



An
Coimisiún
Pleanála

Inspector's Report PL-500253-CE-25

Development

10-year planning permission for a solar array. The proposed development provides for minor modifications to the solar array permitted under Reference P22/591 / An Bord Pleanála Reference ABP-316043-23. A Natura Impact Statement (NIS) has been prepared.

Location

Coolderry, Dromintobin North, Dromintobin South, Knockbrack Lower, Knockbrack Upper, Monaskeha Oakfield and Ruanard (townlands), Ardnacrusha, Co. Clare.

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

2460485

Applicant(s)

Reeve Wave Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party

Appellant(s)	Greg Larkin Liam Mannix Donnellan Developments Limited
Observer(s)	None
Date of Site Inspection	18 March 2026
Inspector	Una Crosse

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1.0 Site Location and Description

1.1. The site of approximately 96 hectares comprises a series of fields comprising parcels of lands located to the north and northwest of Cloonlara village, the R463 and Canal in County Clare. The lands vary in undulation with some fields slightly below the level of the most proximate access road and others rising gently from the road. This site is also proximate to Ardnacrusha (c.1km) and is c.5km from the environs of Limerick City. The R471 extends northwards from the R463 with elements of the proposed development located on both sides of this road.

1.2. In the interest of clarity, I have used the parcel references set out in the application documentation as follows:

Parcel 1 – this comprises two areas which adjoin the permitted Ballyglass solar arrays. The lands within the Coolberry and Dromintoboin North area are located to the east of local road L3046 and west of the L70382 which is accessed from the R463 and terminates to the east of this parcel.

Parcel 2 - is a single area of land which is located to the southeast of the R471 north of the northernmost area of the permitted Ballglass arrays.

Parcel 3 – this parcel comprises a series of fields to the west of the R471 along either side of a local track from the Regional road. The Ruanard housing cluster is located to the south of this parcel and west of the rear boundaries of rural housing which abuts the west of the regional road. The western area of this parcel is also the indicative location of the propose future substation east of the L70382.

Parcel 4 is the largest area of land located to the east of the R471 with part of the site directly abutting the regional road. The arrays extend eastwards from the regional road to the north of a cluster of houses known as Monaskeha Heights. The most northern fields in this parcel are located to the rear of properties along the Knockbrack Upper road.

1.3. The wider area is characterised by agricultural activity with one off houses dispersed generally along the network of roads which traverse the undulating

landscape. There are also a number of clusters of dwellings accessed from the R463 located to the south of the site boundaries.

2.0 Proposed Development

2.1. Development Proposal

The proposal comprises two elements. The majority of the proposal is the development of a new solar array with the remainder of the proposal comprising minor modifications to the solar array permitted under Reg. Ref. P22/591 (ABP-316043-23)

New Solar Array

The proposed development is for a solar array with an operational lifespan of 40 years and an estimated maximum export capacity of 70MW which will consist of:

- c. 330,000 m² of solar panels on ground mounted frames,
- 13 single storey control cabins with associated electrical transformer units and hardstand areas;
- 2 ring main units,
- underground cabling within the solar array and within the R471 public road to connect solar array field parcels,
- security fencing and internal CCTV,
- access tracks (upgrade of 430m of existing and 4,135 of new tracks),
- upgrade to 1 existing agricultural field entrance on the R471
- creation of 2 new entrances on the R471
- 1 new entrance on the L70382,
- Removal of 222 linear metres of hedgerow off set by 385m of new hedgerow and bolstering of 17,650m of existing hedgerows.
- 2 temporary construction compounds (including site offices and welfare facilities),

- landscaping and all associated ancillary apparatus and development works.

A permission for 10 years is sought. The racks upon which the panels are positioned have a maximum height of 3m orientated to the south with a tilt angle of between 15-25 degrees.

2.2. Modifications to Permitted Solar Farm

As part of the subject application, modifications are proposed to the solar farm permitted under Reg. Ref. P22/591 (ABP-316043-23) and which comprise the following:

- Omission of one single storey control cabin and associated electrical transformer unit;
- Omission of solar panels and access track
- Reconfiguration of internal cabling

2.3. Grid Connection

It is proposed to connect to the national grid via a proposed substation to the west of Parcel 3 of the site and underground cabling connecting into an existing 110kV substation at Ardnacrusha. The 110kV substation and associated cabling does not form part of this application and it is stated it will form a separate application to the Commission as a strategic infrastructure development and the outline proposals enclosed are for information only.

To this end, it is stated that the applicant entered preapplication consultations with ABP on 7th June 2022, ABP-313767-22, in relation to the substation and cabling with a determination from the Commission on the 22 July 2024 that the electrical infrastructure is SID with an application to the made to the Commission on foot of same. No application has been made to date.

2.4. Documentation Accompanying Application

The documentation submitted to support the application and respond to the further information request included the following:

Title of Document	Date (Original Submission)	Revision Date or New Report at Further Information
Planning and Environmental Report	October 2024	
Natura Impact Statement	October 2024	August 2025
Landscape & Visual Impact Assessment & Photomontages	September 2024	
Landscape Response Letter		May 2025
Glint & Glare Assessment and Appendices	September 2024	
Noise Impact Assessment	October 2024	
Construction & Environmental Management Plan	October 2024	July 2025
Archaeological Assessment Geophysical Survey Report	October 2024 July 2024	
Archaeological Testing Report		June 2025
Environmental Impact Assessment Screening	October 2024	*Cover letter August 2025
Ecological Impact Assessment (EcIA) report	October 2024	
Site Access and Drainage Report	October 2024	
Roads Report		July 2025
Aquatic Ecology		May 2025
Invasive Alien Species Management Plan		July 2025
Bat Report		July 2025

* Note – the cover letter dated 8 August 2025 refers to updated EIA Screening however no such document was submitted (clarified by the planning authority).

3.0 Planning Authority Decision

3.1. Decision

The following table outlines the timeline from lodgement to decision.

Stage of Application	Date
Application submitted to PA	4th October 2024
Further Information Requested	27th November 2024
Further Information Response (following request for extension of time)	8th August 2025
Readvertisement Date	22 nd August 2025
Permission Granted	16th October 2025

The FI requested is summarised as follows:

1. Concern at scale of proposal and revised proposals to address potential impact on visual and rural amenities;
2. Concerns regarding scale of cumulative proposals and project splitting and request for revised details to demonstrate subthreshold EA is not required or submission of an EIAR.
3. Concerns regarding cumulative and in combination effects in terms of avian fauna, loss of habitat, displacement of species and potential for release of sediments with impact on water quality. Cumulative effects across the zone of influence in respect of traffic movements, noise, disturbance, soil stripping, berming or mounting of soil not given due regard in the NIS or EIA process.
4. Invasive species report with updated CEMP, aquatic ecology, bat report and landscape mitigation plan for stockpiling.
5. Concerns in respect of documentation presented on roads and cumulative traffic impact.

6. Details of drain omitted from original application to be provided and drainage maintenance to be clarified.
7. Archaeological Test Excavation to be undertaken.

3.2.Changes at Further Information

In response to the further information request in addition to the suite of additional reports submitted a number of minor changes were made to the proposal as follows:

- Minor reconfiguration on internal access track and reduction of number of drain crossings in parcel 4.
- Piped culvert low/medium voltage cabling crossing of Knockbrack drain (drawing 0127-01-E-007B-R001)
- Reduction in hedgerow removal from 222m to 218m.

