact Statement
- The range of mitigation measures set out in the Ecological Impact Assessment and the outline Construction and Environmental Management Plan.
- The measures set out in the Biodiversity Management Plan and the Landscape and Landscape & Ecology Management Plan.

- The measures proposed for the construction, operation and decommissioning of the proposed development.
- The current status and the selection assessment process for the proposed Limerick Northern Distributor Road (LNDR).
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The reports of the Planning Authority and the further information received from the applicant on 17th April 2025 and submissions received in response to same.
- The submissions made on the planning application to the Planning Authority and to the Commission in connection with the appeals.
- The report and the recommendation of the Inspector.

10.2. Appropriate Assessment Stage 1 Screening Determination

10.2.1. The Coimisiún completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Planning Inspector's report and submissions on file. The Coimisiún agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lower River Shannon Special Area of Conservation (Site Code 002165) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

10.3. Appropriate Assessment Stage 2

10.3.1. The Coimisiún considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained

therein, the submissions and observations on file, and the Inspector's assessment. The Coimisiún completed an Appropriate Assessment of the implications of the proposed development for the European Site for which potential to have a significant effect had been identified, in view of the site's conservation objectives. The Coimisiún considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Coimisiún considered, in particular, the following:

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

10.3.2. In completing the Appropriate Assessment, the Coimisiún accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives. In overall conclusion, the Coimisiún was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code 002165), in view of the site's Conservation Objectives.

10.4. EIA Screening Determination

10.4.1. Having regard to –

- the nature and scale of the proposed development, which is not itself a class of development and falls below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised.

- The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive;
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- 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;
- 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);
- the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer 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 project - Landscape and Visual Impact Assessment, Ecological Impact Assessment, Biodiversity Management Plan, Archaeology and Architectural Heritage Impact Assessment, Flood risk and Drainage Impact Assessment, Noise Impact Assessment, Glint and Glare Assessment, Outline Construction Environmental Management Plan, Construction Traffic Management Plan, Landscape & Ecology Management Plan and Decommissioning Statement.

The Coimisiún 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.

10.5. Proper Planning and Sustainable Development

10.5.1. The Coimisiún considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Clare County Development Plan, 2023-2029, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an unacceptable impact on the character of the landscape or cultural or archaeological heritage, would not have a significant adverse impact on ecology, would not have a significant adverse impact on water quality, would be acceptable in terms of traffic impacts and safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application on the 30th August 2024, as amended by the further plans and particulars received by the planning authority on 17th day of April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest or clarity.

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

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

3. 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.

4. Prior to the commencement of development, the developer shall submit details to the Planning Authority confirming the anticipated megawatt capacity and annual electricity generation of the solar farm.

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 arrays. The solar array and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.
(b) Prior to commencement of development, a Decommissioning Statement, including a detailed restoration plan and a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, concrete shoes, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. The Decommissioning Statement shall be and to in accordance with condition 18 (d) of this Order and also be updated, submitted to and agreed with the planning authority prior to the commencement of decommissioning.
(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/concrete shoes, 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 relevant planning authority to review the operation of the solar farm in the light of the circumstances then prevailing.

6. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

7. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, Biodiversity Management Plan, Glint and Glare Assessment, Noise Impact Assessment, Outline Construction Environmental Management Plan, Construction Traffic Management Plan, Landscape & Ecology Management Plan and Decommissioning Statement and other particulars submitted with the application and by way of further information, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

8. 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.

9. During the operational phase of the proposed development the noise levels from the development shall not exceed (a) 45 dB (LAr,T) rated sound level between the hours of 0700 to 1900, (b) 40 dB (LAr,T) between the hours of 1900 to 2300 and (c) 35 dB (LAr,T) between the hours of 2300 to 0700 (corrected for a tonal or impulsive component) as measured at the nearest

noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

10.(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) 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.

11.All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the Landscape and Ecology Management Plan submitted to the planning authority on the 17th April 2025. Any trees and hedging 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. Existing field boundaries shall be retained (other than those specified for removal to facilitate access throughout the development site).

Reason: In the interest of biodiversity and the visual amenities of the area.

12. (a) Prior to the commencement of development pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.

(b) 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 blasting or pile driving with 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.

(c) No tree, hedgerow or vegetation clearance works shall be carried out during the period of 1st March to 31st August inclusive.

Reason: In the interest of wildlife protection.

13. The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

14. Prior to the commencement of development, a continuous 10 m wide woodland buffer of indigenous species shall be planted along the site boundary with the Limerick Northern Distributor Road (LNDR) route corridor. Details to be submitted for the written agreement of the planning authority, which shall include details of the location, number and species to be planted, timescale for implementation and proposals for replacement planting during the operative period of the proposed solar farm.

Reason: To reduce the potential for glint and glare on road users and traffic safety.

15. (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 solar panels shall have driven or screw pile foundations only (save those proposed with concrete shoes), unless otherwise authorised by a separate grant of planning permission.
- (e) The transformers/inverters shall be dark green in colour.
- (f) Each fencing panel shall be erected such that for a minimum of 300millimetres of its length, its bottom edge is no less than 150millimetres from ground level.

Reason: In the interest of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

16. The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan, to include a Construction Traffic 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, management of excavated soil, control of surface water run-off and control of on-site refuelling in accordance with the environmental and ecological mitigation measures set out in the Natura Impact Statement.
- (j) Details of compliance with condition number 18.
- (k) the community liaison details including how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads and/or HGV deliveries.

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.

17. All road surfaces, culverts, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to the commencement of development, a road condition survey shall be taken along the full extent of the L3056 and other local roads, to be used by the proposed development as a haul route 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 the commencement of development.

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

18. (a) All mitigation measures as set out in the revised Archaeology and Architectural Heritage Impact Assessment report received by the planning authority as further information on 17th April 2025, shall be implemented in full, except as may otherwise be required in order to comply with the conditions below relating to archaeological heritage. In this regard and in advance of commencement of construction, the developer shall retain/engage a suitably qualified Archaeologist (licensed by the National Monuments Acts) to

- (i) Advise on and supervise the installation of an appropriate buffer zone at the areas of sub-surface archaeology identified through geophysical survey — labelled 'M1 ' to 'M4' in the geophysical survey report submitted (centred on approx. I TM 557870E, 661562N). No groundwork or movement and storage of plant, machinery, equipment, vehicles and sundries shall be permitted within the established buffer zone.
- (ii) Advise on appropriate methodologies where ground disturbance is required for installation of ground-mounted solar panel bases ('concrete shoes') in proximity to areas of identified archaeology.
- (iii) In advance of commencement of construction, the applicant's / developer shall carry out a program of top soil stripping of appropriate areas around the sub-surface archaeological features/material identified during archaeological test excavation — as set out in Table 4-1 of the 'Revised Archaeology & Architectural Heritage Assessment' report (pages 32-33) as received on 17th April 2025 - in order to fully ascertain the nature and extent of the identified archaeology.
- (iv) Undertake a program of full archaeological excavation (preservation by record) of all archaeological features/material that cannot be preserved *in situ*.

(b) The Archaeologist shall carry out archaeological monitoring of all groundworks associated with the development. The use of appropriate machinery and methodologies to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the Archaeologist without his/her express consent.

- (i) Archaeological monitoring shall be informed and supplemented by licensed metal detection survey.
- (ii) Should further archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the National Monuments Service, of the Department regarding appropriate mitigation (preservation in situ / excavation).
- (iii) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service of the Department shall be complied with by the developer.

