An Coimisiún Pleanála

Inspector's Report

ACP-323496-25

Development	10-year planning permission for renewable energy development comprising of the construction of a solar farm. This application is accompanied by a Natura Impact Statement (NIS)
Location	Rathrush, Emlicon and Bendinstown, Ballon, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	2460295
Applicant(s)	Ørsted Onshore Ireland Midco Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party Appeal
Appellant(s)	Ørsted Onshore Ireland Midco Ltd.
Observer(s)	Vincent and Ella Hutton Noel Hutton Ashling Hutton Dermot Scully

	John Cullen and Deirdre Doyle
	Caroline Nolan
	Paul and Thelma Nolan
	James and Lorraine Kealy
Date of Site Inspection	25th November 2025
Inspector	Ian Boyle

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Appendices

1.0 Site Location and Description

1.1. The appeal site is in a rural location in the townlands of Rathrush, Emlicon and Bendinstown, and Ballon in County Carlow. It is roughly 4.5km southwest of Tullow, 1.2km north of the N80 (National Road), and 1.5km west of the N81 (National Road). Carlow is the largest town serving the wider area and is approximately 9km to the northwest of the site.

1.2. The site mainly comprises a series of agricultural fields and mature hedgerows. It is flat to slightly undulating with a gentle fall from west (higher ground) to east (lower ground). It is primarily used to graze livestock. The overall site area is split into two main areas which are connected by an existing underground cable system. The areas are referred to the 'western' and 'eastern' parcels. The overall site boundary does not encompass any dwellings or residential properties.

1.3. The smaller, western section of the site is c. 16ha. It comprises four agricultural fields divided by mature hedgerows. It lies adjacent to the L7111 (Local Road) which is to the west. The second (eastern) part of the site is larger and roughly 103ha in area. It comprises 14 fields which are separated by a series of hedgerows, drainage ditches, farm tracks and the L7115. The L7115 cuts across the land in a northeast to southwest direction at a point near the centre of this section of land. There is a single existing agricultural building in the eastern parcel of the site. However, the structure is derelict, and not currently in use, having fallen into a minor state of disrepair in recent years.

1.4. There is an overhead 220Kv powerline traversing the site in a northwest to southeast direction. The Garreenleen substation (110Kv) is roughly 1.6km to the west of the site on the far side of the L7111. The substation will connect to the Garreenleen Solar Farm (Phase 1) which was permitted by the Board under ABP-307891-20 in September 2021. It is currently under construction. Several of the solar arrays associated with this facility are now in-situ having recently been setup and installed on the land.

1.5. There are archaeological features within the site, including a ringfort (CW00569) and an earthwork (CW00570). Both features are listed on National Monuments Service 'Sites and Monuments Record'. The application also references two further areas which have underground archaeological potential.

1.6. The majority of the site falls within River Slaney catchment. The land drains into two tributary watercourses, namely the Emilcon and Ardbearn & Torman streams, respectively. The Emilcon flows in a southeast direction through the eastern parcel of the site, while the Ardbearn and Torman flows towards the southeast at a point immediately east of the site's western parcel. Both watercourses join near the southernmost point of the site and then flow eastwards before meeting the Douglas River. The Douglas continues in an eastwards direction before entering the River Slaney, approximately 3km downstream.

1.7. The adjoining and surrounding lands are mostly used for livestock grazing, arable farming, commercial and native forestry. Housing in the vicinity is low-density and predominantly rural. It consists primarily of detached houses on spacious plots, farmhouses, and individual dwellings facing onto local country roads. There are existing renewable energy facilities in the vicinity of the site, including solar farms.

1.8. The site has a stated area of approximately 119ha.

2.0 Proposed Development

Solar Farm

2.1. The proposed development is for the construction of a 63MW solar farm comprising ground mounted solar photovoltaic panels.

2.2. The main components can be summarised as follows:

- 15 no. invertor combiner kiosk / transformers and hardstand.
- 1 no. ring main unit.
- 2 no. spare parts storage containers.
- Site access tracks and upgrading of existing tracks.
- Underground cabling within the solar farm site, in private lands and under the L7111, L7114, L7115 local roads, to connect the solar farm field parcels and the solar farm to the permitted Garreenleen substation.
- 3 No. temporary construction compounds.

- Demolition of derelict agricultural building and disused silage storage structure.
- Upgrading and widening works at existing site entrances.
- All ancillary site works, including a 2.4m high stockproof fence, CCTV and drainage infrastructure.

2.3. The application seeks a 10-year permission and an operational life of 35 years for the facility.

Proposed Design and Layout

2.4. The proposed PV panels are to be laid out in arrays on ground mounted tables anchored by shallow piling. Where ground conditions require, concrete or ballast footing may be required. The Applicant confirms that these works would be removed as part of the decommissioning phase for the solar farm and taken off-site for disposal at a licenced waste facility.

2.5. The Applicant also notes that several solar panel manufacturers exist globally, with new designs and technology being released to the market regularly. Therefore, individual panel dimensions may vary as part of the facility, but the overall table array dimensions will remain in accordance with the drawings submitted as part of the application, regardless of final solar panel selection.

Solar Table Arrays

2.6. Solar panel modules will be 1.1m to 1.5m by 2m to 2.5m. Panels may be fixed in either a landscape or portrait orientation, depending on detailed engineering design and contractor preference. Irrespective of the final configuration selected, the overall table array dimensions will remain as per these details.

2.7. The maximum height of the table arrays above ground will depend on the underlying ground topography. However, in all cases they will lie in a range between 1.5m - 3.4m. The tables will range in height from 0.7m to 1.5m from the ground to accommodate areas of flood risk (including 0.5m freeboard) identified in the Flood Risk Assessment (FRA) (Appendix D of Applicant's Planning Report). The angle of the panels will range from 10-25 degrees.

2.8. The pitch between the tables will range from 6.5m to 14m and the angle at 10 to 25 degrees. This will help to allow light to reach the ground and vegetation to grow underneath. The area under panels will be seeded with grass to replicate the existing drainage patterns on the site and surrounding area. During the operational phase, sheep grazing or grass cutting will assist in maintaining the habitat as grassland.

Inverters / Transformers

2.9. The inverters will take direct current electricity (DC electricity) via the solar panels and convert this to alternating current electricity (AC electricity). The string inverters will be affixed to the table arrays.

2.10. A total of 15 invertor combiner kiosk with hardstand areas are proposed. Each measure 8m and 15m and will either have a single 40ft container or two 20ft containers placed upon concrete ground beams. The hardstand areas are proposed to have a stone surface finish.

Cabling

2.11. There is proposed 33kV interconnector cable route which runs through private land, from the back of the existing Garreenleen substation, along internal access tracks and through the Garreenleen Solar Farm (Phase 1). [Note: This information is shown in Drawing No. 7204- PL-DR-100 and described in further detail of Page 15 of the Planning Report accompanying the application.]

2.12. The total length of the cable circuit is c. 3.1km.

Construction Compounds

2.13. The proposed development includes a total of three construction compounds located in the north, west and south parts of the site. The compounds will provide welfare facilities, car parking, and setdown areas, and would be positioned over a hardcore surface. The hardcore surface will be removed once the construction phase is complete and the ground surface reinstated, seeded, and used for accommodating solar panels.

2.14. Portable, self-contained toilets will be provided during the construction stage and wastewater will be transported offsite in tankers by a licenced waste provider. Bottled water for drinking will be brought onto the site during works.

2.15. During the operational phase, no water supply or welfare facilities will be required.

Ancillary Elements

2.16. A perimeter fence 2.4m in height will be installed around the periphery of the site to provide security and restrict unauthorised entry. This fence will be stockproof and footings will either be constructed using a pre-mould or localised in-situ concrete method. The application states that the fencing has been designed to incorporate mammal friendly access, but that members of the public will be prevented from gaining unauthorised access to help avoid vandalism and trespass.

2.17. There will be no perimeter lighting at the solar farm and maintenance / essential repair works will most likely occur during daylight hours. No outside lighting is required for the solar farm. Internal access to the solar arrays and associated infrastructure will be provided via a series of gravel access tracks. The tracks will be up to 4.5m wide.

2.18. Some small sections of hedgerow are required to be removed to accommodate access and movement across the site. However, all external hedgerows will be retained. The amount of internal hedgerow to be removed equates to 111m linear metres. There will be new hedgerow planting (376m) provided as part of the proposal and the filling in of gaps in existing vegetation will also take place.

2.19. It is proposed to demolish an unused and derelict agricultural building in the eastern section of the site.

Drainage

2.20. The application states that the approach to drainage is to maintain the existing site hydrology through implementing SuDS and nature-based drainage solutions. The majority of the site would remain a permeable surface underneath the solar arrays.

2.21. The new surfaces would be limited to permeable gravel tracks hardstand areas for the invertors and transformers and cranes. The ring main unit would also be placed on a hardstand area. For tracks that are level with no or little slope, rainfall will infiltrate through the gravel surface into subsoils in a matter that replicates the existing fields. For steeper track sections, where water is likely to flow, surface runoff would be directed to the surrounding vegetated areas of ground. For the hardstand

areas, rainwater will run directly off these surfaces to the adjacent permeable areas comprised of grass or site access tracks made of crushed stone.

2.22. The proposed development seeks to maintain the existing greenfield runoff rates and volumes. The drainage system has been designed for rainfall storm events of 1:100 years, including climate change. Runoff will also be appropriately treated prior to discharging to receiving watercourses or groundwater.

2.23. The application confirms that existing riparian corridors will remain free from development and key land drains will be preserved, where required, and maintained during the construction and operational phases of the development. However, existing land drains towards the east of the site are on low-lying ground and will naturally degrade over time through an intended lack of maintenance. The purpose of this is to slow flows towards the south of the site to have a beneficial effect in terms of negating potential flood risj downstream.

2.24. Surface water will enter a watercourse via an attenuation basin at two discharge points. A flow control will be installed to ensure that flows are discharged at the appropriate rate. During the construction phase, pollution prevention measures will be implemented to ensure that runoff from the site is not contaminated by any fuel, sewage, lubricant, spillages, or any other potential pollutants.

Further Information

2.25. The Planning Authority (PA) requested further information on 11th November 2024, including details in relation to:

- Item 1: Landscape and visual impact.
- Item 2: Visual impact on residential receptors.
- Item 3: Subject site is partially within the area that is excluded for solar farm development as per the Planning Authority's 'Solar Opportunity Map'. [Figure 9 of the Carlow County Development Plan 2022-2028 (CDP) refers.] There is also the presence of an overhead electricity transmission line across the site.
- Item 4: Traffic impact on the local road network during the construction phase.

- Item 5: Site access sightlines, drainage, road surface and finishes, signage, discharge to local stream must accept clean water only, attenuation, swept path analysis,
- Item 6: Concerns raised by Transport Infrastructure Ireland regarding potential detrimental impact on the capacity, safety and operational efficiency of the national road network.
- Item 7: Cumulative traffic impacts due to a permitted solar farm development on adjacent lands which, together with the proposed development, could prolong the use of the local road network by HGVs during the construction phase and therefore impact the local community for a considerable time.
- Item 8: Confirmation of Feasibility required from Uisce Éireann (UÉ).
- Item 9: Concerns by Inland Fisheries Ireland (IFI) that the Applicant's AA Assessment does not reference populations of salmon or lamprey likely residing in nearby streams and that over-widening and deepening of drainage channels could result in loss of salmon spawning habitats. A revised NIS is requested.
- Item 10: Requested to address third party submissions received on the application.

2.26. The Applicant provided further information on 9th June 2025. This included a revised layout with increased setbacks from surrounding residential properties, including for properties along the L7111 and L7113 (local roads), which are to the east and west of the site, respectively.

2.27. I note that each residential property was examined by the Applicant as part of additional fieldwork and further analysis underpinning their FI submission, such that a general or common offset was not applied. Instead, each sensitive receptor was assessed on its own merits and according to the individual circumstances pertaining. For example, where a dwelling has a clear and uninterrupted view of the site, the design revisions have allowed for greater offsets and additional screening measures. The Commission is therefore referred to the version of the application which was amended under the further information submitted to the PA on 9th June 2025.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a Notification of Decision (NoD) to Refuse Permission on 31st July 2025.

3.1.2. The reasons for refusal are summarised as follows:

1. The proposed development would result in disproportionate and adverse landscape and visual impacts on this rural and agricultural / farmland landscape, be out-of-scale, and detract from the characteristics which contribute to this landscape value, which is predominantly rural and agricultural, and would result in a disproportionate negative impact on the residential amenities of the area. Furthermore, the proposed development would set an undesirable precedent for further solar farms in this predominantly rural and agricultural / farmland landscape on lands which are identified as having a 'High (Maximum) Risk' in terms of solar energy policy in the CDP and County Renewable Energy Strategy.

   The proposed development would therefore materially contravene the CDP, including Policies LA P1, LA P2, LA P3, LA P4, LA P6, and LA P11, the 'County Carlow Landscape Character Assessment and Schedule of Protected Views', solar energy policy, including the County Renewable Energy Strategy, and therefore would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale and nature of the proposed development, including its layout and design, and proximity to dwellings and local roads, it is considered that it would have a significant and overbearing visual impact. The proposed development would, therefore, seriously injure the residential amenities of adjoining and nearby properties and be contrary to the CDP and of proper planning and sustainable development of the area.

[Note: See copy of the Council's a Notification of Decision (NoD) to Refuse Permission for full citation of each reason for refusal.]

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Reports can be summarised as follows:

Principal of Development

- Renewable energy development is supported in principle at national, regional, and local policy levels. (Cites NPO 55 of the National Planning Framework).
- The CDP is supportive of renewable energy in general and acknowledges the geographical advantages of the area in this respect. (Cites Policies RE. P1 and SE. P2 and Objective SE. 01).
- The majority of the site is identified as being within an 'excluded area' for solar development. See Figure 6.6 of the Renewable Energy Strategy (Appendix VI of the CDP) which identifies Solar Opportunity Areas.
- The excluded area relates to the presence of an overhead electricity transmission line (OHL) route linking Great Island in Wexford to Kellis 220kV substation in the townland of Kellistown East, Carlow.

Loss of Agricultural Land

- The site is in agricultural use. Policy SE. P2 states that favourable consideration will be given to new solar farms on agricultural lands which allow for farm diversification and multipurpose land use.
- The Climate Action Plan 2023 identifies renewable energy projects as being in the overriding public interest.
- The operational use allows for livestock grazing and the lands could be returned to agricultural use.

Grid Connection

- The connection to the electrical grid will be via an underground cable to the Garreenleen substation.
- Details of the proposed grid connection will be assessed as part of the SID application to ACP. In the event of a grant of permission for this application,

a condition would be attached specifying that the permission shall not be construed as any form of consent to a grid connection or the routing of any such connection.

Access and Roads

- The Municipal District Engineer and the Transportation Department are satisfied with the Traffic and Transport Assessment (TTA) and Traffic Management Plan received as further information, subject to the inclusion of conditions.
- Initial concerns regarding the impact of heavy traffic on local roads have therefore been addressed.

Landscape and Visual

- The site is within the 'Central Lowlands' Landscape Character Area as per the CDP. It is also subject to the landscape character type 'Farmed Lowlands' which has a Class 2 decreasing / moderate sensitivity designation.
- The Central Lowlands LCA has the capacity to absorb most types of development subject to the implementation of appropriate mitigation measures.
- The Planning Authority commissioned a report by an independent consultant (CAAS Ltd) to assess the issue of landscape and visual impact, including the updated LVIA and associated photomontages received as further information from the Applicant. Its main findings are as follows:
    - As the number, scale and proximity of solar farm projects increase, concern arises about the change in the overall character of the landscape.
    - The threshold requiring EIA for restructuring rural landscapes is 100ha and the restructured landscape as a result of this development, together with those proposed and permitted in the area, is over ten times this threshold. It is more if the affected areas between such developments are included.

- The change of character of the rural landscape / area must be viewed as cumulative and in terms of 'in-combination' effects.
- The receiving environment is materially different to more rural areas within the county due to relatively higher levels of dispersed settlements in the area.
- It could be argued that the solar opportunity area within proximity of Carlow town was never intended to accommodate several largescale solar farms.

- The CAAS Report presents three options:
  - Grant permission: proposal conforms with national policy, certain CDP policies and targets, and Renewable Energy Strategy.
  - Grant permission: provide screening vegetation and implement design revisions to incorporate changes made in Applicant's further information submission.
  - Refuse permission: impacts cannot be mitigated due to the proximity to existing settlements and the local landscape character (disproportionate impact on residential amenities).
- The carrying capacity of the local landscape to absorb further such development may have a material impact on its character and the Applicant has not satisfactorily addressed concerns regarding cumulative impact.
- In the absence of a more comprehensive assessment of cumulative effects, the development as proposed should be refused.

Residential Amenity (Visual and Traffic Impacts)

- The Applicant has provided additional setbacks from residential properties as part of their further information; this is in addition to further hedgerow screening. However, the development would still have a significant negative impact on the amenity of residential properties.
- The provision of solar panels (3.4m in height) and security fencing (2.4m in height) immediately adjacent public roads is excessive. These components

should be setback further behind the nearest existing field boundaries rather than the immediately along roadside boundaries.

- Several solar fields (nos. 1, 2, 10, 11, 14, 16, and 17) should be omitted to protect the amenity of residents, remove infrastructure from risk areas and reduce visual impact on the existing road network (i.e., L7111 and L-7113).
- The construction phase when considered together with other similar developments in the area would cumulatively affect residential properties for c. 3 years.

Excluded Area

- A letter from EirGrid confirms that the 'exclusion zone' traversing a part of the site appears to have a 500m wide corridor to take account of the Overhead Power Line (OHL). However, this width of 500m was never sought by them, or ESBN, and appears to be excessive.
- EirGrid states that 'it would be unfortunate if the existence of overhead line grid infrastructure was to unduly and unnecessarily inhibit and/or otherwise constrain the sustainable development of renewable energy in the county, and indeed in Ireland in general'.
- Notwithstanding this, there are several residential properties adjacent the site (eastern parcel) to the north, which would have been considered when designating the 'excluded area'.

Uisce Éireann Assets

- Uisce Éireann has confirmed that a Confirmation of Feasibility (COF) has been issued to the Applicant advising that building over their asset is feasible, subject to agreement / condition.

Glint and Glare

- A Glint and Glare Assessment was completed as part of the application. No significant issues arising.

Noise

- A Noise Impact Assessment Report was completed as part of the application. No significant issues arising.

Electromagnetic Fields

- A High-Level Electromagnetic Field Assessment was completed as part of the application. No significant issues arising

Flood Risk

- The southeastern corner of the site is identified as preventing a flood risk as this is where the Emilcon and Ardbearn / Torman watercourses meet.
- However, the Applicant's Flood Risk Assessment was reviewed by the Council's Environment Section who had no concerns in this regard.

Archaeology & Architectural Heritage

- An Archaeological Impact Assessment was completed as part of the application.
- There are two recorded monuments within the site, including a Ringfort (CW013-027) and an earthwork (CW013-028). There are also other monuments nearby with 23 monuments being within 1km of the site. These include enclosures, graveyards, ring-ditches, raths, and moated sites.
- The submission from the Development Applications Unit (Archaeology) states that the proposed development broadly concurs with the recommended mitigation measures set out in the AIA report and recommends that these pre-development mitigation measures be included as a condition to any grant of permission.

Biodiversity / Impact on Waterbodies

- An Ecological Impact Assessment (EcIA) was completed as part of the application, which includes a Biodiversity Enhancement and Management Plan.
- The concerns raised by IFI have been addressed in relation to salmon and lamprey, including spawning habitats. Furthermore, the proposal to incorporate habitat restoration measures in the Emilcon Stream will not require additional mitigation measures.
- As no new mitigation measures are required to address the items raised in the IFI submission, it is considered that a revised NIS is not required.

3.2.2. **Other Technical Reports**

MD Engineer: **No objection**, subject to receipt of further information and conditions.

Transportation / Roads Department: **No objection**, subject to receipt of further information and conditions. Also, recommended Condition 4 in the MD Engineer's Report be amended to read as follows: *'All cables must be located below structures/culverts - No permission will be given for cables/services to run through or in the carriageway over a bridge/culvert structure and these should be directionally drilled under the river/watercourse away from the structure.'*

Further noted that while the construction period is for a limited period and the traffic impacts thereafter are limited, it is appreciated that residents in these quiet rural areas are disrupted with traffic on the public roads greater than what they would be used to.

Environment Section: **Recommended grant permission**, subject to conditions. Report accompanied by an EIA Screening Determination, AA Conclusion Statement and EcIA Review.

Chief Fire Officer: **No objection**, subject to conditions regarding access for fire brigade vehicles and provision of water supplies for firefighting purposes.

3.3. **Prescribed Bodies**

Uisce Éireann: **No objection** upon receipt of further information, subject to conditions, notes that the Applicant has engaged with UÉ to obtain a CoF and advises that building over UÉ assets is feasible, subject to valid agreement/s being put in place.

Transport Infrastructure Ireland (TII) ((second submission): **No objection,** subject to conditions; and notes that TII will rely on the PA to abide by official policy regarding developments that may affect national roads.

Inland Fisheries Ireland (IFI): **No objection** upon receipt of further information, subject to condition, including that habitat restoration of streams be included as part of a Biodiversity Enhancement Plan and for systems to be put in place to ensure no discharge of suspended solids or other deleterious matter to watercourses can occur during the construction phase. [Note: The Applicant provided a detailed response to

this submission entitled ‘Response to Inland Fisheries Ireland Submission’, dated June 2025.]