3.3.Conditions

The following conditions are highlighted:

Condition No	Summary of Requirement
1	Panel tilt angle of 20 degrees; 10 year permission
2	Layout and siting of panels revised so that they are not located within 30m of the curtilage of an existing dwelling house or curtilage of any permitted dwelling with revised plans required.
4	Revised CEMP
5	40 year operational life
7(b)	Pre and post development condition survey of L3056 and all local roads, bridges and culverts to be used for haul route.

3.4.Planning Authority Reports

The Planning Officer's reports generally reflect the decision of the Planning Authority. The following is of note:

First Report

- Proposal acceptable in principle.
- Lands located within the Western Corridor Working Landscape with renewable energy projects not ruled out.
- When considered cumulatively proposal may represent an over concentration of solar panels with potential for undue negative impact on rural amenities of area and rural character.
- Insufficient consideration given to sub-threshold impacts.
- Further information required on Ecology issues.
- Proposal not excessively close to any dwelling.
- Landscape is robust and mature field boundaries and undulating landscape offer good screening and would not adversely impact on landscape and visual amenities of area.
- Glint and glare not significant with Air Nav Ireland seeking a condition on height, orientation and tilt.
- No negative noise impact with mitigation acceptable.
- No flooding issue
- Further information required in respect of roads and drainage and archaeology.

Second Report

Summary of Response to the RFI

- Applicants have not reduced overall area with residential visual amenity assessment submitted noted. Revised EIA screening not submitted. Revised NIA and Aquatic ecology report considered in assessment noting cumulative and in combination effects addressed.
- Invasive species plan submitted with appropriate measures with bat report noting no adverse effects
- Lower Rover Shannon SAC is approx. 5k downstream of the proposed phase 1 and phase 2 solar arrays and approx. 5.9k downstream of the proposed

Blackwater grid connection route crossing and with all measures and mitigation implemented in full, and monitored in accordance with the CEMP it is concluded that the effects on the overall integrity of the SAC will not be significant.

- Concerns raised in respect of roads including haul routes and drainage (interactions with Knockbrack drain) have been satisfactorily addressed.
- Archaeological testing undertaken with no finds during test trenching with further monitoring proposed to be undertaken post approval.

Final Assessment

- Development will not have an undue negative impact on the visual amenities in the wider area.
- Close consideration given to proximity of panels to private houses with numerous objections received. Note no guidelines for solar developments in Ireland with no suitable distance from properties provided. Note that the UK guidelines do not provide details in terms of suitable distances from dwellings.
- Note that the Commission did not include the condition in P22-591 regulating the distances from the panels to any residence but note that there were a limited number of dwellings proximate to that Phase.
- Concerns remain with the potential impact that the proposal will have on a number of dwelling with the panels forming a semi-circle or semi enclosure close to the dwellings with the rural community currently benefiting from the rural setting which the development may detract from and consider that a planning condition should be applied amending the layout so that no panel is placed within 30m of the curtilage of an existing or permitted dwelling. It is considered that this would protect the residential amenities and character of the area.
- Consider proposal is a sub-threshold development but need for an EIAR can be excluded.
- Sufficient degree of assessment of the cumulative impacts carried out and proposal will not impact on the integrity of the surrounding environment or any designated site.

- Revised and updated details as submitted in terms of the potential ecological impacts of the proposed development are considered to be sufficient to address the points raised and, subject to planning conditions, are considered sufficient to ensure that the development proposed will not have an undue negative impact on ecology,
- Note requirement of Shannon Airport Group for a non-reflective coating on the panels.
- Development will not have a negative impact on road traffic safety with drainage proposals acceptable.
- Archaeological monitoring of groundworks will ensure no negative impact on archaeology.

3.5. Other Technical Reports

Original Submission

Road Design Office - Further information required in respect of a number of matters outlined in Section 3.1 above.

Shannon MD Area Office - Further information required in respect of a number of matters outlined in Section 3.1 above.

Environmental Assessment Officer - Further information required in respect of a number of matters outlined in Section 3.1 above.

Further information Submission

Roads Design office – conditions recommended in terms of pavement condition, timing of grid works and liaison officer for local residents.

Environmental Assessment Officer – satisfied with approach to EIA screening and project splitting. Limited removal of hedgerow which will not result in significant loss of foraging/commuting habitat. Construction effects on Oakfield Stream and Blackwater (Clare) River limited with no significant effects on aquatic receptors. Operational effects on downstream water quality in both water sub-catchment not significant and may be slightly positive.

3.6. Prescribed Bodies

Original Submission

IAA – glint and glare report and results of same to be provided to IAA.

Air Nav Ireland – require condition that panels will be southerly facing, panel height of 3m and panel tilt angle of 20 degrees.

Shannon Airport Group – support position and comments by Air Nav Ireland with no additional comments to make.

Uisce Eireann – no objection

DAU – Archaeology – programme of archaeological test excavation requested at further information.

An Taisce – assessment of proposal against art 4 of WFD, EclA to address Nature Scot Guidelines, range of other requirements as per Directives.

IFI – details in respect of culverts, water crossing, water quality monitoring programme, design of silt traps, stockpiling on riverbanks, construction of tracks, maintenance of drainage. Conditions recommended.

Further information Submission

TII – regard to be had to official policy for development proposals impacting national road and relevant TII publications on development impacting existing light rail network.

Irish Rail – no comments

Shannon Airport Group – position remains unchanged as per email of 27 Nov 24 and draw attention to recent concerns raised where glare from a solar farm has been blinding pilots at Schipol airport in the Netherlands. Noted site is c.23km from runway approach paths but with previous condition recommended – anti-reflective properties for the panels should be specified.

DAU – archaeology – note the results of the test trenching, recommend licenced monitoring of groundworks should be conditioned.

DAU – Nature conservation – gaps in hedgerow greater than 5m should be avoided and lighting to be limited.

3.7. Third Party Observations

Seven observations were received to the original application. Seven additional observations were received following the readvertisement of significant further information. The matters arising are reflective of the grounds of appeal.

4.0 Planning History

4.1. On Site

Clare Co Co P22-591 and ABP-316043-23 – Permission granted on appeal for a 10-year permission for a solar array comprising c. 265,000 m² of solar panels, 8 control cabins, 2 ring main units, underground cabling, creation of a new entrance on L70382 and all associated ancillary site works on a site of c74.5 hectares with an operational lifespan of 35 years.

ABP-313767-22 – Grid Connection

Commission determined on 22 July 2024 that the electrical infrastructure associated with the Pre-application consultation request was SID and an application for same is to be submitted directly to the Commission.

ACP-332980-25 – Water Supply Project

Case currently with the Commission for the proposed water supply project for the Eastern and Midlands Region. Lodged on 19 December 2025.

4.2. Wider Area

There are a number of other solar farms permitted within the wider area as follows:

Clare Ref. 24-60416/ACP-323147-25 – Permission granted for a solar farm on 36.7 hectares on lands at Castlebank and Parteen. Granted on Appeal on 13.1.26 by the Commission.

Clare Ref. 23-60249 – Permission granted for a solar farm on 70 hectares on land to west/north-west of Ardncrusha.

5.0 Policy Context

5.1. National / Regional Plans/Policies

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

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

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

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

5.2.2. 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 Irelands 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.

5.2.3. 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.