(c) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the Planning Authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

(d) The finalised Construction Environmental Management Plan (CEMP) and Decommissioning Plan shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the 'Revised Archaeology & Architectural Heritage Impact Assessment' report and as may become relevant during further archaeological works. The CEMP and Decommissioning Plan shall

clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(e) All construction personnel shall be apprised of the locations and sensitivities of all areas of recorded/identified archaeology within the development site. This shall be done through the appropriate dissemination of the CEMP and pre-commencement and ongoing toolbox talks.

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

19. 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 Impact Assessment. A surface water 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.

20. 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 upon 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 Coimisiún Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

21. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

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

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

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.

Peadar McQuaid
Planning Inspector

10th December 2025

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ACP - 323147
Proposed Development Summary	<p>Planning permission is being sought for a period of 10 years to construct and complete a Solar Energy development with a total site area of 36.70 hectares and to include the following:</p> <ul style="list-style-type: none"> • Construction of PV panels mounted on metal frames, (proposed maximum height of up to 3.2m), • 1 no. substation including 18m high lightning mast, • 9. No inverter substations, (each unit measures c.6.1m x 2.5m), • Internal access tracks (new and upgraded), • Underground cabling, • Security fencing (2.4m high) and access gates, • 15 no. CCTV cameras and lighting units, 3.5m high galvanised steel posts. • A temporary construction compound (located in field no. 2 circa 60mx 50m in area), • All ancillary grid infrastructure and associated works, • The proposed grid route will connect the substation at the application site to the existing grid infrastructure at Ardnacrusha Power Station via a 38kV underground cable which is 1.2km in length (320m of which is on the local road L3056), • The Solar Farm would be operational for 40 years.
Development Address	Within the townlands of Castlebank, Parteen, Ballykeelaun and Drummin, Ardnacrusha, Co. Clare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>The development of a solar farm is not a specified class of development in Part 1 or Part 2 of Schedule 5 of the Regulations.</p> <p>Schedule 5, Part 2, Class 1 (a) Rural Restructuring.</p> <p>This includes: <i>“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></p> <p>The proposed solar farm development will involve hedgerow removal (453.8m²) to facilitate access but is significantly below the 4km threshold. This will not involve the amalgamation, enlargement or restructuring of existing fields. Re-contouring is not proposed as a part of the development. It is considered that the development does come within the scope of this class on the</p>

	basis that it involves the removal of field boundary hedgerows but that it is subthreshold.
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: 10/12/2025

Appendix 2 - Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ACP-323147	
Development Summary	Planning permission is being sought for a period of 10 years to construct and complete a Solar Energy development with a total site area of 36.70 hectares.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required.
2. Has Schedule 7A information been submitted?	Yes	<p>An EIA Screening Report prepared by Neo Environmental with Schedule 7A information accompanied the application. No specific class is referenced or Schedule 7A information readily set out within this report. The report does assess all of the potential environmental impacts in relation to landscape/visual, ecology, archaeology/architectural, hydrology, traffic, glint & glare and noise.</p> <p>The design of the proposed development will result in the removal of c. 453.8m of hedgerows across the site. Revisions to the design of the proposed development at FI stage now include a proposed native hedgerow planting increase to 1,025m with a total of 494m of native infill hedgerow to be planted.</p>

		<p>The proposed development is considered in the context of Schedule 5, Part 2, Class 1 Agriculture, Silviculture and Aquaculture:</p> <p><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></p>
3. Has an AA screening report or NIS been submitted?	Yes	A NIS, prepared by O'Donnell Environmental Ltd has been submitted and includes a Stage 1 AA Screening and a Stage II Natural Impact Statement.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
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	A Strategic Environmental Assessment, Strategic Flood Risk Assessment and Appropriate Assessment were all undertaken in respect of the Clare County Development Plan, 2023-2029.

B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</p>			
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	Yes	<p>The appeal site comprises nine agricultural fields which are typically bound by mixed mature hedgerows and trees of varying maturities. The existing network of trees and hedgerows provide varying degrees of screening from the adjoining public roads, private residences and vary in height across the site. The design of the proposed development will result in the removal of c. 453.8m of hedgerows across the site. Revisions to the design of the proposed development at F1 stage now include a proposed</p>	No

		<p>native hedgerow planting increase to 1,025m with a total of 494m of native infill hedgerow is also to be planted. It is considered that the volume of hedgerow to be removed is insignificant given the remaining linear features present in the surrounding environment.</p> <p>It is considered that the volume of hedgerow to be removed is insignificant given the remaining linear features present in the surrounding environment.</p>	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>The removal of hedgerows is largely as a result of the construction of access tracks and at the site entrance. New replacement hedgerow planting (1,025m) is proposed along the site boundaries, the substation compound and existing access track. It is proposed to bolster and gap-fill the surrounding hedgerow / treelines where required across the site and along the boundaries of the site, and to plant c. 494m of new hedgerow / treelines.</p> <p>No physical changes to the topography of the lands are proposed and earthworks are minimal given the nature of the proposed development.</p>	No
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?	Yes	<p>The project will use standard construction methods, materials and equipment, and the process will be managed through the implementation of a CEMP (Construction and Environmental Management Plan). The loss of natural resources (hedgerow) is not regarded as</p>	No

		significant in nature. Replacement hedgerow planting is proposed.	
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?	Yes	<p>Hedgerow removal activities will require the use of potentially harmful materials, such as fuels and other such substances to power necessary machinery.</p> <p>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 outline Construction and Environmental Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>The works associated with the hedgerow removal 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. However, it is noted that the use of these materials would be typical for construction sites. With the implementation of the standard measures in the outline Construction and Environmental Management Plan, the project would satisfactorily mitigate any potential impacts.</p>	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface	Yes	<p>It is noted that hedgerow removal works are proposed within close proximity to field drains and watercourses which ultimately discharge</p>	No

waters, groundwater, coastal waters or the sea?		into the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. 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 NIS, significant effects on the environment are not likely. No discharge of pollutants to ground water is likely.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Noise and vibration impacts are anticipated during hedgerow removal works. The works would be short term in duration, and impacts arising would be temporary, localised, and be managed through implementation of the CEMP such as 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?	Yes	The construction related impacts associated with the hedgerow removal would be temporary and localised in nature and the application of standard measures within the preliminary CEMP. No significant operational impacts are anticipated with a development of this nature.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	The site is not located within close proximity to any Seveso / COMAH sites. There is no risk of major accidents given the nature and scale of the project and the location of the site.	No

1.10 Will the project affect the social environment (population, employment)	Yes	<p>It is likely that there will be a minor positive effect on local employment during the construction phase of the proposed development.</p>	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	Yes	<p>The appeal site is located in a landscape designated as a 'Western Corridor Working Landscape' that solar energy developments are deemed as a compatible use.</p> <p>A small number of other solar farm developments have been permitted within between 0.48km and 4km of the site in the last 4-5 years. None have been completed yet. The greatest potential for cumulative effects would be landscape effects but, I am satisfied that sufficient separation exists between the different proposed solar farm developments in the area, as well as intervening topography and vegetation, to means that significant cumulative impacts would not occur.</p>	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:	Yes	<p>There are nine Natura 2000 sites within 15km of the proposed development. There is a potential pathway from the proposed development to the Lower River Shannon SAC (Site code: 002165) and the River Shannon and River Fergus Estuaries SPA (Site code: 004077) via</p>	No

