



An
Coimisiún
Pleanála

Inspector's Report PL-500061-LS

Development	10 year permission and 40 year operational life for a solar farm on 5 no. land parcels.
Location	Morett, Killone, Cappakeel, Rossmore and Raheenahown North, Co. Laois.
Planning Authority	Laois County Council.
Planning Authority Reg. Ref.	2560148.
Applicant	Ørsted Onshore Ireland Midco Limited.
Type of Application	Planning permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellants	Tom Kerney Tom & Clair Milner. Damien McCarthy Shane and Ailish Mooney David Hainsworth and others
Observers	None

Date of Site Inspection

9th January 2026.

Inspector

Philip Davis.

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1.0 Introduction

This appeal is against the decision of the planning authority to grant permission for an extensive solar farm on c.250 hectares of farmland in County Laois, between Portlaoise and Monasterevin. The decision has been appealed by a number of local residents, with the grounds of appeal focusing on residential amenity, ecology, and water protection issues.

A separate application is being made to ACP for a 110kV substation with associated infrastructure on the westernmost parcel of land (this has not yet been received). Additionally, a proposed 110kV OHL restringing and replacement proposal running across part of the land is currently with ACP – **PL-500151-LS**.

2.0 Site Location and Description

The appeal site (in several ownerships) covers five parcels of land totalling c.249 hectares extending over 5 km east to west within the extensive lowlands between Portlaoise and Monasterevin in County Laois from the townland of Morett to Rossmore. The general area is characterised by open farmland on large land parcels, extensive raised bog areas, usually long drained, extracted, or afforested with conifers or regenerating naturally. The M7 motorway runs in a shallow cutting through the area, with one junction (Junction 15), just north of the site, where it joins with the former main Dublin road, now the R445. The area is generally sparsely populated, with farms and individual homes following the third class road network serving farms and homes. There is a small cluster of houses around New Inn, next to J15, otherwise the nearest significant settlement is the outskirts of Portlaoise, 4-5km to the south-west and the village of Ballybrittas, around 3 km to the north. The area is drained by a network of small streams and rivers, often in engineered drainage channels, draining to the Glasha River, a tributary of the Barrow River. Agriculture in the area is dominated by a mix of dairy and beef farms and arable operations on generally large landholdings, with large fields bounded by ditches and low hedges. Older maps show a much denser former network of fields – many ditches and hedges have been removed.

The five individual parcels are connected by narrow rights of way and road crossings. The land is generally flat or gently undulating and lies mostly between the

70 and 80 metre AOD contour lines. Three third class roads intersect the landholding. On the western extent of the landholding the site surrounds, and partially encloses, the remains of Morett Castle and Morett church - old maps indicate there may have been a village here. A number of small streams, tributaries of the Glasha River, run along the boundaries and occasionally cross the fields. Most boundary ditches are dry with limited water flow. To the north of the lands is an extensive area of land – a former raised bog – known as Ballyshaneduff or The Derries. This area is now regenerating as natural woodland with some conifers. The Glasha River arises within this area – the streams in the area generally drain towards this depression. One large Mill Race (originally a free flowing stream), arises south of the lands, goes through two former mills, and crosses through the landholding before joining the Glasha.

The landholding does not include dwellings, but does incorporate what are now large agricultural sheds and outbuildings, and adjoins a number of dwellings on the main road network.

3.0 Proposed Development

The proposed development is described on the site notice as follows:

The development will consist of a 10-year permission and 40-year operational life for a solar farm on 5 no. land parcels as described herein: West Parcel (A) (Morett townland), Central West Parcel (B) (Morett & Cappakeel. townlands), Centre Parcel (C) (Morett & Cappakeel. townlands), Centre East Parcel (D) (Cappakeel townland) and East Parcel (E) (Rossmore townland).

The total site area for the proposed development is c. 249 hectares and consists of the following; c. 1,796,838sq. metres of solar photovoltaic panels on ground mounted steel frames; 44 no. hardstandings for electrical skids and storage; underground power and communication cables and ducts; c. 22,753m. of boundary security fencing; c. 12,915m. of new and existing internal access tracks including 2 no. open span bridge crossings; associated drainage infrastructure; 5 no. site entrances which include the upgrading of 2

no. access points onto the L3930, 1 no. new access point onto the L7815 local road and 2 no. new access points onto the L3930 local public road; 5 no. temporary construction compounds; landscaping and biodiversity enhancement measures and all associated site services and works.

Installations of internal network cable comprise trenching for an underground medium voltage electrical cable and associated joint bays and infrastructure, for a distance of approximately 7,189 metres in length along the solar farm lands including 4 no. Horizontal Directional Drilling points to traverse the Dunrally stream and the local roads L3930, L3901 and L3817.

The application was submitted with attached forms, plans, particulars and specifications, in addition to:

- Photomontages
- A Planning and Environmental Report
- Glint and Glare Assessment report
- Landscape and Visual assessment report
- Flood Risk Assessment
- A Construction and Environmental Management Plan.
- An Archaeology, Architectural and Cultural Heritage Report
- Landscape Mitigation Plan
- Ecological Impact Assessment
- Natura Impact Statement

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission, subject to 18 no. generally standard conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The first planning report outlined the background and details of the proposed development, noting 5 no. other large scale solar applications in Laois all granted planning permission.

- Noted that the site is pasture in the ownership of 13 no. separate landowners. Policy DM RE 1 state that there is a preference to locate solar farms on brownfield or non-productive agricultural land, and that it should be in proximity to electricity infrastructure. It is concluded that the proposal is generally in line with the above policy.
- Notes 19 no. dwellings may be materially affected by glint and glare prior to mitigation. Notes concerns raised by TII in their submission regarding the impact on road uses – FI required. Noted that there is no identified hazard for aviation.
- LVIA submitted is considered acceptable, although it is noted that some panels may rise to 3.2 metres, higher than initially indicated.
- NIS is considered acceptable, as are the ecological enhancements outlined in Section 7.6 of the Planning and Environmental Report
- Notes that it is anticipated that it will lead to an additional 15992 additional HGV trips (up to 127 vehicles per day). Minimal operational traffic.
- Operational noise impacts are considered to be slightly negative.
- Although some areas are within Flood zone A, it is not considered that this is contrary to Guidance.
- It is noted that there are 6. No. recorded monuments within Field 1, with enclosures possibly located in two other fields in Cappakeel. Although the DAU requested additional further information, the planning authority were satisfied with what was submitted and considered that it can be addressed by way of condition.
- A require for further information was sent out requesting clarification on the EIAR Screening; Glint and Clare, LVIA, cumulative impacts, the assessment

of one further SAC in the NIS, the potential impact on drivers by way of visual distraction, and details requested by Inland Fisheries Ireland.

Second planners report

- With regard to EIAR, the response with regard to whether it falls within a development involving the restructuring of rural holdings was accepted – there is minimal net loss of hedgerow and no recontouring, therefore EIAR is not required.
- The response regarding details on Glint and Glare and the impact on Scenic View SV11 are noted, and it is considered that the details are acceptable.
- The additional Cumulative Impact Assessment is considered acceptable.
- The applicant clarified that Ballyprior Grassland SAC is not within the potential zone of influence, so no amendments to the NIS are required.
- TII's comments were sought on the response to the further information – this noted the planning authority obligations under Chapter 3 of the Spatial Planning and National Roads Guidelines. It is stated that the planning authority is satisfied that there will be no impact on traffic safety subject to appropriate conditions for mitigation.
- Comments by Inland Fisheries Ireland regarding some details submitted are noted, in particular with regard to the agreement of a method statement for works near a watercourse, and some ambiguity regarding placing solar panels within Flood Zone A – notwithstanding this, the planning authority is satisfied with the response.
- It is noted that the applicant has not confirmed the likely output of the solar farm, which creates a problem as the Development Contribution Scheme includes a requirement of 12,000 euro per 1MW of output. It is stated that this can be addressed by way of a requirement prior to construction.
- It is concluded that the overall proposed development is acceptable, and a grant of permission with conditions is recommended.

4.2.2. Other Technical Reports

Environment Section: No objection subject to conditions.

4.2.3. Conditions

All recommended conditions set out by the planning authority are standard conditions for such developments.

4.3. Prescribed Bodies

Uisce Eireann: No objection subject to standard conditions.

Department of Housing, Local Government and Heritage – further information requested on archaeology.

TII: Not consistent with national policy on national roads.

Inland Fisheries Ireland: Further information and conditions requested.

4.4. Third Party Observations

A total of 82 no. observations were made on the application, almost all objecting. The reasons for objecting included a wide range of issues including residential amenity, impact on habitats, construction impacts, impacts on water supply and drainage, impacts on rights of way, loss of agricultural land, impact on heritage, lighting and CCTV impacts and traffic.

5.0 Planning History

There are no specific planning applications relevant to the site. The planning report indicates 5 no. large scale solar farms in Laois – all of which were granted permission (all on or before 2019) – **16/217; 16/500 (PL11.248238); 16/505 (PL11.248244); 16/536; 17/532; 18/674**), totalling over 250 hectares. The Planning and Environment Report submitted with the application lists a number of permitted solar farms within 15 km (Table 1-2).

There is currently a proposed 110kV OHL restringing and replacement proposal running across part of the land currently with ACP – **PL-500151-LS**.

The application documentation states that a direct application will be made to ACP for a 110kV transformer station under Section 182A of the Act. It is indicated that this will include permission for a connection to the grid.

In January 2025 ABP granted permission for the upgrading of the 110kV line running between Portlaoise 110kV station and Bishopswood, County Offaly – this runs just west of the current appeal site (**ABP-318799-24**).

6.0 Policy Context

6.1. National and regional policy

Climate Action and Low Carbon Development Act, 2015, as amended.

This Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principal act such that Section 15(1) requires:

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

- a) the most recent approved climate action plan,*
- b) the most recent approved national long term climate action strategy,*
- c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- d) the furtherance of the national climate objective, and*
- e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

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

Climate Action Plan (CAP) 2024 (“CAP24”) and 2025 (“CAP25”)

Under the Climate Action and Low Carbon Development Act, 2015, as amended, Irelands national climate objective requires the State to transition to a resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no

later than the end of 2050. This national climate objective meets Ireland's obligations under EU and international treaties, including the Paris Agreement (2015), the European Green Deal and the EU's objective to reduce GHG emissions by at least 51% by 2030 (compared to 2018) and achieve climate neutrality by 2050.