5.2.4. 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. 13 sectoral Plans were prepared in 2025 including an Electricity and Gas Sectoral Plan.

5.2.5. 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.

5.2.6. 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.

5.2.7. 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 areas of work:

7.1 Reducing demand for fossil fuels.

7.2 Replacing fossil fuels with renewables, including solar energy.

7.3 Diversifying fossil fuel supplies.

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

5.3. Regional Planning Policy

5.3.1. The Regional Spatial and Economic Strategy for the Southern Region

The site is within the area of the Limerick-Shannon Metropolitan Area.

- REPO 100: Indigenous Renewable Energy Production and Grid Injection - It is an objective to support the integration of indigenous renewable energy production and grid injection.
- REO 219: New Energy Infrastructure - It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.

5.4. Local Planning Policy

5.4.1. Clare County Development Plan 2023-2029

The following policies and objectives are considered to be of relevance.

Volume 1 -Written Statement

Chapter 2

Climate Action – section 2.9 – Energy decarbonisation, efficiency and conservation.

Objective CDP2.18:

a) To facilitate and support the development of solar farms in appropriate locations throughout the county including on agricultural lands and brownfield sites subject to normal planning considerations; and

b) To encourage the use of solar thermal or solar PV installations as part of the design and planning process for new developments and refurbishments.

Chapter 8

Rural Development and Natural Resources – section 8.3 – Natural Resources.

Objective CDP8.12:

To support the implementation of the National Renewable Energy Action Plan (NREAP), the Clare Wind Energy Strategy and the Clare Renewable Energy Strategy to facilitate the development of renewable energy developments in rural areas to meet national objectives towards achieving a low carbon economy by 2050 subject to the requirement of the RES SEA Environmental Report and the mitigation measures arising from the CDP Appropriate Assessment as contained in Volume 10(a).

Appendix 1- Development Management Guidelines:

A1.2.3 Renewable Energy

Planning Authority will assess such development proposals on a case by case basis, having regard to current Government policy and Ministerial Guidelines, the Clare Renewable Energy Strategy (Appendix 5), the Clare Wind Energy Strategy (Appendix 6), the relevant Objectives contained in this Plan, site specific circumstances, the content of the submissions and observations received and other planning and environmental considerations. In relation to utility-scale solar energy

applications, any pre-application discussion and/or planning application proposal for solar farm development in the vicinity of the strategic national road network shall include a Glint and Glare Assessment.

Volume 5 Clare Renewable Energy Strategy – Interim Version – April 2023

Chapter 7 Solar Energy

This Chapter addresses strategic aims, technology, an assessment of potential for solar farms and objectives.

Map 7.2 Solar Opportunity Areas

As part of the study to inform the RES, it is states that: “mapping of potential solar resources availability was carried out; Map 7.2 shows “Opportunity Areas” identified as accessible for large-scale (>50MW) solar development following removal of European protected sites, heritage and monuments, settlements and existing infrastructure. A further mapping exercise was carried out to evaluate the number of constraints within the opportunity areas that might have an impact on siting of solar farms. The cumulative constraint level outside the excluded areas is defined by adding up the constraint level assigned (5 for High, 3 for medium and 1 for Low) at certain distances from material assets, sensitive receptors, European Sites and from natural physical attributes (such as groundwater vulnerability, geological heritage sites, soil drainage, landslide and flooding susceptibility). The Cumulative Constraints are displayed on a scale ranging from 0 to 60; this means that a single “High” constraint, given a value of 5, will appear as yellow on the map. However, the presence of a low or high constraint level in and of itself does not support nor preclude solar development; it is a tool which flags areas of having a higher or lower concentration / distance from various sensitive receptors. A proposed solar development would be subject to detailed siting and environmental considerations and the outcomes of the planning process”.

It is noted that at the time of the preparation of the RES there was 111 MW of permitted capacity with an increase to 300MW by 2030 not considered unrealistic and set out as a working target for 2030 in Table 7.3

Objective RES 7.1 – Increase penetration of commercial scale solar energy projects.

A. To increase the penetration of utility scale solar energy development in appropriate locations.

B. To favourably consider the redevelopment of brown field sites for large solar PV projects.

C. To favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multipurpose land use.

5.5. Natural Heritage Designations

The following designations in the area are noted:

- Lower River Shannon SAC – 4-5km downstream (hydrologically) from the site depending on the watercourse.
- River Shannon and River Fergus Estuaries SPA (004077) – 14.9km from the site.

6.0 The Appeal

6.1. Grounds of Appeal

Three third party appeals have been received from the following:

- Greg Larkin and Louise Kiernan
- Liam Mannix (Oral Hearing request)
- Donnellan Developments Ltd.

The grounds of appeal are summarised thematically by issues raised as follows with the applicant's response under each.

Issue: Excessive Scale/Project Splitting/Cumulative Assessment Failure/Unauthorised Amendment of Earlier Permission
Grounds of Appeal • Combined footprint of 2022 phase and Phase 2 exceeds 57 hectares/595,000 m². • Excessive industrial scale infrastructure project and largest in Clare surrounded by at least 20km of up to 2.6m high security fencing. • 2022 phase not commenced with both progressed simultaneously increasing impacts that were not assessed together. • Treating both separately is project splitting contrary to Article 6(3) of Habitats Directive.

- Phased approach never declared in original application or appeal with only 1 phase implied;
- Revisions to first phase are not minor materially altering nature and layout of earlier permission and were not subject to dedicated amendment under S.146B.
- Modifications to Phase 1 bind proposals together, shared grid route and access intensify cumulative effects never been jointly assessed.

Applicant Response

- Principle established by permitted Ballyglass Solar Array Phase 1 with proposal integrating into permitted design.
- Issues raised in appeal already addressed.
- One of appeals raises many of same issues outlined in appeal to Phase 1 dismissed by Commission.
- No evidence to support occurrence of project splitting with CCC confirming same.
- Main issue raised of overdevelopment is not evaluated in appeals.
- No tangible evidence as to how proposal will negatively impact on new dwellings.
- Applicant reputable and long-standing renewable energy developer committed to developing proposal in partnership with local community.
- EIA screening statement included with application with solar farms not a specified class.
- Sub-threshold not required as adequate measures in place to avoid, reduce or mitigate likely impacts.
- Removal of hedgerow limited to 218m significantly below the 4km threshold and cumulatively with Phase 1 (319.5m) would equate to 13% of the 4km threshold. No recontouring required and no removal or field boundaries for restructuring.
- Pattern and integrity of existing field network system to be retained.
- Disingenuous to suggest Phase 2 always in pipeline given it was after the Phase 1 approval that the other lands became available.
- Additional lands became available after Phase 1 with the assessment of Phase 2 fully acknowledging the permitted Phase 1 in cumulative terms.
- Second phase, no practical implications for EIA as solar arrays are not a class.
- EIA screening report has considered phase 1 and the proposed substation/gird connection.
- PA accepted approach to assessment of proposal and conclusion reached that EIAR not required based on precautionary principle and detailed environmental survey work included with application and RFI.

Issue: Non-compliance with PA Request to Reduce Scale

Grounds of Appeal

- FI request sought reduction in scale which was disregarded with no reduction in scale;
- Visual impact of Phase 2 only at 84 dwellings with LVIA methodology flawed and should have included all 473 dwellings.
- Unreasonable vacuum caused by lack of national guidelines with proposal overwhelming in landscape with layout based on landholding availability.
- Impact of security fencing in scenic rural community.
- Planner acknowledged scale and sought further information to scale back which was snubbed by applicant with Planner considering the need for a sub threshold EIAR and outlining concerns regarding project splitting.