<ul style="list-style-type: none"> - Designated Nature Reserve - Designated refuge for flora or fauna - 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>watercourses that traverse the subject site. Following an Appropriate Assessment, it has been concluded that the proposed project is not likely to cause significant negative effects on Lower River Shannon SAC or any other Natura 2000 site, individually or in combination with other plans or projects. It is considered that there is no reasonable scientific doubt in relation to this conclusion. In reaching this conclusion, consideration has been given to the conservation objectives of the relevant designated sites and their special conservation interests.</p> <p>There are four NHAs within 5km of the subject site, the nearest is Woodcock Hill Bog NHA (Site code: 002402). In terms of pNHAs, Knockalisheen Marsh pNHA is located 0.68km to the south and not hydrologically connected. 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 1 no. main badger sett and 1 no outlier sett was recorded at the appeal site. Section 5.4 of the EclA sets out the required mitigation to be applied during the construction phase of the development. Therefore, no potential impacts are likely. The development will result in some loss of commuting / foraging habitats for bats by the removal of hedgerow / treelines, however,</p>	
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		1,025m of new enhancement planting plus 494m of infill planting will be implemented as part of the proposed development, will strengthen the existing hedgerow / treelines onsite, where required, and provide new foraging and commuting habitat for bats.	
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 affected by the project?	Yes	<p>The site is not under or adjacent to any wildlife or conservation designation. No rare or protected floral or invertebrate species were recorded.</p> <p>The NIS and EclA state that there is potential for otters to occasionally traverse the site. The Lesser Horseshoe Bat has also been recorded using the site. This species is a QI species of Natura 2000 sites which are located in excess of 10km from the proposed development. The presence of salmon and Lamprey was detected via eDNA sampling carried out in both the West Roo River and South Ballycar River. These species are QI species listed for the Lower River Shannon SAC. The Golden Plover was recorded interacting with the site (foraging) a special conservation interest species for the River Shannon and River Fergus Estuaries SPA.</p> <p>Mitigation measures in the form of a landscape plan that would include planting of new and enhancement of existing hedgerows, have been</p>	No

		<p>included to create additional habitat on completion of the development.</p> <p>Subject to mitigation measures in the NIS, CEMP and the EclA determines that the development will not affect surface water or groundwater quality, no significant impacts are predicted.</p>	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	<p>The Archaeology & Architectural Heritage Impact Assessment provides a description and evaluation of the potential, likely and significant impacts of the proposed development on archaeological, architectural and cultural heritage resource of the site. Mitigation measures in the form of non-intrusive construction methods, including ballast foundations (concrete shoes), floating tracks and suspended cables have been incorporated around the Zone of Notifications of both Recorded Monuments identified within the appeal site namely CL063-009: 'Enclosure' and CL063-028 'burial ground'.</p> <p>As part of the Applicant's FI response, Geophysical surveying of the site was undertaken, the mapping and interpretation were assessed by the Applicant's consultant archaeologist. A programme of test trenching was implemented to investigate the specific below-ground potential for prehistoric remains across the appeal site. A total of 63 trenches was excavated.</p>	No

		<p>Potential archaeological features were revealed in 16 of the test trenches. A revised site layout plan has been provided in Appendix 4-G of the FI Response with drawing no NEO01273_029i_C Figure 4.6 showing the increase usage of concrete shoes for the solar PV array within field number 6. The remaining archaeological features are to be assessed under a phase 2 programme of excavation works at post consent stage with DHLGH approval.</p> <p>I am satisfied that it has been adequately demonstrated that significant effects on archaeology can be avoided through the implementation of the proposed mitigation measures and through adherence to the conditions of the permission.</p>	
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?	Yes	There are no areas of high quality or scarce resources in or adjoining the appeal site. A large quarry (O'Connell Quarries, Ballycar) does operate circa 3km away from the appeal site to the northeast. The proposed development will have no impact on this extractive site.	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?	Yes	A number of waterbodies (South Ballycar, West Roo and Parteen Stream) run through or adjacent to the site. A Flood Risk and Drainage Impact Assessment (FR & DIA) prepared by Neo Environmental concluded that fields within the site (proximal to the Parteen Stream and West Roo Stream) are at risk of fluvial flooding.	No

		<p>The majority of the application site is contained within Flood Zone C.</p> <p>No highly vulnerable development such as transformers/invertors proposed within areas of highest risk of flooding. All PV solar panels located in areas at risk of fluvial flooding will have the panel table located at least 0.15m above the flood depth to ensure there is a sufficient freeboard from the 1 in 1000-year flood event level.</p> <p>The installation of solar panels in the agricultural fields is not expected to give rise to increased surface water runoff (volumes or rates) which will be facilitated by the maintenance of grass underneath the panels and the implementation of SUDs measures. Access tracks are to be constructed using permeable materials, from which potential surface water will infiltrate naturally to the ground. These elements of the scheme are design to preserves peak water runoff rates at natural levels.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
2.7 Are there any key transport routes (eg 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?	No	While some traffic disruption is likely during the construction phase, this is expected to be temporary in nature and no significant contribution to traffic congestion is anticipated to arise from the proposed development on the surrounding local road network.	No

<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>The surrounding area comprises of agricultural/forestry land uses, farm buildings, dwellings and an ESB power station. There are number of commercial and community related uses, such as schools, within the village of Ardnacrusha and Parteen to the north and east of the appeal site. Having considered the nature of the proposed development, no significant impacts on these uses are anticipated as a result of the proposal.</p>	<p>No</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<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>No</p>	<p>Significant environmental effects from a cumulation of the proposed hedgerow removal with other proposed developments is unlikely based on a review of the relevant technical reports, the project design and the proposed mitigation measures which effectively reduces the potential for cumulative effects.</p> <p>Existing and / or approved planning consents in the vicinity of the site have been noted in the application documentation and associated assessments. I have referred to them in the section 3.5 of this report. However, these developments are of a nature and scale that have been determined to not have likely significant effects on the environment.</p> <p>Most notable is a grant of permission for another solar farm development (PA Ref 23/60249) on a</p>	<p>No</p>

		<p>site of c70ha circa 0.48km north of the site. Other grants of permission have been issued for other solar and wind developments in the wider area (2-5km) from the site.</p> <p>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>	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
<p>Having regard to: -</p> <p>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;</p>			

- b) The nature and scale of the proposed development, which is significantly below the threshold of 4km for hedgerow removal reinserted by the 2023 amending regulations and is also below the screening threshold set out in the 2011 (Agricultural) Regulations;
- c) The location of the proposed development, in a rural area, which is designated as a 'Solar Opportunity Area' in the Clare County Development Plan 2023-2029, the nature of the existing site and the pattern of existing and permitted 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 and 7A 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 outline Construction and Environmental Management Plan, Ecological Impact Assessment, Biodiversity Management Plan, Natura Impact Statement, Flood Risk and Drainage Impact Assessment and the information submitted to the Planning Authority by way of further information.