To meet its targets and obligations CAP 24 sets a course for Ireland to halve emissions by 2030 and reach net-zero no later than 2050. In terms of the electricity sector a 75% reduction in emissions based on 2018 levels is required by 2030 and CAP 24 provides that central to achieving this is the strategic increase in the share of renewable electricity to 80% by 2030 including ambitious targets of deploying 9GW of onshore wind, 8GW of solar power and at least 5GW from offshore wind projects. 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 5GWs by 2025 and 8 GWs by 2030.

Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024

The National long-term Climate Action Strategy, entitled Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. The Strategy provides a pathway to a whole-of-society transformation and serves as a vital link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland's National Climate Objective.

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 (previously 12) priority sectors under 7 lead Departments that are required to prepare sectoral adaptation plans under the Climate Act in accordance with the Sectoral Planning Guidelines for Climate Change Adaptation which were published in 2018 and updated in 2024. The original 12 sectoral Plans prepared in 2019 and a new sectoral Plan for tourism are to be updated/prepared by end of Q3 2025. The following Electricity and Gas Sectoral Plan is relevant to the subject proposal.

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.

Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF and the National Development Plan (“NDP 2018-2027)

Project Ireland 2040 is the Government’s long-term overarching strategy to make Ireland a better country for all and to build a more resilient and sustainable future. The NPF and the NDP combine to form Project Ireland 2040. The NPF sets out to deliver a spatial strategy through a set of National Strategic Outcomes (“NSO’s”), including: ‘Transition to a Low Carbon and Climate Resilient Society’ which establishes a national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050. The first revision of the NPF has been approved by both Houses of the Oireachtas, following the

decision of the Government to approve the final revised NPF on 8th April, 2025. The 'First Revision' introduces regional renewable electricity capacity allocations for each of the three Regional Assemblies to be achieved by 2030 which for the Eastern and Midland Regional Area is an additional 3,294MW, for solar PV or 45% of the National share in 2030. This is the minimum required for solar generation to meet the 2030 emission reductions in the electricity sector. The NDP 2018-2027 sets out the investment priorities that will underpin the implementation of the National Planning Framework, through a total investment of approx. €116 billion. It recognises that Ireland's energy system requires radical transformation in order to achieve its 2030 and 2050 targets and objectives. It recognises that investment in renewable energy sources affords Ireland an opportunity to decarbonise our energy generation, but that this must be complemented by wider measures to moderate growth in energy demand, increase energy security, diversify supply sources and facilitate more variable electricity generation on the grid.

National Biodiversity Action Plan 2023 – 2030 (NBAP)

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows:

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.

National Energy Security Framework (April 2022)

The Framework addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions.

Theme 3 - Reducing our Dependency on Imported Fossil Fuels, focusses on three national tasks:

- Reducing demand for fossil fuels.
- Replacing fossil fuels with renewables, including solar energy.
- Diversifying fossil fuel supplies.

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

6.2. Regional Planning Policy

The Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031

In its main text, the RSES for the Eastern and Midlands Region, outlines a number of key issues with regard to rural development, climate change, and renewable energy:

Enabling and Sustaining the Rural Economy

The RSES for the Eastern and Midlands Region states that energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas.

Climate Change

Climate change is a global challenge which requires a strong and coherent response at national, regional and local level. Observations show that Ireland's climate is changing in terms of sea level rise, higher average temperatures, changes in precipitation patterns, more frequent weather extremes, the spread of invasive alien species and increased risk of wildfires, for example upland gorse fires. These changes are projected to continue over the coming decades. Climate change will

have diverse and wide-ranging impacts on the Eastern and Midland Region's environment, society and economic development, including managed and natural ecosystems, water resources, agriculture, food security and bioeconomy, human health and coastal zones.

National Strategic Outcome 8 is dedicated to achieving transition to a Low Carbon and Climate Resilient Society. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework noting that new energy systems and transmission grids will be necessary for a more distributed, renewable energy focused system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand.

Decarbonising the Energy Sector

The Region will need to shift from its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources, including renewable energy and secondary heat sources. Decentralised energy will be critical to the Region's energy supply and will ensure that the Region can become more self-sufficient in relation to its energy needs.

The Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and offshore, biomass, and solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives. It is necessary to establish a consistency of approach by planning authorities, both in identifying areas suitable for renewable energy development and having regard to potential impacts, inter alia on biodiversity, landscape and heritage. The provision of infrastructure should be supported in order to facilitate a more distributed, renewables-focused energy generation system, harnessing both on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting sites of optimal energy production to the major sources of demand.

Energy

A secure and resilient supply of energy is critical to a well-functioning region, being

relied upon for heating, cooling, and to fuel transport, power industry, and generate electricity. With projected increases in population and economic growth, the demand for energy is set to increase in the coming years.

The diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid.

The development of onshore and offshore renewable energy is critically dependent on the development of enabling infrastructure including grid facilities to bring the energy ashore and connect to major sources of energy demand. It is also necessary to ensure more geographically focused renewables investment to minimise the amount of additional grid investment required, for example through co-location of renewables and associated grid connections.

Regional Policy Objectives

Specific policy objectives set out in the RSES for the Eastern and Midlands region includes:

RPO 4.84: Support the rural economy and initiatives in relation to diversification, agri-business, rural tourism and renewable energy so as to sustain the employment opportunities in rural areas.

RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.

RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people.

6.3. Development Plan

The lands are in open countryside and not subject to a specific zoning objective.

Policy **DM RE 1** of the Laois County Development Plan 2021-2027 (LCDP) addresses solar farms. It sets out detailed criteria for the assessment of such developments.

Relevant policies in the LCDP include **CM RE 2; CM RE 3; CM RE 4; CM RE 8; CM RE 17; LCA 1; LCA 2; LCA 3; LCA 4; LCA 12; LCA 13; LCA 14; LCA 15; AGP1; AGP3, AGP5, DM RE 1** and **BNH 39**.

Key policies of relevance for this appeal include:

DM RE 1

The following factors will be used to assess applications for Solar Farm Development within the county:

11. Site Selection:

- a. Preference for use of brownfield sites / contaminated land and non productive agricultural land versus productive agricultural lands;*
- b. Proximity to electricity infrastructure.*

21. Assessment of Impacts

- a. Effect of glint and glare;*
- b. Visual impact on heritage and landscape assets, designated sites, views and prospects*
- c. The extent of additional impacts of solar rays follow the daily movement of the sun;*
- d. Ecology including biodiversity, flora and fauna*

- e. *Cumulative impacts of the proposal with other renewable energy installations in the area;*
- f. *Traffic impact on road infrastructure during all phases of development (construction, operation and decommissioning)*
- g. *Drainage, surface water runoff, flooding*
- h. *Effect on potential archaeological heritage, and therefore a planning application should be accompanied by an archaeological impact statement.*

31. *As a minimum the following will be required to be submitted in support of a planning application;*

- a. *Drawings, including those addressing all drainage matters*
- b. *Landscape / Biodiversity Plan;*
- c. *Construction Environmental Management Plan;’ and*
- d. *Decommissioning / Restoration plan.*

However, it is advised this to be agreed with the Planning Authority through pre-planning consultation.

CM RE 1:

Prepare a Renewable Energy Strategy (RES) for County Laois including to identify the target which County Laois can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, and in particular wind energy production and the potential wind energy resource (in megawatts), and commencement of the variation to the County Development Plan within 1 year of adoption of the plan. Once adopted this will be by way of a variation to the Laois County Development Plan.

I note that this RES has not yet been prepared.

CM RE 2:

Promote and encourage the development of energy from renewable sources such as hydro, bio-energy, wind, solar, geothermal and landfill gas subject to compliance with normal planning and environmental criteria in co-operation with statutory and other energy providers.

CM RE 3:

Promote County Laois as a low carbon county as a means of attracting inward investment and to facilitate the development of energy sources which will achieve low carbon outputs.

CM RE 8:

Promote solar energy projects at appropriate locations

LCA 3:

Seek to ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area, whilst providing for future development.

Natural Heritage Designations

Four European sites are identified in the vicinity – River Barrow and River Nore SAC (002161) 3.5km; Mountmellick SAC (002141), 7km; Slieve Bloom SPA 004160) 14.6km and the Ballyprior Grassland SAC 002256)- c.15km.

6.4. EIA Screening

Form 1 (Appendix to this report) sets out the pre-screening undertaken and Form 3 (Appendix 2) sets out the screening Determination undertaken which concludes as follows:

EIA Screening Determination:

EIAR not Required Having regard to: -

- the nature and scale of the proposed development, which of itself is not a class of development and falls below the thresholds in respect of Class 1(a) and Class 10(dd) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive;
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- The self-contained nature of the proposed development, which is close to existing suitable electrical infrastructure.
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised; • the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project - Planning and Environmental Report, the Glint and Glare Assessment Report, the Landscape and Visual Assessment Report, the Flood Risk Assessment, the Construction and Environmental Management Plan, the Archaeology, Architectural and Cultural Heritage Report, the Landscape Mitigation Plan, the Ecological Impact Assessment and the Natura Impact Statement would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations).

No mandatory requirement for EIA therefore arises.

7.0 The Appeal

7.1. Grounds of Appeal

Dr. John Nerney of Cappakeel, Emo, County Laois

Road safety:

- States that site entrance no.4 is dangerously close to his property – it is questioned if the set back is appropriately designed. Requested that it should be moved further east on the L3930.
- Notes Transport Infrastructure Irelands (TII) original objection to the proposed development, specifically with regard to driver distraction.
- It is argued that the traffic assessment does not adequately address the volume of traffic on this road, which is stated to be too narrow for two vehicles to pass comfortably (photos attached illustrating this issue).
- Notes reason for refusal by Galway County Council (planning reference 2361143) with regard to a solar farm - refused for reasons of traffic congestion.

Water Safety

- Notes that this area is not served by mains water. Notes ABP refusal for a development in Westmeath (ABP-317952-23) for potential impact on water quality.
- Outlines concern about the potential impact on local water quality.

Hedgerow/Boundary issues

- It is stated that there is insufficient hedging as mitigation around his property (refers to drawing no. P23-226-0101-0004 and Sheet 2 of the Landscape

Mitigation Plan). It is argued that the proposed additional mitigation planting is inadequate and does not match that proposed for other nearby properties.

- Concerns noted at possible noise issues, in addition o potential safety concerns during a storm

Hours of Construction

- Notes comments in appeal ABP-317952-23 with regard to construction hours and outlines concern at the hours proposed.

Aviation

- States that there are 3 airfields nearby, and that the area around Clonbulloge is within a solar safeguarding zone.