Applicant Response

- No specific commentary provided on how proposal would impact amenity value and rural character with LVIA demonstrating proposal assimilated into local landscape
- Glint & glare and noise impact assessments prepared which confirmed no significant impacts on amenity of local properties.
- Residential visual amenity assessment (RVAA) undertaken as part of FI response which confirms no significant effects.

Issue: Disregard of Concerns & Impact on Equestrian Routes

Grounds of Appeal

- Proposed new entrance 1 close proximity to home with increased construction traffic along L70382 from Phase 1 & 2;
- HGV/construction traffic will close the L70382 for construction phase with Stop/Go system not sufficient with previous maintenance in the area blocking the road;
- Daily exercising of horses along L70382 impacted by safety risks from construction traffic.
- Concern at impact construction phase will have on local community with reference to issues with other renewable energy developments and lack of appropriate condition discharge/enforcement.

Applicant Response

- CEMP to assist with proactive management of potential impacts.

- Temporary construction phase with average of 2 trips per hour split between L70382 and R471.
- Committed to preparation of construction traffic management plan including co-ordinator and community liaison.
- Concerns raised regarding equine use of L70382 dealt with on Phase 1 with small number of HGV movements managed to avoid risk with large agricultural vehicles using the route currently.

Issue: Inadequate Assessments – Archaeology & Ecology

Grounds of Appeal

- Ecological reports incomplete and unreliable as undertaken outside optimal survey season rendering AA and NIS unreliable with reliance on unverified data Phase 1 which is not commenced;
- Nightly bat activity observed by residents.
- Phase 1 archaeological condition not discharged with inaccurate assumptions in Phase 2.
- Reference in 2nd DAU submission to mitigation measures with no Stage 2 AA carried out.
- Archaeological conditions do not take into account the thousands of piles for the PV panels which could unknowingly destroy artefacts.

Applicant Response

- Condition 8 of Phase 1 requires pre-development testing and other archaeological monitoring which will be full adhered to and has no bearing on subject application.
- Similar condition was welcomed for subject proposal in application documentation but at request of PA, programme of testing completed as part of FI with findings included in report which verified historic agricultural boundaries, drains, plough furrows and depressions not of archaeological interest.
- No archaeological finds, features or deposits found during test trenching with one feature of note – a post-medieval or early modern structure foundation found.
- Monitoring programme under licence to be carried out with applicant committed to appropriately discharging any archaeological condition.
- Programme of bat monitoring undertaken in May and June 2025 and while proposal involves removal of 3 sections of hedgerow affecting low number of foraging and commuting lesser horseshoe, additional hedgerow proposed will increase resource habitat.
- Applicant committed to undertaking all mitigation measures identified.

Issue: Visual Impact

Grounds of Appeal

- Combined Phase 1 & 2 footprints exceeds landscape capacity with ABP decisions (ref. 303636-19 & 305395-19) noting cumulative impacts from multiple solar farms.
- Impact of security fencing in scenic rural community.

Applicant Response

- LVIA process provided through review of site and sensitive locations within 5km environs confirming it is suitable for a solar farm.
- LVIA ZTV map shows less than 20% of proposal visible prior to mitigation planting with cumulative views of both phases limited to fleeting sequential views along surrounding local and regional road network.
- Robust nature of local landscape noted in ACP report on Phase 1.
- Landscape and visual impacts not considered to exceed moderate-slight significance even in immediate context of the site.

Issue: Impact on Housing Development

Grounds of Appeal

- Proximity of proposal to three new housing units will impact viability, with construction halted, with no regard for units in solar application with no consultation and proximity issue in Phase 1 with set-back condition appealed;
- Concern that flooding will arise from sun-off from arrays which has not been properly addressed with known downstream flooding and flooding of regional road from stream on appeal site not properly addressed.

Applicant Response

- 3 permitted and 1 under construction with unusual planning context within a rural area with no services with legacy issue related to earlier phases of housing and apparent undischarged environmental conditions.
- No explanation of how the proposal would impact the properties.
- RVAA undertaken did not include these as was based on registered properties connected to ESB networks but included adjacent existing two-storey house (H86) which forms part of permitted cluster and which has greater visibility than the 3 bungalows.

- RVAA confirms only 2.7% of solar farm potentially visible from the ground floor of H86 with hedgerow mitigation lessening as it establishes with findings for the bungalows equivalent or less.
- Nearest arrays are minimum 10m from intervening boundaries and one gap to be filled with advanced nursery hedgerow and existing supplemented managed and grown to 3-4m with applicant happy to undertake planning at an early stage.
- Access track to north of bungalows subject to small number of operational movements (1-2 per month).
- Argument put forward that lands could be zoned contrary to existing rural unserviced context with objective 3.7 of CDP – Monaskeha Cluster – seeking to ensure these clusters maintain existing character with very small scale development.
- SEAI commissioned independent research confirming no evidence that proximity to ground mounted solar panels negatively impacts property prices.

Issue: Procedures and Consultation

Grounds of Appeal

- Public consultation framed as new application with no reference to modification denying opportunity to assess cumulative impacts undermining proper public consultation.
- If not refusing permission, ABP should request single combined environmental assessment with full season surveys.
- Oral hearing warranted and requested.
- Permission previously refused for large solar split into phases failing to properly assess cumulative impacts (248700 & 248879) with same reasoning applying.
- Questions need for 10-year permission given 72-week completion estimate and concurrent programme with Phase 1 and substation with no justification provided and not assessed by PA.

Applicant Response

- Justification set out in section 4.11 of Planning and Env Statement which relates to SID consenting requirements, grid connection process, procurement and build stage.
- 10-year permissions routinely applied including to Phase 1.

Issue: Planning Policy and Unbalanced Approach to Solar PV in Clare

Grounds of Appeal

- Need for renewables accepted must be space for consideration of fundamental principles of proper planning and sustainable development.
- 2020 RSES not updated.
- PA referred to original version of NPF not updated which has new objectives.
- Location of housing site in designated settlement not considered by PA.
- Not in keeping with CDP for area which gives equal weight to solar on agricultural and brownfield sites;
- Should not be at expense of established rural amenity with considered CDP zoning solar PV on brownfield lands with proposal unrestrained use of agricultural lands ignoring brownfield sites with no brownfield location within Phase 1 or 2.
- No plan led approach for solar development and proposal premature pending same (objective CDP2.1).
- Objectives in respect of Resource Management in CDP set out – CDP2.14, CDP2.16, CDP2.18, CDP2.22, CDP 3.2 noting Article 15b mapping (RED III) required to comply with the objectives.
- Applicant ignored grant of permission for appellants development in contravention of objectives CDP 4.9, 4.10, 5.2 and 6.14, 6.17.
- Considered objective CDP6.17, 6.18, 6.19, 8.3, 8.8 and 8.12 can be achieved through plan led location of renewable energy.
- Decision makers acting in a vacuum without Article 15b mapping (CDP 11.47, 11.48, 12.4).
- Appellant had to comply with Objective CDP14.2 in housing application but can be circumvented by applicant with clarity welcomed in respect of zoning (CDP19.2, 19.3, 19.5.2).
- Concerned that existing flooding of lands within area and flooding from altered regime with solar panels not addressed.
- No category for solar generation in zoning matrix in Appendix 2 of CDP.
- Monasheka North designated housing cluster in LAP Vol 3b and may be extended following housing zoning review.
- Permission granted for 3 residential unit (21/1238) with no indication of contiguous proposed solar development impacting viability of much needed housing with offers withdrawn once informed of proposed solar development.