The Coimisiún concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date 10/12/2025

Approved (DP/ADP) _____

Date _____

Appendix 3 - Standard AA Screening Determination Template

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Planning permission is being sought for a period of 10 years to construct and complete a Solar Energy development with a total site area of 36.70 hectares</p> <p>See Section 2.0 of this report for further details.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>It is proposed to construct a solar farm development on land that is currently agricultural pastural lands across nine agricultural fields. The southern parcel of the site consists of two fields (Field no 8 & 9) in use for grazing/ meadows within the townland of Parteen. The northern portion is bounded by and accessed from the L3056 and consists of seven fields (Field no 1 to 7) in use for grazing.</p> <p>The main features of the project are the installation of solar panels, 9 no inverters, 1 no. substation, fencing, CCTV, underground cabling, access track lengths and landscaping. The Proposed Development will be connected to the national grid via an underground grid connection cable which will connect the onsite substation to the 110kV substation adjacent to the Ardnacrusha Hydro Electric Power Station, with a total length of 1.2km. The cable will run for approx. 320 meters along the L3056 public road.</p> <p>The site is hydrologically connected to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA via a number of waterbodies flowing through or along the boundaries of the appeal site. In relation to flooding, the appeal site is partially located within areas deemed at risk of flooding from pluvial and fluvial sources.</p>
Screening report	Yes – O'Donnell Environmental Ltd
Natura Impact Statement	Yes - O'Donnell Environmental Ltd
Relevant submissions	<p>A summary of the issues raised by the Planning Authority's Environmental Assessment Officer (EAO) included.</p> <ul style="list-style-type: none"> • A further survey required to identify any potential roosting sites for Hen Harrier. • Revised plans showing additional planting along the boundary of the proposed substation and site

	<p>boundary closest to the recorded lesser horseshoe bat roost at ESB Ardnacrusha.</p> <ul style="list-style-type: none"> • Cumulative and in combination effects with other solar developments. <p>On receipt of FI information, the EAO was satisfied with the findings of the Hen Harrier survey (none recorded), the updated Landscape Management Plan and assessment of Cumulative and in combination effects subject to compliance with conditions and mitigation measures of the NIS.</p>
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Additional Information: N/A

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
River Shannon and River Fergus Estuaries SPA 004077	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	c. 3.6km to the southwest.	A number of watercourses run through the appeal site, these include the South Ballycar (EPA code: 25S75) and the West Roo (25W38) and the Parteen Stream (25P23). These watercourses join and flow into the Ardnacrusha Tailrace Canal and onto the Lower River Shannon south-east of the appeal site boundary.	Yes

	<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p> <p>https://www.npws.ie/protected-sites/spa/004077</p>			
Lower River Shannon SAC 002165	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p>	c.0.3km to the south.	As per above.	Yes

	<p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p>https://www.npws.ie/protected-sites/sac/002165</p>			
Danes Hole, Poulnalecka SAC 000030	<p>Caves not open to the public [8310]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>	c.10.5km to the northwest.	The appeal site is in excess of 10km away and outside of the Core Sustenance Zones (CSZ) of the lesser horseshoe bat (2km) and any	No

	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] https://www.npws.ie/protected-sites/sac/000030		the potential for effects as a result of ex-situ impacts on Lesser Horseshoe Bat associated with a Natura 2000 site can be ruled out.	
Ratty River Cave SAC 002316	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] https://www.npws.ie/protected-sites/sac/002316	c.11.8km to the northwest.	The appeal site is in excess of 11.8km away and outside of the Core Sustenance Zones (CSZ) of the lesser horseshoe bat (2km) and any the potential for effects as a result of ex-situ impacts on Lesser Horseshoe Bat associated with a Natura 2000 site can be ruled out.	No
Kilkishen House SAC 002319	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] https://www.npws.ie/protected-sites/sac/002319	c.14.1km to the northwest.	The appeal site is in excess of 14.1km away and outside of the Core Sustenance Zones (CSZ) of the lesser horseshoe bat (2km) and any the potential for effects as a result of ex-situ impacts on Lesser Horseshoe Bat associated with a Natura 2000 site can be ruled out.	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The appeal site is not located within or directly adjacent to a European site, and there are no designated habitats located onsite. Therefore, it is not considered that the proposed development will result in any direct loss or degradation to the habitats designated for the Lower River Shannon SAC or River Shannon and River Fergus Estuaries SPA.

However, due to the size and scale of the development and its proximity and hydrological connectivity to the River Shannon, impacts generated by the construction and operation of the solar farm development require consideration.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Impacts	Effects	
Lower River Shannon SAC - 002165	<p>Direct:</p> <p>There will be no direct impacts or effects as the site is not located within or directly adjacent to a European site, and there are no designated habitats located onsite.</p> <p>Indirect:</p> <p>There are hydrological connections between this SAC and the subject site. A pathway for indirect effects on the aquatic qualifying interest (QIs) species and habitats of the SAC exist in the form of water quality deterioration and habitat degradation via surface water pathways during construction and operation of the proposed development.</p> <p>An otter holt was recorded (outside appeal site boundary) 600m upstream of the proposed grid connection crossing of the West Roo Stream. There is potential to effect Otter through human presence and the operation of machinery during installation of the cable on this SCI species.</p> <p>The potential spread of invasive species.</p>	<p>Potential for indirect effects on SCI species and habitats via a deterioration in water quality and habitat degradation.</p> <p>There is potential for indirect effects on Otter associated with this SAC via disturbance.</p> <p>There is potential for indirect effects and may undermine conservation objectives for qualifying habitats.</p>
	Likelihood of significant effects from proposed development (alone): Yes	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects?					
	Possibility of significant effects (alone) in view of the conservation objectives of the site*					
	<table border="1"> <thead> <tr> <th>Impacts</th><th>Effects</th></tr> </thead> <tbody> <tr> <td> <p>Site 2: Name (code) River Shannon and River Fergus Estuaries SPA - 004077</p> <p>Direct:</p> <p>There will be no direct impacts or effects as the site is not located within or directly adjacent to a European site, and there are no designated habitats located onsite.</p> <p>Indirect:</p> <p>The applicants AA Screening Report identified a possible ornithological connection with the SSCI Golden Plover.</p> <p>There is potential for the proposed development to disturb and/or displace Golden Plover from using the habitats within and proximal to the proposed site through indirect effects caused by anthropogenic and industrial disturbance.</p> <p>Due to the small numbers of Golden Plover recorded interacting (foraging) with the site, the distance to the SPA site and unsuitable habitats recorded on site it is considered the proposal would not interfere with the population dynamics and natural range of any of the special conservation interest species of the SPA.</p> <p>I am satisfied that this site can be screened out and that there is no ecological justification for further consideration of this site.</p> </td><td>None</td></tr> </tbody> </table>	Impacts	Effects	<p>Site 2: Name (code) River Shannon and River Fergus Estuaries SPA - 004077</p> <p>Direct:</p> <p>There will be no direct impacts or effects as the site is not located within or directly adjacent to a European site, and there are no designated habitats located onsite.</p> <p>Indirect:</p> <p>The applicants AA Screening Report identified a possible ornithological connection with the SSCI Golden Plover.</p> <p>There is potential for the proposed development to disturb and/or displace Golden Plover from using the habitats within and proximal to the proposed site through indirect effects caused by anthropogenic and industrial disturbance.</p> <p>Due to the small numbers of Golden Plover recorded interacting (foraging) with the site, the distance to the SPA site and unsuitable habitats recorded on site it is considered the proposal would not interfere with the population dynamics and natural range of any of the special conservation interest species of the SPA.</p> <p>I am satisfied that this site can be screened out and that there is no ecological justification for further consideration of this site.</p>	None	
Impacts	Effects					
<p>Site 2: Name (code) River Shannon and River Fergus Estuaries SPA - 004077</p> <p>Direct:</p> <p>There will be no direct impacts or effects as the site is not located within or directly adjacent to a European site, and there are no designated habitats located onsite.</p> <p>Indirect:</p> <p>The applicants AA Screening Report identified a possible ornithological connection with the SSCI Golden Plover.</p> <p>There is potential for the proposed development to disturb and/or displace Golden Plover from using the habitats within and proximal to the proposed site through indirect effects caused by anthropogenic and industrial disturbance.</p> <p>Due to the small numbers of Golden Plover recorded interacting (foraging) with the site, the distance to the SPA site and unsuitable habitats recorded on site it is considered the proposal would not interfere with the population dynamics and natural range of any of the special conservation interest species of the SPA.</p> <p>I am satisfied that this site can be screened out and that there is no ecological justification for further consideration of this site.</p>	None					
	Likelihood of significant effects from proposed development (alone): No					
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?					