Scale

- Notes refusal of Gartlandtown 87-hectare solar development (**ABP-317952-23**) on the basis of disproportional scale and visual impacts – it is argued that the impact of this proposal is similar, but at a greater scale.

Additional issues (as outlined in Dr.Nerney’s original observation).

Health (water, air, mental health)

- Outlines concerns about the cumulative impact of environmental health impacts from the proposal, and the potential impact on the mental health of the local community.

Residential amenity

- Outlines concerns about unsocial hours activities and the intrusiveness of CCTV.

Heritage

- Concerns outlined on the overall impact on the heritage of the wider area, including Emo Court, the Rock of Dunamaise, Morette Castle and open areas such as The Heath.

Ecology

- Notes potential impact on bird life (notes Yellowhammer identified in hedgerows) and bats, and impact on local aquatic ecosystems.

Tom & Claire Milner of Cappakeel

- Expresses concern about the lack of assessment of the potential impact on drinking water supply and local water quality.
- Argues that the overall cumulative residential impact on dwellings in the area has not been fully assessed.
- Notes that a full Archaeological Impact Assessment has not been carried out despite the request of the Department of Housing, Local Government and Heritage.
- Outlines concerns about the direct impact on their dwelling due to inaccurate mapping of residential boundaries (refers to site layout plan 27 of 59).
- Additional points on environmental and amenity impacts are included in the original observation to the planning authority.

Shane and Ailish Mooney of Cappakeel

- Outlines concern of contamination of private wells in the area.
- Cumulative impact on residential amenity (photo included), specifically the proximity to houses and inadequate consultation.
- Impact of construction on the local road infrastructure, specifically during construction.
- It is argued that it is contrary to the agricultural land zoning and general use objectives for farmland.
- Concerns outlined on the visual context of the Rock of Dunamase, Morett Castle and the Slieve Bloom Mountains.
- Impact on local ecology and birdlife.
- It is argued that the area is under flight paths for a number of local airfields.

Damien McCarthy of Cappakeel

- It is argued that it will have an unacceptable impact on their dwelling, particularly as a result of visual impact from their home (upper and lower forms), and the loss of landscape quality. It is also argued that it will have an

unacceptable cumulative impact on the amenities and property values of all homes in the area.

- States that it results in the loss of high-quality agricultural land.
- It is argued that it will result in an unacceptable loss of heritage and landscape quality.
- A number of claimed issues with the original application are outlined.

David Hainsworth and others of Cappakeel, Killone, Ballyduff, Kilmurray, Morett, Malahide, Rossmore and Ballybrittas and Gurteenona, submitted by the Marston Planning Consultancy

- Concerns outlined about the impact on the Dunrally stream, which flows into the Glasha River and the Barrow and Nore SAC.
- It is stated to be contrary to policy DM RE 1 as it is argued that the site consists of high quality agricultural land.
- It is submitted that it will negatively impact on the conservation objectives of the Barrow and Nore SAC – it is submitted that the NIS has not adequately assessed the proposal on the basis of the precautionary principle. It is noted that the site is hydrologically connected to the SAC.
- It is argued that it is contrary to Policy Objectives BNH 2 and BNH 5 with regard to all developments being required to prevent significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites.
- With regard to EIAR, it is argued that it constitutes project splitting (with other ancillary infrastructure).

7.2. Applicant Response

The applicant responded to the 5.no. submissions in two separate letters. As the observers repeat many of the same points, I will summarise the response below according to specific topics:

Issue	Raised by	Response
Impact on private wells	T & C. Milner, D. McCarthy and others	<p>Refers to the Hydrology and Water Quality chapter of the main submission and the Flood Risk Assessment.</p> <p>Notes no record of groundwater flood events.</p> <p>Drainage design is based on SuDS principles, which allows for natural infiltration, along with standard best practice construction methods.</p> <p>Notes that the contractor is required to provide a full work method statement.</p> <p>States that there is no hydrological connectivity between the site and the Emo Court lake basin.</p> <p>There is stated to be no groundwater vulnerability or hydrological connection to nearby wells.</p> <p>Construction only requires shallow driven piles or cable laying – no deep excavations proposed near any wells.</p> <p>Notes 10 metres riparian buffer to all watercourses.</p>
Impacts on homes and residences	Various.	<p>Refers to the Population and Human Health section of the Planning Environment Report.</p> <p>Notes a 50 metre buffer maintained from all residential properties.</p> <p>Notes that the LCDP was subject to SEA which addressed general cumulative impacts of policy.</p> <p>Site selection process has followed LCDP guidelines.</p> <p>With regard to specific issues raised by observers, it is stated that reasonable measures have been taken to step panels back from boundaries (for example, see Figures 3-1 to 3-4 in the submission) and it is noted that the lands are generally flat with strong existing vegetation boundaries. It is stated that it will</p>

		take 2-3 years for full screening to establish depending on species planted.
Buffer zones around dwellings.	Dr. Nerney and others	It is stated that all plans submitted are correct and indicate the relationship between the proposed panels and existing dwellings. Notes that the boundaries are measured on the folio documents, not existing ditches or hedges.
Proximity to homes (noise, etc).	Various	States that the relationship between the panels and surrounding dwellings was comprehensively assessed in the original submission. States that there will be no operational noise from inverters that would exceed background rural levels. States that there is no evidence of wind or other related noise from solar panels resulting in amenity or nuisance impacts.
Archaeology	T& C Milner and others	Refers to the submitted Archaeological, Architectural and Cultural Heritage Assessment. States that the assessment includes a mitigation strategy for identified remains as requested by the Department. States that DHLGH issues were fully addressed in the further information submission.
Road infrastructure and construction traffic	T & C. Milner and others	Refers to the submitted CEMP and chapter 8 of the Planning & Environment report (P&E). A detailed TMP is included. States that the development will generate a maximum of 60 2-way HGV trips during the peak six week construction period. Operational traffic will be negligible. States that TII objection was on glint and glare – refers to the G&G report and the conclusion that

		<p>there is no potential for glare along the M7 or other roads.</p> <p>Noted that the roads support a significant rate of agricultural machinery traffic.</p>
Agricultural use/zoning	Hainsworth & others	<p>It is noted that it is proposed to maintain the lands for sheep grazing. There is no proposal to remove lands permanently from agriculture.</p> <p>It is stated that the proposed use is fully compatible with Chapter 9 of the LCDP on agriculture (AGP1; AGP3 and AGP5).</p> <p>It is noted that a range of policies, including the above and RE1; RE2 and RE3 support diversification of use in rural areas. It is further noted that the proposed use is not a permanent change of use.</p> <p>Notes national policy strongly supports solar energy.</p> <p>Notes proximity to the existing Porlaoise-Cushaling 110kV line.</p>
Visual impacts on Rock of Dunamase, Emo Court, etc.	D.McCarthy and others.	<p>Refers to assessment in LVIA.</p> <p>It is stated that the proposed development will not be visible from the Rock of Dunamase or Emo Court. States that views from Morett Castle are limited, with no significant change to the setting.</p> <p>It is submitted that cumulative impacts would be slight to imperceptible.</p>
Glint and Glare	Various	<p>Stated that all Glint and Glare issues were fully assessed in the G&G report and the response to the further information request.</p>
Biodiversity loss (including microclimate changes and invasives)	Various	<p>Refers to submitted P&E, EclA, NIS and RFI response report.</p> <p>Notes targeted field surveys carried out between May and July 2024.</p>

		<p>States that no records of Yellowhammer breeding or foraging were found.</p> <p>Refers to research on reflective surfaces and potential impact on birds – states that there is no evidence that this is a significant risk.</p> <p>States that the introduction of semi-natural grassland management and hedgerow enhancement will increase habitat and biodiversity value.</p> <p>CEMP addresses invasive species.</p> <p>States that there is no evidence of microclimate changes associated with solar panels creating significant negative impacts.</p>
Aviation hazard	Dr. Nerney and others	<p>States that this was comprehensively addressed in the G&G study.</p> <p>States that the proposal is fully in line with IAA and DAA protocol and guidance.</p>
Lack of public engagement	Various.	Refers to Appendix 1.2 of the P&E report for public consultations.
NIS issues	Various	<p>It is noted that the NIS addresses all relevant relationships between the site and the River Barrow and Nore SAC and was reviewed by Laois CC and IFI.</p> <p>It is stated that while some panels are located within the 1% AEP flood zone area, no sensitive elements (such as transformers) are within any potential flood zone. The proposed bridge crossings are clear span structures, ensuring that no in-channel alterations are required. All works are separated from watercourses by a minimum of 10 metres riparian zone.</p> <p>States that the precautionary principle has been fully applied through the use of avoidance, mitigation and design safeguards.</p>

		<p>Stated that the above ensure that the proposals are fully compatible with policy objectives BNH 2 and 5.</p> <p>States that the AA Screening and NIS fully addressed cumulative impacts with other developments in the area.</p>
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7.3. Planning Authority Response

No response on file.

8.0 Assessment

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

- Principle of Development
- Landscape and amenities
- Glint and Glare
- Noise
- Cultural Heritage
- Ecology/biodiversity
- Water, drainage, flooding (including Water Framework Directive)
- Construction impacts
- Decommissioning
- Conclusions

Principle of development

National and EU level policy is set by the **Climate Action and Low Carbon Development Act, 2015, as amended** which commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principal act such that Section 15(1) requires:

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

f) the most recent approved climate action plan,

g) the most recent approved national long term climate action strategy,

- h) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- i) the furtherance of the national climate objective, and*
- j) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

Under the above Climate Action Act, the **Climate Action Plan (CAP) 2024 (“CAP24”) and 2025 (“CAP25”)** sets out an objective for Ireland to meet its obligations under EU and international treaties, including the Paris Agreement (2015), the European Green Deal and the EU’s objective to reduce GHG emissions by at least 51% by 2030 (compared to 2018) and achieve climate neutrality by 2050. 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 targets of deploying 9GW of onshore wind, 8GW of solar power and at least 5GW from offshore wind projects. 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 5GWs by 2025 and 8 GWs by 2030. The National long-term Climate Action Strategy, entitled **Ireland’s Long-term Strategy on Greenhouse Gas Emissions Reductions 2024**, sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. The Strategy provides a pathway to a whole-of-society transformation and serves as a vital link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland’s National Climate Objective.

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.

Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF and the National Development Plan (“NDP 2018-2027) is the

Government’s long-term overarching strategy to make Ireland a better country for all and to build a more resilient and sustainable future. The NPF and the NDP combine to form Project Ireland 2040. The NPF sets out to deliver a spatial strategy through a set of National Strategic Outcomes (“NSO’s”), including: ‘Transition to a Low Carbon and Climate Resilient Society’ which establishes a national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050. The first revision of the NPF has been approved by both Houses of the Oireachtas, following the decision of the Government to approve the final revised NPF on 8th April, 2025. The ‘First Revision’ introduces regional renewable electricity capacity allocations for each of the three Regional Assemblies to be achieved by 2030 which for the Eastern and Midland Regional Area is an additional 3,294MW, for solar PV or 45% of the National share in 2030. This is the minimum required for solar generation to meet the 2030 emission reductions in the electricity sector. The NDP 2018-2027 sets out the investment priorities that will underpin the implementation of the National Planning Framework, through a total investment of approx. €116 billion. It recognises that Ireland’s energy system requires radical transformation in order to achieve its 2030 and 2050 targets and objectives. It recognises that investment in renewable energy sources affords Ireland an opportunity to decarbonise our energy generation, but that this must be complemented by wider measures to moderate growth in energy demand, increase energy security, diversify supply sources and facilitate more variable electricity generation on the grid.

Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF and the National Development Plan (“NDP 2021-2030) is the Government’s long-term strategy to make Ireland a better country for all and to build a more resilient and sustainable future.. The ‘First Revision’ introduces regional renewable electricity capacity allocations for each of the three Regional Assemblies to be achieved by 2030 which for the Eastern and Midland Regional Area is an additional 3,294MW, for solar PV or 45% of the National share in 2030. This is the minimum required for solar generation to meet the 2030 emission reductions in the electricity sector. In addition, the **National Energy Security Framework (April 2022)** addresses Ireland’s energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions. Theme 3 - Reducing our Dependency on Imported Fossil Fuels, focusses on three areas of work:

- Reducing demand for fossil fuels.
- Replacing fossil fuels with renewables, including solar energy.
- Diversifying fossil fuel supplies.

At the next policy level down, the **Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031** notes that energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas. A number of specific policy (outlined in Section 6 above) identify key policy objectives for achieving national targets for renewables.

The Laois County Development Plan 2021-2027 identifies the lands as open countryside and not subject to a specific zoning objective. Relevant policies include Relevant policies in the LCDP include **CM RE 2; CM RE 3; CM RE 4; CM RE 8; CM RE 17; LCA 1; LCA 2; LCA 3; LCA 4; LCA 12; LCA 13; LCA 14; LCA 15; AGP1; AGP3, AGP5, DM RE 1** and **BNH 39** – most do not relate specifically to solar energy – I will address these in the relevant sections below. The key policy objective specific to solar energy is DM RE 1 of the Laois County Development Plan 2021-2027 (LCDP). It sets out detailed criteria for the assessment of such developments.

The following factors will be used to assess applications for Solar Farm Development within the county:

Site Selection:

- c. Preference for use of brownfield sites / contaminated land and non productive agricultural land versus productive agricultural lands;*
- d. Proximity to electricity infrastructure.*

Assessment of Impacts

- i. Effect of glint and glare;*
- j. Visual impact on heritage and landscape assets, designated sites, views and prospects*
- k. The extent of additional impacts of solar rays follow the daily movement of the sun;*
- l. Ecology including biodiversity, flora and fauna*
- m. Cumulative impacts of the proposal with other renewable energy installations in the area;*
- n. Traffic impact on road infrastructure during all phases of development (construction, operation and decommissioning)*
- o. Drainage, surface water runoff, flooding*
- p. Effect on potential archaeological heritage, and therefore a planning application should be accompanied by an archaeological impact statement.*

As a minimum the following will be required to be submitted in support of a planning application;

- e. Drawings, including those addressing all drainage matters*
- f. Landscape / Biodiversity Plan;*
- g. Construction Environmental Management Plan;’ and*
- h. Decommissioning / Restoration plan.*

However, it is advised this to be agreed with the Planning Authority through pre-planning consultation.

The site is located on generally flat open countryside on moderately well drained agricultural land – at the time of my site visit most was in pasture, but some is arable and aerial photography indicates that much of the land has been arable in the recent past. It is in close proximity to the M7 and a number of 220kV and 110kV power lines and associated electrical infrastructure. The lands have been intensively managed for agriculture since at least the early 19th Century with much removal of hedgerows over the past century or more. I will address the landscape and cultural heritage and related issues further below, but as a general point I would note that the landscape is robust with the existing hedgerows significantly reducing views from public roads, and the topography does not allow for many clear viewpoints over the landscape.

The most significant topographical feature in the wider area is the Rock of Dunamase, some 5km to the south. The closest sensitive site would be the remains of Morett Castle, on a slight rise on the western side of the site. Emo Court is on the opposite side of the motorway. The extensive area of cutaway bog to the north of the lands, now largely woodland, appears to be quite well used for recreational purposes.

A number of appellants have focused on the ‘site selection’ subsection of **DM RE 1**, and have argued that as the lands are good quality agricultural land, this precludes the proposed development being in accordance with the development plan. I note that the planning authority did not accept this interpretation. While obviously using brownfield or otherwise low productive land would be ideal for such developments, realistically there are limited quantities of such land likely to be available that would also fulfil other strategic objectives and have the required characteristics for solar energy. While the agricultural land on the site is relatively good quality, the proposal is for a temporary (albeit 4 decade) use and will not take it entirely out of agricultural use. As such, and having specific regard to the wider national, regional and local plan objectives to facilitate and promote renewable energy on appropriate sites, in addition to the overall suitability for the site in terms of location relative to infrastructure, and relative lack of protective designations, I would concur with the conclusion of the planning authority that the proposed development is generally in

accordance with the overall strategic objectives set out in the LCDP and is fully in accordance with national and regional objectives for renewable energy and rural development.

One observer argued that the proposed development represents project splitting, as it was submitted without some associated infrastructure, including what is indicated to be a forthcoming SID application to the Commission for a transformer station. It is also noted that there have been recent applications and confirmed approvals by the Commission for upgraded electrical infrastructure in the area. I am satisfied that these do not represent project splitting by the applicant – the upgrades to the power lines are not specifically tied to the proposed solar farm and even if submitted as one application, I am satisfied that the associated electrical infrastructure and solar farm would not constitute a development requiring EIAR. I further note that both the Regional Plan and County Development Plan have been subject to SEA, and the need for upgraded electrical infrastructure was clearly identified in those plans and assessed accordingly.

I conclude therefore that the proposed development is fully in accordance with the overall strategic objectives of national, regional and local policy, subject to it satisfying the detailed requirements set out in policy relating to the protection of amenity, landscapes, cultural heritage, etc.

Landscape and amenities

The applicant submitted a **Landscape and Visual Impact Assessment (LVIA)** with the application based on standardized European Landscape Convention methodologies. Additionally, there is an overview in section 12 of the **Planning and Environment Report (PER)**. The LVIA is based on a study area of approximately 5 km around the site. It is noted that the Laois County Development Plan (LCDP) includes a Landscape Character Assessment – the proposed development is within landscape character type ‘LCT – Lowland Agricultural Areas’. A small area characterised as ‘LCT 1 – Mountain, Hills and Upland Areas’ is within the southwest quadrant of the 5km study area. One identified Scenic View – ‘View towards Carrigeen Hill’, view no.11 is within the study area. I note that Emo Court and the Rock of Dunamase are just outside the 5km area.

The landscape of the area is predominantly flat to gently rolling terrain, with somewhat hillier areas to the north and southwest of the core area for the proposed development. The site lies within the 60-90 metres contours, with some ditches and streams intersecting the lands. The lands are predominantly mixed farmland with generally medium to large fields, bordered by hedgerows. There are a number of small villages within the overall area, including Emo and Vicarstown. Portlaoise and Monasterevin are more than 5km from the lands.

Figure 1.4 of the LVIA shows the bare ground Zone of Theoretical Visibility (ZTV) map based on computer modelling. The relatively flat topography indicates that most theoretical views are relatively close – within 1-2 km of the site, with few at the outer edge of the 5km zone. Figure 1.5 indicates the ZTV map taking account of vegetation. As the area is characterised by relatively high hedges, the number of viewpoints is far more restricted, and nearly all are within 1km. From my site visit, I would confirm that views towards the site from open lands or public areas such as roads and paths are very limited even in winter with most leaf cover lost.

The LVIA includes visualizations from 20 identified points, including The Rock of Dunamase, which is just over 5 km to the south of the lands. The planning authority was generally satisfied with the choice of viewpoints and I would concur with this – I consider that these represent a reasonable mix of viewpoints that give an appropriate overview of the likely visual impacts. Section 1.5 of the LVIA outlines mitigation and avoidance measures, which primarily involves the strengthening of existing hedgerow boundaries in addition to the establishment of new hedgerows made up of native woodlands. Figure 1.9 indicates the likely result of these mitigation/avoidance measures. It is noted that impacts will be greater during construction and in the years immediately after this as it will take some years for the additional planting to fully establish. The overall impact of the construction period is considered to be moderate and generally localised. Impacts during the operational stage are assessed as of Medium to Imperceptible.

The report concludes that:

Overall, it is considered that the proposed development is a suitably sited and scaled project that is well screened by the surrounding layers of dense vegetation. Whilst the proposed development is of a sizeable scale and

extent, its perceived scale and extent are considerably reduced due to the heavily contained nature of this landscape context. Indeed, even where visible from the immediate site boundary, the nearest visible rows of panels tend to screen views further into the site. Furthermore, in terms of the surrounding landscape and visual policy, it is considered that the proposed development is situated in a robust part of Laois that can well accommodate a development of this scale and nature.

The planning authority generally accepted this conclusion and did not require additional mitigation, although clarification of some issues was required at further information stage. A number of observers have raised strong concerns about the overall impact on the landscape, both in terms of amenity (specifically, views from within dwellings, especially on upper floors), and the claimed failure of the LVIA and related submissions to fully address the cultural richness of the local landscape (I will address the specifics of cultural heritage in the relevant section below).

I consider the overall assessment in the LVIA and the planning authority's assessment to be correct. The overall landscape of the area is relatively flat and visually robust, with near continuous hedgerows and treelines greatly reducing long distance views across the landscape from all but a few raised vantage points, most of which are several kilometres to the south. While there are some elevated areas, specifically to the south-west of the site, these only provide very intermittent views over the site. I would conclude that the landscape - which is a highly developed agricultural landscape with many discordant features (not least the M7 and the power lines running parallel to this) - so the area is generally suitable for large scale solar farms, and I am satisfied that they can be accommodated in the area without resulting in more than moderate and short term visual intrusion. I am also satisfied that due to topography and distance, there would not be a significant visual intrusion on important sites such as the Rock of Dunamase and Emo Court. The historic site to be most impacted upon is the nearby Morett Castle – but this is primarily on private lands and is not easily accessible to the public. I am also satisfied that the solar panels would not be visible from any of the surrounding villages to any degree that would be above negligible or imperceptible.