Minister for Housing, Local Government and Heritage (Archaeology) - Development Applications Unit (DAU): **No objection**, subject to condition, including that pre-development archaeological test excavation and archaeological monitoring of groundworks during the construction stage should be required.

3.4. Third Party Observations

The main issues raised are as follows:

- Further information submitted is inaccurate and misleading.
- Field 16 and surrounds a residential property and should be excluded from the development.
- The photomontages are inaccurate.
- Health concerns, including increase in electromagnetic activity in the area.
- Amenity concerns, including noise, glint and glare, light pollution, invasion of privacy due to CCTV cameras and data protection.
- Impact on wildlife, ecology and biodiversity, including survey data collected by the Applicant is inadequate (herons noted to be adjacent Fields 14 and 16) and that that would be an impact on red-listed species (snipe) during construction.
- TB cases may increase due to disturbance of badger habitats.
- Loss of agricultural land.
- Traffic impacts on the local road network.
- Devaluation of property, homeowners should be compensated.
- Concerns over private wells and water supply, including due to potential contamination from leachate and construction works.
- Archaeology impacts.

- Proposed development is project splitting from an EIAR perspective (notes other solar farms in the area).
- Fire safety concerns.
- Fields 7, 11, 15 and 17 are very close to residential properties and solar panels should not be permitted in these fields for this reason.
- Overdevelopment of solar farms in this area.
- Conflicting information in relation to setback distances between landscape masterplan and other drawings.
- Impact on landscape ability and tourism value.

4.0 Planning History

Applications of note

ACP-322347-25 (Reg. Ref. 24/60043): An Coimisiún Pleanála **granted permission** in August 2025 a 10-year permission for a solar farm (192ha) and ancillary site works

The Planning Authority had previously **refused permission** in March 2025 for this application for reasons to do with landscape and visual impact, impact on residential amenity, out-of-scale with the agricultural landscape and field pattern of the area, and that it would set a negative precedent for similar types of development for the area.

Reg. Ref. 22/163: The Planning Authority **granted permission** in February 2023 for a 10-year permission for a solar farm (128ha) and ancillary site works. The solar farm is known as 'Garreenleen Solar Farm (Phase 2)'.

ABP-313139-22: An Bord Pleanála **granted permission** in October 2022 for a 110Kv substation and underground grid connection. [Application for approval under Section 182A of the Planning and Development Act]

ABP-307891-20 (Reg. Ref. 20/143): The Board **granted permission** in September 2021 for a 10-year permission for a solar farm (128ha) and ancillary site works. The solar farm is known as 'Garreenleen Solar Farm (Phase 1)'.

The Planning Authority had previously **refused permission** in July 2020 for this application for reasons to do with inappropriate design and scale, that it would set a negative precedent for similar types of development for the area, ecological impact, and Appropriate Assessment.

Other Applications

The Planner's Report references further planning applications for 'other solar farm developments in the vicinity circa. 10km north of the subject site' (see Pages 10 and 11).

5.0 Policy Context

5.1. International / European Policy

RED III (Renewable Energy Directive – EU2023/2413)

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.

The Directive was transposed by way of SI 254/2025 on 6th August 2025.

REPowerEU Plan 2022 and Directive EU 2018/2001, as amended

The RePowerEU Plan 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.

European Green Deal 2020

The European Green Deal seeks to transform the EU into a modern, resource-efficient and competitive economy. It aims to cut emissions by at least 50% by 2030, rising towards 55%, while legally binding the 2050 neutrality goal through the European Climate Law.

EU Water Framework Directive 2000/60/EC

The EU Water Framework Directive (2000/60/EC) aims to protect and improve water quality in waterbodies across Europe, including rivers, lakes, groundwater, and coastal waters.

It requires that member states must manage their water resources through River Basin Management Plans to achieve at least "good" ecological status by 2027. In Ireland, the Directive is transposed into national law, requiring controls on water abstraction and impoundments, with the Environmental Protection Agency (EPA) administering the registration and licensing system.

5.2. Regional Policy

Regional Spatial and Economic Strategy (RSES) for Southern Region, 2020 – 2032 (RSES)

The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region. It includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford.

The strategy supports the transition towards a low carbon economy and climate resilient society across all sectors. It also supports the implementation of the Regional Waste Management Plan for the Southern Region, 2015-2021.

The following Regional Policy Objectives (RPO's are considered particularly relevant in the assessment of this case:

- 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

[Please refer to the Regional Spatial and Economic Strategy (RSES) for Southern Region, 2020 – 2032 for the full citation of each RPO listed above.]

5.3. National Policy

The National Development Plan 2026 – 2035

The National Development Plan 2026 – 2035 (NDP) was published in July 2025. It seeks to drive Ireland's long term economic, environmental and social progress over the next decade, in accordance with the spatial planning context of the NPF. The NDP is Ireland's long-term strategic investment plan, outlining how the government will invest in the country's infrastructure and development.

The plan sets out:

- total investment of €275.4 billion over the period 2026 to 2035,
- sectoral capital allocations of €102.4 billion for the years 2026 to 2030, and
- a further €100 billion for 2030 to 2035.

The review includes an additional €34 billion relative to the previous 2021-2030 NDP, including equity funding of €10 billion to 2030 to fund large strategic projects in energy, water and transport.

Several National Policy Objectives (NPO's) are relevant to the proposed development, including:

- NPO 70 'Promote renewable energy'.
- NPO 71 'Interconnection of the transmission grid'.
- NPO 73 'Support Co-location of Renewable Energy Technologies'.

Climate Action and Low Carbon Development (Amendment) Act, 2021

The Climate Action and Low Carbon Development Act, 2021 was signed into law in July 2021. The Act strengthens the provisions of the 2015 Act by adding a specific decarbonisation target of climate neutrality by 2050 (at the latest), with the additional recognitional of the importance of protecting biodiversity.

The Act brings Ireland's approach into line with the EU commitment to climate neutrality by 2050 as set out in the European Climate Law of 2021, and into line with many other climate laws.

The Act establishes national climate objectives that the State shall pursue and achieve by no later than the end of the year 2050, including the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. The preparation of local authority climate action plans is a key element.

Project Ireland 2040: National Planning Framework (First Revision April 2025)

The National Planning Framework (NPF) sets out a vision for the future development of the country. It includes a number of strategic goals in respect of transitioning to a low carbon and climate resilient society. It contains a number of relevant National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) which can be summarised as follows:

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 in solar PV, which is 43% of the overall national share (Table 9.1 of the NPF refers). This is the minimum required for solar generation to meet the 2030 emission reductions in the electricity sector.

The NDP states that:

> *'Action in the energy sector will be critical to the achievement of Ireland's climate targets and the transformation to a high-renewable, net-zero emissions future. This will require a fundamental shift in the means by which we supply, store and use energy. We need to plan our energy system as a whole to create greater links between different energy carriers; infrastructures; and consumption sectors. The long-term objective is to transition to a net-zero*

carbon, reliable, secure, flexible and resource-efficient energy service at the least possible cost for society by mid-century.'

The NPF also states that:

'In the energy sector, transition to a low carbon economy from renewable sources of energy is an integral part of Ireland's climate change strategy and renewable energies are a means of reducing our reliance on fossil fuels.'

Climate Action Plan, 2025 (CAP 25)

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.

The Climate Action Plan 2025 builds upon last year's Plan (CAP 24) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. As such, CAP 24 also remains relevant.

Climate Action Plan 2024 (CAP 24)

The Climate Action Plan 2024 (CAP 24) 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), 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.

CAP 24 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 5GW of solar power by 2025 and at least 8GW by 2030. The Plan also sets out the changes required to enhance the electricity grid's capacity and flexibility.

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 the target of deploying 9GW of onshore wind, 8GW of solar power and at least 5GW from offshore wind projects.

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

The 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.

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

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 priority sectors under seven 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 (2024).

Electricity and Gas Sectoral Plan (2019)

The aim of the Plan is to address the risks posed by climate change to the electricity and gas networks. The plan focuses on identifying vulnerabilities such as extreme

weather and changing temperature patterns and how they could affect the electricity and gas networks. Specific measures to minimise the potential negative effects of climate change are outlined including the strengthening of the grid and ensuring reliable gas supply. The Plan also seeks to exploit opportunities and the potential benefits arising from climate change adaptation such as increased energy efficiency and the development of new renewable energy sources.

5.4. Local Policy

Carlow County Development Plan 2022-2028

Background

The Carlow County Development Plan 2022-2028 ('County Development Plan / 'CDP') was adopted by the Council's Elected Members on 23rd May 2022. It took effect on 4th July 2022.

Zoning

The site is on unzoned rural lands (outside the Carlow Town urban area), in a primarily agricultural area.

Chapter 7: Climate Action and Energy

- **Figure 7.9** includes a map entitled 'Solar Opportunity Areas'.
- **Section 7.10.1** is 'Renewable Energy'. It states that renewable energy (RE) is derived from natural resources that are not depleted when used and are alternatives to fossil fuels. Where sufficient quantities of renewable resources exist, technologies can be employed for their exploitation, producing electricity, heat, or transport fuel. The processes in which these resources are converted to usable forms of energy do not release harmful pollutants or greenhouse gases, such as carbon dioxide (CO2).

  The CDP states that 'County Carlow has an abundance of natural resources that can be harnessed in a sustainable manner, without negatively impacting on the environment. There is potential for a range of renewable energy technologies, including solar'.

- **Policy CA. P2** is to support the transition of the County to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, by way of reducing greenhouse gases, increasing renewable energy, and improving energy efficiency.
- **Policy RE. P1** is to encourage and facilitate the production of energy from renewable sources, such as from wind, solar, bioenergy, hydroelectricity, and geothermal, subject to compliance with proper planning and environmental considerations.
- **Policy RE. P2** seeks to support the co-location of renewable energy technologies on a case-by-case basis subject to compliance with planning and environmental criteria.
- **Objective RE. O1** seeks to achieve a minimum of 130MW of renewable electricity in the County by 2030, by enabling renewable energy developments, and through micro-generation including rooftop solar, wind, hydro-electric and bioenergy combined heat and power (CHP).
- **Section 7.10.3.2** is in relation to solar energy. It states that proposed solar developments are subject to detailed siting and environmental considerations, and the outcomes of the planning process. The risk mapping suggests that the northern part of the County has a higher potential for solar farms. (Figure 7.9 is a map of 'Solar Opportunity Areas').
- **Policy SE. P2** is to favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multipurpose land use.
- **Policy SE. O1** is to increase the penetration of solar energy developments at appropriate locations subject to compliance with proper planning and environmental considerations.

Chapter 9: Landscape and Green Infrastructure

The site is situated in the 'Central Lowlands' Landscape Character Area (LCA) in the County Development Plan (see Map 9.1).

- **Section 9.4** states that this LCA occupies a substantial portion of the County and includes the County's major settlements. The landscape is primarily

rural, with medium to quite large fields defined by well maintained and generally low hedges and occasional to frequent hedgerow trees. Since the 1950s, field enlargement has been taken place to accommodate larger farm machinery and has involved the removal of hedges and trees. A dense network of local roads traverses the area, as well as the M9 and the N80.

- The Central Lowlands has capacity to absorb most types of development subject to the implementation of appropriate mitigation measures. The area encompasses river valleys and ridges that are, however, more sensitive to development than other locations within the area. These include the Barrow, Slaney and Douglas River Valleys. (emphasis added.)
- **Section 9.8** is in relation to 'Landscape – Policies'.
- **Policy LA P1** is to protect and maintain the overall integrity of the County's landscape, by recognising its capacity to sustainably integrate and absorb appropriate development, and by ensuring that development protects, retains and, where necessary, enhances the appearance and character of the landscape, and does not unduly damage or detract from those features which contribute to its value, character, distinctiveness and sensitivity e.g. landform, habitats, scenic quality, settlement pattern, historic heritage, amenity, land use and tranquillity.
- **Policy LA P2** is to ensure that development will not have a disproportionate landscape or visual impact in sensitive upland areas of the County (due to siting, layout, design or excessive scale, height and bulk) and will not significantly interfere with or detract from scenic upland vistas, when viewed from the surrounding environment, including nearby areas, scenic views and routes, and from settlements.
- **Policy LA P3** seeks to adopt a presumption against developments which are located on elevated or visually exposed sites or areas with open exposed vistas, and where the landscape cannot accommodate such development with appropriate mitigation.
- **Policy LA P4** is to ensure that developments on steep slopes or ridges will not be conspicuous or have disproportionate landscape or visual impacts

when viewed from the surrounding environment, including from nearby areas, scenic views and routes, and from settlements.

- **Policy LA P6** is to require all developments, having regard to their landscape setting, to be appropriate in siting, layout, design and scale, in order to ensure any potential adverse or landscape and visual impacts are minimised and/or removed where necessary, and that natural site features and characteristics are retained and maintained.
- **Policy LA P11** is to protect and preserve the established appearance and aesthetic attributes of views and prospects that contribute to the inherent quality of the County's landscape, including views, prospects and scenic routes listed in Tables 9.3 and 9.4 , and particularly views to and from mountains, hills, river valleys and river corridors, and views of historical or cultural value (including buildings and townscapes) and views of natural beauty.

Chapter 14: Rural Development

The aim of this Chapter is to support the role of rural areas with an increased emphasis on the regeneration and renewal of smaller rural towns and villages and to seek to sustain the livelihood of rural communities by promoting the development of the wider rural economy while recognising the need to sustainably manage land and resources.

- **Policy AG P3** is to encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on the visual amenity of the countryside and that watercourses, wildlife habitats and areas of ecological importance are protected from the threat of pollution.

Other Relevant Chapters and Sections of the CDP

- Chapter 2: Core Strategy and Settlement Strategy
- Chapter 10: Natural and Built Environment
- Volume III: Strategic Flood Risk Assessment
- Appendix VI Solar Opportunity Areas (Volume 2b).

- Appendix VII Landscape Character Assessment (Volume 2b)

Carlow Renewable Energy Strategy

A Renewable Energy Strategy (RES) for the County was prepared alongside the Carlow County Development Plan 2022-2028 and is incorporated as Appendix VI-Volume 2. The RES includes an assessment and spatial evaluation of the County to identify the most suitable locations for renewable energy technologies, taking account of available natural resources, environmental considerations, impacts on local communities and quality of life. The RES states that the demand for energy is constantly increasing and it is a challenge to meet this growing demand, and they secure, sustainable and efficient manner.

5.5. Other Guidance and Policy Documents

- *The Long-Term Strategy on Greenhouse Gas Emissions Reductions, 2023*
- *Best Practice Planning Guidance Report for Large Scale Solar Energy Development in Ireland (Irish Solar Energy Association), 2023*
- *National Energy Security Framework, 2022*
- *Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR), 2022*
- *The Policy Statement on Security of Electricity Supply, 2021*
- *National Waste Policy 2020-2025, A Waste Action Plan for a Circular Economy, 2020*
- *Design Manual for Urban Roads and Streets, 2019*
- *Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment, 2013*
- *Landscape Institute and the Institute of Environmental Management and Assessment (IEMA) publication entitled Guidelines for Landscape and Visual Impact Assessment, 2013 (GLVIA3)*
- *The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009*

5.6. Natural Heritage Designations

No designated European Sites apply directly to, or adjoin, the subject lands.

The nearest European Site is the Slaney River Valley SAC (Site Code: 000781), which is roughly 2km to the west of the appeal site at the closest point.

The River Barrow and River Nore SAC (Site Code: 002162) is roughly 9.4km to the west of the appeal site at the closest point.

The Backstairs Mountains SAC (Site Code: 002162) is roughly 11.4km to the south of the appeal site at the closest point.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Commission received a single first party appeal from Ørsted Onshore Ireland Midco Ltd (date stamped 26th August 2025).

6.1.2. The submission states that it is has been formulated by a collaborative team of experts who specialise in various fields, including landscape and visual impact, environmental science, and planning (see Table 3.1 of appeal for details).

6.1.1. The main grounds of appeal can be summarised as follows:

Overview of Planning Authority's Decision

- Provides a review of the relevant landscape designation in the current CDP, including the Landscape Character Assessment and Carlow Renewable Energy Strategy (RES).
- Scale and extent of the development is excessive and, therefore, would detract from a 'predominately rural and agricultural/farmland landscape'.
- Perceives the site location being in an area that is predominantly 'High Risk' according to solar energy policy as per the CDP.
- Would lead to 'significant and overbearing visual impact' for residential receptors.
- Non-compliance with landscape policies in the CDP.

Reason for Refusal No. 1 'Disproportionate and Adverse Landscape & Visual Impact'

- The solar energy risk map in the Carlow County Development Plan assesses the suitability of locations for solar farms ranging from 'High (Maximum) Risk' to 'Low (Minimum) Risk'.
- The appeal site is spread across the risk map area as follows:
  - Available areas with No Risk – 23%
  - Available areas with Low Risk – 25%
  - Available areas with High Risk – 7%
  - Excluded Areas – 45%

  [Note: Figure 3.1 of Appeal shows the subject site overlaid against the solar energy risk map.]
- The largest classification within the site relates to the 'excluded area'; however, this designation has no clear landscape constraints. It appears that the classification is largely due to the presence of an overhead powerline / cable corridor which traverses the eastern parcel of the site.
- However, EirGrid in their response to the 500m wide corridor shown on the risk map as 'an exclusion area; states that *"Neither EirGrid, nor ESBN, have ever sought such an extent of exclusion zone for its overhead line infrastructure and it is therefore unclear as to the basis of this extent in the Development Plan".* [Note: The EirGrid letter is included as Appendix C of the Applicant's Appeal.]
- The exclusion area is not highly susceptible to landscape or visual change and most of the site (48%) is either 'Available areas with No Risk / Low Risk'.
- The site is in a modified rural landscape with typical rural working characteristics. It is not highly rare or iconic and there is no strong scenic amenity. It is not in a landscape associated with outdoor recreation and it contains several anthropogenic features, including industry, major roads and electrical infrastructure, all of which influence its landscape character.

- The residual landscape effects would be no greater than ‘slight’. The dispersed nature of the proposed development would significantly reduce its perceived scale and extent with only limited opportunities to view the solar parcels from offsite locations.
- The application includes mitigation for residential receptors through extensive setbacks from site boundaries and screen planting, and it is noted that the Carlow RES states solar farms have limited external impacts beyond their site boundaries.
- A previous comparable solar farm (Garreenleen Phase 1) was refused permission by the PA, but then subsequently granted by the Board / Commission on appeal (ABP Ref. 307891 refers). The subject application has a similarly enclosed nature, is in a low-density population area, and has the same landscape character. [The appeal cites extracts from the Inspector’s Report for ABP Ref. 307891 to support their argument.]
- The application complies with the provisions of the CDP, including Policies SE. O1, S1.2, LA P1, LA P2, LA P3, LA P4, LA P6, LA P11 and Objective ED.02 (see Section 5.1 and CDP for full policy and objective citations) [Table 3.2 of appeal provides a response to these policies and objectives.]
- In summary, the proposed development would not seriously injure the visual amenities of the area.

Reason for Refusal No. 2 ‘Scale and nature of the proposed development, proximity to dwellings and local roads and resultant visual and amenity impact’

- Sensitive residential receptors have been identified along the L7113 and L7111 local roads, which are to the east and west of the site, respectively.
- The initial design included 30m setbacks between panels arrays and dwellings, which exceeds the 25m setback requirements referenced in the Carlow RES / CDP.
- The setbacks were substantially increased as part of FI to the PA through a revised scheme design, and particularly so for dwellings along the L7113 and L7111 local roads.

- Each dwelling in the area was carefully analysed during fieldwork investigations. Where it was identified that increased offsets were required, this was included as part of the revised scheme design, for example, setbacks from property boundaries along the L7111 were increased to 50m.
- The LVIA demonstrates that the solar arrays would be largely screened from residential receptors and visual effects would be low to moderate only.
- Renewable energy projects are of overriding public important under the RED III Directive. [Cites Case Law 'Coolglass' where the Court found there is compelling and legally binding targets for national climate goals such that renewable energy projects should take precedence over visual impact, including under CAP 24.]
- The proposed is not contrary to the Carlow CDP and would not seriously injure the amenities of property in the vicinity due to landscape and visual impacts, traffic, noise or disturbance, either alone or cumulatively.
- References the benefits of the facility, including that 63MW of renewable energy would be generated, thus, leading to a reduction in CO^2 emissions.

Other Issues

- Section 5 and Table 4.1 of the Appeal provide a response to the concerns and issues raised in the Planner's Reports.
- The amount of field boundary proposed to be removed as part of the application, and when considered cumulatively with other solar farms in the area, is well below the EIA threshold of 4km.
- The CAAS Report – which is not publicly available – sets out three options to the Planner's Report, two of which are to grant permission
- The CAAS Report misunderstands and misrepresents the site's location as it is neither within the environs of Carlow town, nor in proximity. It is over 9km from its outskirts and 11km from its town centre.
- The proposed development is not near any significant heritage assets as implied in the Council's Planner's Report.

- The AIA accompanying the application identifies there would be no likely significant direct effects on Any Recorded Monuments and/or Protected Structures. The DAU (Archaeology) is also supportive of the proposed development.
- The Planner's Report wrongly suggests security fencing will be immediately adjacent public roads. However, this is not correct as the perimeter fencing will be inside the hedgerows and not readily visible for this reason.
- The EcIA and NIS demonstrate that the proposed development will not have a significant impact on the environment or any European Sites.