Based on the information provided in the AA screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures it is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Lower River Shannon SAC (002165) from effects associated with the construction stage of the proposed solar farm development including indirect potential damage to QI habitats and QI species by

way of pollution and deterioration of water quality and the potential spread of invasive species. In addition to the potential for temporary disturbance of Otter (QI species).

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

It is not possible to exclude the possibility that proposed development alone would result significant effects on the Lower River Shannon SAC (002165) from effects associated with deterioration of water quality, invasive species and potential for temporary disturbance of Otter.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Lower River Shannon SAC (002165) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed development/works.
- The hydrological connections to the Lower River Shannon SAC (002165) and the potential for significant effects on QI habitats and QI species, by way of pollution and deterioration of water quality and the potential spread of invasive species.
- The potential for significant ex-situ impacts on QI (otter).

Appendix 4: AA Determination

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a solar farm development in view of the relevant conservation objectives of Lower River Shannon SAC (002165) based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation by the Environmental Assessment Officer from Clare County Council.

The information relied upon includes the following:

- Natura Impact Statement prepared by O'Donnell Environmental Ltd
- The Ecological Appraisal/ Ecological Impact Assessment (& Appendices) prepared by O'Donnell Environmental Ltd
- Biodiversity Management Plan prepared by Neo Environmental Ltd
- Outline Construction Environmental Management Plan prepared by Neo Environmental Ltd
- The Planning Statement and Environmental Impact Assessment Screening Report prepared Neo Environmental Ltd
- Landscape and Ecology Management Plan
- Flood Risk & Drainage Impact Assessment prepared by Neo Environmental Ltd
- Noise Impact Assessment prepared by Neo Environmental Ltd
- Glint and Glare Assessment (& Appendices) Neo Environmental Ltd

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am / satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

- **Department of Housing, Heritage and Local Government** - No observations made on nature conservation.
- **Planning Authority** - The Environment Assessment Officer of Clare County Council assessed both the Stage 1 Screening Report and the NIS and objectively concluded that once mitigation measures outlined in the NIS are conditioned and together with the correct implementation of the LEMP, BMP and CEMP there will be no risk of adverse effects on the Qualifying Interests Features of the Lower River Shannon SAC or River Shannon & Fergus Estuaries SPA located downstream of the site either alone or in- combination with any other plans or projects within the Zone of Influence. The Planning Authority did not consider the proposed development

would trigger an EIA having regard to the Schedule 7 criteria and information received.

- **Public Observations** – Issues relate to protected and threatened species not been adequately referenced in the submitted NIS and the impact of the proposed development.

Lower River Shannon SAC (002165):

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Water quality degradation (construction and operation)
- (ii) Disturbance of mobile species (Otter)
- (iii) Spread of invasive species

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC.	<p>There are hydrological connections between this SAC and the proposed solar farm site. Therefore, there is a potential pathway for indirect effects on QI species via the deterioration of water quality resulting from pollution entering these watercourses. Pollution of surface water may result in adverse impacts on these downstream QI aquatic species in the absence of mitigation.</p> <p>Spread of invasive species by hydrological link would negatively affect habitat.</p>	<p>Standard Design and Best Practice Measures include: limited ground disturbance, silt traps, soakaways and infiltration ponds, control of cement/concrete wash waters, control/storage of hydrocarbons, spill kits and refuelling processes and off-site disposal of effluent, waste management, monitoring schedule.</p>
Lampetra planeri (Brook Lamprey) [1096]	To maintain the favourable conservation condition of Brook Lamprey in the Lower River Shannon SAC.	As above	<p>Mitigation measures include: aquatic buffer zones, mammal gates, biosecurity measures, escape from excavations, pre-commencement surveys, pollution</p>

Lampetra fluviatilis (River Lamprey) [1099]	To maintain the favourable conservation condition of River Lamprey in the Lower River Shannon SAC.	As above	prevention measures, noise and vibration measures, dust control measures, a drainage management plan inc. monitoring and emergency spill response, clean water diversion and silt control, supervision by ECOW.
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon in the Lower River Shannon SAC. 100% of river channels down to second order accessible from estuary.	As above	
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in the Lower River Shannon SAC.	As above	
Estuaries [1130]	To maintain the favourable conservation condition of Estuaries in the Lower River Shannon SAC.	As above	

Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Lower River Shannon SAC.	As above	
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter in the Lower River Shannon SAC.	<p>No evidence of Otter was found within the appeal site boundary. Evidence of Otter was recorded on the West Roo Stream, and they are likely to occur also on the West Ballycar Stream at least occasionally. A holt was recorded approximately 600m upstream of the proposed grid connection crossing of the West Roo Stream as part of surveys carried out in relation to the permitted Drummin Solar Farm (PA. Ref no 2360249)</p> <p>No instream works will occur at the West Roo stream. It is highly likely that Otter commute from this holt location downstream and the proposed grid installation works at the West Roo stream crossing point have the potential to effect Otter through human presence and the operation of machinery during installation of the cable, in the absence of basic avoidance measures.</p>	<p>See Section 4.1.2 of NIS for Otter specific mitigation and table 8-5 of the oCEMP.</p> <p>The following mitigation is proposed for the construction phase:</p> <p>Measures to be accordance with guidance contained in the TII (formerly NRA) <i>Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes</i>.</p> <p>Pre-construction survey to identify evidence of otter (e.g. in particular otter holts, couches and resting places) within the appeal site.</p> <p>All excavations will be securely covered, or a suitable means of escape provided at the end of each working day.</p> <p>Implementation of mammal gates within security fencing allowing free movement</p>

		of otters through the site.
Other QIs	Not at Risk	Rationale for Exclusion
Sandbanks which are slightly covered by sea water all the time [1110]	To maintain the favourable conservation condition of Sandbanks which are slightly covered by sea water all the time in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site.</p> <p>As per Map 3 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located c. 75km from the site at its nearest point. Although a weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development (separation distance of >70km) along with the attenuating and diluting property of the intervening waterbody.</p>
Coastal lagoons [1150]	To restore the favourable conservation condition of Coastal lagoons in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site. The habitat locations are stated as Shannon Airport Lagoon 24.2ha; Cloonconeen Pool 3.9ha; Scattery Lagoon 2.8ha; Quayfield and Poulaweala Loughs 2.5ha.</p> <p>As per Map 6 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located at Shannon Airport Lagoon c. 20km from the site at its nearest point. A weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development distance along with the attenuating and diluting property of the intervening waterbody.</p>
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition of Large shallow inlets and bays in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this is not present in the immediate vicinity of the site.</p> <p>As per Map 7 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located c. 57km from the site at its nearest point. Although a weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development and separation distance along with the attenuating and diluting property of the intervening waterbody.</p>
Reefs [1170]	To maintain the favourable conservation condition of Reefs in the	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site.</p> <p>As per Map 8 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is</p>