Applicant Response

- European and national policy seeking to prioritise upscaling of renewable energy which are presumed to be in overriding public interest.
- Application documentation outlines policy support for proposal.
- Site not a sensitive heritage landscape or near designated scenic routes.
- As per Chapter 7 of Clare Renewable Energy Strategy, lands located in solar opportunity area with low level of cumulative constraints.
- PA have assessed proposal against policy framework concluding it complies.

- Represents a form of agricultural diversification consistent with policy at all levels.
- Temporary reversible landuse with grazing feasible during the operational life.

Issue: RED III Directive & Renewable Energy Regs 2025

Grounds of Appeal

- Parts of REDIII Directive not considered in decision outlined including Article 5(1) transposition, para 25 of preamble, Article 15b (mapping of areas), Article 15c (acceleration areas), Article 15d (public participation) with the State neglecting to comply with these requirements particularly with mapping areas.
- Application premature in absence of mapping and transposition of elements of Directive.
- Regulation transposing Directive fails to transpose Article 15(b) mapping.
- If transposed properly will place restrictions on lands such as appeal site close to dwellings.

Applicant Response

- Nothing raised by appellant to preclude a grant of permission with RED III seeking to accelerate consenting of renewable energy.

Issue: Climate Action & Low Carbon Development Act 2015, as amended

Grounds

- Reference to part of Humphreys J judgment in Coolglass but notes nothing precludes proper planning and avoiding over development.
- Concerns related to overdevelopment and flooding which are reasonable forming part of legitimate planning process.
- Reference to section 2.6.3 of National adaptation framework (2024) and notes decision makers can comply with s.15(1) of Climate Act without permitting overdevelopment.
- Applicant appealed reduction in array close to residential home in knowledge of future phase with no consideration for long established community

Applicant Response

- Section 15 of Climate Act places obligations on competent authorities to comply with binding commitments on renewable energy.

Other Matters raised by Applicant in Response to Third Party Appeals

- Condition 2 which seeks revised layout providing no panels within 30m of curtilage of existing dwellings not considered necessary with no analysis identifying need nor any of reports submitted suggesting any impact.
- Request Commission do not adopt a similar condition as part of assessment of appeals.

6.2.Planning Authority Response

Request that the Commission uphold the Decision made by the Planning Authority.

6.3.Observations

None

7.0 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, which I will address in turn are as follows:

- Legislative and Policy Considerations
- Procedures and Consultation
- Scale, Use and Decision of Planning Authority
- EIA Screening, Project Splitting and Phasing
- Visual Impact
- Impact on Residential Amenity
- Impact on Housing Development
- Impact on Local Roads including Equestrian Routes
- Ecology & Appropriate Assessment
- Archaeology
- Flooding

- Conditions attached to Clare County Council Notification of Decision

7.1 Legislative and Policy Considerations

I will address this matter under a number of subheadings which I address in turn.

RED III Directive & Renewable Energy Regulations 2025

One of the appellants contends that the proposal is premature in the absence of the application of the acceleration areas envisaged in the RED III Directive, referenced as Article 15b mapping, and that if this part of the Directive was transposed it would place restrictions on lands such as appeal site close to dwellings. Related to these grounds are references to the NPF and RSES capacity allocations for renewable energy noting that the RSES has not been updated.

Renewable Acceleration Areas have not yet been identified in this jurisdiction, however this does not make renewable energy proposals premature pending same and nor does it mean that renewable energy developments can only be considered within such areas. The rationale for the acceleration areas seeks to differentiate in terms of the procedures required within and outside such areas and is not a mechanism designed to prevent the development of renewable energy in other areas. Therefore, the application subject of this appeal can be appropriately considered at this time.

Section 15 of Climate Action & Low Carbon Development Act 2015, as amended

Section 15(1) of the Act, as amended states:

‘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

As a relevant body, An Coimisiun Pleanála is required to exercise its function in a manner consistent with the applicable climate objectives, in so far as is practicable, and I have set out the following consideration to enable the Commission to make their decision within that framework.

As outlined in respect of policy at Section 5 above, CAP 2025 was published on 15th April, 2025 and re-affirms the previous commitment in CAP 2024 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. There is clear support for the development of solar energy within this context. Ireland's 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 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 with 13 sectoral Plans prepared in 2025 including an Electricity and Gas Sectoral Plan. It is noted that the furtherance of the national climate objective is a central tenet of the above referenced Plans and strategies as is the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State. I will address the local policy context in the following section, but I would refer to the

conclusion therein that the proposal would comply with the provisions of the Renewable Energy Strategy for Clare.

I note the reference within the grounds of appeal to part of Humphreys J Judgment in Coolglass which is qualified by noting that nothing precludes proper planning and avoiding over development and flooding which they consider are two relevant factors to the proposal. It is also attested in the grounds of appeal that while the need for renewables is accepted, that there must be space for the consideration of the fundamental principle of proper planning and sustainable development. I would concur with the appellant in this regard and qualify for the Commission that the consideration of proper planning is central to this planning assessment which addresses the policy context directing the subject development and the specific considerations relevant to the proposed development on the subject site within the sections below.

I also note the reference to the proposal being contrary to, or not complying with a range of objectives outlined in the NFP but apart from reference back to the renewable acceleration areas and capacity allocations, the references are high level and strategic and I do not consider that any of those referenced are appropriately specific to the subject development or have been set out in the grounds in a specific manner to warrant further consideration at this point.

The grounds of appeal assert that an unreasonable vacuum has been caused by the lack of national guidelines with the proposal overwhelming in landscape with the layout based on landholding availability. While I would agree that there is a lack of national guidelines in relation to solar farm development, I do not consider that there is a vacuum which would prevent the consideration of solar farm developments on a case by case basis. I would point out to the Commission that the subject application and appeal is accompanied by a suite of comprehensive assessments which provide the Commission with the ability to make a decision on this case.

Local Planning Policy – Clare County Development Plan

The appellants consider that there is an unbalanced approach to Solar PV in Clare with reference in particular to objective RES 7.1 which the appellants consider gives equal weight to solar on agricultural lands and brownfield sites. It is stated that the proposal comprises the unrestrained use of agricultural lands ignoring brownfield

sites with no brownfield location within Phase 1 or 2. While I would agree that the CDP does support increasing the penetration of solar on brownfield lands, I would suggest that Objective **RES 7.1** seeks to increase the penetration of commercial scale solar energy projects which includes the redevelopment of brownfield sites for large solar PV projects and the favourable consideration of solar farms on agricultural lands which allow for farm diversification and multipurpose land use. It does not reference any weighting between each location or dictate the scale of development considered favourably at either brownfield or agricultural locations. I would suggest to the Commission that the proposed development would comply with this development which seeks to increase the penetration of utility scale solar energy development in appropriate locations. The consideration of whether this is an appropriate location is addressed in the remaining sections of this assessment but given the precedent established by Phase 1 and the policy support at all levels for renewable energy development I consider that it is clear that there is policy support for the location of the subject proposal at the appeal site.