6.2. Planning Authority Response

6.2.1. No comments to make

6.3. Observations

6.3.1. The Commission has received observation from the following parties: -

- Vincent and Ella Hutton
- Caroline Nolan
- Noel and Nicole Hutton
- Jamie and Lorraine Kealy
- Paul and Thelma Nolan
- Dermot Scully
- Aisling Hutton
- John Cullen and Deirdre Doyle

6.3.2. The main issues raised are as follows:

- The Applicant has not engaged properly with the local community.
- Traffic impacts on local roads by HGV's during the construction phase.
- Impact on amenity and health due to invasion of privacy / visual impacts, and impact on biodiversity, nature and wildlife.

- Removal of good quality agricultural land from being used by livestock and tillage production.
- Alternative locations have not been examined for the proposed development. The solar panels should instead be placed on top of existing large agricultural structures, warehouses, or carparks.
- Requests removal of solar panels from Fields 7, 11, 15 and 17 to reduce visual impact.
- Trespass on property due to field inspection work carried out during preparation of the planning application.
- Invasion of privacy due to future installation of CCTV cameras and substation close to properties.
- Glint and glare concerns.
- Construction related noise impacts.
- Requests an Oral Hearing.
- The Applicant has not acquired landowner consent for the part of site where it is intended that a cable be laid.
- Impact on watercourses.
- It permitted, the proposal would mean the amount of solar energy to be provided in the County as envisaged by the Carlow CDP (i.e., 130MW) would be exceeded.
- The proposed development is out of scale, disproportionate and would negatively impact the surrounding landscape.
- Inadequate public consultation and engagement with the community.
- The proposed development is project spitting for the purposes of EIA.

7.0 Assessment

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

- Land Use
- Landscape and Visual Impact
- Amenity and Roads
- Material Contravention
- Other Issues

7.1. Land Use

7.1.1. The proposed development is for the construction of a solar farm comprising ground mounted solar photovoltaic panels. It comprises 15 no. invertor combiner kiosk / transformers and hardstand area, a ring main unit, two storage containers for spare parts, site access tracks, underground cabling, temporary construction compounds, the demolition of a derelict agricultural building and disused silage storage structure, upgrading and widening works of existing site entrances, and ancillary site works, including a 2.4m high stockproof fence, CCTV and drainage infrastructure. The overall proposed solar farm comprises a total of 23 solar fields and accounts for 63MW.

7.1.2. The site has a stated area of approximately 119ha. It largely comprises agricultural fields and mature hedgerows. It is flat to slightly undulating with a gentle fall from west to east. It is currently primarily used to graze livestock. The site is split into two main areas which are connected by an existing underground cable system. They are referred to as the ‘western’ and ‘eastern’ parcels, respectively.

7.1.3. The site does not encompass any dwellings or residential properties; however, there are several such properties in proximity to the site and along its boundaries. These sensitive receptors have been considered as part of the design response undertaken by the Applicant.

7.1.4. There is an overhead 220Kv powerline traversing the site in a northwest to southeast direction. The powerline cuts through the eastern parcel and is denoted by red hatching on the Site Layout Keyplan (Drwg. No. 7204-PL-DR-100). I also note that the Garreenleen substation (110Kv) is roughly 1.6km to the west of the site, on the far side of the L7111. The substation is to be connected to the Garreenleen Solar Farm (Phase 1) site, which is currently being built with several solar arrays now in situ. During my physical inspection of the site, and surrounding area, I observed that an area west of the L7111 was in use as a construction compound for the purposes of overseeing the works phase for Garreenleen Solar Farm Phase 1.

7.1.5. The locational context of the site is such that it would minimise energy loss through the transfer process between the proposed solar farm and existing nearby substation. The short distance (approx. 1.6km) between the substation and proposed facility, together with the existing, adjacent Garreenleen Solar Farm (Phase 1), means that limited physical works would be required in terms of routing cables, circuits and transmission lines between the substation and various solar arrays associated with the development. I also note that the cabling route between the proposed solar farm site and submission is approx. 3.1km in length. There is, therefore, an opportunity for the utilisation of shared infrastructure feeding into the substation. This would avoid duplicate grid connections, lower costs per megawatt, and sharing of protection and monitoring systems. I note that the Applicant (Ørsted) is responsible for the operation of the adjacent solar farm ('Garreenleen, Phase 1').

National Policy

7.1.6. Section 5 of my report above outlines the importance of Ireland transitioning to a green economy and achieving specific decarbonisation targets and climate neutrality by 2050. The acceleration in the delivery of renewable energy projects is a principle supported by European, national, regional and local policy.

7.1.7. In terms of national planning policy, I note that the updated National Planning Framework (April 2025) has 10 National Strategic Outcomes (NSO's). This includes NSO 8 'Transition to a Carbon Neutral and Climate Resilient Society', which states Ireland will have a more renewables-focused energy generation system harnessing energy sources, such as solar. It confirms that the Climate Action and Low Carbon Development (Amendment) Act 2021 commits to a target of 80% of electricity to be

generated from renewable sources by 2030. It also notes that the accelerated delivery of additional renewable electricity generation is essential for the country to meet its climate targets. The NPF also seeks to reduce the country's carbon footprint (NPO 69) and promotes renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives for achieving a climate neutral economy by 2050 (NPO 70).

7.1.8. The NPF under Chapter 9 explicitly supports the accelerated delivery of solar development. It sets out a target of 8GW to be achieved by solar by 2030 in the Climate Action Plan 2024 (CAP 2024). It also states that the development of renewable energy is a land use diversification option for farmers in accordance with the carbon budget programme and CAP 2024. Given the rural nature of the site and current use of the land for farming, I consider that this is a potential and viable option for landowners in the area. CAP 24 and CAP 25 include objectives at least 8GW by 2030. [I also highlight for the Commission's attention, the other national policy documents and plans cited in Section 5 above which are relevant in the assessment of this appeal case. The documents further underscore the importance of Ireland achieving climate neutrality and reducing our dependence on fossil fuels to tackle the climate crisis.]

Regional Policy

7.1.9. I note that similar policy support is provided at regional level where the potential for renewable energy in the region is acknowledged. The RSES acknowledges the urgency to transition to a low carbon energy future and aims to accelerate the transition towards a low carbon economy. RPO 87 seeks to promote change across business, public and residential sectors to achieve reduced GHG emissions in accordance with national targets, to improve energy efficiency, and increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture. RPO 96 is in relation to Integrating Renewable Energy Sources and supports the sustainable development, maintenance and upgrading of the electricity and gas network grid infrastructure and to integrate renewable energy sources to ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the economy grows.

7.1.10. Furthermore, Section 8.2 of the Regional Spatial and Economic Strategy (RSES) for Southern Region 2020 – 2032 ('RSES') states that there is significant potential to use renewable energy across the region to achieve emission reduction targets. This section highlights that costs have been actively driven down by recent innovation in solar, onshore and offshore wind, such that the renewable energy industry is becoming increasingly cost competitive. Other relevant objectives in the RSES include RPO's 95, 100, 219 and 221 (Section 5.2 above refers).

Local Policy

7.1.11. In terms of local planning policy, I note that the Carlow County Development Plan 2022-2028 recognises climate change as a 'defining issue of our time' and is now at the forefront of policy at an international, national, and local level. It states that there is a strong level of awareness and understanding of the need to take appropriate climate action through a combination of mitigation and adaptation measures. Section 7.9 of the CDP states that the impacts and risks of climate change can be reduced and managed through mitigation and adaptation actions, including through utilising renewable energy resources.

7.1.12. The Development Plan goes on to state that County Carlow has an abundance of natural resources which can be harnessed in a sustainable manner without negatively impacting on the environment and that there is potential for a range of renewable energy technologies, including solar energy. I note that the CDP includes specific policies which seek to support the transition of the County to a low carbon and climate-resilient economy (Policy CA. P2) and to encourage and facilitate the production of energy from renewable sources, such as solar (Policy RE. P1). Objective RE. O1 is also relevant to the development proposal as it seeks to achieve a minimum of 130MW of renewable electricity in the County by 2030, whilst Policy SE. O1 seeks to increase the penetration of solar energy developments at appropriate locations, subject to compliance with proper planning and environmental considerations.

7.1.13. Section 7.10.3.2 of the Development Plan is specifically in relation to solar energy. It states that proposed solar developments are subject to detailed siting and environmental considerations, and the outcomes of the planning process. The risk mapping set out in the CDP suggests that the northern part of the County has a

higher potential for solar farms. (Figure 7.9 is a map of 'Solar Opportunity Areas'). The appeal site is spread across the risk map with most of the land falling into either the 'available areas with no risk' and 'available areas with no risk' with another large section in the 'excluded areas' category. In relation to the latter category, I note that a sizable portion of this designation appears to have been attributed due to the presence of a 500m wide corridor for overhead powerlines crossing the site. However, a letter from EirGrid states that the width of 500m width for this exclusion corridor was never sought by them, or ESBN, during the preparation of the CDP and appears excessive (this issue is discussed in more detail in Section 7.2 of my report). I also note that the 'excluded areas' designation in this part of the county has no formal landscape constraints, protected views or scenic vistas attached to it.

7.1.14. Moreover, Chapter 9 ('Landscape and Green Infrastructure') identifies that the site is site is part of the 'Central Lowlands' Landscape Character Area (LCA) (Map 9.1 refers). The Development Plan states that this LCA occupies a substantial portion of the County and includes the County's major settlements. This landscape is recognised as primarily rural, with medium to quite large fields defined by well maintained and generally low hedges and occasional to frequent hedgerow trees. The CDP goes on to state that the Central Lowlands has the capacity to absorb most types of development, subject to the implementation of appropriate mitigation measures. Thus, the landscape is not identified as being sensitive or vulnerable to potential visual impacts that might be associated with new forms of development. [This is further examined under Section 7.2 of my report.]

7.1.15. The Council's Renewable Energy Strategy (RES) was prepared in conjunction with the Carlow County Development Plan 2022-2028 and is incorporated as Appendix VI - Volume 2 of that document. I note that the RES includes an assessment and spatial evaluation of the County to identify most suitable locations for renewable energy technology, whilst taking account of available natural resources, environmental considerations, and the potential for impact on local communities and their quality of life.

7.1.16. I note that the RES (Section 6.2.5) highlights that factors which influence the technical capacity for solar farms include grid connection constraints and proximity to an electricity substation. It also states that commercial viability is influenced by the scale of the facility, with larger projects being able to avail of economies of scale. In

this regard, I note that it is the intention for the proposed development to connect to the existing Garreenleen substation (110Kv). The substation is situated nearby, roughly 1.6km to the west of the site, on the far side of the L7111. This information is shown on the 'Site Layout Keyplan' (Drwg. No. 7204-PL-DR-100) accompanying the application. I note also that An Bord Pleanála granted permission for the substation, and its related grid connection and cabling infrastructure in October 2022, and recognised the intention of the Applicant to serve a permitted solar farm in the area (ABP Ref. ABP-313139-22 refers).

7.1.17. In summary, I consider that the rapid acceleration and delivery of renewable energy projects, including solar farms, is fully supported in international / European through to local planning policy, and is necessary to achieve the national targets of achieving net zero emissions by 2050. I am satisfied that the principle of development is acceptable at this location. However, I also acknowledge that there must be a balance struck whereby significant adverse impacts on the receiving environment, the visual character of the landscape, or on residential amenity can be avoided and/or appropriately mitigated. Policies LA. P1, LA. P2, LA. P3, LA. P4, LA. P6, and LA. P11 are relevant in this regard (see Section 5.1 above for policy citation). These are discussed in the remaining sections of my report below.

7.2. Landscape and Visual Impact

7.2.1. The Planning Authority's first reason for refusal is that the proposed development would result in disproportionate and adverse landscape and visual impacts on what is a rural and agricultural landscape, be out-of-scale, and detract from the characteristics which contribute to its landscape value. The refusal reason also states that there would be a disproportionate, negative impact on residential amenity and that the proposed development would set an undesirable precedent for further solar farms in this predominantly rural area. In coming to this conclusion, the PA also states that the lands have a 'High (Maximum) Risk' in terms of solar energy policy according to the CDP and County Renewable Energy Strategy.

7.2.2. The Planning Authority states that the proposed development would materially contravene the CDP, including Policies LA P1, LA P2, LA P3, LA P4, LA P6, and LA P11, the 'County Carlow Landscape Character Assessment', 'Schedule of Protected

Views', and solar energy policy, and would therefore be contrary to the proper planning and sustainable development of the area. [The issue of material contravention is specifically addressed under Section 7.5 of my report below.]

7.2.3. The appeal site is in a rural location and comprises mainly agricultural fields and mature hedgerows. It is roughly 4.5km southwest of Tullow and 9km southeast of Carlow. The land is primarily used for livestock grazing and arable farming. There is a small commercial forest near the southeast corner of the site, adjacent the proposed eastern parcel. An existing agricultural barn adjoins the eastern boundary of the site but is outside the red-line boundary for the application. It appears the structure is not currently in use. As noted above, the subject lands do not include any dwellings or residential properties. However, there are several such properties in proximity to the site and along its boundaries. The Applicant has considered the receiving environment as part of their assessment work and through the proposed design and layout for the solar farm and its associated infrastructure.

7.2.4. The County Development Plan requires that the overall integrity of the County's landscape should be protected and maintained through sustainably integrating and absorbing appropriate forms of development and by ensuring it protects, retains and enhances the appearance and character of the landscape, where possible, and does not unduly damage or detract from features which contribute to landscape value, character, distinctiveness and sensitivity (Policy LA P1). The Plan also requires that new forms of development should not have a 'disproportionate landscape or visual impact' in sensitive upland areas of the County (due to siting, layout, design or excessive scale, height and bulk) and to avoid detracting from scenic upland vistas, when viewed from the surrounding environment, including nearby areas, scenic views and routes and from settlements (Policy LA P2). I do not consider that the proposal would result in a material contravention of either policy for the reasons set out below.

7.2.5. The site sits within a modified rural landscape which reflects typical working countryside characteristics. It does not exhibit any rare, distinctive, or iconic landscape qualities, nor does it offer any notable scenic amenity, in my opinion. The area is not associated with any outdoor pursuits, such as hillwalking or hiking, or particularly valued for any specific landscape-related tourism reasons. During my physical inspection of the site and its surrounding area, I observed that the existing

character of the land is strongly influenced by several anthropogenic components, including farming, prominent electrical infrastructure, commercial forestry, and sporadic one-off housing. These features collectively define the visual character of the landscape, in my view, and have reduced its propensity to physical change. Overall, I consider the landscape has a low sensitivity and this is borne out by the landscape character assessment as per the Carlow County Development Plan 2022-2028.

7.2.6. Chapter 9 of the CDP is in relation to 'Landscape and Green Infrastructure'. It identifies that the site is situated in the 'Central Lowlands' Landscape Character Area (LCA) (Map 9.1 refers). Section 9.4 of the Plan states that this LCA occupies a substantial portion of the County and includes the County's major settlements. It states that the landscape is primarily rural, with medium to quite large fields defined by well maintained and generally low hedges, and occasional to frequent hedgerow trees. It goes on to say that since the 1950s, field enlargement has been taken place to accommodate larger farm machinery and has involved the removal of hedges and trees. A dense network of local roads now traverses the area, as well as the M9 and the N80.

7.2.7. The CDP clearly states that the Central Lowlands has the capacity to absorb most types of development, subject to the implementation of appropriate mitigation measures. The area encompasses river valleys and ridges that are, however, more sensitive to development than other locations within the area. These include the Barrow, Slaney and Douglas River Valleys. However, I note that the appeal site does not contain, nor is it proximate, to any such landscape features. Furthermore, the proposed development is not located on an elevated or visually exposed site or an area with open exposed vistas and, as such, is not a material contravention of Policy LA P3. The site is also not on a steep slope, or ridge, such that it might otherwise be conspicuous or have disproportionate landscape or visual impacts when viewed from the surrounding environment. It is not therefore a material contravention of Policy LA P4, in my opinion.

7.2.8. Conversely, the proposed development clearly has had regard to its setting, in my opinion, having followed a sensitive design response in terms of siting, layout, design and scale, as required by Policy LA P6 – this is, notwithstanding, the relatively large scale and expansion footprint of the proposed development, which covers an area of

approximately 119ha. It should be noted however that solar farms, by their nature, cover large tracts of land to achieve adequate spacing between solar arrays and to generate sufficient amounts of electricity.

7.2.9. I also consider that the presence of other existing and permitted solar farms in the surrounding vicinity attests to the general suitability of the area for solar farm development, which is population by a relatively low number of sensitive land uses, an absence of protected views and vistas, reduced potential for visual and landscape impacts, proximity to the grid, good access to photovoltaic power potential, as well as other practical advantages. For this reason, and others set out below, I do not consider that the scale and extent of the proposed development is excessive or that it would detract from this rural and agricultural landscape.

7.2.10. The receiving environment is also devoid of any particular aesthetic attributes which contribute to the inherent quality of the County's landscape. The CDP under Tables 9.3 and 9.4 list a series of views, prospects and scenic routes to and from mountains, hills, river valleys and river corridors, views of historical or cultural value (including buildings and townscapes) and views of natural beauty. However, I note that none of these are in proximity to the appeal site, or within the 5km study area adopted by the Applicant's LVIA, and would not, therefore, be affected by the development proposal. To be clear, I do not consider that the application represents a material contravention of either Policy Objective LA P6 or LA P11 for this reason. However, this issue is further examined under Section 7.4 below.

7.2.11. I am satisfied that the proposal has made adequate provision to avoid and minimise the potential for adverse landscape and visual impacts occurring. This is successfully achieved by incorporating adequate setback distances from sensitive receptors (residential dwellings) and by utilising and augmenting the natural features and topography of the site. The proposal seeks to retain and maintain the hedgerows along the site boundaries and by introducing landscaping and additional planting to 'fill in the gaps' in hedgerows where necessary. During my site inspection, however, it was apparent that most sections of hedgerow were well-established and mature, and would provide dense tracts of screening to block views from the public road network as well as private residential properties.

7.2.12. The Applicant's Landscape and Visual Impact Assessment (LVIA) (prepared by Macroworks, dated August 2024) provides a thorough analysis of the landscape context and assesses the likely landscape and visual impacts of the scheme on the receiving environment. The original version of the LVIA was updated as part of further information by the Applicant to the Planning Authority through a landscape response statement. I confirm that I have reviewed the LVIA as part of my assessment of this appeal case. Similarly, I have read the report prepared by an independent consultant (CAAS Ltd) on behalf of the Planning Authority which addresses the issue of landscape and visual impact.

7.2.13. I note that each residential property was analysed by the Applicant as part of additional fieldwork and analysis underpinning their FI submission to Carlow County Council (submitted on 9th June 2025), such that a general or common offset was not applied. Instead, each sensitive receptor was assessed on its own merits and according to the individual circumstances pertaining. For example, I note that where a dwelling had a clear and uninterrupted view of the site, the design revisions made at FI stage allowed for greater offsets and additional screening measures to be incorporated as part of the overall scheme design. This approach is in accordance with industry best practice, including the 'Landscape Institute and the Institute of Environmental Management and Assessment (IEMA) publication entitled Guidelines for Landscape and Visual Impact Assessment, 2013 (GLVIA3)', and other relevant guidance documents.

7.2.14. The Applicant's LVIA comprises a total of 17 no. viewpoints from various locations that are nearby and further afield. This includes 15 no. viewpoints which are part of the photomontage booklet submitted as part of the original application (Nos. VP1 – VP15) and two further viewpoints which formed part of further information to the PA (Nos. RFI VP1 and RFI VP2). Viewpoints include existing views, outline views (indicating the physical position and scale of the solar farm irrespective of screening), montage views (pre-mitigation) and montage views (with mitigation established). Having physically visited the site and completed a visual inspection up close, and of the surrounding vicinity, I consider the photomontages to be an accurate depiction of the receiving environment and how the solar form would appear as if it were constructed. I have reviewed each individual photomontage and the LVIA as part of my assessment of landscape and visual impact.

7.2.15. Whilst I acknowledge the proposed development would be visible from some locations offsite, these views would be limited, and residual visual effects would be reduced to be between 'imperceptible' and 'slight' in the long-term. I also consider that the facility would not be so visually disruptive to the degree that it would seriously injure the visual and residential amenity of the receiving environment or any sensitive receptors in the area. In the vast majority of views towards the site, the proposed development would not be visible. This is largely due to the existing topography of the land, dense sections of roadside hedgerow, which are prevalent in the area, and because of the relatively low height of the proposed solar arrays and other infrastructure associated with the facility.

7.2.16. Furthermore, the Applicant's landscaping strategy, and tree and hedgerow management plan, demonstrates how trees and hedgerows at the site have been integrated as part of the design phase for the project and would be protected during future construction works. For the operational phase, I note that, where feasible, field boundaries are to be maintained and managed, and that new sections of hedgerow and low-level planting will be established. The overall purpose of the proposed mitigation planting is to provide for visual screening of the facility, but also to enhance biodiversity across the site. I note that the Council's Environment Section recommended that permission be granted, subject to standard conditions. The choice of native species as part of the development would help to support and provide food and suitable habitat for pollinators, birds, and other wildlife.