	Lower River Shannon SAC.	located c. 33km from the site at its nearest point. Although a weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development and separation distance along with the attenuating and diluting property of the intervening waterbody.
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition of Perennial vegetation of stony banks in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site. There are nine sub-sites identified during the National Shingle Beach Survey (Moore and Wilson, 1999). The locations are at Ross Bay, Kilbaha Bay, Cloonconeen Lough and Rinevella Bay Carrigholt Bay, Ballymacrinan Bay, Bunaclugga Bay, Corcas and Sandhills, Bromore and Ballybunnion.</p> <p>As per Map 10 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located at Ballymacrinan Bay c. 55km from the site at its nearest point. Although a weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development and separation distance along with the attenuating and diluting property of the intervening waterbody.</p>
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition of vegetated sea cliffs in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site.</p> <p>As per Map 11 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located at Ballybunion c. 69km from the site at its nearest point. Although a weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development and separation distance along with the attenuating and diluting property of the intervening waterbody.</p>
Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	To restore the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site. Based on data from the Saltmarsh Monitoring Project (SMP) (McCorry and Ryle, 2009). Eight sub-sites that support Mediterranean salt meadow were mapped (22.379ha) and additional areas of potential saltmarsh (25.646ha). Saltmarsh habitat also occurs at 11 other sub-sites within the SAC.</p> <p>As per Map 11 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located at Owenseshore c. 27km from the site at its nearest point. Although a weak hydrological connection to the SAC exists,</p>

		<p>any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development and separation distance along with the attenuating and diluting property of the intervening waterbody.</p>
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site. Based data from the Saltmarsh Monitoring Project (SMP) (McCorry and Ryle, 2009). Habitat recorded at five of the ten sub-sites surveyed and mapped, giving a total estimated area of 0.223ha.</p> <p>As per Map 11 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located at Owenshere c. 27km from the site at its nearest point. Although a weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development and separation distance along with the attenuating and diluting property of the intervening waterbody.</p>
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To restore the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia maritimae) in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site. Based on data from the Saltmarsh Monitoring Project (SMP) (McCorry and Ryle, 2009). Ten sub-sites that supported Atlantic salt meadows were mapped (119.36ha) and additional areas of potential saltmarsh (376.07ha) were identified. Saltmarsh habitat also occurs at 11 other sub-sites within the SAC.</p> <p>As per Map 11 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located at Owenshere c. 27km from the site at its nearest point. Although a weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development and separation distance along with the attenuating and diluting property of the intervening waterbody.</p>
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae)	<p>The NPWS Conservation Objectives document states this habitat has been recorded on the eastern bank of the Shannon, just north of Castleconnell, Co. Limerick.</p> <p>This terrestrial habitat is not located onsite or within the immediate vicinity of the site. There are no impact pathways connecting the site to this habitat given its terrestrial nature. Therefore, there are no potential adverse effects anticipated that could affect this habitat.</p>

	caeruleae) in the Lower River Shannon SAC.	
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document show that nearest Alluvial woodland occurs on the banks of the Shannon and on islands in the vicinity of the University of Limerick.</p> <p>As per Map 14 of the NPWS Conservation Objectives document, this terrestrial habitat is not located onsite or within the immediate vicinity of the site. There are no impact pathways connecting the site to this habitat given its terrestrial nature. Therefore, there are no potential adverse effects anticipated that could affect this habitat.</p>
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition of Freshwater Pearl Mussel in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document states that This conservation objective applies to the freshwater pearl mussel population in the Cloon River, Co. Clare only. The Cloon population is confined to the main channel and is distributed from Croany Bridge to approx. 1.5km upstream of Clonderalaw Bridge.</p> <p>It is accepted that this species is very sensitive to water quality impairment, no impact pathways are identified between the site the Cloon River i.e. the catchment area for freshwater pearl mussel within the Lower River Shannon SAC. It is noted within the NIS that water quality protection measures implemented to protect other aquatic species will similarly protect any potentially unrecorded freshwater pearl mussel within the Zol of the site.</p>
<i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]	To maintain the favourable conservation condition of Bottlenose Dolphin in the Lower River Shannon SAC.	<p>The NPWS Conservation Objectives document shows that this habitat is not present in the immediate vicinity of the site.</p> <p>As per Map 16 of the NPWS Conservation Objectives document, the nearest known location of this QI habitat is located c. 49km from the site at its nearest point. A weak hydrological connection to the SAC exists, any changes in water quality as a result of the proposed development would not have the potential to undermine any of the conservation objectives for this QI habitat given nature, scale and location of the proposed development and separation distance along with the attenuating and diluting property of the intervening waterbody.</p>

Assessment of issues that could give rise to adverse effects view of conservation objectives.

(i) Water quality degradation

A deterioration in water quality within the SAC during construction phase as a result of contaminated surface water could affect the SCI habitats and species of this SAC as listed above and undermine the respective conservation objectives attribute targets.

Mitigation measures and conditions

Construction Phase

Mitigation measures are proposed to be implemented to address identified potential negative effects on designated sites during the construction and decommissioning phases of the proposed development.

- Pre-construction Surface Water Management Plan in line with best practice guidelines (e.g. IFI (2016), IFI (2020), CIRIA (2001) and CIRIA (2015)).
- A proposed set-back distance of 10m from all watercourses and all open drains within the appeal site. No infrastructure or construction work will take place in these buffer areas with the exception of watercourse crossings.
- Surface water will discharge to infiltration trenches across the site during construction stage.

Measures intended to manage and protect local surface water during the construction phase to avoid, where possible, potential negative effects arising at the South Ballycar River, West Roo River and Parteen Stream include:

- Rainwater and surface water runoff from hardstanding areas will be discharged to proposed Sustainable Urban Drainage Solutions (SuDS) with silt traps, soakaways and infiltration ponds where required to mitigate against any potential impacts to the local watercourses associated with suspended solids in runoff from construction. Hardstanding runoff will be directed to a swale at the compound's lowest boundary, which will be removed at the end of construction.
- Out of hours, all machinery will be switched off and equipment will be stored on dedicated hardstands within the construction compound to minimise the risk of pollution caused by leaks.
- All machinery will be regularly inspected and maintained, and all vehicles will carry mobile spill kits. Staff will be trained in the proper use and disposal of spill kits.
- All refuelling and maintenance of vehicles will take place in designated areas of hardstanding.
- Diesel fuel will be stored in a bunded (capable of containing 110% of the fuel tank's capacity) diesel bowser located in a fenced off area in the construction compound.
- Excess excavated soil that is not re-used will be stored away from any open surface water drains on the impermeable surface at the construction compound and covered to prevent silt runoff. If not used it will be recycled offsite at a licensed facility.
- Waste fuels and materials will be stored in designated areas at the construction compound and skips will be covered.
- Frequent (daily) inspection of existing soakaways and surface water management infrastructure with maintenance carried out as required.

- Wash down and washout of concrete transporting vehicles, tools and equipment will take place at the wheel wash facility (water bowser and power spray) located at the temporary site compound.
- Through all stages of the construction phase the contractor will ensure that good housekeeping is maintained at all times and that all site personnel are made aware of the importance of the nearby aquatic environments and the requirement to avoid pollution of all types.
- Swales will be established a minimum of eight weeks prior to construction in the spring/summer period, to allow for sufficient vegetation to become established before commencement of construction.
- Construction Industry Research and Information Association (CIRIA) guidance will be implemented in relation to accidental spillages and potential surface water contamination and will include the following: Maintenance of vehicles, Storage of fuels or other hazardous substances in appropriately located and bunded areas, use of plant nappies and other spill containment measures including availability of spill kits.