I would also refer to Map 7.2 Solar Opportunity Areas within the Renewable Energy Strategy (Vol 5 of CDP). The map does not identify any constraints within this area for the development of solar energy. This is reflected in the consideration of policy by the Planning Authority in their decision.

In response to the grounds of appeal that there is no plan led approach for solar development and that the proposal is premature pending same, the CDP has a renewable energy strategy and has specific policies to increase the penetration of commercial scale solar energy development, with which this development would comply. There is an emphasis in the grounds of appeal to plan led location of renewable energy and to renewable acceleration areas required by way of the RED III Directive. I have referred to renewable acceleration areas (Article 15b mapping in RED III Directive) above so I do not intend to repeat my response to same as the grounds in respect of same relates to local planning policy subject to reiterating that the consideration of solar development on the subject site can be considered in the absence of same. The multiple references to the need for plan led renewable energy does not consider the renewable energy strategy in the CDP and in particular Map 7.2 Solar Opportunity Areas referenced above.

One of the appellants considers that the applicant has ignored their permitted housing scheme contrary to a number of objectives in the Plan - CDP 4.9, 4.10, 5.2 and 6.14, 6.17. However, having reviewed same and in the absence of specifics from the appellant I do not concur with the appellant in this regard.

An appellant makes numerous references to the policy support for housing development at the location of the 3 units permitted to the south of the site. They state that the area within which the sites are located, Monasheka North, is a designated housing cluster in Vol 3b of the LAP and that same may be extended following the housing zoning review. The potential for lands within this area to be rezoned is not a material planning consideration for the Commission at this time. The lands are not zoned for residential development or included within the cluster. It is further noted that policy support in respect of these clusters is to provide for limited small scale increases. The Planning Authority considered that the use of the subject lands as a solar farm is appropriate. Notwithstanding, the use of lands for solar farms have a defined operational life and the lands can be considered for other uses following the decommissioning of the solar farm.

7.2 Procedures and Consultation

A number of issues of procedure have been set out by the appellants which I will address in turn.

10 year Permission

In relation to the 10 year permission sought by the applicant and to the appellants concern that no justification has been provided with reference to the stated 72 week construction period estimated, I would note that as outlined by the applicant in their response to the appeal this was addressed in section 4.11 of the planning and environmental statement provided. This is not an unusual request for renewable energy developments particularly given the process associated with acquiring a grid connection. I would recommend to the Commission that the request is reasonable and should be conditioned if a grant of permission is being considered.

Amendment of Earlier Permission

It is stated that the revisions to the first phase are not minor as they materially alter the nature and layout of the earlier permission and were not subject to dedicated

amendment under S.146B. Firstly, I would note that s.146B is the legislative provision for amendments to Section 37E SID applications. The subject proposal is a s.34 application to the Planning Authority and therefore s.146B is not relevant. Seeking permission to modify elements of Phase 1 within the subject s.34 application is a suitable means of amending the permitted development. It was accepted by the Planning Authority and I consider that it is appropriate and the modifications are considered within this assessment.

Consultation

It is set out that the public consultation was framed as a new application with no reference to the modification thereby denying the opportunity to assess cumulative impacts and undermining proper public consultation. I have reviewed the modification proposed to the permitted development (Phase 1) which is minor in nature and would not result in any significant impacts and therefore would not create any significant cumulative impacts with the proposed new application. The Commission agreed with my recommendation that the requested oral hearing was not warranted.

Water Supply Project

While not a matter raised in the grounds of appeal, I would bring the Commissioners attention to the route of the Water Supply Project (Ref. ACP-323908-25) which traverses part of the subject site. This application was lodged with the Commission on 19 December 2025 which follows the decision on the subject appeal by the Planning Authority and the lodgement of the subject appeal.

I would note that the applicant was not in a position to consider the WSP within their cumulative and in-combination effects given it was not a project at that time. I would also note that Uisce Eireann had no objection to the subject application when it was circulated to them for comment. I consider that this is a matter to be addressed post consent and the provisions of Section 34(13) refer in that *“a person shall not be entitled solely by reason of a permission under this section to carry out any development”*.

7.3 Scale, Use and Decision of Planning Authority

The scale of the proposal is one of the main grounds of appeal. The development would occupy a significant area of land and when considered cumulatively with Phase 1 exceeds c.57 hectares. I agree that the land area proposed comprises a large amount of ground, however, there is significant national and local policy support for solar farm development within rural agricultural areas as outlined in Section 7.1 above. The use is deemed acceptable in principle on agricultural lands by the Commission on a significant number of sites, both within County Clare and in the immediate vicinity of this site, and throughout the country. In addition to the acceptability of the proposal in principle, the scale of the proposed development both itself and cumulatively with Phase 1 is appropriate. The local environment has the ability to absorb this development and the layout of the proposal which retains field boundaries effectively breaks up the wider scale of the development such that the proposed development is not read as one area of solar arrays. Reference is made to the applicant's first party appeal on the first phase which reduced the array in close proximity to a residential home, which it is stated outlined showed no consideration for long established community. I would state that the applicant was entitled to make an appeal against any of the conditions included by the Planning Authority which were considered and assessed by the Commission on the merits of same. The rationale for same is clearly outlined in the documentation related to the previous decision.

Request from PA to reduce Scale

There is also reference to what is described by the appellants as non-compliance with the Planning Authority's request to reduce scale of the proposal. While I note the wording included in the further information request, I also note the response from the applicant which has been accepted by the Planning Authority. I would note that the basis for the request to reduce the scale is not specific to any particular environmental factor but relates to the overall scale of development.

7.4 EIA Screening, Project Splitting and Phasing

It is contended in the grounds of appeal that treating Phase 1 and Phase 2 separately amounts to project splitting of Article 6(3) of the Habitats Directive. I would point out that project splitting as a concept applies to projects subject to the EIA Directive rather than the Habitats Directive. Solar farms are not a class of

development for the purposes of EIA as I have addressed elsewhere in this report and therefore project splitting cannot apply to a development which is not subject to the EIA Directive.

I note the reference in Clare County Council's Environmental Assessment Officers first report (26th November 2024) to the need for an EIAR which appears to be based on the scale of the proposal and its cumulative effect with Phase 1. There is reference to not being satisfied that the solar farm is not a class and that it could fall within the sub-threshold category given there is no category in Schedule 5 which includes solar farms. While this may be this Officers view, this is not supported by case law on the matter.

I would outline for the Commission that the matter in respect of solar farms and EIA has been categorically established by recent case law (*Cummins and Others v An Coimisiún Pleanála* [2025] IEHC 521) whereby it has been unequivocally determined that solar farms are not a class for the purposes of EIA and further that access tracks associated with same are not private roads for the purposes of Class 10 of Part 2 of Schedule 5 (dd) *All private roads which would exceed 2000 metres in length*.

In terms of the relevant class to which EIA may be applicable for development associated with the subject proposal, this is Class 1(a) of Part 2 – projects for the restructuring of landholdings, where the length of field boundary to be removed is above 4km, or where recontouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares. This is addressed in the screening determination I have undertaken (Appendix 2), the determination of which I include at the end of this section of the report. I would note that the threshold for hedgerow removal is 4,000m (4km) with the proposal removing 218m.