7.2.17. The Carlow Renewable Energy Strategy (RES) is incorporated as Appendix VI-Volume 2 of the County Development Plan. Figure 6.6 of the RES includes a map entitled 'Solar Opportunity Areas'. The purpose of the map is to identify specific areas across the County in terms of their potential for accommodating new solar farms. The mapping exercise was carried out using a constraints-based approach which had had regard to the distance from material assets, sensitive receptors, such as dwellings, European Sites, and from natural / physical features, such as groundwater vulnerability, geological heritage sites, soil drainage, landslide, and flooding susceptibility, respectively. The risk levels are shown on a scale ranging from 'Available Areas with High Risk' (shaded pink) to 'Available Areas with No Risk Identified' (shaded green). There is a further category entitled 'Excluded Areas'

(shaded white). The appeal site is located a short distance northeast of Nurney and south of Rathtoe.

7.2.18. The Planning Authority states in their reason for refusal that the proposed development, if permitted, would set an undesirable precedent for further such solar farms into this predominantly rural and agricultural/farmland landscape, and into lands which are identified as an 'excluded area' and having a 'High (Maximum) Risk' in terms of solar energy policy as referenced in the CDP and RES.

7.2.19. I should first highlight for the attention of the Commission that the explicit wording as per the CDP is not 'lands identified as having a high (maximum) risk' in the solar energy policy, but that it instead reads 'Available Areas with High Risk'. I also note that the RES states that the presence of a risk category in and of itself does not support, but neither does it preclude, solar farm development in a particular area. Rather, it is guiding policy, or mechanism, which should be used to identify areas which have a higher or lower concentration of sensitive receptors in proximity to the lands in questions. It includes, for example, consideration of sensitive landscapes, protected views, natural heritage, archaeological features, high-value agricultural land, among others.

7.2.20. As noted above, the substation is roughly 1.6km to the west of the appeal site and can provide ready access to the national grid. This short distance, together with available capacity in the substation, can facilitate certain infrastructural advantages, cost savings, and more efficient distribution of safety and monitoring systems across related facilities. The site is also situated in a part of the country where Ireland's average annual solar radiation is relatively high. This means the location of the subject site is particularly suitable for solar PV developments.

7.2.21. In reviewing the Solar Opportunity Areas map in the CDP, I note that the largest classification applying to the subject lands is 'Excluded Areas'. This accounts for roughly 45% of the overall site area. However, there is no association with any sensitive landscape constraints to indicate why this category – the most restrictive one – has been applied to the graphic. The Applicant states that the category is linked to the existing overhead powerlines which traverse the proposed eastern parcel, which would follow, in my opinion, as the excluded area closely tracks the route of the transmission lines. The excluded area is roughly 500m in width and

therefore applies to a significant expanse of the site. While there are some rural dwellings in the area, the density, proximity and regularity of these across the land and in proximity to the appeal site is not atypical for a rural countryside setting.

7.2.22. Importantly, however, there is correspondence on the file from EirGrid in response to the application of the 'Excluded Area' on the Solar Opportunity Areas map. I bring the Commission's attention back to a letter from EirGrid, which is included in the Applicant's Appeal as Appendix C, and is dated the 16th May 2025. The letter confirms that "neither EirGrid or ESBN have ever sought such an extent of exclusion zone for its overhead line infrastructure, and it is therefore unclear as to the basis of this extent in the Development Plan". It also states that "it would be unfortunate if the existence of overhead line grid infrastructure was to unduly and unnecessarily inhibit and/or otherwise constrain the sustainable development of renewable energy in the county, and indeed in Ireland in general" and that "as it stands however, the identified extent of exclusion area centred on the existing Great Island-Kellis 220kV circuit as set out in Figure 7.9 of the Carlow County Development Plan is unnecessary for its safe operation and maintenance and exceeds EirGrid's own clearance requirements".

7.2.23. I note that the Planning Authority in response states that, notwithstanding this, there are several residential properties adjacent the site's eastern parcel, and to the north, which were considered when designating the 'excluded area'. However, I consider that the site is not situated in a rural landscape which could be considered to have a particularly high concentration of residential receptors. During my physical inspection of the area, I noted that there was a small cluster of one-off houses situated off the southwestern boundary of the proposed eastern parcel (see aerial photography and related maps), but that they are setback a significant distance from the nearest solar arrays (200m to 250m approx.). In addition, several existing field boundaries and hedgerows situated between the proposed development and these residential properties would remain in situ, thereby, providing good visual relief and screening. The RES also states that in relation to constraints to solar farms, that 'proximity to housing is another factor (to consider), although solar farms have limited external impacts beyond the site boundary'.

Cumulative Effects

7.2.24. In terms of the likely cumulative effect of the project in the context of other similar developments (i.e., solar farms), in the surrounding area, I acknowledge that the wider surrounding area has been the subject of a number of solar farm planning applications in recent years, some of which are now under construction. This includes a 10-year permission for a solar farm and ancillary site works (192ha), permitted by ACP in August 2025 (ACP-322347-25), a further 10-year permission for a solar farm and ancillary site works (128ha), permitted by the PA in February 2023 (Reg. Ref. 22/163), and the Garreenleen Solar Farm (Phase 1), which was permitted by ACP in September 2021 under ABP-307891-20. An Bord Pleanála also permitted a 110Kv substation and underground grid connection in October 2022 (ABP-313139-22).

7.2.25. I further note that the Applicant has identified 21 solar farm and energy related planning permissions within 20km of the appeal site, of which 12 are solar farms. I have referred to the Applicant's EIA Screening Report in this regard and note that Section 5.3.7 of the document addresses the issue of cumulative landscape effects. The Report acknowledges that there is potential for cumulative operation phase landscape and visual impacts when considered together with the other permitted solar farms in the vicinity of the appeal. It also states however that the facility would be well-screened by existing field boundaries and that setbacks to dwellings and mitigation landscape planting have been factored into the design, such that significant cumulative impacts will not occur. The LVIA also concludes that overall, the proposed development is a suitably sited and scaled development which is heavily screened by the surrounding layers of dense vegetation.

7.2.26. I would concur with the findings of both assessments and consider that whilst the solar farm is of a relatively large scale and extent, its perceived scale would be considerably less due to its heavily screened and contained nature, and once mitigation has been factored into the assessment. The site is situated in a part of the county that is formally recognised in planning policy terms as having 'the capacity to absorb most types of development, subject to the implementation of appropriate mitigation measures'.

7.2.27. I accept the landscape in this particular part of the county is possibly being restructured incrementally, and over time, such that it is changing from a more traditional, rural-based and agricultural landscape to one that is more associated with solar farm development. However, the subject site, in my opinion, falls within a wider locality that has been identified as an 'opportunity area' for solar farms. According to the Figure 7.9 of the CDP 'Solar Opportunity Areas', the majority of the site falls within the categories 'available areas with no risk / low'. [And this is before any thought is given to the 'excluded area' associated with the OHL traversing the site being adjusted and reduced in accordance with advice provided by EirGrid.]

7.2.28. I note these categories are relatively widespread in this particular part of Carlow, thus, signifying that the emergence of new solar farms in this particular area is not a haphazard pattern of development. Rather, it is product of a plan-led approach adopted by the Council through their County Development Plan and Renewable Energy Strategy. When viewed as a whole, it is clear to me that only a relatively limited and focussed part of the county has been designated in the same way as the appeal site and its surrounds. That is to say, it is mainly the central and northern parts of the county, with a small section in the west, which have been identified as 'available areas with no risk / low' attached, with the remainder primarily made up of areas which are of 'medium' or 'high' risk.

7.2.29. It therefore follows that this type of physical change in the landscape, both in and around the appeal site, has been envisaged in policy terms to occur over time in the way in which it has done so, and is seemingly continuing to do. I reiterate that the site is not subject to any formal landscape constraints, protected views or vistas, on elevated lands, ridges or high points, or next to dense population centres, and this has undoubtedly been factored in as part of the Planning Authority's policy stance for new solar farm developments in the county.

7.2.30. In relation to the issue of precedent, the Commission will be also aware that each individual case must be decided on its own merits. It must be assessed in its specific context, having regard to its material considerations, including its relationship with its surrounding environs and against the relevant policies of the County Development Plan, and other applicable planning policy.

7.2.31. In that respect, and on balance, I do not consider that the likely residual landscape and visual impacts, which are limited to between 'slight' and 'imperceptible', in any case, would outweigh the benefits of bringing forward a new solar farm development in the area. The development would clearly and positively contribute to the achievement of Ireland's climate targets, the transformation to a high-renewable, net-zero emissions future, and would not result in a disproportionate negative impact on the residential amenities of the receiving environment, in my opinion.

7.2.32. In conclusion, I consider that the proposed development is in accordance with the provisions of the Carlow County Development Plan 2022-2028, including Policy Objectives LA P1, LA P2, LA P3, LA P4, LA P6, and LA P11, respectively, the Landscape Character Assessment for the County, the Carlow Renewable Energy Strategy, and relevant European, national and regional policy.

7.3. **Amenity and Roads**

7.3.1. The Planning Authority's second reason for refusal is that in having regard to the scale and nature of the proposed development, including its layout and design, and proximity to dwellings and to local roads (L-7111 and L-7113), it would have a significant and overbearing visual impact. The reason also states that the proposal would seriously injure the residential amenities of adjoining and nearby properties and, therefore, would be contrary to the provisions of the Carlow County Development Plan 2022-2028. [The reason for refusal does not cite any policies or objectives from the CDP.]

7.3.2. In relation to the sensitive receptors to the north and east of the site, I note that the Council's the Renewable Energy Strategy states that a 25m setback distance around all dwellings should be provided for as 'excluded areas' around solar farm panels. These setbacks have been incorporated as part of the application, and in some cases have been exceeded. I note that in response to the Council's further information request, the Applicant prepared a revised scheme layout, which included increased offsets from surrounding dwellings, most notably for residential properties along the L-7111 (north of Viewpoint 5(VP5)) and L-7113 at the north and east boundaries of the site. [The nearest proposed Solar Fields in this regard are Nos. 11 and 16, which are adjacent the L-7111 and L-7113, respectively.]

7.3.3. The development has not therefore adopted a general or common offset from sensitive receptors in the area. The approach taken by the Applicant and the design team follows a more tailored approach than that. Instead, each residential property has been assessed on a case-by-case basis, taking into account the particular merits and circumstances arising.

7.3.4. The juxtaposition between the two aforementioned properties and the proposed development is somewhat unique in this case in that each respective solar field runs alongside the side boundary of each property before then 'tucking in' slightly behind each house. As noted above, I spent some time inspecting these properties whilst visiting the site, both from closeup and longer distance perspectives, and have taken careful note of where the new solar panels would be placed on the land.

7.3.5. In this regard, I note that the Applicant increased the setback distances from these properties to a minimum of 50m between the nearest property boundary and proposed solar panel. This is shown on the relevant drawings, submitted as FI, which include Site Layout Plan - Sheet 10 of 12 (7204- PL-DR-111) and Site Layout Plan - Sheet 3 of 12 (7204- PL-DR-104), respectively. The proposed development is therefore in accordance with Council's RES policy, which requires a 25m setback distance around dwellings to function as an exclusion area, but is also cognisant of the particular characteristics associated with the site's receiving environment in these locations, such that the setbacks have been extended, and appropriately so, in my opinion,

7.3.6. In addition to this, the proposal includes further extensive landscaping and planting along these sensitive interfaces. This is shown on the revised landscaping strategy and 'RFI Photomontages' submitted to the Planning Authority as further information (dated March 2025), and also the accompanying 'landscape response' letter from Macroworks (dated June 2025). The existing hedgerow along this interface will be supplemented with additional planting and encouraged to grow out. The proposed perimeter fencing is to be positioned inside the hedgerows and therefore would not be readily visible. This is clear from inspecting the relevant plans, drawings and photomontages, respectively. I have therefore examined and considered the potential for impact along the L-7111 and L-7113 and consider that the proposed development would not have a disproportionate, negative impact on residential

amenity and that it is in accordance with the provisions of the Development Plan, including Policy LA. P2.

7.3.7. Furthermore, the application makes provision for agricultural to still happen on the subject lands during the operational stage of the project. This would be in the form of sheep grazing, which will also help to the grassland habitat across the site. The proposal is therefore in accordance with Policy SE. P2 of the CDP, which is to favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multipurpose land use.

7.3.8. In conclusion, I consider that the proposed development would not have a significant and overbearing visual impact on dwellings or local roads in the area, that it would not seriously injure the residential amenities of adjoining and nearby properties, or be against the provisions of the Carlow County Development Plan 2022-2028. The proposed development, as a renewable energy project, is also of overriding public importance, as identified by relevant European directives and national policy.

7.4. Material Contravention

7.4.1. I note that the Council's Decision to refuse permission states that the proposed development would materially contravene policies, objectives, and related provisions in the Carlow County Development Plan 2022-2028 including Policies LA P1, LA P2, LA P3, LA P4, LA P6, and LA P11, the 'County Carlow Landscape Character Assessment and Schedule of Protected Views', solar energy policy including the County Renewable Energy Strategy.

7.4.2. Notwithstanding my conclusions above, where I have found that the proposal would be consistent with these provisions – see Section 7.2 of my report – I note that Section 37(2) of the Planning and Development Act 2000, (as amended), empowers the Commission to grant permission even if a proposed development contravenes materially the development plan. Section 37(2) states that the Commission may only grant permission, where it considers that one of the following circumstances of Section 37(2)(b) apply. This includes:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

(i) Strategic or National Importance

7.4.3. Under European, national and regional policy, Ireland has binding targets in relation to the delivery of renewable energy, including for the delivery of renewable energy development, such as solar farms. My report under Section 5.0 cites the relevant policy context in this regard. Section 7.1 'Land Use' outlines how the proposed development would be consistent with this policy position.

7.4.4. At a national level, a targeted delivery of 8GW of solar energy has been set for the country to achieve by 2030. This objective is included in the Climate Action Plan (2024 and 2025), and is reiterated in the Programme for Government (2025). Ireland also has a binding renewable energy target of 42.5% as per the Renewable Energy Directive (RED III), and the first two carbon budgets prepared in accordance with the Climate Action and Low Carbon Development Act 2015 (as amended), commits to reducing emission by 51% over 12 years to the end of 2030.

7.4.5. The Regional Spatial and Economic Strategy (RSES) for Southern Region, 2020 – 2032 (RSES) acknowledges the importance of renewable energy expansion at a regional level. The RSES highlights the urgency to transition to a low carbon energy future and aims to accelerate the transition towards a low carbon economy. I consider RPO's 87 and 96 particularly relevant as they seek *inter alia* to reduce GHG emissions in accordance with national targets and to support the country's electricity and gas network grid infrastructure to ensure national and regional energy systems remain safe and secure, respectively.

7.4.6. In conclusion, I am satisfied that the proposed development is of a scale (63MW over a site of approximately 119ha) that it can be considered to qualify as a project of national importance. Its delivery would make a significant contribution to reducing

carbon emissions, achieving national targets in terms of renewable energy production and assist the country in meeting an increased demand for energy as the economy continues to grow. Therefore, I consider that the proposed development would satisfy the requirements of Section 37(2)(i) of the Planning and Development Act 2000 (as amended).

(ii) Conflicting Objectives

7.4.7. As noted in Section 5.1 of my report above, I consider the proposed development is consistent with Policies LA P1, LA P2, LA P3, LA P4, LA P6, and LA P11 of the Carlow County Development Plan, and that there are no conflicting policies, objectives, or any other provisions in respect of the Development Plan.

(iii) Regional Spatial and Economic Strategy for the Area

7.4.8. I note that CAP24 and CAP25 set out clear targets which support the production of renewable energy installations, including solar farms. This is directly supported by the NPF and RSES. The RSES identifies the pronounced need to decarbonise the southern region of the country and, specifically in respect of electricity, states achieving national and EU targets will require investment in measures to develop alternative renewable energies with greater interconnection to energy resources.

7.4.9. RPO 100 is to support the integration of indigenous renewable energy production and grid injection. Ireland has a binding target to increase its share of electricity generated from renewable sources to 80% by 2030 and is currently unlikely to meet its target of 8GW derived from solar energy. I also note that planning authorities and ACP are required to consider their obligations under Regulation (EU) 2022/2577 and RED III. This includes prioritising renewable energy projects, when balancing competing interests, and to use evaluative judgement and discretionary powers in a manner consistent with the Climate Action Plan 2024, as required by Section 15 of the Climate Act.

7.4.10. Other RPO's which are relevant in the assessment of this case include RPO 219, which is to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers, and RPO 221, which amongst other things, seeks to support the southern region as a Carbon Neutral Energy Region. I consider that the proposed development would assist in helping to achieve both of these objectives.

7.4.11. In having regard to this, and also to Sections 5.2 ('Regional Policy') and 7.1 ('Land Use') of my report above, I am satisfied that permission for the proposed development can be granted based upon the relevant policy of the government, including the Regional Spatial and Economic Strategy (RSES) for Southern Region, 2020 – 2032 (RSES).

(iv) Pattern of Development, and Permissions Granted, in the area since the making of the Development Plan

7.4.12. There have been several planning applications for solar farm developments in the surrounding area. Many of these have been granted planning permission since the making of the Carlow County Development Plan 2022-2028. These are identified in Section 4.0 'Planning History' of my report above, and include ACP-322347-25, ABP-313139-22, and Reg. Ref. 22/163, respectively.

7.4.13. I also note that the Planning Authority references further applications for solar farm developments in the vicinity of the site in the Planner's Report. These are situated in the northern part of the county within roughly 10km north of the subject site. As noted above, I consider that the presence of other permitted, under-construction and existing solar farms in the vicinity provide affirmation of the general suitability of the area for these types of development. This is borne out by a low prevalence of sensitive land uses, an absence of protected views and vistas, a reduced potential for visual and landscape impacts, and proximity to the national grid, as well as other practical advantages. The receiving environment is also devoid of any designated aesthetic attributes which would contribute to the quality of the County's landscape.

7.4.14. The CDP under Tables 9.3 and 9.4 list a series of views, prospects and scenic routes to and from mountains, hills, river valleys and river corridors, and views of historical or cultural value (including buildings and townscapes) and views of natural beauty. However, I note that none of these are in proximity to the appeal site and would not, therefore, be affected by the proposed development.

7.4.15. The pattern of development in the surrounding area is therefore plan-led and in accordance with the Council's local planning policy in relation to climate action and energy (Chapter 7), landscape and green infrastructure (Chapter 9), rural development (Chapter 14), and also the Carlow Renewable Energy Strategy.

7.5. **Other Issues**

Noise, Light and Dust Emissions

7.5.1. I note the concerns raised by third parties regarding potential impacts due to noise and light pollution, particularly for the construction phase. Concerns are also raised in relation to dust generation during onsite works, including from heavy vehicles using the local road network and passing by nearby residential properties. Section 16.12.2 of the County Development Plan is in relation to 'Energy Development Projects'. It states that proposals should demonstrate that human health has been considered, including in relation to noise and air quality.

7.5.2. The application is accompanied by a Noise Impact Assessment (NIA) (completed by Irwin Carr Consulting, dated 29th August 2024). The assessment considers the potential impacts of noise generated during the construction and operational phases of the proposed development on nearby noise sensitive locations (NSLs) / residential properties. The subject site and the noise monitoring locations used to inform the noise survey are set out in Appendix A of the report. The locations are referred to as Noise Monitoring Locations 1 and 2, respectively, and I consider that the selected locations would be appropriate and representative of the existing noise environment for the vicinity.

7.5.3. The NIA sets out a series of mitigation measures and protocols, as appropriate, to control and reduce noise levels. This is so that the proposal is in accordance with the relevant industry standards, including the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites (BS 5228- 1:2014)' and the EPA 'Guidance Note for Noise: Licence Application, Survey and Assessments in relation to Scheduled Activities (NG4)'.

7.5.4. The NIA states that noise generated by the proposal would not be significant, or exceed the relevant threshold limits, for either the construction or operational phases. However, a range of mitigation measures are proposed to in order to minimise noise disturbance during the works stage. This includes undertaking the works during standard construction hours, using quieter construction methods (where required), fitting mufflers to various equipment and plant, and utilising haulage routes as far away as possible from residential receivers. In relation to haulage routes, I note that Section 3.10.1 of the Applicant's CEMP identifies that

HGV vehicles will access the site from existing junctions on the N80 and N81 National Secondary Road Junctions via the local road network. The CEMP recognises that the previously permitted Garreenleen Phase 1 Solar Farm (ABP-307891-20) is adjacent to the site to the west and that the construction haul route would follow the same route as for Garreenleen Phase 1 – which was agreed at pre-planning with Carlow County Council. [Figure 3.3 provide a graphic illustration of the proposed construction haul route for HGV vehicles.]

7.5.5. Furthermore, the Council's Transportation / Roads Department had no objection to the proposal, subject to conditions, which are mainly standard in nature. This department observed that the construction period for the project would be for a limited period only, and the traffic impacts thereafter would be limited, albeit that residents in this rural area are not used to these comparatively higher traffic volumes.

7.5.6. I note that the anticipated number of HGV movements will average approximately 6 per day (or 12 return trips) during the construction phase for the delivery of materials. The total number of construction staff onsite may vary during the works, but this also would be low, in my opinion, as it is expected to peak at approximately 20 persons. [A summary of the predicted indicative traffic estimates for the construction phase of is set out under Table 12.2 of the Applicant's Planning Report.]

7.5.7. I note that the operational phase will also generate low volumes of traffic on the public road network. The Applicant confirms that the solar farm will be unmanned and monitored remotely using CCTV surveillance, which is normal practice for such facilities. The development would therefore mainly only generate trips associated with routine electrical and grounds maintenance and other similar types of repair visits. This is estimated at approximately 5-10 Light Goods Vehicles (LGVs) trips per month, with additional visits, when necessary, required for remedial events. the potential for noise, light or dust emission impacts associated with the predicted traffic volumes for the development is therefore unlikely to be significant, in my opinion.