I note watercourse crossings are required to facilitate the connection of the solar array located in the southern end of the site to the on-site substation and the grid connection route. These works will not require in-stream works and will be over existing culverts. I am satisfied that in the absence of any in-stream works the crossings will have a negligible impact on water-quality.

All mitigation measures included in the outline Construction and Environmental Management Plan (CEMP) and Drainage Management Plan shall be finalised prior to the construction of development. An Ecological Clerk of Works (ECoW) and site manager will oversee construction works and implementation of the CEMP and all mitigation measures to ensure compliance with planning conditions and environmental regulations. Overall, I am satisfied that the proposed mitigation measures are adequate to ensure that water quality is not degraded as a result of the proposed development.

Operational Phase

In terms of the operational phase, the potential for silt-laden/contaminant runoff is reduced during the operational phase when compared with the construction phase as works will be completed. During the operational phase of the development surface water runoff will be managed through the implementation of nature-based and sustainable drainage systems (SuDS) measures as outlined in the oCEMP. The SuDS features will be implemented during the construction phase of the proposed development and will be planted with vegetation to protect against soil erosion. They will be maintained throughout the lifespan of the proposed development.

Overall, I am satisfied with the conclusions of the NIS that there will be no risks to water quality during the operational phase of the proposed development. I am therefore satisfied that the operational activity at the site will not have any adverse effects on either the surface quality of the watercourses in the vicinity of the proposed development, or on the protected European sites and their designated conservation interests located downstream.

(ii) Disturbance of mobile species

Surveys for non-volant mammals were undertaken on 26th October 2022, 9th January and 16th January 2023 and the 7th February 2024. The aquatic surveys of the watercourses

within the vicinity of the appeal site were conducted on 22nd and 23rd May 2023. No evidence of Otters could be found within the appeal site boundary. Otter signs were only recorded in the vicinity of Site 7 (West of field no 9) on the South Ballycar Stream during the May 2023 site visits. A regular otter spraint was recorded near the tailrace confluence with a badger outlier sett with recent signs of otter activity identified c.30m south of the tailrace confluence.

A holt was recorded approximately 600m upstream of the proposed grid connection crossing of the West Roo Stream as part of surveys carried out in relation to the permitted Drummin Solar Farm (PA. Ref no 2360249). It is considered that Otter commute from this holt location downstream and the proposed grid installation works (No in-stream work proposed) at the West Roo River crossing point have the potential to effect Otter through human presence and the operation of machinery during installation of the cable.

Mitigation measures and conditions

Measures proposed are to be in accordance with guidance including TII (formerly NRA) *Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes* and will include a pre-construction survey which will be undertaken to identify evidence of otter (e.g. in particular otter holts, couches and resting places) within the Site, should any new territories become established in the interim. All excavations to be securely covered, or a suitable means of escape provided (ramp at 45⁰) at the end of each working day to prevent accidental trapping of otter etc.

The grid installation will be short-term and temporary and mitigation measures will be implemented as follows:

- Machinery will not access the watercourses.
- Prior to any works within 150m of any watercourse to confirm the ecological understanding of the site as presented herein remains valid, pre-construction survey for otter will be carried out to ensure that no new resting sites have become established.
- Should any breeding or resting sites become established within the Site or in the immediate surroundings, minimum setback distances/protection zones in relation to operating machinery will adhere to best practice guidance (NRA, 2008b) as follows:
 - An otter holt or couch requires a 30m protection zone.
 - A natal den requires a 150m protection zone.
 - No wheeled or tracked vehicles (of any kind) should be used within 20m of active, but non-breeding, otter holts. Light work, such as digging by hand or scrub clearance should also not take place within 15m of such holts, except under licence.
 - Temporary fencing will be installed to limit and restrict movements of construction personnel and machinery in the event holts/natal dens become established.
 - All the works will be undertaken or supervised by an EcCoW.
 - During the construction and/or decommissioning phase of the Proposed Development any excavations will be left with a means of escape (such as a ramp or slope) for any otters or other animals that may enter overnight.
 - No working during the period from one hour before sunset to one hour after sunrise will be allowed within 20m of any watercourse, including the West Roo Stream, during the construction phase.

Overall, I am satisfied that the proposed mitigation measures are adequate and will be effective in ensuring that the attributes required to restore the favourable conservation condition for Otter will not be adversely affected and that the proposed development will not prevent the attainment of the conservation objective to restore/maintain favourable conservation condition.

(iii) Spread of invasive species

The spread of invasive species may undermine conservation objectives for qualifying habitats, by way of impact on habitat. Invasive species may outcompete native species, negatively affecting habitats and supporting habitat of QI species. No alien invasive plant species subject to restrictions under Regulations 49 and 50 of European Communities (Birds and Natural Habitats) Regulations 2011 were found to be present on the proposed site. Cherry Laurel *Prunus laurocerasus* (high impact; Kelly et al., 2013), Sycamore *Acer pseudoplatanus*, Himalayan Honeysuckle (*Leycesteria Formosa*) and Winter Heliotrope *Petasites pyrenaicus* were noted to be present on the proposed site and associated grid connection route during surveys carried out. No aquatic invasive species were recorded during surveys undertaken in May 2023. No fill material will be required for importation during the construction phase of the development.

Mitigation measures and conditions

- A pre-construction survey will be carried out to determine if any invasive non-native species have become established since the initial ecological walkover surveys.
- Implementation of standard site hygiene outlined in the oCEMP.

Overall, I am satisfied that the proposed mitigation measures are adequate and will prevent spread of invasive species.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The projects considered in the assessment of in combination effects are set out in Table 3.3 of the NIS and I am satisfied that in-combination effects have been assessed adequately in the NIS as of that date that the document was received by the planning authority on the 30th August 2024. The projects include solar and wind developments under P.A. Ref. Ref's 22/591, 22/254,23/148, 23/60249, 23/148, 23/60249 and ABP- 318943

Since the application was submitted on the 30th August 2024, permission has been granted to the applicant Reeve Wave Ltd, under Ref 24/60485, for a solar farm consisting of c. 330,000 m² of solar panels on ground mounted frames & associated structures/works and provides modifications to the solar array permitted under P.A Ref no 22/591 / ABP-316043-23. The application was appealed to An Coimisiún Pleanála with a decision pending. The Planning Authority following receipt of further information concluded that the proposed development would not impact on the integrity of the surrounding environment or any designated site. Harmony Solar Clare Limited have submitted an application under P.A Ref no 25/60563 to make amendments to part of the design of an approved solar farm development under P.A Ref no 23/60249. The decision date is the 24th December 2025.

Overall, I am satisfied that there are no current or previously granted plans or projects in the immediate vicinity that are considered to have the potential to have any significant cumulative

effects during the construction or operational phase of the proposed development. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Lower River Shannon SAC considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress silt laden surface water, other construction related pollutants and disturbance, to minimise the potential disturbance on the otter and prevent the spread of invasive species. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Shannon SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lower River Shannon SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction, operational and decommissioning impacts.
- The respective site-specific conservation objectives, targets and attributes, QI's of the respective European Site as detailed and assessed in my Stage 2 AA as appended to this report (Appendix 4).
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC.
- Effectiveness of mitigation measures set out in the NIS and in the Noise Impact Assessment, Flood Risk and Drainage Impact Assessment, Construction Traffic Management Plan, Decommissioning Statement that were submitted with the application and updated Ecological Impact Assessment and appendices, Biodiversity Management Plan, Landscape & Ecology Management Plan, Glint and Glare Assessment, Outline Construction Environmental Management Plan, Archaeology and Architectural Heritage Impact Assessment submitted to the planning authority by way of further information.
- Application of planning conditions to ensure these measures.