While it is clear that a number of dwellings in the area will be within the visual envelope of the panels and some visual intrusion would be unavoidable from upper storeys, this is a working agricultural landscape which is always subject to various forms of intrusion on those who live in the vicinity. The minimum 50 metre separation between any dwelling and the nearest panel, along with the proposed mitigation planting, will reduce any residual impact on amenity to very low levels once the proposed buffer planting is fully established. The main impact would be glint and glare – I will address this in the relevant section below. I further note concerns expressed by observers about a loss of privacy from CCTV cameras. I would recommend a condition such that all CCTV cameras be directed away from dwellings to address this.

In conclusion, while the proposed solar farm is extensive and covers a wide area, the landscape is robust and capable of absorbing the panels without resulting in visual impacts above what would be considered acceptable having regard to the national and regional importance of encouraging growth in renewable energy. There will be no significant impact on scenic routes or other designated views or culturally important sites. The primary visual impact would be on dwellings immediately adjoining the site and a number of specific views, particularly from the north-west, around Morett Castle. I am satisfied that the proposed mitigation works will reduce residual impacts to negligible or minor or imperceptible and I do not recommend any significant alteration by condition to the proposed development for visual reasons if the Commission is minded to grant permission.

Glint and Glare

The applicant submitted a **Glint and Glare Assessment** (GGA) in section 13 of the **Planning & Environment Report** (PER), prepared by Macro Works Ltd. – this includes a number of technical appendices – some additional revisions were added as part of the further information request. Some additional information and clarification were submitted with the further information. A number of observers highlighted concerns over the safety impact on traffic and aviation, but I note that the relevant aviation authorities did not object and TII clarified its concerns in a later submission.

The GGA identified 84 dwellings which terrain-only data modelling indicated are theoretically vulnerable to glint and glare indications. Further study identified 19 no. dwellings with the potential to be materially affected. This number is reduced to 16 post mitigation. These are indicated on Figure 1.7 of the main GGA. A full assessment is in appendix A of the GGA report. It is stated that the impacts range from Medium to be Negligible (paragraph 1.1.11).

A total of 10 road receptor points were identified that would have the potential to experience residual glare post mitigation. An initial study using IAA protocols concluded that there were no registered aerodromes within the area and as such no further aviation assessment was considered necessary.

Mitigation measures proposed are essentially the same as for the landscaping – allowing existing hedgerows to grow out, strengthen others with additional planting, and establishing new hedges. In addition, it is stated that relatively low reflectivity panels will be used.

TII initially outlined a number of concerns relating to glare impacting on the M7, but following the submission of additional information and consultation with the planning authority, it is indicated that TII and the planning authority are satisfied that it does not constitute a traffic hazard on any part of the public road network.

The solar farm is likely to have some glint and glare impacts on a small number of dwellings in the vicinity, but I am satisfied from the information provided that the impacts will be negligible to moderate, and appropriate mitigation will ensure it will not result in a serious or significant loss of residential amenity. I am also satisfied that there would not be a significant traffic hazard, and there is no evidence of any potential impact on aviation safety.

Noise and Vibration

Section 10 of the PER outlines noise and vibration impacts from the construction and operational elements of the proposed development. A baseline noise survey in line with ISP and EPA standards was carried out in the 2nd and 3rd July 2024 on three locations (Figure 10.1). Two recorded typical rural low noise levels (with some noise

from traffic on local roads) - one had elevated levels mostly due to motorway traffic noise.

Construction noise was modelled using standard methodologies to assess the various stages of construction, including grid connection works. From sensitive receptors, all predicted noise levels were at or less than 65dB. Mitigation measures are required for those sensitive receptors closer than 50 metres from the grid connection works. Standard construction noise mitigation measures are set out in section 10.7 of the document. It is noted that noise at decommissioning phase is likely to be equivalent or less than the construction phase.

It is stated that there is no predicted noise emission from solar panels – potential noise sources are from inverter stations – two are proposed located on each of the 44 no. hardstanding areas across the site. Potential noise from these 88 units were modelled for the 54 no. receptors identified in the area. 45 of these are residential, seven are mixed use building and two are commercial operations. Predicted noise levels are set out in Table 10-13.

The report concludes (Section 10.8) that:

It is expected that operational noise limits will be met during all periods and there will be slight-negative and long term residual impacts. During the construction phase, there is potential for increased ambient noise levels. Generally, predicted construction noise is below the limits, for all phases except the grid connection works. The noise impact from construction works will be slight and temporary in duration. For the grid connection works, properties within 50m of the works may experience levels above the construction noise limit. These are expected to have a significant and temporary short term impacts.

It is concluded that there are no identified other schemes in the vicinity that could contribute to cumulative noise impacts.

Observers raised a number of issues with noise emissions, both during construction and operation of the proposed solar farm. One observer specifically raised the issue of wind noise within solar farms. This was not modelled by the applicant. While it cannot be entirely ruled out that in some weather/wind conditions there could be

some local acoustic impacts, in particular if (for example) plastic litter becomes trapped in the stands, these solar installations are now a mature technology and there are no indications from any existing developments that this is a significant issue, and in any event would likely be very rare.

In other respects, I consider that construction noise will be limited in extent and will occur during normal daytime working hours only. Operational noise from inverters and related electrical infrastructure will be very low due to separation distances from receptors – I am satisfied that with standard mitigation measures it will not be a significant nuisance for residents.

I would therefore conclude that the overall noise impacts of the proposed development, including construction and decommissioning, will, with standard mitigation measures in place be well within the bounds of acceptability for a working agricultural environment.

Cultural Heritage

The applicant submitted an **Archaeology, Architectural and Cultural Heritage Report** (AACH) in addition to section 11 of the PER which gives an overview of cultural heritage issues.

The extensive area of agricultural land which makes up the site is intensively worked agricultural land with few visible historic remains. It appears to have had a long history of ploughing and other forms of intensive agriculture. There are 32 no. recorded archaeological monuments within 500 metres of the site and 8 are within the site (none are National Monuments). The eight within are listed in Table 11-1 of the PER and Figure 1 of the AACH and consist of four enclosures, one church, one graveyard, a bullaun stone and holy well – the latter four are in Morett townland on the western end of the site, where there appears to have been a small historic settlement around the remains of the castle. Morett Castle is also a protected structure (one corner remains standing). There is one other protected structure close to the lands – Finlay's Mill, which is 250 metres to the south. The latter mill is on a mill race which runs through the site before discharging to the Glasha River. The AACH report was based on desk top studies and field walking, the latter of which identified some likely archaeological features within two of the fields.

The proposal does not directly impinge upon the setting of the church (of which only above ground fragments remain), graveyard, bullaun stone and holy well in Morett, on the western side of the site. The closest panel will be located over 50 metres from this side of the site. It is not proposed to erect panels on any of the enclosure sites (for which there are few visible remains), with buffer zones around each one. Mitigation measures are set out in Section 11.4 of the PER and in Section 5.2 of the AACH. It is recommended that a geophysical survey is carried out of areas where ground disturbances are anticipated. Additionally, all buffer areas surrounding the recorded monuments are fenced off. It is concluded that with appropriate mitigation, no residual effects on the archaeological resource are anticipated.

A number of observations raised specific concerns about the overall impact on the historical landscape of the area, including the contexts of Emo Court and the Rock of Dunamase. I am satisfied that due to the topography and distance there is no significant impact on the settings of these important sites in the wider area. The closest site with significance is the castle and associated cluster of church remains at Morett. No direct intervention is proposed for this cluster, but the castle is slightly elevated above the overall site, and the panels will be within 50-60 metres. I note that there is a view of the remains of the castle on the overpass of the motorway just west of this site and the solar farm may be visible in the background of this view – although existing vegetation would mostly obscure this. The solar farm will be visible intermittently in the background. The immediate context has of course been significantly altered by the presence of the motorway, in addition to large agricultural structures around the site. While there would be some impact on the setting, I would characterise it as moderate.

I am satisfied from the information on file that any impact on cultural heritage will be negligible. The recorded ancient monuments on the site are mostly very degraded from many years of ploughing, and the proposed mitigation measures will protect any existing remains. There will be a low level of overall impact on Morett Castle and Church, but no direct impact. There are no protected structures (apart from castle) in the area which would have their settings in any way degraded. The most important cultural/archaeological sites are of sufficient distance from the site that any visual intrusion on their context would be negligible.

The planning authority set a condition for archaeological monitoring, which I consider reasonable – I note that the mitigation measures set out in the PER and AACH provide information on the protocols for such works. I would recommend that a standard archaeological condition be applied if the Commission is minded to grant permission.

Ecology/biodiversity

The applicant submitted an **Ecological Impact Assessment** (EclA) and an NIS, with the information summarised in Section 7 of the PER. The EclA is based on a desktop study in addition to an ecological field walk on the 9th April 2024, with bird transect studies in late June and bat activity surveys carried out over three days in August (dusk and dawn surveys). Three SAC's were identified within the zone of influence – one of which (River Barrow and Nore SAC Site code 002162) has a hydrological connection to the site via the Glasha River.

The lands are predominantly agricultural grassland, tilled land, and arable crops, with additional hedgerows, treelines and drainage ditches, and one natural watercourse, which discharges to the Barrow/Nore catchment. Figure 7.1 in the PER shows the overall habitat sites. There are no Annex I sites within the lands.

The surveys indicated that there are no rare or protected flora species or Annex II or IV species on the site. No invasive species were identified. Two red list bird species were recorded – lapwing and yellowhammer, with ten amber list species recorded. No evidence of fox was found. One potential bat roost feature was shown to have moderate roost potential in a tree which is proposed to be retained. A number of bat species were recorded in the vicinity. There are records of White clawed crayfish and lamprey in the Dunrally Stream, which flows through the site.

The proposed development will involve the removal of a total of 75 metres of hedgerows, primarily to create vehicular accesses. Indirect disturbance of hedgerow and ditches and watercourses would occur without the mitigation measures set out in the application.