7.5.8. I also note that the application has incorporated a 200m buffer distance between inverter combiner kiosk / transformers and dwellings as part of its design and layout. This will have the effect of reducing noise levels during the operational phase for the facility. Also, during the operational stage, I note that the facility will have no

perimeter lighting and that maintenance and essential repair works will most likely occur during daylight hours. The form of lighting would be internal lighting and switched on only as required. Therefore, there is no outside lighting required for the solar farm post construction.

7.5.9. For the construction phase, however, lighting will likely be required for safety and security purposes. I consider that the mitigation measures proposed would be adequate, however, in reducing light trespass offsite to an acceptable level and that the impact of construction-related light pollution and/or glare would be minimised. I do not consider that the preparation of a specific lighting design should therefore be made a requirement if the Commission is minded to grant permission. Any temporary lighting used during the construction phase should be required to be turned off at night however and directed away from hedgerows, treelines and residential properties to reduce light spill on sensitive areas. This can be readily conditioned. I note that there will be no perimeter lighting and the inverter combiner kiosk/transformers would require minimal lighting. There will be lighting inside the facility containers but solely for maintenance purposes only.

7.5.10. The CEMP also includes mitigation to suppress dust emissions for during the construction phase. This includes truck spraying and hosing down of construction related vehicles during dry periods, for delivery vehicles to be covered when transporting materials to and from the site, such as crushed rock and sand, and to avoid any dust generating activities during windy conditions. No dust is expected to be generated during the operational phase as there would be limited activity onsite and as traffic movements are predicted to low, as referenced above.

7.5.11. Having regard to the above, I am satisfied that the application has successfully addressed issues relating to noise, light and dust, and the proposed solar farm would not lead to any unacceptable adverse impacts on the amenity of the receiving environment, including that of residential property in the area.

Watercourses

Policy and River Catchment

7.5.12. I note the third party concerns in relation to potential impact on receiving watercourses and waterbodies in the area. In this regard, I note that the County Development Plan requires adequate surface water drainage systems to be in place

to meet the requirements of the Water Framework Directive and the River Basin Management Plan (Policy SW P1) and to ensure that as an alternative to underground tanks and piped outfalls to watercourses that developments should incorporate SuDS measures and promote the use of green infrastructure for surface water retention purposes (Policy SW P2). The appropriate maintenance of drainage infrastructure to avoid flood risk is also a policy requirement (Policy SW P3). I note that the Applicant has had regard to these policies in developing their drainage response, and in addressing the potential for flood risk onsite and on other lands in the vicinity.

7.5.13. The majority of the site falls within River Slaney catchment and the land drains into two existing tributary streams; the Emilcon and Ardbearn & Torman streams, respectively. The Emilcon flows in a southeast direction through the eastern part of the site, while the Ardbearn and Torman flows towards the southeast at a location immediately east of the site's western parcel. Both watercourses meet at the southernmost point of the site and then flow eastwards before meeting the Douglas River. The Douglas continues in an eastwards direction before entering the River Slaney, approximately 3km downstream.

7.5.14. I consider that the main risk to watercourses is during the construction phase of the project. I have reviewed the Applicant's CEMP in this regard and note that several mitigation measures have been incorporated as part of the development, including through design and the application of other protocols. Section 3 of the CEMP sets out the environmental strategy for the construction stage of the project. Section 3.2 is specifically in relation to surface water management.

7.5.15. I consider that some of the main mitigation measures include making provision for a geotextile base and support silt fencing to the construction compound on any downslope edges to watercourses and drains. The compounds will be upgraded with hardcore, which will be removed once works are complete and the ground surface reinstated and seeded for solar panel use. Stockpiles of soil will be stored well away from the watercourses on the site and ringed with silt fences, as appropriate. The contractor will carry out environmental awareness training as part of the site inductions for all staff. An Ecological Clerk of Works (ECoW) will be appointed as part of the environmental team for the duration of the works phase.

7.5.16. The CEMP confirms that the site drainage system will be constructed during dry periods only so that there would be minimal surface water run-off. This would help to reduce the risk of entrainment of suspended sediment in surface water run-off which could ultimately end up in streams, drains or other pathways leading to surface watercourses. Soil stripping will be confined strictly to the footprint of the infrastructural elements within the site (i.e. limited to the minimum required) and appropriate site management measures will be undertaken to ensure that runoff is not contaminated by fuel, sewage or lubricant spillages.

7.5.17. Temporary, portable toilets will be provided during the construction stage and wastewater will be transported offsite via tanker by a licenced waste provider. However, when operational, I note that no welfare facilities will be required by the facility. Also, during the operational phase, I note that the volume of surface water run-off from the site is predicted to be relatively small and that the drainage system has been designed to minimise loss of surface water. This will be achieved by encouraging percolation to ground and the application of nature-based solutions to slow the flow of water offsite. The design and layout of solar arrays will enable the grassland under the panels to recreate natural percolation rates. The facility will also use attenuation measures (basins) to treat and attenuate water before discharging offsite. Importantly, I note that discharge will also be maintained at greenfield / baseline rates, and the proposed development will not increase the risk of flooding elsewhere in the catchment.

IFI Submission

7.5.18. I note the submission from Inland Fisheries Ireland (IFI) to the Planning Authority (dated 5th November 2024). The submission states that there is a concern regarding the Applicant's AA assessment screening undertaken for this site as there was no reference to the populations of salmon or lamprey likely to reside within these streams flowing through the subject site. The submission also states that the Douglas River system has been subject to a recent drainage plan which involved the over-widening and deepening of some sections of channels which resulted in the loss of salmon spawning and related nursery habitats. IFI go on to say that they would welcome habitat restoration of these streams as an environmental feature to be provided as part of the proposed development.

7.5.19. I note that the Applicant provided a detailed response to the IFI submission entitled 'Response to Inland Fisheries Ireland Submission'. The report was issued to the Planning Authority and dated June 2025. It confirms that the measures identified by IFI to improve the habitat value of the Emilcon Stream include the placement of gravel, construction of deflectors, and pool scouring. These methods are used in rivers to improve damaged or degraded river habitats. They are designed to mimic natural processes found in flowing water by introducing meanders and variations in the flow and strength of a river. This, in turn provides a mix of shallow, deep, fast and slow pools whereby fish of different sizes and species can find appropriate niches and places to rest and potentially spawn, thus, allowing supporting biodiversity.

7.5.20. Figure 2 of the Applicant's report identifies the location for where these measures would be incorporated as part of the development. It involves the section of the Emilcon Stream which traverses the southern part of the site (see aerial photograph on Page 4). The Applicant confirms that the measures outlined above can be incorporated as part of the project and would be in addition to the significant biodiversity and habitat enhancement measures which have already been proposed in the original version of the application, as referenced in the EcIA, WEA, CEMP, NIS and Planning Report.

7.5.21. The 'Response to Inland Fisheries Ireland Submission' document also references measures which address other concerns noted by IFI; including in relation to preventing suspended solids entering watercourses; the prohibition of removing vegetation from within the 10m buffer zones along rivers; procedures to follow for horizontal directional drilling across river crossings; an agreed protocol for cable construction works crossing drains or groundwater; that any instream works do not take place without prior consultation with IFI; and that fuels, oils, greases and hydraulic fluids must be adequately bunded and within specified, dedicated storage areas.

Water Environment Assessment

7.5.22. The Applicant has also completed a Water Environment Assessment (WEA), prepared by McCloy Consulting (Water and Environment Consultants). The WEA provides a review and assessment of the proposed development against the Water

Framework Directive (WFD) and surface water catchments draining the area within and around the appeal site.

7.5.23. McCloy Consulting are an independent environmental consultancy specialising in the water environment and I am satisfied that they have adequate specialist knowledge of hydrological and hydrogeological assessments, sustainable drainage systems (SuDS), drainage, river modelling and flood risk assessment required to complete this assessment. Section 1.2 of the WEA provides a 'Statement of Authority' which outlines the details of the report authors and those primarily responsible for undertaking the assessment.

7.5.24. The WEA concludes that based on the characteristics of the project, including the proposed drainage system and mitigation measures, the development would not result in any effect on surface or groundwater bodies, the deterioration of the status of any waterbody, or jeopardise the attainment of a 'Good' WFD status. Section 10 and Appendix E below of my report provide further details and assessment against the WFD.

7.5.25. In conclusion, I am satisfied that with the inclusion of specific mitigation measures, protocols and procedures, including good construction practice, that the proposed development would not have any unacceptable or significant adverse effects on the receiving water environment.

Glint and Glare

7.5.26. The application has properly addressed the issue of glint and glare, in my opinion, and I note that a detailed Glint and Glare Assessment (GGA) is included in the original version of the planning application (under Appendix I). The GGA is on the file, and I have had regard to it as part of my assessment.

7.5.27. The GGA has determined the potential for solar panel reflectance on dwellings and roads in the area. I note that the study area encompasses an area which expands 1km outwards from the appeal site and, therefore, is not only confined to the subject site and its directly adjoining lands. However, the potential for nuisance or hazardous impacts are greatest in proximity to the source of reflectance and reduces with increased distances outwards from the site.

7.5.28. The GGA confirms that the N80 (National Route) was identified at an early stage of the process as a key receptor. The N80 is situated in the southeastern part of the study area, and I note that the assessment found that there would be limited potential for reflectance along this route, despite third party concerns to the contrary. The N80 is roughly 850 / 900m south of the nearest solar panel array and, therefore, is a significant distance away from the site. There would also be significant amounts of screening, intervening vegetation, and changes in topography which would reduce the likelihood of reflectance posing an issue. No significant nuisance effects would be incurred by other local roads in the area.

7.5.29. I note that the GGA has also assessed all dwellings within 1km of the subject site and that the analysis undertaken is based on their location, height and orientation in relation to the proposed solar farm facility. A total of 122 dwellings were examined for potential negative effects relating to glint and glare and the vast majority of these were found to experience no potential for impact once post mitigation and screening were considered (Table 3.2 of the GAA refers).

7.5.30. I note that eleven houses may potentially experience some level of impact. Each of these are further examined under Section 3.4.3 of the report, and include Receptor ID's H12, H15, H17, H22, H23, H45, H55, H82, H93, H94, and H96 respectively. However, I note that once the proposed mitigation screen planting is fully established, and the time and duration of potential impacts on each dwelling are taken into account, the residual magnitude of effects for each residential house are largely confined to negligible, very low, low or medium-low. The assessment therefore concludes that potential for glint and glare impacts is at the 'medium 'to 'lower' end of the spectrum (i.e. ranging between 'Medium-Low' and 'Negligible'). This reason for such limited impacts is also partly due to the solar panels not having any highly reflective surfaces or materials included as part of their design.

7.5.31. Whilst not a concern raised by third parties, or any prescribed authority, I note that the potential for hazardous effects upon aviation activities was also considered by the GGA. However, no relevant aviation receptors were identified and thus such receptors were scoped out in terms of requiring further consideration.

7.5.32. In conclusion, I am satisfied that that the proposed development would not lead to any unacceptable nuisance, or hazardous effects, being incurred by the surrounding vicinity in terms of glint or glare as a result of the proposed development.

Biodiversity

7.5.33. The third party observations to ACP raise concerns in relation to potential negative effects on wildlife and biodiversity in the area, particularly during the construction phase. I note that a particular concern is regarding impact on snipe, which is a red-listed species in Ireland due to a severe decline in its breeding population. This is mainly a result of habitat loss from drainage and afforestation of wetlands and moorlands.

7.5.34. The application is accompanied by an Ecological Impact Assessment (EcIA), which was prepared by BioSphere Environmental Services Ltd (dated 13th August 2024). The EcIA sets out a detailed methodology (Section 2) for undertaking the assessment, which included a desk review, site visits, and various survey work / fieldwork. The report notes that the site is predominantly agricultural, and the grassland is generally 'improved grassland (GA1)', with localised areas of wet grassland, hedgerows, drainage ditches, treelines, and other habitats. The site is largely surrounded by active agricultural land, although there is a small area of commercial forestry adjoining the subject lands to the southeast.

7.5.35. The EcIA provides an assessment of mammals (including otter, badger, and bats), amphibians and reptiles, birds (including snipe), marsh fritillary (butterfly) and designated sites for nature conservation. It sets out a review of the potential impacts and assessment of effects associated with the proposed development, mitigation measures, cumulative effects, and residual effects (post mitigation), respectively.

Birds

7.5.36. The EcIA confirms that site surveys were carried in April and May 2024 representing early-season and mid-season times, respectively, with summer migrant species present in each case. I note that a range of bird species were found on the site and several of these are on the Amber list, including goldcrest, skylark, swallow, house martin, willow warbler, starling and house sparrow. Kestrel (Red-list) hunts on site, while one to two pairs of buzzard breed within site or in its immediate vicinity. The

EcIA states that there was evidence of breeding by snipe in the wet grassland/marsh area in the southern section of the site.

7.5.37. I consider that the main impact on birds would be through the potential loss of the wet marshy tract of land on the site. This particular habitat is within proposed Field 14 and the EcIA confirms that it supports breeding snipe. As noted above, snipe is a red-listed species and it is possible that it could potentially abandon the local area in at least the short-term on foot of the development proposal proceeding. The EcIA states that based on the high conservation status of snipe, the predicted effect on this species is rated as 'significant at a local level'. Therefore, during the construction phase, the Applicant is proposing measures to avoid disturbance to breeding snipe during the active phase.

7.5.38. The EcIA goes on to say that no works will take place within Area 14 during the breeding season from March to August, inclusive, until it can be shown by an experienced ornithologist that breeding activity has been completed. There is also a prohibition on hedge cutting and vegetation destruction during this time under the Wildlife Act 1976. The Act seeks to protect nesting birds in this way and, I note, any deviation from this can incur serious penalties. I am satisfied that this mitigation measure will help to ensure that the construction works would not have an adverse disturbance effect on a species of conservation importance.

7.5.39. In relation to other nesting bird species, I note that the removal of trees and/or hedgerows, as well as wet grassland and marsh vegetation which could support ground nesting birds, will be required to be done outside of the restricted period so as to comply with Section 46 of the Wildlife (Amendment) Act 2000).

Otter

7.5.40. The survey work undertaken as part of the EcIA found no evidence of otters within the subject lands. It is noted that there are several drains on the site which ultimately link to the River Slaney and that they provide access to otters in the southern section of the site. However, there were no otter spraints or paw prints found or recorded, along these drains. Crossing points along the drains were found, but the EcIA notes that these were most likely associated with badger movement.

Badger

7.5.41. Four badger setts were identified during the fieldwork exercise. All setts are subsidiary setts meaning they are more akin to secondary badger homes, distinct from the main sett, and situated further away from the badger's main territory. Subsidiary setts are often associated with more moderate activity and have fewer entrances than the main sett. Badger tracks were evident along much of the hedgerow, but less badger activity was found in fields accommodating sheep.

7.5.42. The EcIA confirms that appropriate mitigation measures will be implemented to protect badgers, and badger setts, from potential disturbance during the construction phase. This includes a requirement for the appointed site contractor to maintain a 30m buffer zone around the identified setts. The relevant areas will be clearly marked by a pole and hazard tape fence system for the duration of the works phase. No excavations or heavy plant will be permitted to enter into these zones during this time. Furthermore, I note that the fencing around the site will be raised off the ground by 200mm to facilitate badger and mammal access.

Bats

7.5.43. No bat roosts were identified during fieldwork. However, the EcIA confirms that considerable bat activity and bat passings were recorded in some areas on the site, including mature tree stands, streams, culverts, and within the roofed ruined house situated in the northern part of the subject lands.

7.5.44. The mitigation measures set out in the EcIA includes for all trees proposed for removal or surgery to be checked by a bat specialist, prior to felling or cutting. If bats are present, additional measures to mitigate the loss of a roost shall be implemented. The EcIA also confirms that all bat species on the site would be likely to retain a presence during the operational phase of the solar farm.

Habitats & Flora

7.5.45. The subject lands are situated within a landscape that is dominated by intensive agriculture practices. The main natural or semi-natural habitats are therefore associated with field boundaries (hedgerows/treelines) and streams, and wet/marshy ground.

7.5.46. The EcIA states that the proposed development would not affect any protected species of flora or plant species on the red list. Furthermore, I note that the River Slaney corridor as a designated SAC is the main ecological feature associated with the wider area. The issue of Appropriate Assessment and potential adverse effects on the integrity of this designated site is examined in further detail under Section 9.0 and Appendices A and B of my report.

Conclusion

7.5.47. In summary, I am satisfied that the application provides sufficient information in relation to the issue of biodiversity and that the Ecological Impact Assessment has been prepared by suitably qualified professionals, and in accordance with the relevant guidance. I further note that neither the Planning Authority, nor any prescribed authorities, raised any concerns in relation to the proposal regarding biodiversity.

7.5.48. Furthermore, and given the location and setting of the site within an area that is primarily improved agricultural grassland and tilled / arable lands, with a small area of commercial forestry adjoining its southeastern boundary, and taking into account the proposed mitigation measures and other protocols outlined in the EcIA and CEMP, I am satisfied that no significant impacts on biodiversity are likely to occur on foot of the proposed development. I also note that the Biodiversity Enhancement and Management Plan (BEMP) prepared as part of the application would help to preserve and enhance a similar area of wet grassland/marsh which would otherwise be lost due to the construction of the facility (see Appendix 3 of the EcIA).

7.5.49. In conclusion, I consider that the likely impact on biodiversity is therefore acceptable in this case, subject to condition(s) requiring the implementation of the mitigation measures set out in the relevant application documentation.

<u>National Roads (TII Submission)</u>

7.5.50. I note the submission from Transport Infrastructure Ireland (TII) to the Planning Authority, which is dated the 3rd July 2025. The submission is post receipt of further information from the Applicant. It states that in the case of the subject application, the Authority will rely on Carlow County Council 'to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)'.

7.5.51. As noted above, the Council's Transportation Department raised no objection to the proposed development, subject to conditions. This includes that all cables must be below structures and culverts, that such infrastructure must not run through, or within, the carriageway over a bridge or culvert structures, and be directionally drilled under any rivers or watercourses and away from structures. I note that the Council's Transportation Department also acknowledged that residents in this rural area would experience disruption due to increased traffic on the public road network, but that the construction period is for a limited period, and traffic impacts thereafter would not be excessive.

7.5.52. I note that TII expressed a concern in their submission regarding the current version of the Applicant's CEMP in relation to certain operational issues. I note that the proposed site access is from the local road network. It does not involve any national routes. Nonetheless, TII states that there are a number of issues which should be resolved as part of an updated Construction Environmental Management Plan (CEMP). Therefore, in the event the Commission decides to grant permission, I recommend that consideration be given to the inclusion of a condition requiring a revised (final) CEMP to be prepared and agreed in writing with the Planning Authority, prior to the commencement of construction.

Property Values

7.5.53. In relation to third party concerns that property values may potentially be affected due to the proposed development, I consider that such issues are not a material consideration in the assessment of this appeal case. I do not consider there is any evidence on the file to indicate that an appropriately designed and operated solar farm would negatively affect the land values of property in the surrounding vicinity.

7.5.54. It is my opinion that the proposed development entails a positive, long-term use of the land which is appropriate for this particular use (i.e., a renewable energy facility). It is generally free from environmental constraints, such as flooding, whilst simultaneously being able to contribute to the country's climate and renewable energy objectives.

7.5.55. In summary, and in having regard to the provisions of Carlow County Development Plan 2022-2028, the physical characteristics of the site, including its designated status as 'Central Lowlands' (Landscape Character Area) – which has the capacity

to absorb most types of development, subject to the implementation of appropriate mitigation measures – and the general absence of sensitive uses in proximity to the site, I consider that the proposal is appropriate in terms of its location, setting, and receiving context.

Archaeology

7.5.56. I note the submission to the Planning Authority by the Department for Housing, Local Government and Heritage (Archaeology). The submission confirms that the Department has reviewed the Archaeological Geophysical Survey and Archaeological Impact Assessment (AIA) submitted in support of the application. It states that the Department also notes that three previously unrecorded areas of 'archaeological significance' were identified during the survey and that five further areas of possible 'archaeological significance' are also present.

7.5.57. The Department states that there is a level of flexibility in design and layout for largescale solar developments and that potential for negative impacts on areas of identified archaeology may be mitigated by avoidance in design and/or adaptation of construction methodology. I further note that the Department broadly concurs with the recommended mitigation measures as set out in the Applicant's AIA (Section 6) and recommends that these be included as a condition of any grant of permission that may issue.

7.5.58. The Department also recommends that archaeological test excavations be required to fully establish the nature and extent of areas of archaeology that cannot be avoided through design. They also agree with the findings of the AIA that test trenching should be undertaken to adequately inform the extent of potential archaeological buffer zones, or work exclusion zones, within the site, in advance of commencing works.

7.5.59. Having regard to the above, I am satisfied that issues pertaining to archaeology, and potential for archaeological features on the site, can be addressed by way of condition and through adherence to the mitigation measures outlined in the Applicant's AIA.

Project Splitting (EIA)

7.5.60. It is submitted by an observer that the proposed development is 'project splitting' from an EIAR perspective – the argument being that as there are other solar farms in the area which, when considered cumulatively, would require the subject application to be accompanied by a full EIAR.