Appendix 5 - WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP – 323147 -25	Townland, address	Within the townlands of Castlebank, Parteen, Ballykeelaun and Drummin, Ardnacrusha, Co. Clare.
Description of project		Planning permission is being sought for a period of 10 years to construct and complete a Solar Energy development with a total site area of 36.70 hectares and to include the following: • Construction of PV panels mounted on metal frames, (proposed maximum height of up to 3.2m), • 1 no. substation including 18m high lightning mast, • No inverter substations, (each unit measures c.6.1m x2.5m), • Internal access tracks (new and upgraded), • Underground cabling, • Security fencing (2.4m high) and access gates, • 15 no. CCTV cameras and lighting units, 3.5m high galvanised steel posts • A temporary construction compound (located in field no. 2 circa 60mx 50m in area), • All ancillary grid infrastructure and associated works, • The proposed grid route will connect the substation at the application site to the existing grid infrastructure at Ardnacrusha Power Station via a 38kV underground cable which is 1.2km in length (320m of which is on the local road L3056), • The Solar Farm would be operational for 40 years..	
Brief site description, relevant to WFD Screening,		<p>The appeal site, which has a stated area of 36.7 ha, is located just to the southwest of Ardnacrusha village and c. 3.5 km north of Limerick City centre. Parteen village is located c.0.39 to the east on the opposite side of the Ardnacrusha Canal. The site comprises two distinct parcels of land, c. 300m apart separated by a forest plantation. The site comprises of nine agricultural fields, with mature hedging/treelines, within the townlands of Parteen and Castlebank.</p> <p>The lowest point within the Appeal Site of 5.20m AOD is located on the eastern boundary of Field 9. The high point at 29.29m AOD is located in a northern section of Field 2. The flow routes across the Application Site vary in direction but generally flow</p>	

	<p>towards the nearest watercourse or drain. Fields 1 – 7 generally slope to the south overall whilst Fields 8 and 9 generally slope to the north.</p> <p>Three waterbodies traverse the site which are described below and are described in sections 4.52 – 4.54 and Figure 4.1 of the Applicant's Flood Risk and Drainage Impact Assessment. They are:</p> <ul style="list-style-type: none"> • The South Ballycar Stream is located along the western boundary of Field 1 and southern boundaries of Field 4, 5 and 7, it flows in a southeast and then southern direction, before running along the northeast boundary of Field 9 and continuing in a southern direction before converging with the Lower Shannon River approximately 0.6km south of the Appeal Site. • The West Roo Watercourse is located approximately 0.2km east of Field 7 and flows in a southern direction before converging with the South Ballycar Stream. • The Parteen Stream rises approximately 0.3km west of Field 8 and runs in a northern and then eastern direction to run along the northern boundary of Field 8 and 9, before converging with the South Ballycar Stream on the northern boundary of Field 9.
Proposed surface water details	<p>SUDs which include natural infiltration and permeable access tracks. The proposed development will have a very limited extent of impermeable ground cover (265.30m²). The area beneath the solar panels will remain as grassland and the post-development site infiltration rate will not change.</p>
Proposed water supply source & available capacity	
Proposed wastewater treatment system & available capacity, other issues	<p>Wastewater from the onsite toilet and washing facilities will be discharged to sealed containment systems and disposed via licensed contractors.</p>

Others?						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody – South Ballycar	0m	South Ballycar IE_SH_25N17 0970	Good	Not at Risk	No pressures	Yes – surface run off, drainage.
River Waterbody – West Roo	0.2km	West Roo IE_SH_25N17 0970	Good	Not at Risk	No pressures	Yes – surface run off, drainage.
River Waterbody – Parteen	0m	Parteen IE_SH_25N17 0970	Good	Not at Risk	No pressures	Yes – surface run off, drainage.
Groundwater Waterbody	Underlying site	Limerick City North IE_SH_G_139	Good	Not at risk	No pressures	Yes – The Appeal Site is predominately classed as 'Moderate', 'High', 'Extreme' and 'Karst'.

Groundwater Waterbody	Underlying site	Ardnacrusha IE_SH_G_009	Good	Not at Risk	No pressures	Yes – The Appeal Site is predominately classed as 'Moderate', 'High', 'Extreme' and 'Karst'.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	South Ballycar IE_SH_25N170 970	Watercourse is located on site and existing drainage ditches - Surface water discharge.	Deterioration of surface water quality from contaminated surface water run-off during site preparation and construction stage- Siltation, pH (Concrete), hydrocarbon spillages.	A number of standard construction phase mitigation measures are set out in, for example, the NIS and oCEMP including the Silt Control, Clean Water Diversion measures and buffer zones from watercourses.	No	Screened out

2.	Surface	West Roo IE_SH_25N170 970	Watercourse is located near the site and existing drainage ditches - Surface water discharge.	As above	As Above	No	Screened out
3.	Surface	Parteen IE_SH_25N170 970	Watercourse is located on site and existing drainage ditches - Surface water discharge.	As Above	As Above	No	Screened out
4.	Ground	Limerick City North IE_SH_G_139	Pathway exists. The site is partially underlain by Karst, Extreme, High and moderate vulnerability.	Hydrocarbon spillages	Relevant measures set out in the NIS and oCEMP include spill kits, surface water management, silt fencing, protection of stockpiles, and appropriate fuel storage/bunding/refuelling.	No	Screened out
5.	Ground	Ardnacrusha IE_SH_G_009	Pathway exists. The site is partially	As Above	As Above	No	Screened out

			located within a Regionally Important Aquifer and is underlain by high and moderate vulnerability.				
OPERATIONAL PHASE							
1.	Surface	South Ballycar IE_SH_25N1 70970	Watercourse is located on site and existing drainage ditches - Surface water discharge.	Deterioration of surface water quality from contaminated surface water run-off during site preparation and construction stage- Siltation, pH (Concrete), hydrocarbon spillages.	SuDS measures are proposed as part of the proposed development, include natural infiltration between arrays, filter drains / soakaways, planted vegetation to protect against soil erosion and permeable access tracks.	No	Screened out
2.	Surface	West Roo IE_SH_25N1 70970	Watercourse is located near the site and existing drainage ditches - Surface water discharge.	As Above.	As Above.	No	Screened out

3.	Surface	Parteen IE_SH_25N1 70970	Watercourse is located on site and existing drainage ditches - Surface water discharge.	As Above.	As Above.	No	Screened out
4.	Ground	Limerick City North IE_SH_G_13 9	Pathway exists. The site is partially underlain by Karst, Extreme, High and moderate vulnerability.	Hydrocarbon spillages	SUDs features	No	Screened out
5.	Ground	Ardnacrusha IE_SH_G_00 9	Pathway exists. The site is partially located within a Regionally Important Aquifer and is underlain by high and moderate vulnerability.	As Above.	As Above.	No	Screened out

DECOMMISSIONING PHASE

7. N/A

Inspector: _____ Date: 10/12/2025