Mitigation measures are set out in Section 7.5 of the PER. These include standard best practice including providing gaps in security fencing, the provision of buggers, the use of anti-reflective layers, silt control and ecological enhancement measures,

which includes the planting of new hedgerows and the strengthening of existing hedgerows, the provision of insect hotels, the planting of wildflower meadow strips on buffer zones, the planting of new native woodland along watercourses, the provision of bat and bird boxes and hedgehog houses, and the use of low stocking numbers and restricted mowing to maximise the habitat value of the overall land. Ongoing implementation of a biodiversity plan is proposed for the life of the project.

The PER concludes that:

Following the full implementation of both the mitigation and recommended measures, the residual impacts on biodiversity vary from imperceptible to not significant.

I am satisfied from the information provided that (notwithstanding the conclusions of the NIS), that the proposed development will result in relatively minor short term negative impacts, but will be positive in the longer run. The lands are primarily intensively worked farmland with many of the hedgerows degraded. While there will be a loss of small sections of hedgerow and the overall lands may lose some seasonal foraging habitat for a number of species, the provision of additional planting and active habitat creation should result in positive benefits. I note the possible location of one tree with potential for roosting – a condition may be required to ensure this is protected appropriately. In other respects, I consider that the overall design and mitigation is appropriate and will not result in a long term loss in biodiversity, and will not negatively impact on any species protected under national laws or EU Directives.

Water, drainage, flooding (including Water Framework Directive)

The applicants supplied a **Flood Risk Assessment (FRA)** in addition to further information on watercourses and drainage in the EclA, the NIS and in Section 6 of the PER – there is additionally information on surface water management during construction in Section 3.3 of the CEMP. A number of observers outlined concerns about the impact on groundwater, specifically on local well water supplies. The analysis submitted in the PER is based on desk studies and a field walkover in July 2024.

The lands are within the Barrow catchment (Barrow_SC_050). Two streams, the Dunrally Stream (Dunrally Stream_010 and Dunrally Stream_020 sub-basins) and the Tonafarma stream, run through the site. There are also a number of artificial drainage channels within and around the site – these channels are indicated in the oldest OS maps for the area, indicating a long history of drainage. These drain to the Glasha River, a tributary of the Barrow, which flows to the north and east of the site – it is likely that these originally drained to a raised bog, which has been mostly drained and mined for peat – it is now woodland, intersected by water drains which flow to the Glasha. The lands appear generally well drained with no visible evidence of perched water or wetland plants. There is no evidence of ponds or karstic features within the site although GSI data indicates the underlying subsoil geology is till derived from limestone. A number of karst features including wells are present close to the site on the western side, in particular around Morett (this includes the Holy Well, a recorded ancient monument). The site is within the Bagnelastown Upper Groundwater body – an aquifer classified as moderately productive only in local zones.

The PER indicates that the construction works will include the removal of vegetation cover and the construction of tracks and hardstanding, and there is a new crossing of the Dunrally Stream proposed (a clearspan). A number of cross drains, interceptor and collector drains will be required. Some temporary drains for the construction period are proposed to allow water dispersal. No in-stream works are proposed. Standard mitigation measures are proposed for such construction with silt and standing water controls. Drainage beneath the 110kV substation will be ‘over the edge’, and water will be allowed to disperse.

The FRA indicates that there is no historic or other evidence for groundwater flooding on any part of the site. A recurring flood event in Tonafarna associated with one small watercourse overflowing its banks regularly (Flood ID-2739 on the OPW website). Figure 3-2 of the FRA indicates that some of the site is at risk of fluvial flooding during 1% and 0.1% AEP events – modelling indicates that there could be localised flood depths of greater than 0.8 metres. It is stated that solar farms are considered a water compatible use for flooding areas – the proposal is that in such areas the solar panels are raised to provide a freeboard of 300mm above the

relevant 1% AEP flood level. These are indicated in Figure 4-4, 4-5 and 4-6 of the FRA.

Mitigation measures for the construction period and operational period are set out in Section 6.6 of the PER and 5.2 of the FRA. For flooding, the raising of the freeboard of the panels is the primary means of protecting the development itself (associated electrical infrastructure is not within the identified flood risk areas). The panels do not form large impermeable surfaces, with sufficient space between the panels allowing rainwater to pass through the arrays and disperse/infiltrate evenly. As such it is stated that there will be no increase in run-off from its agricultural use. It is proposed to promote long grass conditions beneath the panels and to undertake chisel ploughing between solar panels immediately after construction in order to increase infiltration rates.

During construction, standard measures for water protection and control are to be utilised. The existing track and drainage system will be used where possible. The proposed bridge will not include in-stream works. Similar measures will be used during decommissioning. During operation, it is stated that the impact on hydrology and water quality will be 'not significant'. It is indicated that the promotion of long grass and buffer zones around watercourses will reduce run-off and improve water quality relative to agricultural activities. There are no developments identified that could result in cumulative impacts.

It is noted that there is a residual risk of individual panels becoming dislodged during a flood event or extreme weather conditions. This is considered unlikely and would only result in localised reduction in conveyance capacity.

One observer raised concerns about the impact on local water and wells. The site overlies mixed till, mostly of limestone, overlying carboniferous limestone. There are some wells identified to the west of the site, and it appears that many dwellings have their own wells (there is limited available information on this). The works do not involve any deep excavations or boreholes – some HDD drilling will be used to connect the parcels and run cables under watercourses, but this will be limited in extent. The panels are on shallow foundations, with excavations for those panels or associated infrastructure being little deeper than that for ploughing or other normal agricultural activities. There is no evidence that this will in any way impact on

existing aquifers or the natural wells. I am satisfied that there is no basis for concluding that the proposed works would significantly impact upon local hydrogeology.

The primary impact of the proposed development on hydrology will be during the construction and decommissioning periods, where there will be vegetation removal, soil storage, the construction of hardstanding, etc. The applicant has outlined standard best practice methodologies to mitigate any impact, which would primarily be likely to be run-off to existing watercourses. The proposed bridge will not involve any in-stream works. The layout and design of the solar panels, in particular the use of buffer zones and the establishment of a long grass habitat over the site will not - taking existing agricultural activities as a baseline - result in any degradation of local hydrology or hydrogeology. In many respects it is likely to lead to an improvement once the vegetation proposed as part of the development becomes fully established.

I conclude that the proposed development would not significantly impact negatively on water quality or flood risk, or impact on groundwater. I do not consider that any conditions above standard conditions are necessary. I have attached the screening for the Water Framework Directive in the appendix to this report - I conclude that it will not result in the deterioration of any surface or groundwater body.

Construction impacts and Traffic

The applicant has submitted a **Construction and Environment Management Plan** (CEMP) with details summarised in Section 2 of the PER. Section 2 provides an overview of the key construction elements, including mitigation measures. It includes details of the required foundations for the panels, construction entrances and site compounds, hardstanding design, water crossings and details on the trenching and drilling required for cables and working hours (0700 to 1900 Monday to Saturday). Section 3 of the CEMP outlines environmental and health and safety measures, including for decommissioning. Additional information on traffic movements and numbers were provided to the planning authority and in the response to the observations. The CEMP also includes a preliminary decommissioning plan in its appendices.

Traffic will be routed via the nearby M7 on the local road network – it is indicated that there will be periods whereby the development will generate a maximum of 60no. 2-way HGV trips during the peak six week construction period (details of construction traffic generation are set out in Appendix 1 of the CEMP – total construction period is indicated as 18 months). New construction site entrances are to be provided on the L3920 and L7815 with the construction compound indicated in drawing P23-226-0101-0002. Operational traffic will be negligible. A number of observers raised strong concerns about the impact of this on the local road network, in particular narrow sections where 2-way passing is difficult – this particularly applies to the roads on the western side, near Morett Castle which are very narrow, albeit suitable for local access and the heavy agricultural vehicles which use it at present.

While the construction period will result in traffic disruption and noise and other nuisance elements, the location of the site so close to a motorway junction and the proposal to route most construction traffic through linked plots and to use existing agricultural accesses and tracks should result in overall impacts that would be typical for a project of this nature and size. Outside of the most intense period of works (indicated as around 6 weeks of the 18 month total) traffic will not likely be significantly more than during a busy time for agricultural activities. The local roads – as always with such rural roads – are not ideal for heavy vehicle usage, but with appropriate controls (as set out in the CEMP) the proposed development should not result in disruption or hazard above normal for an agricultural area. I note the concerns about the construction accesses, but I consider that these are generally appropriate given the need to minimise removal of hedges and ditches, and their use will be limited in time and extent. Traffic during the operational period will be very low, almost certainly much lower than for agricultural use.

I note the concerns expressed by one observer about the working hours stated in the CEMP. As set out in that document they are longer than is normal for this type of work. I would recommend a condition such that the works are limited to standard hours of work for construction of this type.

I recommend a standard condition for construction management such that there is sufficient flexibility for the local authority to agree further details to ensure local impacts are kept to a minimum.

Conclusions

The proposed solar farm is consistent with national and regional policy with regards to facilitating renewable energy and does not represent a material contravention of the development plan. I do not recommend any significant alteration of the design or layout by condition, although key elements, such as the construction management plan and further archaeological and ecological monitoring of the proposal can be addressed by the planning authority via appropriate conditions. I note that a Section 182A application direct to ACP is likely for ancillary electrical infrastructure to allow for a connection to the grid. While it is not ideal that there is an element of uncertainty over the routing of any connection, having regard to the proximity of the site to suitable electrical connections (subject to the agreement of the relevant statutory undertakers), I do not consider that this represents project splitting or is likely to result in cumulative impacts that are not foreseen in the documentation submitted with the application.

The applicant has requested a 10 year permission on the basis that permission to connect to the grid may take a number of years. This is standard for such infrastructure and I consider it reasonable to permit this. The total given life of the proposed solar farm is 40 years, which is in line with current practice. I consider both these timescales to be reasonable.

9.0 AA Screening

I consider that the proposed development of the solar farm is not directly connected with or necessary to the management of any European site.

Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects

European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance
River Barrow and River Nore SAC (002162)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p>	2.5km

European site (SAC/SPA)	Qualifying Interests	Distance
	Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]	
Mountmellick SAC (002141)	Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	6km
Slieve Bloom Mountains SPA (04160)	Hen Harrier (Circus cyaneus) [A082]	12km

Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for 1.no of the European sites referred to above, i.e. the **River Barrow and River Nore SAC (002162)**.

The remaining sites can be screened out from further assessment because of the nature and scale the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these European sites in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

Relevant European sites

The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for the site, are set out below.