7.5.61. However, I note that the construction of a solar farm is not a specified class of development in either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Therefore, the issue of project splitting does not arise in terms of the solar farm component of the planning application.

7.5.62. I note that 'rural restructuring' is listed as development for the purposes of EIA under the heading of Agriculture, Silviculture and Aquaculture, Class 1 of Part 2 of Schedule 5 and that some sections of hedgerow are proposed to be removed as part of the development proposal. However, the regulations do not apply in this case as the works are not expected to give rise to significant environmental effects and are well below the relevant thresholds. The full length of field boundary (hedgerows) to be removed is c. 106m and is required in small sections only to facilitate site access. This is well below the 4km threshold specified in the Regs. No re-contouring of the land of any note is required to facilitate the works.

7.5.63. The proposed development includes the laying of gravel access tracks to provide access for construction reasons and to facilitate future maintenance and repair works. Therefore, the project is considered as it relates to Class 10: Infrastructure projects (dd) *"all private roads which would exceed 2000 metres in length".* I note that there is a clear distinction between 'access tracks' and 'roads' for the purposes of the EIA Directive, however, and that the Directive only applies to the latter (i.e., private roads). It is not therefore considered that the proposed internal access tracks would constitute a private road in EIA terms.

7.5.64. I conclude that the issue of project splitting does not arise in this case.

Fire Safety and Emergency

7.5.65. In terms of fire safety and emergency, I note that the planning application is accompanied by a Fire Risk Assessment. This issue was raised by the Planning

Authority during pre-planning consultation, and I consider that the Applicant has proactively engaged with this issue. I note however that there would be no buildings onsite and that the Building Control Acts 1990 to 2014 in relation to Fire Safety Certificate(s) and Disabled Access Certificate(s) do not therefore apply in this case (i.e., no fire cert is required).

7.5.66. Table 8.2 of the Planning and Environmental Report, however, addresses several other relevant topics in this respect, including in relation to fire safety for battery storage facilities, the potential need for automatic fire detection systems and alarms, fire safety for surrounding land, including vegetation and trees, provision of buffer zones from overhead powerlines, and adequate vehicular access, together with access to water for firefighting. The responses provided in this table (8.2) are acceptable, in my opinion, and demonstrate that the risk of fire and related emergencies have been properly addressed.

7.5.67. I further note that the Applicant has confirmed that an Emergency Response Plan (ERP) will be in place during the operational phase of the development. This will include *inter alia* emergency response procedures in the event of a fire occurring onsite. The ERP would be activated in the event of an emergency taking place, such as an accident, fire, etc. and include details of the personnel required to be notified as well as access to first aid facilities and hospitals. The ERP will also list the contact names and details of the relevant local authorities, including ambulance, fire brigade, An Garda Siochána and the HSA.

7.5.68. The proposed development has been assessed by the Planning Authority in terms of fire safety and emergency. The Chief Fire Officer (CFO) raised no objection to the application in their submission, subject to conditions requiring access for fire brigade vehicles and the provision of adequate static water supplies on the site for firefighting purposes. In the event the Commission is minded to grant permission, it is my recommendation that these conditions are attached to any such Decision which follows.

Public Consultation

7.5.69. Several of the observations received state that the level of public consultation undertaken by the Applicant was inadequate and lacking. The parties state that the local community, including landowners, did not have an opportunity to properly

engage with the process and that a 'letter drop' exercise by the Applicant was not adequate of terms of seeking and receiving feedback from residents in the area.

7.5.70. I note that a report entitled 'Best Practice Planning Guidance Report for Large Scale Solar Energy Development in Ireland' (Irish Solar Energy Association) states that providing the public with a good flow of information about a proposed solar farm can avoid conflict within the planning process. The report recommends that community engagement should be undertaken before submitting a planning application, examples include letter notification, visits, a project website, community newsletters and online/in person public meetings. A 500m consultation area is recommended in such cases.

7.5.71. The Applicant provides a response under Table 4.1 of their Planning and Environment Report (Page 78). Here, it is stated that the letter-drop in the vicinity of the site included the contact details for the developer and community liaison officers and that ongoing consultation will happen during the construction phase. In addition, I note that the Planning Report under Section 2.10.2 sets out further consultations which were initiated and undertaken with key stakeholders to the project, including with the IFI, TII, and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The feedback received, and particularly that from the TII, resulted in design and layout changes. These were addressed prior to making the application with Carlow County Council.

7.5.72. I further note that a pre-planning consultation meeting was undertaken with the Planning Authority (18th June 2024). Several key issues and considerations were discussed during the meeting, including the overall need for the development, site feasibility, biodiversity, the visual screening and landscaping approach adopted, and community consultation. The PA subsequently issued feedback to the Applicant. This is referred to throughout the Planning and Environmental Report.

7.5.73. In conclusion, I consider that the Applicant has made a genuine effort to obtain the views of the public and to facilitate community involvement and participation, where possible. The proposed development does not impinge on any landowner rights or access arrangements, for example, and it embodies good design and layout principles to help ensure that the facility would integrate well within the existing landscape and surrounding area.

7.5.74. In summary, the Applicant has actively engaged with the stakeholders to the project. I do not consider that third party rights have been discommoded in any way, such that this should warrant a refusal decision, and that these efforts provided ample opportunity for parties to engage in the process both prior to the making of the application with Carlow County Council, and since the Council's issued their Decision to refuse permission. I am also satisfied that the Applicant has shown a *bona fide* willingness to engage with local landowners for the duration of the construction phase in the event permission is granted and the project proceeds.

Land Ownership, Trespass, and CCTV

7.5.75. I note that it is asserted by one of the observers that the proposed development encroaches onto third party lands, and that the application seeks to lay a cable on part of a property that is not owned or controlled by the Applicant. Having reviewed the details before me, I do not consider that the information presented raises sufficient doubt in terms of the legitimacy of the Applicant's legal interest to make the application.

7.5.76. Moreover, the Board cannot adjudicate on matters relating to property rights and land ownership. In this regard, I note the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development', which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the Applicant may need to address outside of the planning system.

7.5.77. Section 5.13 of the Development Management Guidelines also states that the planning system is not designed as a mechanism for resolving disputes about title to land, or premises, or rights over land. These are ultimately matters for resolution in the Courts. However, the Applicant must be certain under civil law to ensure that they have all rights in relation to the land for which they intend to implement any grant of planning permission.

7.5.78. Third party claims of trespass during the preparation of the planning application are unsubstantiated and, in any event, are not relevant planning consideration in the assessment of this appeal case.

7.5.79. To reflect legal guidance requirements, CCTV will not be directed onto third party lands and will be required to be positioned by the facility operator to capture imagery within and around the perimeter of the solar farm only.

Duration of Permission / Project Lifespan

7.5.80. The application is for a 10-year permission, which I consider is consistent with other previous decisions made by An Coimisiún Pleanála regarding similar solar farm developments. I note that the Applicant has set out an envisaged construction timeline in their Construction Environmental Management Plan (CEMP) which is for a period of 10-12 months. Also, in having regard to the size and scale of the development and requirements in respect of grid connection, I consider a ten-year permission reasonable in this case.

7.5.81. I also note that national planning policy is to support an increase in electricity generated through renewable forms of energy. The application seeks an operational lifespan of 35 years for the project and, if the Commission is minded to grant permission, I am satisfied that this is an appropriate for this type of development.

Uisce Éireann Assets

I note that Uisce Éireann recommend in their submission to the PA that a condition be attached relating to future potential 'build over' agreement(s). However, this is a matter that will be dealt with under a different process outside of the planning code, in my opinion, and it is not necessary to attach a planning condition to this effect.

8.0 AA Screening Conclusion

8.1. Screening Determination – Finding of likely significant effects

8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Slaney River Valley SAC (Site Code: 00781) in view of the conservation objectives of certain qualifying interest features of this site.

8.1.2. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required to be undertaken.

8.2. Natura Impact Statement (NIS) – Conclusion of Integrity Test

8.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Slaney River Valley SAC (Site Code: 00781) in view of the conservation objectives of this designated site and that Appropriate Assessment under the provisions of S177U of the Act is required.

8.2.2. Following an examination, analysis and evaluation of the 'Screening for Appropriate Assessment and Natura Impact Statement' (NIS), and all associated material, I consider that adverse effects on the site integrity of the Slaney River Valley SAC can be excluded in view of the conservation objectives of this site, and that no reasonable scientific doubt remains as to the absence of such effects.

8.2.3. My conclusion is based on the following:

- A detailed assessment of construction, operational and decommissioning impacts.
- The effectiveness of the mitigation measures proposed, including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to the eventual contractor(s).
- The inclusion of planning conditions to ensure the application of these measures.

8.2.4. The proposed development will not affect the attainment of conservation objectives for this European Site (i.e., the Slaney River Valley SAC, Site Code: 00781).

8.2.5. Refer to Appendices A and B at the rear of this report.

9.0 **EIA Screening**

Solar Energy

9.1. 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

9.2. The proposed development (solar energy) will require a connection to the national grid. However, this appeal relates to a decision for an application made under S.34 of the Act. Therefore, any future grid connection falls under the Strategic Instructure provisions of the Act and would require a separate application to be made under S.182. Such underground grid connection would not constitute a class of development under Schedule 5 and would not require preliminary examination or environmental impact assessment.

Other Classes

9.3. I note that 'rural restructuring' is listed as development for the purposes of Part 10 under the heading of Agriculture, Silviculture and Aquaculture, Class 1 of Part 2 of the Fifth Schedule and that sections of hedgerow are proposed to be removed as part of the development.

9.4. Also, as the proposal includes the provision of new access tracks on the site, I have also examined the project as it relates to Class 10: Infrastructure projects (dd) "all private roads which would exceed 2000 metres in length". This class has been screened out at pre-screening stage from further consideration.

Concluding Statement

9.5. The proposed development has been subject to EIA pre-screening and preliminary examination for the purposes of EIA (Appendices C and refer).

9.6. 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.

10.0 Water Framework Directive (WFD) Conclusion

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

10.2. See Appendix E at the rear of this report for further information.

11.0 Recommendation

11.1. I recommend that planning permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

12.1. In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

European Policy/Legislation including**:**

- Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive); and
- Directive 2000/60/EC (Water Framework Directive).

National Policy and Guidance, including**:**

- Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF;
- the National Development Plan 2021-2030

- the objectives and targets of the National Biodiversity Action Plan 2023-2030;
- the Policy Statement on Security of Electricity Supply (November 2021);
- the National Energy Security Framework (April 2022); and
- the National Energy and Climate Action Plan (2021-2030).

Regional and Local Planning Policy, including in particular,

- The Regional Spatial and Economic Strategy (RSES) for Southern Region, 2020 – 2032 (RSES), and
- The Carlow County Development Plan 2022-2028.

and also having regard to:

a) the nature, scale and extent of the proposed development,

b) the pattern of development within the area and context of the receiving environment,

c) the measures proposed for the construction, operation and decommissioning of the development,

d) the range of mitigation measures set out in the Construction and Environmental Management Plan and Planning and Environmental Report,

e) the range of mitigation measures set out in the Ecological Impact Assessment Report,

f) the range of mitigation measures set out in the Natura Impact Statement,

g) the submissions received in relation to the appeal,

h) the documentation submitted with the application and the appeal, and

i) the Inspector's Report and recommendation.

12.2. It is 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 Carlow County Development Plan 2022-2028 and Carlow Renewable Energy Strategy, 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.

Appropriate Assessment: Stage 1

The Commission completed an Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS) 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 AA Screening Report and NIS submitted with the application and the Planning Inspector's report and submissions on file. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Slaney River Valley SAC (Site Code: 00781) 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.

Appropriate Assessment: Stage 2

The Commission 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 Commission 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 Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission 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.

In completing the Appropriate Assessment, the Commission 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 conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Slaney River Valley SAC (Site Code: 00781) in view of the site's Conservation Objectives.

13.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 9th June 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. **Reason**: In the interest of clarity.
2.	The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order. **Reason**: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.
3.	The developer shall ensure that all mitigation measures and commitments as set out in the Natura Impact Statement, and subsequent submission to the Planning Authority entitled 'Response to Inland Fisheries Ireland Submission'

	(dated 5th November 2024), shall be implemented in full as part of the proposed development. **Reason**: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.
4.	All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment Report, Biodiversity Enhancement and Management Plan, Water Environment Assessment, Glint and Glare Assessment, and Noise Impact Assessment, which were submitted with the application and in the updated Landscape and Visual Impact Assessment, Construction and Environmental Management Plan, and Archaeological Impact Assessment Report, submitted by way of further information, revised landscape plans and other plans and particulars submitted with the application, shall be implemented in full 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.
5.	a) 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: i) location of the site and materials compound(s); ii) location of areas for construction site offices and staff facilities; iii) details of site security fencing and hoardings; iv) details of on-site car parking facilities for site workers during the course of construction; v) 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; vi) measures to obviate queuing of construction traffic on the adjoining road network; vii) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; viii) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; ix) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater; x) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; xi) details of on-site re-fuelling arrangements, including use of drip trays; xii) details of how it is proposed to manage excavated soil; xiii) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses. xiv) 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. b) The Construction Environmental Management Plan (CEMP) shall be finalised and updated to include the location of any and all archaeological or cultural heritage constraints relevant to the proposed

	development, as set out in Archaeological Impact assessment report and as may become relevant subsequent to the programme of pre-development Archaeological Test Excavation. The CEMP 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. **Reason**: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.
6.	a) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. b) The electricity control unit, inverters, and fencing shall be dark green in colour or other dark colours, details of which shall be agreed with the planning authority, prior to commencement of development. **Reason**: In the interest of visual amenity.
7.	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.
8.	a) The permission shall be for a period of 35 years from the date of the first commissioning of the solar array. All structures shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period. b) Prior to the commencement of development, a detailed maintenance regime, and a separate Site Restoration Plan, providing for the removal of the solar arrays and all ancillary structures, and a timescale for its

	implementation, shall be submitted to and agreed in writing with the planning authority. c) On decommissioning, or if the solar farm ceases operation for a period of more than one year, the solar farm, its solar arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan, and all decommissioned structures shall be removed from the site within 6 months of decommissioning. **Reason**: To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration upon cessation of the project.
9.	Prior to 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.
10.	a) Existing field boundaries, including trees and hedgerow, shall be maintained and supplemented in accordance with the details submitted, except where removal is proposed to facilitate access to roadways and sightlines. b) All proposed landscaping and planting shall take place in the first planting season following commencement of development and in accordance with the details proposed. The landscaping and screening shall be maintained at regular intervals. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority. c) Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining dwellings as a result of the development. Upon commissioning of the development, and for a period

	of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no such glint impact has taken place, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved. **Reason**: in the interest of the visual amenities of the area.
11.	Prior to the commencement of development, the applicant shall submit a final Invasive Species Management Plan (ISMP), which shall be carried out by a suitably qualified individual for the review of the Planning Authority. No works shall commence onsite until the Applicant has received the written agreement of the Planning Authority with regard to this assessment. **Reason**: In the interests of public safety and biodiversity.
12.	a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission. b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level. d) The solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission; and e) Cables within the site shall be located underground. f) No cables/services are permitted to run through or in the carriageway over a bridge/culvert structure and these should be directionally drilled under the river/watercourse away from the structure. **Reason**: In the interest of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, to minimise impacts on drainage patterns and surface water quality, and in the interest of long-term viability of agricultural land.

13.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. **Reason:** in the interest of environmental protection.
14.	a) 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. b) Prior to the commencement of construction, a road condition survey shall be taken along the full extent of the construction haul route to provide a basis for future reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. c) Prior to the commencement of construction, final details of the proposed haul route for the construction phase are to be agreed in writing with the Planning with the L-7113 in Rathoe village to be avoided, unless otherwise in agreed in writing. d) Where any of the proposed entrances to the site are widened to facilitate access/egress by HGV's adequate drainage measures must be installed. **Reason**: In order to ensure a satisfactory standard of development.
15.	a) Details of the construction and operational access arrangements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development including the nature of the surface finishes at and near the connections of site access tracks to public roads. b) Any gates shall open inwards only and shall be located a minimum of 10m from the roadside edge. **Reason:** in the interest of traffic safety.
16.	a) Prior to the commencement of construction, the Applicant shall comply with the requirements of the planning authority for drainage

	arrangements, including the attenuation and disposal of surface water. Such works and services and shall otherwise comply with submitted Site Specific Flood Risk Assessment. b) A Drainage Management Plan shall be developed for the construction and the operational phases of the development and include details of the proposed access routes and drains, which shall be submitted to the planning authority for approval prior to commencement of development. **Reason:** In the interests of environmental protection and flood prevention.
17.	Prior to the commencement of construction, the Applicant shall: a) Agree a programme of noise monitoring to confirm that construction works, particularly pile driving, are within specified limits. b) Agree a plan for noise monitoring test locations suitable for the variable work locations. **Reason**: In the interests of the amenities of the area and of environmental sustainability, to maintain effective control of this development and in the interest of the proper planning and sustainable development of the area.
18.	a) Access for fire brigade vehicles shall comply with the requirements of the Chief Fire Officer. b) Water supplies for firefighting purposes shall comply with the requirements of the Chief Fire Officer. **Reason**: In the interests of public safety.
19.	Prior to commencement of development, the developer shall satisfy the requirements of Uisce Éireann in relation to their requirements for working in the vicinity of Uisce Éireann assets. **Reason**: in the interest of protecting the public water infrastructure at this location
20.	All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment, included in the application documents, shall be implemented in full, except as may otherwise be required

	in order to comply with the below conditions relating to the protection of the archaeological heritage. In this regard, the developer shall: a) Retain/engage a suitably qualified Archaeologist to advise on and supervise the installation of appropriate exclusion zones, using suitable fencing, at Recorded Monuments CW013-027---- (Ringfort - rath) and CW013-028---- (Earthwork) and at the possible fulacht fia (M7) identified in Fields 22/23. No ground disturbance or movement/storage of plant, vehicles, equipment, spoils and sundries associated with the development shall be permitted within these established exclusion zones. iii) The developer shall facilitate the Archaeologist (licensed as required under the National Monuments Acts) to carry out a programme of pre-development Archaeological Test Excavation in areas of proposed ground disturbance and submit a final archaeological impact assessment report for the written agreement of the Planning Authority, following consultation with the National Monuments Service of the Department, in advance of any site preparation works or groundworks, including, but not limited to, site investigation works, preparatory/enabling works, site clearance, topsoil stripping and construction works. The report shall include an updated archaeological impact statement and mitigation strategy based on the results of the test excavation. iv) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (archaeological excavation) and/or archaeological monitoring may be required. v) 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. vi) No site preparation or construction works shall be carried out on site until the Archaeologist's report has been submitted to and approval to proceed is agreed in writing with the Planning Authority. All resulting and associated archaeological costs shall be borne by the developer. b) The developer shall retain/engage a suitably qualified Archaeologist to: i) Carry out Archaeological Monitoring (licensed under the National Monuments Acts) of all site clearance works, topsoil stripping, groundworks and/or the implementation of agreed preservation in situ measures 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. ii) Should 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. iv) 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. **Reason**: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
21.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. **Reason**: In the interest of proper planning and sustainable development.
22.	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 or public holidays. Deviation from these times shall 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.
23.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with

	an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. **Reason**: To ensure satisfactory reinstatement of the site.
24.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. **Reason**: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Ian Boyle
Senior Planning Inspector

15th December 2025

Appendix A: AA Screening Determination – Test for Likely Significant Effects (Template 2)

Screening for Appropriate Assessment **Test for likely significant effects**	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development is for the construction of a 63MW solar farm comprising ground mounted solar photovoltaic panels. [See Section 2.0 for further details.]
Brief description of development site characteristics and potential impact mechanisms	The appeal site is in a rural location in the townlands of Rathrush, Emlicon and Bendinstown and Ballon in County Carlow. It is roughly 4.5km southwest of Tullow, 1.2km north of the N80 (National Road), and 1.5km west of the N81 (National Road). Carlow is the largest town serving the wider area and is approximately 8km to the northwest of the site. The site mainly comprises a series of agricultural fields and mature hedgerows. It is primarily used to graze livestock. The overall site boundary does not encompass any dwellings or residential properties. The majority of the site falls within River Slaney catchment. The land drains into two tributary streams; the Emilcon and Ardbearn & Torman streams, respectively. The Emilcon flows in a southeast direction through the eastern part of the site, while the Ardbearn and Torman flows towards the southeast at a location immediately east of the site's western parcel. Both watercourses join at the southernmost point of the site and then flow eastwards before meeting the Douglas River. The Douglas continues in an eastwards direction before entering the River Slaney approximately 3km downstream. The adjoining and surrounding lands are mostly used for livestock grazing, arable farming, commercial and native forestry.

	Housing in the vicinity is low-density and predominantly rural. It consists primarily of detached houses on spacious plots, farmhouses, and individual dwellings facing onto local country roads. There are existing renewable energy facilities in the vicinity of the site, including solar farms. The appeal site has an overall stated area of approximately 119ha.
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	Third parties have not raised any specific concerns in relation to AA. Inland Fisheries Ireland made a submission to the Planning Authority (dated 5th November 2024) which raised a concern regarding populations of salmon or lamprey likely to reside within streams flowing through the site, plus other issues. However, the Applicant provided a detailed response to the IFI submission entitled 'Response to Inland Fisheries Ireland Submission'. This is referenced in Section 7.6 of my report above, under the subsection entitled 'IFI Submission'. The Applicant's response is also on the file and I have regard to it for the purposes of AA.