As the development of a solar farm is not a class then there is no project splitting in terms of the permitted and subject phases as there is no avoidance of carrying out an EIAR if one is not required in the first instance. There is no procedural impediment to submitting phases of a wider solar farm development and each are considered on their own merits with the assessment of phases considering the wider cumulative impacts as set out in this assessment. The availability of lands within the

area is a central factor to the phasing and the proposed phasing which has arisen can be addressed within each application which are assessed on their merits.

Subthreshold EIA

There is reference in the Environmental Assessment Officers first report (26th November 2024) that it could fall within the sub-threshold category given there is no category in Schedule 5 which includes solar farms.

As outlined above, solar farms are not a class for the purposes of EIA so therefore if a development is not a class, then it follows that there is no corresponding threshold. Furthermore, if it is not a class and has no threshold, then it cannot be sub-threshold as the relevance of the threshold relates to the class.

In respect of Class 1(a) of Part 2 of Schedule 5 as outlined above, the removal of hedgerow associated with the proposal is limited to 218m which is significantly below the 4km threshold and cumulatively with Phase 1 (319.5m) would equate to 537.5 which is 13% of the 4km threshold. It is stated that no recontouring of lands is required and there is no removal of field boundaries for restructuring. As outlined elsewhere in this assessment, the proposal seeks to retain the integrity of the existing field network system within the area such that the arrays are located within the existing field pattern. This both retains the hedgerows, the field boundaries in terms of scale but also provides extensive screening of the panels.

It is asserted by the appellants that there is a failure to jointly assess the phases of solar development, stating that the modifications to Phase 1, bind the proposals together with shared grid connection and access intensifying the cumulative effects. I would note that the documentation submitted with this application facilitate the Commission undertaking the requisite assessment of potential cumulative impacts. I would also note that utilising grid connections and access routes is a sustainable use of infrastructure. The Commission should note that as outlined elsewhere in this report, the future Grid Connection proposed for the subject solar farm and Phase 1 has been subject to a determination by the Commission in respect of its strategic infrastructure status. The revised NIS, dated 7th August 2025, makes specific reference to the proposed future grid connection and considers same in the context of likely significant effects on European sites.

The EIA screening report submitted and my consideration of EIA screening in Form 3 address the class to which the screening relates and also the subject solar farm

and the permitted phase 1 solar farm and proposed grid connection in the context of cumulative impacts.

In the interest of clarity I note as outlined in Section 2.4 above that reference was made in the applicants cover letter to an updated EIA screening report which does not appear to have been submitted. However, given the other documentation submitted with the FI and the context provided in the cover letter I consider that more than sufficient information is available to the Commission to undertake a screening determination particularly as the relevant class is the removal of hedgerows.

I would also note the reference in the grounds of appeal to permission which was previously refused for large solar developments split into phases which it is contended failed to properly assess cumulative impacts (ABP references 248700 & 248879 apply) with the appellant noting that the same reasoning applies in this instance. I would refer the Commission to the age of these references and to the substantial legislative and policy changes with regard to EIA and renewable energy in the intervening years particularly section 15 of the Climate Action and Low Carbon Development Act 2015, as amended.

To conclude on this matter I refer again to Appendix 2 of the report where I conclude with the following EIA Screening Determination which I invite the Commission to adopt.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- (b) The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm, which is not, of itself, a class for the purposes of the EIA Directive, the proposed future grid connection and permitted adjoining solar farm permitted under Ref. P22/591 ABP-316043-23;

- (c) The nature of the existing site and the pattern of development in the surrounding area including the permitted adjoining solar farm permitted under Ref. P22/591 ABP-316043-23;
- (d) The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- (e) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- (g) The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the submitted (and revised where applicable) Construction and Environmental Management Plan, the Ecological Impact Assessment Report, the Landscape & Visual Impact Assessment, the Natura Impact Statement, and the Archaeological Assessment and Testing Report, Aquatic Ecology report, Invasive Alien Species Management Plan and Bat report.

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

7.5 Visual Impact

It is asserted that the visual impact of this proposed development, comprising Phase 2, is flawed as it assessed only 84 dwellings when it should have included 473

dwellings. I have reviewed the applicant's response to the appeal and agree that the LVIA process undertaken provided a very thorough review of the impact of the proposed development on the site from a wide range of locations including sensitive locations within 5km environs confirming it is suitable for a solar farm. The LVIA ZTV map shows less than 20% of the proposal is visible prior to mitigation planting with cumulative views of both phases limited to fleeting sequential views along surrounding local and regional road network. I would concur that the landscape and visual impacts are not considered to exceed moderate-slight significance even in the immediate context of the site given the undulating nature of the landscape, the retention of the field boundaries and bolstering or hedgerow at specific locations around and within the site. While the security fencing proposed will create a new vertical feature within this rural area, it is necessary to protect the panels within the solar farm and the local landscape context is appropriate to absorb the addition of the appropriately painted/coloured fencing.

There is reference to a previous decision from the Commission where it was considered that the combined Phase 1 & 2 footprints would exceed landscape capacity (ref. 303636-19 & 305395-19) noting cumulative impacts from multiple solar farms. I would note that the specific context in the subject site is significantly different to that in case 305385 which was refused but of greater significance is the legislative context which has changed since those decisions were made. The amendment in 2021 to the Climate Action and Low Carbon Development Act 2015 requires that relevant bodies, of which the Commission is one, shall perform its functions in a manner consistent with a range of plans and strategies which are discussed above. It is clear that the policy support exists for the development of solar energy and the specific assessment undertaken for the subject proposal has concluded that the visual impact of the proposal is not of such a significance as to impact negatively on the amenity of this robust rural landscape.

I would also refer the Commission to the very comprehensive Residential Visual Amenity Assessment (RVAA) undertaken as part of the response to the Further Information request which confirms no significant effects. I do not concur with the

appellants that the panels will impact negatively on the visual amenity of the area or the amenity enjoyed by individual properties within the wider area. I consider that the matter of visual amenity has been comprehensively addressed with no significant effects predicted.

7.6 Impact on Residential Amenity

I address the matter of construction traffic impacts on the local road network below. I note the reference to cumulative impacts and what are stated to comprise a lack of appropriate compliance and/or enforcement of conditions. I would note that compliance with conditions and enforcement are matters for the Planning Authority. In terms of set back from residential properties, this matter has been addressed in terms of visual impact elsewhere in the report and in the context of the Condition (No. 2) included by the Planning Authority in their Notification of Decision. As outlined elsewhere in this report there is no guideline to prescribe the minimum set back distance from residential properties to the racks of panels. However, I consider that the site-specific assessments undertaken in respect of the subject proposal indicate that the layout as proposed is satisfactory particularly given the existing screening and proposals to augment same.

Of particular note in this regard are the glint & glare and noise impact assessments prepared by the applicant which confirm that there are no significant impacts on the amenity enjoyed by local properties. The glint and glare assessment in particular addresses specific receptors within the area including road receptors and aviation receptors with the assessment of reflectance at all residential dwellings within the 1km study area concluding that no significant nuisance effects will arise. I consider that the matter has been thoroughly addressed by the applicant and that there is no impediment in this regard to Commission in permitting the subject development if they are minded to do so.