<p>River Barrow and River Nore SAC (002162)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p>	<p>2.5 km</p>
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	<p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaiite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p>	
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1. River Barrow and River Nore SAC

This extensive site consists of the freshwater stretches of the Barrow and Nore River catchments as far north upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. Major towns along the edge of the site include Mountmellick, Portarlinton, Monasterevin, Stradbally, Athy, Carlow, Leighlinbridge, Graiguenamanagh, New Ross, Inistioge, Thomastown, Callan, Bennettsbridge, Kilkenny and Durrrow. It passes to the east of the site where the Barrow runs south from Monasterevin. The Glasha River is not part of the habitat but drains into the river at Dunrally Bridge.

The larger of the many tributaries include the Lerr, Fushoge, Mountain, Aughavaud, Owenass, Boherbaun and Stradbally Rivers of the Barrow. Both rivers rise in the Old Red Sandstone of the Slieve Bloom Mountains before passing through a band of Carboniferous shales and sandstones. The Nore, for a large part of its course, traverses limestone plains and then Old Red Sandstone for a short stretch below

Thomastown. Before joining the Barrow it runs over intrusive rocks poor in silica. The upper reaches of the Barrow also run through limestone. The middle reaches and many of the eastern tributaries, sourced in the Blackstairs Mountains, run through Leinster Granite. The southern end, like the Nore runs over intrusive rocks poor in silica. Waterford Harbour is a deep valley excavated by glacial floodwaters when the sea level was lower than today. The coast shelves quite rapidly along much of the shore.

The site is very important for the presence of a number of E.U. Habitats Directive Annex II animal species including Freshwater Pearl Mussel (*Margaritifera margaritifera*), White-clawed Crayfish, Salmon, Twaite Shad, three lamprey species – Sea Lamprey, Brook Lamprey and River Lamprey, the tiny whorl snail *Vertigo moulinsiana* and Otter. This is one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The Barrow/Nore is mainly a grilse fishery though spring salmon fishing is good in the vicinity of Thomastown and Inistioge on the Nore. The upper stretches of the Barrow and Nore, particularly the Owenass River, are very important for spawning.

Conservation Objectives

- To maintain the favourable conservation condition of estuaries in the Barrow and Nore SAC
- To maintain the favourable conservation condition of the mudflats and sandflats not covered by seawater at low tide.
- To maintain the favourable conservation condition of reefs.
- To maintain the favourable conservation condition of *Salicornia* and other annuals colonizing mud and sand in the River Barrow and River Nore SAC
- To restore the favourable condition of Atlantic salt meadows in the River Barrow and River Nore SAC.
- To restore the favourable conservation condition of Mediterranean salt meadows.

- To maintain the favourable conservation condition of watercourses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation.
- To maintain the favourable conservation condition of European dry heaths.
- To maintain the favourable conservation condition of hydrophilous tall herb fringe communities of plains and of the montane to alpine levels.
- To maintain the favourable conservation condition of Petrifying springs with tufa formation (*Cratoneurion*).
- To restore the favourable conservation condition of old oak woodland with Ilex and Blechnum.
- To restore the favourable conservation condition of Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).
- To maintain the favourable conservation condition of Desmoulin's whorl snail.
- To maintain the favourable conservation condition of the Freshwater pearl Mussel (*Margaritifera margaritifera*).
- To maintain the favourable conservation condition of the White-clawed crayfish.
- To maintain the favourable conservation condition of Sea Lamprey.
- To restore the conservation condition of Brook lamprey.
- To restore the favourable conservation condition of River lamprey.
- To restore the favourable conservation condition of Twaite shad.
- To restore the favourable conservation condition of salmon.
- To restore the favourable conservation condition of Otter.
- To maintain the favourable conservation condition of Killarney Fern.

Potential direct effects:

- Increased human activity may disturb QI species such as otter using the areas on and surrounding the site.

- In-stream works may lead to increased sedimentation in nearby watercourses, which may effect aquatic QI species/habitats.
- In stream works may lead to increased sedimentation in nearby watercourses, which may effect aquatic QI species/habitats.
- Potential indirect effects:
- Pollutants, hydraulic fluids and oils from machinery and construction works may enter nearby watercourses and effect aquatic QI species/habitats.

Potential in-combination effects:

None identified.

Mitigation measures:

Measures set out in Section 4.5 and Table 4-4 of the NIS. These include:

- Mitigation by design (using existing field entrances where possible, mammal access gaps in security fencing, clear span bridges used for stream crossings, 20 metre buffer along watercourses).
- Works to install the bridges and HDD drilling will be carried out outside of the salmonid and lamprey spawning seasons.

Residual effects/Further analysis:

It is concluded by the NIS that the proposed solar farm will not adversely affect the integrity of the River Barrow and Nore SAC.

NIS Omissions

None noted.

Suggested related conditions

Standard condition relating to water pollution control in construction methodology.

Conclusion:

I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

Appropriate Assessment Conclusions

The proposed works are located upstream of the River Barrow, there is the possibility of lamprey and salmon spawning in the minor streams on the land – the latter are QI species. The proposals include two clearspan bridges over the watercourses. The mitigation works outlined in the NIS address any potential direct impact on spawning, and the longer term operation of the solar farm will, in comparison to existing tillage uses, have a reduced impact on the watercourses in terms of run-off. I am satisfied that the mitigation measures set out will ensure no direct impacts on the watercourses that could impact upon QI species. In terms of indirect effects, the primary impact would be run-off downstream to impact on QI species directly or habitats. The standard best practice controls proposed will ensure no run—off occurs during construction or during the operational period. The NIS concluded there would be no residual impacts and the planning authority concurred with this submission. I note that while there are a significant number of permitted solar farms and electricity transmission works permitted in the vicinity, these are sufficiently distant from the site and in terms of timing of the works to ensure there should be no cumulative impacts that have not been anticipated by the NIS and associated documents.

Having regard to the nature of the area, the scale and nature of the proposed works, and the mitigation measures set out in the NIS, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site 002162 or any other European site, in view of the site's Conservation Objectives.

10.0 Recommendation

I recommend that permission be granted to the proposed solar farm for the reasons and considerations set out below, subject to the conditions in Section 12 below.

11.0 Reasons and Considerations

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 of particular relevance:

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

National Policy and Guidance including:

- (a) Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF,
- (b) the National Development Plan 2021-2030,
- (c) the objectives and targets of the National Biodiversity Action Plan 2023- 2030,
- (d) the Policy Statement on Security of Electricity Supply (November 2021),
- (e) the National Energy Security Framework (April 2022), and
- (f) the National Energy and Climate Action Plan (2021-2030).

Regional and Local Planning Policy, including in particular:

- (a) the Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031
- (b) the Laois County Development Plan 2021-2027,
- (c) the location, nature, scale and layout of the proposed development,
- (d) the pattern of development in the area and the context of the receiving environment,
- (e) the range of mitigation measures set out in the Natura Impact Statement
- (f) the range of mitigation measures set out in the Environmental Considerations Report,
- (g) the measures proposed for the construction, operation and decommissioning of the proposed development as set out in the Construction and Environmental Management Plan,
- (h) the submissions and observations received in relation to the planning application and the appeal, and
- (i) the Inspector’s report and recommendation.

Proper Planning and Sustainable Development:

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 Laois County Development Plan 2021-2027, would not seriously injure the visual or residential

amenities of the area or of property in the vicinity, would not have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse Impact on ecology, 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 Condition

Appropriate Assessment Stage 1 Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on the **River Barrow and River Nore SAC** (002162) in view of the sites conservation objectives. Appropriate Assessment is required.

Appropriate Assessment Stage 2 Conclusion

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Site River Barrow and River Nore SAC site code 002162 in view of the site's Conservation Objectives.

The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites conservation objectives using the best available scientific knowledge in the field.

In completing the assessment the Board considered, in particular, the following

- (i) Site Specific Conservation Objectives for the European Site,
- (ii) Current conservation status, threats and pressures of the qualifying interest features
- (iii) likely direct and indirect impacts arising from the proposed development

both individually or in combination with other plans or projects, specifically run-off from the construction works and,
(iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European site River Barrow and River Nore SAC (002162) in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

EIA Screening Determination

Having regard to: -

- the nature and scale of the proposed development, which is not itself a class of development and falls below the thresholds in respect of Class 1(a) and Class 10(dd) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive;
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);

- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project – Planning and Environmental Report, Flood Risk Assessment, NIS, Construction Environmental Management Plan, and Decommissioning Plan.

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

12.0 Conditions

1. The proposed 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 17th day of May, 2024 and by An Coimisiún Pleanála on the 17th day of 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 the commencement of development and the proposed 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 ten years from the date of this Order. Reason: Having regard to the nature and extent of the proposed development, the Commission considered it appropriate to specify a period of validity of this permission in excess of five years.
3. (a) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary

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

4. (b) Prior to commencement of development, a Decommissioning Statement, including a detailed restoration plan and a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, concrete shoes, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. The Decommissioning Statement shall be updated in accordance with condition numbers 16, 17 and 18 of this Order.
5. (C) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors/concrete shoes, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning

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

6. The mitigation measures contained in the submitted Natura Impact Statement received by the planning authority on the 17th day of May, 2024 shall be implemented in full.

Reason: To protect the integrity of European Sites

7. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report, the Glint and Glare Assessment Report, the Landscape and Visual Assessment Report, the Flood Risk Assessment, the Construction and Environmental Management Plan, the Archaeology, Architectural and Cultural Heritage Report, the Landscape Mitigation Plan, the Ecological Impact Assessment and the Natura Impact Statement shall be implemented by the developer in conjunction with the

timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order. Where such measures 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.

Reason: in the interest of clarity and the protection of the environment during the construction and operational phases of the development.

8. 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.

9. Site development and building works shall be carried out only during the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0700 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 amenities of property in the vicinity.

10.

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

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

(c) Cables within the site shall be located underground.

(d) The transformers/inverters shall be dark green in colour.

Reason: in the interest of the long-term viability of this agricultural land and in order to minimise impacts on drainage patterns, clarity, visual and residential amenity.

11. During the operational phase of the proposed development, the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB L_J\fmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), to include a Construction Traffic Management Plan (CTMP), 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 proposed development, including:

- The location of the site and materials compound(s).
- The location of areas for the construction site offices and staff facilities
- Details of site security fencing and hoardings.
- Details of on-site car parking facilities for site workers during the course of construction
- 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 HGV traffic and associated loads to the site and to avoid conflict with schools and pre-schools.
- Measures to facilitate demands for VRU's and measures to obviate the queuing of construction traffic on the adjoining road network.
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Containment of all construction-related fuel and oil, management of excavated soil, control of surface water run-off and control of onsite refuelling in accordance with the ecological and

environmental mitigation measures set out in the Natura Impact Statement.