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
Slaney River Valley SAC (Site Code: 00781)	- Estuaries [1130] - Mudflats and sandflats not covered by seawater at low tide [1140] - Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Approx. 2km to the west of the site at its closest point (in a straight line).	Yes. There is a hydrological connection between the appeal site and	Yes

	- Mediterranean salt meadows (Juncetalia maritimi) [1410] - Watercourses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] - Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] - Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] - Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] - Petromyzon marinus (Sea Lamprey) [1095] - Lampetra planeri (Brook Lamprey) [1096] - Lampetra fluviatilis (River Lamprey) [1099] - Alosa fallax fallax (Twaite Shad) [1103] - Salmo salar (Salmon) [1106] - Lutra lutra (Otter) [1355] - Phoca vitulina (Harbour Seal) [1365]		the River Slaney via the Emilcon watercourse. The Emilcon and Ardbearn & Torman rivers meet at a point to the south of the subject lands before joins the Douglas River. The Douglas continues in an eastwards direction before entering the River Slaney approximately 3km downstream.	
River Barrow and River Nore SAC (Site Code: 002162)	- Estuaries [1130] - Mudflats and sandflats not covered by seawater at low tide [1140] - Reefs [1170] - Salicornia and other annuals colonising mud and sand [1310] - Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] - Mediterranean salt meadows (Juncetalia maritimi) [1410] - Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] - European dry heaths [4030] - Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	Approx. 9.4km to the west of the appeal site at its closest point	No. There is no ecological connection between the appeal site and this SAC.	No

	- Petrifying springs with tufa formation (Cratoneurion) [7220] - Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] - Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] - Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] - Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] - Austropotamobius pallipes (White-clawed Crayfish) [1092] - Petromyzon marinus (Sea Lamprey) [1095] - Lampetra planeri (Brook Lamprey) [1096] - Lampetra fluviatilis (River Lamprey) [1099] - Alosa fallax fallax (Twaite Shad) [1103] - Salmo salar (Salmon) [1106] - Lutra lutra (Otter) [1355] - Vandenboschia speciosa (Killarney Fern) [6985]			
Blackstairs Mountains SAC (Site Code: 00770)	- Northern Atlantic wet heaths with Erica tetralix [4010] - European dry heaths [4030]	Approx. 11.4km to the south of the appeal site at its closest point.	No. There is no ecological connection between the appeal site and this SAC.	No

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

Slaney River Valley SAC

There is a hydrological connection between the subject site and the Slaney River Valley SAC via the Emilcon watercourse. The watercourse distance from the site (source) to the SAC (receptor) is approximately 3 km (or 2km 'as the crow flies').

There are potential construction phase effects on this SAC due to an accidental release of suspended solids/nutrients, cementitious materials, and hydrocarbons into the drainage network arising from the various works, including earthworks and levelling of the site. This risk also exists during the operational and decommissioning phases, but it is to a lesser extent.

The cable route for the proposed development traverses the Emilcon River using an open trench dam and flume method (ditch crossing). [This is described in further detail of the Applicant's Planning and Environmental Report under Section 3.5.3]. This approach involves minor in-stream works and, in absence of adequate mitigation, such crossings can carry a risk of water pollution.

Furthermore, a horizontal direction drilling (HDD) method will be used for crossing the L7111 road and the Ardbearn and Torman watercourse [This is described in further detail of the Applicant's Planning and Environmental Report under Section 3.5.1.]

The process requires drilling fluid to assist with lubricating and mobilising drill arisings during the works process and to promote sealing and stabilising of the borehole. There is a risk associated with this to aquatic biota within the channel as well as downstream and ultimately the European Site. As the conservation objectives of the Slaney River Valley SAC could potentially be affected adversely, mitigation measures are required to avoid or reduce harmful effects, and a full NIS is, therefore, necessary.

River Barrow and River Nore SAC

The furthest easternmost and westernmost extents of the appeal site are within the part of the Barrow catchment. However, there is no connectivity between these areas of the site and any watercourse associated with local tributaries of the Burren River, and ultimately the River Barrow and River Nore SAC.

Blackstairs Mountains SAC

The Blackstairs Mountains SAC is roughly 11.4km from the appeal site at its nearest point. There is no ecological or hydrological connectivity between the subject lands and this Natura 2000 Site. Therefore, it can be concluded that there is no potential for the proposed development to impact on the conservation objectives of this SAC.

Conclusion

Following an analysis and evaluation of objective evidence and best scientific research, it is concluded that a hydrological pathway exists between subject site and one European site; the Slaney River Valley SAC (Site Code: 00781), and that in the absence of mitigation measure, the potential for likely significant effects on the conservation objectives of the site, alone or in-combination with other plans and projects, cannot be excluded beyond reasonable scientific doubt.

It is therefore not possible to exclude the possibility that proposed development alone would result in significant effects on the Slaney River Valley SAC. 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.

I note that the Applicant has prepared a Stage 2 AA (NIS) as part of the application.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	**Effects**
Slaney River Valley SAC (Site Code: 00781) Qualifying Interests are listed above under Step 2. The Conservation Objectives according to the NPWS 'Conservation Objectives documents, 21st October 2011, Version 1.0' is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	There is a potential pathway (i.e. hydrological connection which could act as a route for potential impacts) from the source site. Therefore, the Qualifying Interests of this SAC could be affected. Potential negative impacts include impacts on surface water/water quality due to construction related emissions, including increased sedimentation and construction related pollution. There is also potential for an accidental release of cementitious materials and hydrocarbons into the drainage network.	The Proposed Development does not have potential for direct impacts, such as disturbance to habitats or species, to any part of the Slaney River Valley SAC. However, the construction phase, and to a lesser extent the operational and decommissioning phases, have the potential to have adverse effects on qualifying interests of this SAC. This includes through the laying of the internal network cable across the Emilcon River and HD drilling to cross the L7111 road. There are negligible to low potential for effects on local watercourses during the operational phase. Only small vans/jeeps will be required for visits. Traffic generation during the operational phase will be minimal. Waste produced during the operational phase will also be minimal and no welfare provisions (toilets, sink, etc.) are proposed for the operational phase. The transformer units will contain oil. However, these will be bunded to prevent leaks and no emissions will occur during normal operation as the oil is maintained within the system. These will be monitored and maintained regularly to prevent leakages. Potential effects of decommissioning the Proposed Development are similar in nature to those that could occur during

		construction. However, the effects of these activities would be of substantially lesser magnitude than during construction.
	Likelihood of significant effects from proposed development (alone): Yes	
It is not possible to exclude the possibility that proposed development alone would result significant effects on the Slaney River Valley SAC (Site Code: 00781). 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. **Proceed to AA.**		

Inspector: _____ **Date**: _____

Appendix B: Appropriate Assessment – AA Determination (Template 3)

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177 of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination in Appendix 2 above of my report, the following is an appropriate assessment of the implications of the proposed AD facility in view of the relevant conservation objectives of the Lower River Suir SAC (002137) based on scientific information provided by the Applicant. The information relied upon includes the following: • Construction Environmental Management Plan • Traffic and Transport Assessment Report • Glint and Glare Assessment • Hydrological Impact Assessment • Flood Risk Assessment • Drainage Design Report and Geophysical Survey). • Landscape and Visual Impact Assessment with accompanying photomontages • Noise Impact Assessment Report • Resource and Waste Management Plan • Archaeological Impact Assessment 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 None. Third parties have not raised any specific concerns from an AA perspective.
Slaney River Valley SAC (Site Code: 00781) Summary of key issues that could give rise to adverse effects (from screening stage):

i. During the construction phase, **contaminated surface water runoff** and/or an accidental spillage or a pollution event into the relevant watercourses has the potential to have a significant negative effect on the water quality. The effects of frequent and/or prolonged pollution events in a river system can be extensive and far-reaching and can have significant long-term effects.

ii. The proposed works, unless adequately mitigated, could potentially negatively impact on several Qualifying Interests of one European Site, which is the Slaney River Valley SAC (Site Code: 00781), as identified above, and therefore on the Conservation Objectives of this Natura 2000 Site.

iii. Similar potential issues could arise during the decommissioning phase for the project, albeit with a lower risk attached.

iv. The main operational phase impacts are associated with potential leaks from the onsite transformer units which contain oil and other possible pollutants / chemical compounds. However, the units will be bunded to prevent leaked liquids and substances from leaving the site and/or entering any watercourse. They will also be regularly monitored and maintained to prevent a leakage event from happening.

See Section 3.1 of the Applicant's AA Screening Report and NIS ('Potential for Effects on Slaney River Valley SAC) for further details and information regarding potential adverse effects.

Qualifying Interest features likely to be affected	**Conservation Objectives** **Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures (summary)**
See list of Qualifying Interests set out above.	'To Maintain / restore favourable conservation condition', as applicable. See weblink: Slaney River Valley SAC (valid as of 12th November 2025)	Main potential adverse effects are in relation to water quality degradation (as described above) during the construction phase – i.e., contaminated surface water runoff, an accidental spillage, or a pollution event into the	The NIS under Section 3.2 sets out the proposed mitigation measures for the project. These are as follows: - Design and Layout The design approach taken by the Applicant means that construction works will be setback, where possible, a minimum of 10m from all onsite watercourses.

		relevant watercourse(s).	During works, the storage of materials will not be permitted in these buffer strips. An area of surface water flooding in the southeast of the site has also been completely avoided. <u>Construction Works</u> An Ecological Clerk of Works (ECoW) will be appointed for the duration of the project. <u>Drainage</u> When operational, the drainage system for the facility will minimise the loss of surface water from the site by encouraging percolation close to the source of the intercepted drainage water. Nature-based solutions to slow the flow of water offsite include the design and layout of solar arrays enabling grassland to growth under the panels which would help to mimic natural percolation rates. <u>Watercourse Crossing</u> The Emlicon watercourse will be crossed at a single location using the open trench dam and flume method (ditch crossing). This will involve in-stream works. Section 3.2.1.4 of the NIS described the procedure details for these works. However, in summary, it involves damming the river in a controlled environment and temporarily diverting the water before

			installing a flume pipe to facilitate a continuous flow of water. This will ensure the watercourse remains operational and undisturbed. Once the pipe is in place, the trench will be excavated, and the underground cables can be installed across the watercourse. When the trenching work is complete, the pipe can then be dismantled and removed, thus, restoring the watercourse to its natural state. This method is environmentally advantageous as it minimises the stirring of suspended solids compared to traditional pumping methods. It is more reliable and less prone to mechanical failures with minimal ecological impact. <u>Horizontal Direction Drilling (HDD)</u> The Horizontal Direction Drilling (HDD) method will be used for crossing the L7111 road and the Ardbearn and Torman watercourse. See Section 3.2.1.5 of the NIS for further details. The process requires drilling fluid to assist with lubricating. Should substances enter local watercourses, including drains, there is a risk to SAC. The proposed mitigation measures include: - The drilling fluid will be 'Clearbore', or equivalent, which breaks down in the presence of

			small quantities of calcium hypochlorite. The product is not toxic to aquatic organisms and is biodegradable. - Chemicals involved in the HDD process will be kept in a specialised, bunded, site storage area. In the event of an accidental spill works will be stopped immediately and the spillage addressed. - Spill kits and proper disposal of contaminated materials. <u>Other Mitigation Measures</u> The NIS sets out further mitigation measures in relation to the use of concrete, cement and grout (Section 3.2.1.6), silt management (Section 3.2.1.7), dewatering, pumping and overpumping (Section 3.2.1.8), general pollution prevention (Section 3.2.1.9) and the storage of hazardous substances (Section 3.2.1.10). These sections of the NIS have been considered as part of my assessment.

Note: The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

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

The relevant qualifying interests which could be affected by pollutants entering the Slaney River Valley SAC are listed below. This is based on the given attribute and target for each habitat or species, as well as the distribution of the habitats and species within the European Site itself.

- Watercourses of plain to montane levels with the *Ranunculion fluitantis* and Callitricho-batrachion vegetation [3260]
- Sea Lamprey Petromyzon marinus [1095]
- Brook Lamprey Lampetra planeri [1096]
- River Lamprey Lampetra fluviatilis [1099]
- Atlantic Salmon Salmo salar [1106]
- Otter Lutra lutra [1355]

The NIS under Table 3 sets out the various habitats / species, their relevant attribute and target. For example, for the three species of lamprey, the target is that there should be no decline in the extent and distribution of spawning habitat. [Lampreys require clean gravels for spawning]. For otter, the target is for there to be no significant decline in its population. Otter has a broad diet, dominated by fish and especially salmonids, eels and sticklebacks.

The estuarine habitat qualifying interests (estuaries, mudflats, salt marshes), as well as Twaite Shad and Harbour Seal, are confined largely to Wexford Harbour and, to a lesser extent, the tidal stretches as far upstream as Enniscorthy.

There is a geographical separation between the appeal site and Enniscorthy of over 30km and more than 45km to Wexford Harbour. Therefore, it is considered that even if suspended solids or other potential pollutants were to enter the Slaney system from the site, and in absence of mitigation, there is no potential for any impact on these qualifying interests given the distance between the source and receptor and dilution factor which would occur over these distances.

Any pollutants or silts entering the drainage network on the site – even in the most extreme scenarios, without mitigation – would be attenuated by the dilution, dispersal and settlement that would occur within the river system.

The proposed facility also does not have potential to have effects on the various woodland habitats of the SAC.

Freshwater pearl mussel occurs in the Derreen River. However, there is no potential for facility to have any negative effects on the Derreen River as there is no hydrological connection between the site and this watercourse.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. Section 3.3 of the AA Screening Report and NIS ('Analysis of In-combination Effects') outlines the plans and projects that may have the potential to result in cumulative and/or in-combination impacts on European Sites.

It states that there are two permitted solar farm projects in the immediate vicinity of the appeal site. There are no commercial scale solar projects in operation within County Carlow. However, a number have been permitted with a total export capacity of 29.49MW. Within 20 km of the appeal site there are nine solar farms with planning permission as of April 2024.

Of these, only one is within the catchment of the River Slaney, namely the Farm Power Generation Ltd. project, which is roughly 2 km north of Tullow. The planning permission documentation includes measures to ensure that there would be no adverse impacts on the local environment and the River Slaney system. It is therefore considered that there is no potential for the proposed development to have in-combination effects on European Sites together with other similar permitted solar farm projects.

The NIS also confirms that a review of all planning applications within a 1km distance of the subject lands for the previous five years has been carried out as part of the planning application (see Appendix F in the Planning and Environmental Report). As the applications are mainly all small-scale residential and single dwellings, they are not predicted to have any in-combination effects on designated sites with the proposed development. Figure 3 of the NIS shows the location of permitted solar farms within a 20km radius of the site.

In summary, I consider that the Applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures. Therefore, there is 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 Slaney River Valley SAC (Site Code: 000781).

No direct impacts are predicted. Indirect impacts would be temporary in nature. I note that mitigation measures would prevent the ingress of silt laden surface water entering receiving waterbodies in the area and help to avoid the release of contaminants onsite as part of the construction phase.

Monitoring measures are proposed to ensure compliance and effective management of measures. An Ecological Clerk of Works (ECoW) will be appointed for the duration of the works phase.

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 Slaney River Valley SAC (Site Code: 000781). 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 Slaney River Valley SAC (Site Code: 000781) in view of the conservation objectives of this site, and that Appropriate Assessment under the provisions of S177U of the Act was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on the site integrity of this European Site can be excluded in view of the conservation objectives of the site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- A detailed assessment of construction, operational and decommissioning impacts.
- The effectiveness of the mitigation measures proposed, including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to the eventual contractor(s).
- The inclusion of planning conditions to ensure the application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Slaney River Valley SAC.

Inspector: _____ **Date:** _____

Appendix C: Form 1 - EIA Pre-Screening

Case Reference	ABP-323496-25
Proposed Development Summary	The proposed development is for a ten-year permission for the construction of a 63MW solar farm comprising ground mounted solar photovoltaic panels.
Development Address	The appeal site is in a rural location at the townlands of Rathrush, Emlicon and Bendinstown and Ballon in County Carlow. It is roughly 4.5km southwest of Tullow, 1.2km north of the N80 (National Road), and 1.5km west of the N81 (National Road). Carlow is the largest town serving the wider area and is approximately 8km to the northwest of the site.
	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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	NA.

☒ 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?	
☒ 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.**	**Note**: 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. However, the proposed development has been assessed in relation to other classes which may apply. See below.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☐ 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)**	Class 1 of Part 2 of Schedule 5 'Rural Restructuring': *"Projects for the restructuring of rural land holdings, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares."* Note: These regulations do not apply as the works are not expected to give rise to significant environmental effects and are below the relevant thresholds. The following is noted in this regard: • The length of field boundary to be removed is 106m and is in small sections for access only. This is well below the 4km threshold specified above. • No re-contouring is required as part of the proposed development.

	• The total site area is c. 119ha and made up of 18 fields. However, the field boundary to be removed is below the threshold (50ha). Class 10 (dd) of Part 2 of Schedule 5 'All private roads': *'All private roads which would exceed 2000m in length*.' Note: The proposed development includes the laying of gravel access tracks to provide access for the construction and future maintenance and repair of the facility during the operational life of the solar farm. There is a clear distinction between access tracks and roads for the purposes of the EIA Directive, with the directive only applying to the latter. It is not considered that the internal access tracks serving the proposed facility would constitute a private road. In this regard, I note that the Commission has previously determined that these are tracks and not roads in respect of solar farm developments and do not fall under this Class. Schedule 7A information has been submitted as part of the application (see Q4 below). Form 3 is required and has been completed, as necessary.

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 ☒	**Screening Determination required (Complete Form 3)**
No ☐	

Inspector: _____ **Date:** _____

Appendix D: Form 3 – EIA Screening Determination

A. CASE DETAILS	
An Bord Pleanála Case Reference	ACP-323496-25
Development Summary	The proposed development is for a ten-year permission for the construction of a 63MW solar farm comprising ground mounted solar photovoltaic panels. The application seeks a 10-year permission and an operational life of 35 years for the facility. The main components can be summarised as follows: • 15 No. invertor combiner kiosk / transformers and hardstand. • 1 no. ring main unit. • 2 no. spare parts storage containers. • Site access tracks, upgrading of existing tracks and underground cabling within the solar farm site, in private lands and under the L7111, L7114, L7115 local roads, to connect the solar farm field parcels and the solar farm to the permitted Garreenleen substation. • 3 No. temporary construction compounds. • Demolition of derelict agricultural building and disused silage storage structure. • Upgrading and widening works at existing site entrances • All ancillary site works, including a stockproof fence, CCTV and drainage infrastructure.

	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority (PA) carried out an EIA Screening Determination which concluded that 'on the basis of the nature and scale of the works, the scientific information contained in the submission reports and proposed mitigation measures, it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not therefore required'.
2. Has Schedule 7A information been submitted?	Yes	The Applicant submitted an EIAR Screening Report as part of the planning application to the PA.
3. Has an AA screening report or NIS been submitted?	Yes	The Applicant submitted a report entitled 'Screening for Appropriate Assessment and Natura Impact Statement' which concludes that in the light of the assessment which it shall conduct on the implications for the European site(s) concerned, the competent authority is enabled to ascertain that the Proposed Development, alone or in-combination, with any other plan or project, will not adversely affect the integrity of any of the European Site(s) concerned.
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	NA.

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	• Appropriate Assessment Screening Report (Stage 1) for the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) • Directive 2001/42/EC, SEA Directive. The Applicant's EIA Screening Report under Section 3 also includes a full list of Directives considered by the application. Furthermore, the proposed development has been assessed and designed for: • Mitigation of impacts experienced during the construction phase (Construction Environmental Management Plan). • Assessing and minimising traffic impacts (Traffic and Transport Assessment Report). • Glint and Glare (Glint and Glare Assessment) • Managing drainage, wastewater and stormwater (Hydrological Impact Assessment, Flood Risk Assessment and Drainage Design Report, Geophysical Survey). • Visual impact, land restoration, planting and biodiversity (Landscape and Visual Impact Assessment (LVIA) with accompanying photomontages and landscape masterplan drawings). • Noise impacts (Noise Impact Assessment Report).

		• Reducing and effectively managing waste types (Resource and Waste Management Plan). • Archaeological Impact (Archaeological Impact Assessment) • Environmental impacts and mitigation measures outlined in Natura Impact Statement (NIS) and CEMP.	
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	**Is this likely to result in significant effects on the environment?** **Yes/ No/ Uncertain**
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	**No**	The site is in a rural location at the townlands of Rathrush, Emlicon and Bendinstown and Ballon in County Carlow. It is roughly 4.5km southwest of Tullow, 1.2km north of the N80 (National Road), and 1.5km west of the N81 (National Road). Carlow town is approximately 8km to the northwest of the site.	No

		The site mainly comprises a series of agricultural fields and mature hedgerows. It is flat to slightly undulating with a gentle fall from west (higher ground) to east (lower ground). It is primarily used to graze livestock. The overall site area is split into two main areas which are connected by an existing underground cable system. The areas are referred to the 'western' and 'eastern' parcel. The overall site boundary does not encompass any dwellings or residential properties. The site is in the Central Lowlands Character Area which, the CDP states, has the capacity to absorb most types of development, subject to the implementation of appropriate mitigation measures. The scale of the development is relatively modest covering an area of roughly approximately 119ha. The LVIA states that the proposed development is suitably sited and scaled and heavily screened by surrounding dense vegetation. Whilst the facility is of a relatively large and notable size, its perceived scale and extent would be considerably less due	

		to the heavily contained nature of its landscape context (i.e., Central Lowlands LCA).	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	**Yes**	The subject site is roughly 119ha. There would be minor changes to the topography of the land due to construction works and minor earthworks and levelling only of the site is required. The facility would therefore have a level of physical change to the locality. Given the nature of the site, and its environs, and as the proposed facility would be contained within the existing field pattern and screened with existing treelines and hedgerows, it is considered unlikely that there would be a significant impact on the receiving landscape. The removal of hedgerows would be mostly confined to the proposed site access points where removal is needed to achieve sightlines. I note that the application confirm that the amount of internal hedgerow required to removed equates to c. 111 linear metres. New replacement hedgerow planting is proposed at these locations, and I note that a landscaping	No

		proposal has been prepared for the site. It is also intended to gap-fill the surrounding hedgerow where required across the site and along its boundaries. As noted above, the site is in the 'Central Lowlands' Landscape Character Area whereby the CDP states that there is capacity to absorb most types of development, subject to the implementation of appropriate mitigation measures.	
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?	**No**	The construction materials required are not unique or unusual in any way. Cables within the site will be located underground. The development would not result in any significant loss of natural resources or local biodiversity. I note that the proposal has avoided areas of higher ecological value, including hedgerows which have been kept where possible, and particularly higher value hedgerows and those surrounding the site to preserve natural screening. There is an area of wet grassland/marsh towards the east of the site,	No

		approximately 50% of which has been deliberately avoided in the layout design and included as a biodiversity preservation area. I note also that the site will be seeded with grass and that sheep grazing or periodic cutting, where grazing is not possible, will assist in maintaining the habitat as grassland. Ecological impacts are unlikely to give rise to any significant impacts on flora and fauna. The EcIA states that all species associated with the site, including badger and bat, will retain a presence onsite for the operational phase of the development. The site is not in or adjacent to any sites designated under the EU Habitats and Birds Directives (Natura 2000 Sites). The nearest European Site is the Slaney River Valley SAC (Site Code: 000781), which is roughly 2km to the west of the appeal site at its closest point.	

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**	Harmful materials would be stored onsite, primarily for use in connection with the construction phase. During the construction stage however, control measures specified in the CEMP will be used to ensure works do not adversely surface water course or groundwater. In addition, hedgerow removal may require the use of potentially harmful substances. For the operational stage, the safe handling and storage of potentially polluting substances (e.g. oils, hydraulic oil, brake fluids, battery acid) will be followed to minimise the impact of accidental spills/releases on water.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	**No**	Hedgerow removal, and other construction works, would require the use of potentially harmful materials, such as fuels and other substances for machinery and plant use. This may give rise to waste for disposal. However, it is noted that the use of these materials would be typical for such construction sites and controlled in accordance with the measures outlined in the CEMP.	No

		The scale of the waste during the operational stage of the facility would not result in likely significant effects on the environment.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	**Yes**	There is potential for construction related impacts due to increased sediment and runoff from works such as excavation; soil handling, removal and compaction; contamination from accidental spills and leaks; dewatering runoff and sediment loading; foul water leaks during construction; and operational impacts due to stormwater discharges and flood related events. However, no significant impacts are likely to occur due to the mitigation and best practice construction measures which are proposed.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	**No**	Some noise and vibration impacts are anticipated during the construction phase, including due to hedgerow removal works and potential directional drilling under rivers or streams. However, these are temporary in nature and there would be a localised impact only. Mitigation measures are proposed in submitted preliminary CEMP.	No

		The operational noise is not expected to be significant. Noise levels will be assessed in combination with the Permitted Garreenleen Phase 1 Solar Farm in the vicinity and mitigation can be implemented as needed. No perimeter lighting or outside lighting is required for the operational phase.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	**No**	There is potential for air pollution from dust generated during construction. However, given the distance from sensitive receptors and the implementation of mitigation measures, this is not expected to be a significant effect. During construction, there is potential for pollution of watercourses and/or groundwater from excavations or accidental hydrocarbon spillages and release of cementitious materials. These will be mitigated in accordance with the CEMP measures. During operation there is no potential for risks to human health from water or air pollution.	No

1.9 Will there be any risk of major accidents that could affect human health or the environment?	**No**	The Seveso III Directive (2012/18/EU) is aimed at preventing major accidents involving dangerous substances and limiting the consequences of such accidents in terms of human health, but also for the environment. The development is not a type which triggers the requirement for SEVESO considerations.	No
1.10 Will the project affect the social environment (population, employment)	**No**	It is likely that there will be a minor positive effect on local employment during the construction phase of the proposed development. The facility will not be manned during its operational phase.	No
1.11 Is the project part of a wider largescale change that could result in cumulative effects on the environment?	**Yes**	No. There are other permitted and existing solar farm developments in the surrounding area. However, these are also not a class of development for the purposes of EIA. Furthermore, in terms of the surrounding landscape and visual policy according to the Carlow CDP, it is considered that the proposed development is in a robust part of County Carlow which can readily accommodate a development of this scale and nature without the landscape and its	No

		receiving environment incurring significant visual impact.	
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: • European site (SAC/ SPA/ pSAC/ pSPA) • NHA/ pNHA • 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	**Yes**	The appeal site is in a rural location at the townlands of Rathrush, Emlicon and Bendinstown and Ballon in County Carlow. It has an overall area of approximately 119ha. The site mainly comprises a series of agricultural fields and mature hedgerows. It is flat to slightly undulating with a gentle fall going from west to east. It is primarily used to graze livestock. The site boundary does not encompass any dwellings or residential properties. The majority of the site falls within River Slaney catchment. The land drains into two tributary streams, namely the Emilcon and Ardbearn and Torman streams, respectively. The Emilcon flows in a southeast direction through the eastern part of the site, while the Ardbearn and Torman flows towards the southeast at a point immediately east of the western parcel. Both watercourses join at	No

		the southernmost point of the site and then flow eastwards before meeting the Douglas River. The Douglas continues in an eastwards direction before reaching the River Slaney approximately 3km downstream. No designated European Sites apply directly to, or adjoin, the subject lands. Therefore, there is no potential for direct effects. The nearest European Site is the Slaney River Valley SAC (Site Code: 000781), which is roughly 2km to the west of the appeal site at the closest point. There is a hydrological connection between the subject site and this SAC via the Emilcon watercourse. The River Barrow and River Nore SAC (Site Code: 002162) is roughly 9.2km to the west. The Backstairs Mountains SAC (Site Code: 002162) is roughly 11.4km to the south. However, there is no hydrological or ecological connection between the appeal site and either of these two European Sites.	

		The proposed development does not present a risk of significant effects on the Qualifying Interests and Conservation Objectives of any Natura 2000 Site.	
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	Once operational, sheep grazing or periodic cutting, if grazing is not possible, will assist in maintaining the habitat as grassland. Ecological impacts are unlikely to give rise to any significant impacts on flora and fauna. I note that three potential badger setts were recorded during the ecological surveys undertaken by the Applicant. The design of the proposed development was amended to avoid these in order to maintain a suitable buffer. No other mammals, or signs of mammals, were recorded during the survey work. No impacts to mammals are therefore predicted. Habitat suitable for common frog, namely wet grassland/marsh, will be lost due to the construction works. However, the common frog will continue to have a viable presence on the site due to the occurrence of drains and ditches and	No

		wet grassland/marsh habitat, which will be protected for the duration of the project. There would be no significant negative impacts to invertebrates. The main impact on birds would be the loss of wet grassland / marsh habitat (Area 14), which supports breeding snipe. Some suitable breeding habitat will remain immediately to west of Area 14. However, the EcIA states that on the basis of the conservation status of snipe, the effect is rated as 'significant' at a 'local level'. The EcIA states that all species associated with the site, including badger and bat, will retain a presence onsite for the operational phase of the development.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are archaeological features within the site, including a ringfort (CW00569) and an earthwork (CW00570). Both features are listed on National Monuments Service 'Sites and Monuments Record'. The application also references two	No

		further areas which have underground archaeological potential. The application has taken into account these features and the AIA make provision for appropriate mitigation. I note that the DAU (Archaeology) raised no objection to the proposed development, subject to condition requiring that pre-development archaeological test excavation and archaeological monitoring of groundworks during the construction stage be undertaken. (Condition included above.)	
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?	No	The nature of the works proposed are such that there would be no foreseeable impact on any areas of high quality or scarce resources. There are no significant or important such resources in proximity to the site which could be negatively affected by the project. The proposal would result in the creation of grassland in place of managed agricultural land.	No

		The proposed development would not lead to significant long-term loss of agricultural land as a resource to future generations. Furthermore, the grassland could improve soil quality over the lifetime of the proposed development and a break in the use of agricultural fertilisers and insecticides would likely mean the land is passed back to the farmer in better condition.	
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?	No	Prior to the commencement of any construction activities, the necessary mitigation measures will be put in place to ensure the protection of surface water during the works. An Ecological Clerk of Works (ECoW) will be appointed for the duration of the construction phase. Monitoring of habitats and biodiversity will be undertaken as part of daily/weekly site inspections carried out by the onsite ECoW. Construction works will be setback a minimum of 10m from watercourses, storage of materials will not be permitted in these buffer strips. While the increased volume of surface water runoff will be	No

		small, the drainage system designed will minimise runoff by encouraging percolation close to the source of the intercepted drainage water. Nature based solutions are proposed to slow the flow of water leaving the site. The design of the proposed development would allow grass to grow thus, helping to create a more natural percolation rate on the site. Underground cabling will be required to traverse watercourses. However, appropriate techniques and environmental protection mitigation will be put in place to protect water quality. The Flood Risk Assessment accompanying the application confirms that portions of the subject lands are within a probable fluvial and flood zone. However, design and layout changes were made at an early stage to mitigate flood risk by locating sensitive infrastructure out of the flood zone, elevating infrastructure above probable flood levels, and using SuDS measures and nature-based solutions to mitigate against any net increase surface water runoff.	

2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No such risks identified. Safe accesses points have been designed for the proposed development and are in accordance with all relevant design standards. This includes consultation with the Roads Department of Carlow County Council. Transport routes for the facility have been considered and selected based on their lowest impacts.	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	Standard traffic management measures will help to minimise impact on the local road network. This includes: • Construction traffic using the designated haul route. • Roads will be closed, where necessary, in agreement with the County Council. A traffic impact assessment has been completed for the proposed development. It concludes that the mitigation measures set out in Planning Report would help to minimise potential impacts on the road network.	No

		The residual impact on traffic and transport is assessed as being slight, negative, and short term during the construction and decommissioning phases and imperceptible during the operational phase.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The adjoining and surrounding lands are mostly used for livestock grazing, arable farming, commercial and native forestry. Housing is low-density and predominantly rural. It consists primarily of detached houses on spacious plots, farmhouses, and individual dwellings facing onto local country roads. Such uses are considered typical in rural fringe setting.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	As noted above, there are other largescale developments in the vicinity of the appeal site. However, it is unlikely that there would be any significant cumulative impacts with other existing and/or permitted developments associated with the construction and operation of the proposed development.	No

		During the simultaneous operational phase of the proposed development, and other developments in the wider vicinity, it is acknowledged that there would be potential for cumulative impacts in terms of landscape and visual impact in the absence of mitigation. However, this is unlikely and mitigation measures, such as through design and layout, screening, and landscaping measures would help to ensure there would be no significant cumulative impacts in this regard. I reiterate that the site is situated in the 'Central Lowlands' Landscape Character Area LCA as per the County Development Plan. The CDP states that this LCA occupies a substantial portion of the County and is primarily rural, with medium to quite large fields defined by well-maintained and generally low hedges and occasional to frequent hedgerow trees. The CDP also states that 'the Central Lowlands has capacity to absorb most types of development subject to the implementation of appropriate mitigation measures'.	

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No other relevant considerations arise.	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			

Having regard to the: -

a) nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised,

b) 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) nature of the existing site and the pattern of development in the surrounding area,

d) 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) features and measures proposed by the Applicant to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the CEMP, EcIA, and Screening for Appropriate Assessment and Natura Impact Statement Report,

f) guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' (2022),

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

the Commission 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:** _____

Appendix E: WFD Impact Assessment – Stage 1 Screening

<table>
<tr><th colspan="4">WFD IMPACT ASSESSMENT STAGE 1: SCREENING</th></tr>
<tr><td colspan="4">Step 1: Nature of the Project, the Site and Locality</td></tr>
<tr><td>An Bord Pleanála ref. no.</td><td>ACP-323496-25</td><td>Townland, address</td><td>The appeal site is in a rural location at the townlands of Rathrush, Emlicon and Bendinstown and Ballon in County Carlow.</td></tr>
<tr><td colspan="2">Description of project</td><td colspan="2">The proposed development is for the construction of a 63MW solar farm comprising ground mounted solar photovoltaic panels.
The main components can be summarised as follows:
• 15 No. invertor combiner kiosk / transformers and hardstand.
• 1 no. ring main unit.
• 2 no. spare parts storage containers.
• Site access tracks and upgrading of existing tracks.
• Underground cabling within the solar farm site, in private lands and under the L7111, L7114, L7115 local roads, to connect the solar farm field parcels and the solar farm to the permitted Garreenleen substation.
• 3 No. temporary construction compounds.</td></tr>
</table>

	• Demolition of derelict agricultural building and disused silage storage structure. • Upgrading and widening works at existing site entrances • All ancillary site works, including a 2.4m high stockproof fence, CCTV and drainage infrastructure. The application seeks a 10-year permission and an operational life of 35 years for the facility. Note: I note that the application is accompanied by Water Environment Assessment (WEA) which provides a review and assessment of the proposed development against the Water Framework Directive. The WEA is prepared by McCloy Consulting who are an independent environmental consultancy specialising in the water environment, with specialist knowledge of hydrological and hydrogeological assessments, sustainable drainage systems (SuDS), drainage, river modelling and flood risk assessment.
Brief site description, relevant to WFD Screening,	The appeal site is roughly 119ha. It is currently used for agriculture, mainly grazing, and with a small area (c. 1.5ha) of arable agriculture in the western section. There are no natural water features within the appeal site. The site is in an area with quaternary sediments of mainly tills and gravels derived from granite. The soils are largely acid brown earths / brown podzolics and surface water gleys / surface water gleys /groundwater gleys. There are some smaller areas of mineral alluvium in the wet grassland and marshy areas of the site, but these have largely been avoided by the proposed development.

	There is no peat on the site, the closest such area is roughly 8.3km to the west. The amount of soil requiring offsite removal would be minimal given the limited ground disturbance required by the proposed works and topography of the land. Excess soil from earthworks during the construction phase would be used in landscaping and reinstating the land, where possible. Then majority of the site lies within the Slaney_SC_050 WFD River Sub-Catchment, which is part of the larger Slaney Catchment. The easternmost and westernmost parts of the site fall within the Barrow catchment. However, there is no connectivity between these parts of site and any watercourse associated with the local tributaries of the Burren River and, ultimately, the River Barrow. The main water features within and adjacent the appeal site (i.e., the water features assigned a WFD status on EPA mapping) are the Emilcon watercourse, which flows southeast though the eastern section of the subject lands, and the Ardbearn and Torman watercourse, which flows southeast at a location immediately east of the western part of the site. All other minor drainage features, mapped or otherwise, comprise dry or partially dry agricultural ditches, ephemeral drains, dry track drainage, grips, or other drainage features. These are considered insignificant in the context of site hydrology and habitat potential. The Applicant's EIA Screening Report (Figure 5.2) shows the waterbodies in the vicinity of the site. Table 5.1 confirms the status of receiving river sub-catchments where there is a mix of 'poor' to 'good' values.

Proposed surface water details	The Proposed Development does not require any significant alternations to the existing drainage network. Runoff rates have been kept in line with existing site conditions insofar as possible. There are proposed nature-based solutions to help ensure against any net increases in surface water runoff rates. The proposed development will be protected from predicted high water levels and discharge will be maintained at existing greenfield / baseline rates. There would no increase in the risk of flooding elsewhere in the catchment area.
Proposed water supply source & available capacity	Bottled water will be brought to the site during the construction phase. Sewage will be removed twice weekly, or more frequently if required, by a licenced contractor to a designated wastewater treatment plant for treatment and disposal. When operational, no water supply is required by the facility.
Proposed wastewater treatment system & available capacity, other issues	Temporary, portable toilets will be provided during the construction stage and wastewater will be tankered offsite by a licenced waste provider. When operational, no welfare facilities are required by the facility.
Others?	NA.

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)

1. River	Traverses the site.	Ballaghmore Distributary_010 (IE_SE_12B120990)	Moderate	At risk	/	Yes, via surface water runoff.
2. River	Directly adjacent site to the west.	Burren_040 (IE_SE_14B050310)	Moderate	At risk	Agricultural	Yes, via surface water runoff.
3. River	400m to the east of the site at its nearest point.	Roscat_010 (IE_SE_14R330970)	Moderate	Under review	/	Yes, via surface water runoff.
4. Groundwater Body	Underlying the site	Ballyglass (IE_SE_G_011)	Good	Not at risk	/	Yes, underlying the site.
5. Groundwater Body	Underlying the site	New Ross (IE_SE_G_152)	Good	At risk	/	Yes, underlying the site.

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	Water body 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	Slaney_0110	Downstream pathway	Runoff, siltation, pH (concrete), hydrocarbon spillages and leaks. Potential risk of contaminants which enter the groundwater to flow laterally towards the receiving water supplies. Could lead to potential negative effects in terms of the hydrological and hydrogeological flow regime and water quality.	Standard construction practices and mitigation. See CEMP and EcIA for further details.	No. During the construction phase, works will be undertaken in accordance with the CEMP. Furthermore, an Ecological Clerk of Works (ECoW) will be appointed for the duration of the construction phase. Monitoring of habitats and biodiversity will be undertaken as part of daily/weekly site inspections, which is also advantageous from an WFD perspective.	**No. Screened out.** Good construction management practices will minimise the risk of pollution from construction activities.

2.	Surface	Burren_040	Downstream pathway	As above	As above	As above	**No. Screened out**. As above.
3.	Surface	Burren_050	Downstream pathway	As above	As above	As above	**No. Screened out.** As above.
4.	Ground	Underlying the site	Underlying the site.	Introduction of contaminants to sub-surface flow paths, which could lead to potential negative effects in terms of the hydrological and hydrogeological flow regime and, therefore, effect water quality.	As above	As above	**No. Screened out.** As above.
5.	Ground	Underlying the site	Underlying the site.	As above.	As above	As above	**No. Screened out.** As above.
OPERATIONAL PHASE							
1.	Surface	Slaney_0110	Downstream pathway	Surface water runoff from roads and the impermeable areas may contain potentially contaminating compounds (petroleum hydrocarbons, metals, and	Surface water will be managed in accordance with SuDS and the nature-based solutions to treat	The risks associated with the operational phase are not expected to be significant as sheep grazing and/or	**No. Screened out.** Good management practices will minimise the risk of pollution from construction activities and avoid

				suspended sediments) which could enter the watercourse. However, the level of traffic volumes onsite during the operational phase is expected to be very limited and mainly only associated with service and repair vehicles.	and attenuate water before discharging offsite. Discharge will also be maintained at greenfield / baseline rates, and the proposed development will not increase the risk of flooding elsewhere in the catchment.	periodic cutting of grass will assist in maintaining the habitat as grassland and maintaining flow rates. Implementing SuDS measures and nature-based solutions will mitigate against any net increase in surface water runoff leaving the site.	contaminants entering receiving waterbodies during the operational phase.
2.	Surface	Burren_040	Downstream pathway	As above	As above	As above	**No.** Screened out. As above.
3.	Surface	Burren_050	Downstream pathway	As above	As above	As above	**No.** Screened out. As above.
4.	Ground	Underlying the site	Underlying the site.	Introduction of contaminants to sub-surface flow paths, which could	As above	As above	**No.** Screened out. As above.

				lead to potential negative effects in terms of the hydrological and hydrogeological flow regime and, therefore, effect water quality.			
5.	Ground	Underlying the site	Underlying the site.	As above	As above	As above	**No.** Screened out. As above.
DECOMMISSIONING PHASE							
1.	Surface	Slaney_0110	Downstream pathway	Runoff, siltation, pH (concrete), hydrocarbon spillages and leaks. Potential risk of contaminants which enter the groundwater to flow laterally towards the receiving water supplies. Could lead to potential negative effects in terms of the hydrological and hydrogeological flow regime and water quality.	Standard decommissioning practices and mitigation.	No. During the decommissioning phase, it is expected that works will be undertaken in accordance with a decommissioning plan. The solar arrays will be removed upon decommissioning of the solar farm and	**No. Screened out.** Standard decommissioning practices will minimise the risk of pollution and impact upon receiving waterbodies.

				After decommissioning, the land will be reinstated to its original agricultural use.		taken offsite for disposal at a licenced waste facility. The project can be fully reversed upon decommissioning.	
2.	Surface	Burren_040	Downstream pathway	As above	As above	As above	**No.** Screened out. As above.
3.	Surface	Burren_050	Downstream pathway	As above	As above	As above	**No.** Screened out. As above.
4.	Ground	Underlying the site	Underlying the site.	Introduction of contaminants to sub-surface flow paths, which could lead to potential negative effects in terms of the hydrological and hydrogeological flow regime and, therefore, effect water quality.	As above	As above	**No.** Screened out. As above.
5.	Ground	Underlying the site	Underlying the site.	As above.	As above	As above	**No.** Screened out. As above.

Inspector _____ **Date** _____