- Off-site disposal of construction/demolition waste.
- Details of compliance with all relevant conditions attached to this Order.
- 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 in the Natura Impact Statement. A record of daily checks that the works are being undertaken shall be kept for inspection by the planning authority.

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

13. All mitigation measures in relation to archaeology and cultural heritage as set out in the Planning and Environment Report and the Archaeology, Architectural and Cultural Heritage Report shall be implemented in full, except as maybe otherwise be required in order to comply with the conditions hereunder in relation to archaeological heritage. The developer shall retain/engage a suitably qualified Archaeologist to advise on and implement appropriate archaeological mitigation strategies in advance of and during construction works, as follows:

- (a) In advance of commencement of development, the appointed Archaeologist shall advise on and supervise the installation of appropriate works exclusion zones at all sites/monuments listed in the statutory Record of Monuments and Places (RMP), Sites and Monuments Record (SMR) and all areas of subsurface archaeology identified during the targeted archaeological test excavation within the development lands. The use of appropriate non-intrusive fencing (heras type or similar) shall be necessary to demarcate the works exclusions zones. No movement or storage of plant, machinery,

equipment, spoils or sundries shall be permitted within these zones for the duration of all construction related activity.

- (b) In advance of commencement of development, the appointed Archaeologist shall carry out a second phase of pre-construction archaeological test excavation in all remaining areas of proposed ground disturbance within the development site, including, but not limited to, construction compounds, substation/inverter station locations, hard-standing/lay down areas, access tracks and drainage location and cable array locations. Such works shall be carried out under licence from the National Monuments Service, Department of Housing, Local Government and Heritage. „

The Archaeological Test Excavation shall be informed and supplemented by a licensed metal detection survey.

In advance of commencement of development, the developer shall facilitate the Archaeologist in carrying out a Boundary Survey within the proposed development site. The Archaeologist shall record the historic vernacular field boundary walls and townland boundaries at all locations proposed for removal during construction within the development site.

Following completion of the archaeological works, the developer shall submit an updated archaeological impact assessment report for the written agreement of the planning authority following consultation with the Department of Housing, Local Government and Heritage, in advance of any site preparation works or ground works, including site investigation works, topsoil stripping, site clearance works and construction works. The report shall include an updated archaeological impact statement and mitigation strategy based on the findings of the Phase 2 excavation.

Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (archaeological excavation) and/or monitoring shall be required.

Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the developer. No site enabling/preparation works or construction works shall be carried out on site until

the Archaeologist's report has been submitted to, and written approval to proceed has been received from, the planning authority. Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites features or other objects of archaeological interest.

Reason: In the interest of protecting the cultural heritage of the area.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

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

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

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

Philip Davis
Senior Planning Inspector

14th January 2026

APPENDICES

EIA Pre-Screening

Case Reference	
Proposed Development Summary	10 year permission and 40 year operational life for a solar farm on 5 no. land parcels.
Development Address	Townlands of Morett, Killone, Cappakeel, Rossmore and Raheenahown North, County Laois.
	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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	Part 2- Class 1 (a) 'restructuring of rural land holdings'- 18m of field boundary removal for entrance. Class 10 (dd) All private roads which would exceed 200 metres in length. Use of existing access tracks and 250m new only.

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	

Inspector: _____ Date: _____

EIA Preliminary Examination

Case Reference	
Proposed Development Summary	10 year permission and 40 year operational life for a solar farm on 5 no. land parcels.
Development Address	Townlands of Morett, Killone, Cappakeel, Rossmore and Raheenahown North, County Laois.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	250 hectare solar farm including ancillary works – electrical connection will be part of a separate application.
Location of development	The lands are existing pasture and tillage farmland, generally intensively worked, with ditches and hedgerows. Some minor watercourses – tributaries of the Barrow – flow through the site. There are some recorded ancient monuments within the lands – additionally, two protected structures nearby. The nearest EU site is the Barrow and Nore SAC, designated for a wide range of riverine and estuarine habitats and species.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are some minor to moderate landscape effects identified in addition to minor noise and visually intrusion effects on a number of local receptors. None are significant in the context
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

<p>There is no real likelihood of significant effects on the environment.</p>	<p>The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 3 in Appendices of this report). 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.</p>
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

A. CASE DETAILS

An Bord Pleanála Case Reference	PL-500061-LS	
Development Summary	10 year permission and 40 year operational life for a solar farm on 5 no. land parcels.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	No EIAR required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	The NIS concluded that there were no significant effects on designated EU habitats.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Development Plan and LAP subject to SEA

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	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?	Yes	Temporary establishment of extensive solar farm on 180 hectares, minor alteration to hedgerows and treelines.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	It will temporarily change the land use from agriculture to solar farm with some low level agricultural use remaining. Two small single span bridges will be provided over existing streams running through the area. No substantive alteration to the landform proposed.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Substantial importation of solar panels and associated structures. The result will be a substantial generation of renewable energy.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance	No		

which would be harmful to human health or the environment?			
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Minor arisings from construction works, all to be disposed of according to CEMP in licensed landfills if required.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Possibility of run-off entering nearby watercourses. To be mitigated by way of standard construction controls.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Transformers associated with the solar farm will generate some noise and vibration. Construction and demolition works will require some lighting and will result in some noise.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Dust arisings during works. Standard construction mitigation measures proposed.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	The construction period will be around 18 months, but overall heavy vehicle movements will be relatively low. The operation of the solar farm will result in reduced traffic compared to the existing agriculture use.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Minor construction and operational employment benefits.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	A number of solar and wind farms have been granted in the wider area, but there are no indications that cumulative impacts will be significant.	No

2. Location of proposed development

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - 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 	<p>Yes</p>	<p>The lands are in the catchment for the River Barrow and River Nore SAC. There is some potential without mitigation for run off during construction to indirectly impact on QI species. Mitigation by design and standard construction methodologies will ensure no adverse affects.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>Some bird, bat, and freshwater vertebrate species were identified on the site, but mitigation measures, including the timing of works (set out in the CEMP) will eliminate this impact.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>There are a number of recorded monuments on the lands, but all are degraded with few remains. These will not be directly impacted upon during works. Morett Castle and church is the closest recorded monument and protected structure – impacts on its setting will be minor. The lands are not clearly visible from important sites such as Emo Court and the Rock of Dunamase.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the</p>	<p>No</p>	<p>The lands are moderately productive agricultural land, but this is not a scare resource.</p>	<p>No</p>

project, for example: forestry, agriculture, water/coastal, fisheries, minerals?			
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	A number of streams and minor watercourses run through the site. Two clear span bridges will be built over these. No direct in-stream works are proposed.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	The lands are served by third class country roads of varying width and quality. It is within 2 km of a junction of the M7. Traffic impacts will be confined to the construction period only.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	No.	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	A number of solar farms and wind farms have been permitted in the wider area, in addition to permitted and proposed electrical apparatus upgrades. No significant cumulative impacts have been identified.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			

No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the nature of the proposed development and its temporary nature.
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the careful design with regard to sensitive receptors
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including an NIS, which concluded that there were no significant effects on any qualifying species of an EU designated habitat.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including best practice in construction management, mitigation by design proposals and the proposed strengthening of hedgerows and treelines, plus buffer zones around houses, watercourses, recorded monuments and other sensitive land uses.

The Board 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.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	PL-500061-LS	Townland, address	Morett, Killone, Cappakeel, Rossmore and Raheenahown North, Co. Laois.
Description of project	10 year permission and 40 year operational life for a solar farm on 5 no. land parcels.		
Brief site description, relevant to WFD Screening,	The site covers c.250 hectares of pasture and tillage farmland, including a number of drainage ditches and streams. The lands are generally well drained with little evidence of waterlogging or standing water. There are karstic features (springs) to the west of the site, in Morett townland. To the north is a forest, apparently on formerly drained bogland.		
Proposed surface water details	No in-stream alterations to watercourses are proposed, buffer zones are proposed around existing streams. Water from panels and hardstanding generally to be allowed percolate naturally through existing soils. Soil picking to be used after construction to improve percolation.		
Proposed water supply source & available capacity	No permanent water supply needed.		
Proposed wastewater treatment system & available capacity, other issues	None proposed.		

Others?		NO.				
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)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	0 metres	Dunrally stream_010	Moderate	Not at risk	none	Stream runs through the site. Buffer zones proposed and protection measures outlined in CEMP and NIS.
	0 metres	Dunrally Stream_020	Moderate	Not at risk	None	Stream runs through the site, and bridges to span (single span). Construction management plan and details submitted in NIS
	c.3km	Barrow_120	Moderate	Not at risk	None	Dunrally stream discharges to the Barrow

	0km	Bagenalstown Upper Groundwater body	Good	Not at risk	None	No identified threat to groundwater.	
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	Dunrally stream_010	Run-off during construction	Water quality degradation due to suspended solids	General construction management/ HDD drilling	No	Screened out
2.	Surface	Dunrally Stream_020	Run-off during construction	Water quality degradation due	General construction	No	Screened out

				to suspended solids	management/ HDD drilling		
3.	Surface	Barrow_120	Run-off during construction	Water quality degradation due to suspended solids	General construction management	No	Screened out
4.	Groundwater	Bagenalstown Upper Groundwater body IE_SE_G_1 53	Spillage during construction.	Contamination from fuels or oils	Standard construction management.	No	Screened out
OPERATIONAL PHASE							
	Surface	Dunrally stream_010	None	None	None	No	Screened out
	Surface	Dunrally Stream_020	None	None	None	No	Screened out
	Surface	Barrow_120	None	None	None	No	Screened out

	Groundwater	Bagenalstown Upper Groundwater body IE_SE_G_1 53	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
	Surface	Dunrally stream_010	Run-off during removal of panels and restoration of any tracks.	Water quality degradation due to suspended solids	General construction management/ HDD drilling	No	Screened out
	Surface	Dunrally Stream_020	Run-off during removal of panels and restoration of any tracks.	Water quality degradation due to suspended solids	General construction management/ HDD drilling	No	Screened out
	Surface	Barrow_120	Run-off during removal of panels and restoration of any tracks.	Water quality degradation due to suspended solids	General construction management	No	Screened out

	Groundwater	Bagenalstown Upper Groundwater body IE_SE_G_15 3	Spillage during removal of materials.	Contamination from fuels or oils	Standard constructio n manageme nt.	No	Screened out
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