7.7 Impact on Housing Development

One of the appellants is the owner of lands upon which permission was granted for 3 residential units (21/1238) at a time, they state, when there was no indication of a

contiguous proposed solar development. It is claimed that the solar farm will impact the viability of much needed housing, and they state that offers for the units were withdrawn once informed of proposed solar development. It is stated that construction has been halted on the units. As outlined by the applicant while the RVAA undertaken did not include the permitted development as it was based on registered properties connected to ESB networks it did include the adjacent existing two-storey house (H86) which forms part of the permitted cluster and which has greater visibility of the solar farm than the 3 permitted bungalows. It is stated that only 2.7% of the solar farm is potentially visible from the ground floor of H86 with hedgerow mitigation lessening as it establishes with findings for the bungalows equivalent or less. It is stated that the nearest arrays are a minimum 10m from intervening boundaries and one gap in the boundary is to be filled with advanced nursery hedgerow and existing supplemented managed and grown to 3-4m with the applicant happy to undertake planting at an early stage.

I have visited this location and note the unit under construction and the adjacent two storey house and the location of the proposed panels. I consider that the panels are an appropriate distance from the housing unit sites. As outlined above, screening planting is proposed along the site boundary and I do not consider that the solar arrays would create an impact on these sites which would adversely affect their residential amenity. Yes, the wider visual context will change with the presence of the solar panels but this will not create impacts on the properties which could be reasonably considered to be adverse.

In terms of impacts from operational traffic it is stated that the access track to north of bungalows will be subject to small number of operational movements (1-2 per month). This is negligible and therefore I am satisfied that it would not create any impact on the amenity enjoyed by the properties.

7.8 Impact on Local Roads including Equestrian Routes

There is significant concern expressed in the grounds of appeal regarding the impact on local roads during the construction phase of the proposal. The potential impact on the daily exercising of horses along the L70382 is also outlined. There is no doubt that the construction phase of the proposed development will create impacts on the local road network. While this impact is acknowledged, it is temporary and relatively

minor with an average of 2 trips per hour split between L70382 and R471 anticipated.

The proposed development is a renewable energy development which is supported at all policy levels and the critical consideration is how these temporary impacts are managed. In this respect, the proposed CEMP is a critical tool in ensuring that there is proactive management of potential impacts and in particular ensuring that the small number of HGV movements arising are managed to avoid any risk to road users.

7.9 Ecology & Appropriate Assessment

Within this section of my assessment I would refer to a number of the concerns expressed in the grounds of appeal about Appropriate Assessment and Ecology in the grounds of appeal. I note that there is reference in the grounds of appeal to mitigation measures and an assertion that no Stage 2 AA was carried out. The Commission will note that an NIS accompanied the application and was revised in response to the further information request to consider in-combination effects in particular. I would also refer the Commission to the determination on Appropriate Assessment made by the Planning Authority which concludes that there is no risk of adverse effects on the relevant European sites alone or in combination with other plans or projects. I would also refer the Commission to Appendix 4 of this report where I have undertaken an Appropriate Assessment.

The matter of the disposal of wastewater is not a consideration given the absence of any proposed wastewater treatment plant as part of the subject proposal.

The further information request included the submission of an aquatic ecology report which I have reviewed and which I concur with the Planning Authority satisfactorily addresses any concern which may arise in respect of potential impact on aquatic species present in the relevant watercourses. It is a very comprehensive assessment which supports the Commissions Appropriate Assessment.

I would also consider that no basis is presented to support the contention that the ecological reports are incomplete and unreliable as they are undertaken outside optimal survey season rendering the AA and NIS unreliable with reliance on unverified data Phase 1 which is not commenced. I have reviewed the reports and the reports from the DAU and the Environmental Assessment Officer reports and I

consider that they are satisfactory and enable the Commission come to an informed decision.

I note the DAU response (11 September 2025) in respect of bats was included in the report sent to the Planning Authority following receipt of the further information response. The Environmental Assessment Officer in the Local Authority raised the issue in respect of bats which resulted in the request for a report to consider the impact on bats as part of the further information request. As outlined by the Applicant, a programme of bat monitoring was undertaken in May and June 2025 and while proposal involves the removal of 3 sections of hedgerow, it would affect a low number of foraging and commuting lesser horseshoe. While I note that some of the gaps are wider than the 5m recommended by the DAU, the small number in excess of this (three locations) are unavoidable and to mitigate same and to address other potential impacts, significant additional hedgerow is proposed which will increase the resource habitat. I consider that the potential impacts arising are not significant and have been appropriately mitigated.

7.10 Archaeology

The grounds of appeal raise a number of issues with regard to archaeology. Concern is expressed that the archaeological condition in Phase 1 has not been discharged with what are considered to be inaccurate assumptions included in the consideration of Phase 2. I do not consider that this is a matter of relevance to this appeal. Phase 1 is a separate permission with a separate suite of conditions which require to be discharged at the relevant phase subject to the specific condition. The subject application and appeal relate to separate lands and therefore are subject to their own assessment.

There is concern that the archaeological conditions do not take into account the thousands of piles for the PV panels which could unknowingly destroy artefacts. I would suggest that there has been a significant level of consideration of archaeology in the subject application. The application was accompanied by an archaeology assessment based on the findings of a geophysical survey report (October and July 2024 respectively). The further information request, in response to the DAU

submission, required that archaeological testing be undertaken and the response to the further information request includes a report documenting same and noting that while no artefacts or deposits were found that further monitoring of groundworks be conditioned. Rather than inadequate assessment of archaeology I consider that the opposite is true with a programme of testing, which in the majority of cases would occur post approval, undertaken prior to the approval by the Planning Authority with commitments included by the applicant to monitor groundworks under the appropriate licence.

7.11 Flooding

Concern is expressed that flooding will arise from run-off from arrays which has not been properly addressed with known downstream flooding and flooding of regional road from stream on appeal site not properly addressed. While I acknowledge the concern expressed by the appellants, the consideration of drainage and flooding at application stage is comprehensive with specific concerns raised at further information regarding the Knockbrack drain which were resolved to the satisfaction of the Local Authority. The tilt in the panels and the distance between the racks provides that the rainwater will runoff to the existing greenfield below and between the panels facilitating appropriate infiltration therefore providing that there is no additional flooding risk associated with the introduction of the panels onto the lands.

8.11 Conditions attached to Clare County Council Notification of Decision

As part of the response to the grounds of appeal, the applicant has requested that **Condition 2** of the PA decision, which seeks revised layout providing no panels within 30m of curtilage of existing dwellings, is not adopted by the Commission. It is stated that it is not considered necessary and there with no analysis identifying need nor any of reports submitted suggesting any impact.

I would note that the applicant did not appeal this condition by way of a first party appeal. However, the Commission in my opinion are entitled to consider the conditions included by the PA and determine whether it is appropriate to include or

exclude same. On the basis of my assessment above, I do not consider that there is any reasonable basis to include the 30m buffer from the curtilage of existing and permitted residential dwellings. The screening both existing and proposed will provide that the panels do not comprise an obtrusive visual element in the landscape. Furthermore, the glint and glare assessment is comprehensive. The rationale set out in the Planners Report from Clare County Council appears to suggest that the proximity of the panels as proposed would disrupt the rural character of the area and that the 30m buffer would somehow maintain the perception of rural character for householders adjoining the panels. If the buffer was based on a technical deficiency within the suite of reports submitted with the application and further information response a justification might exist for such a buffer and condition, however it is not. Therefore, I would agree with the applicants that the condition should not be carried through into any decision the Commission make, should the Commission be minded to grant permission.

I would also note that Condition 1 includes specific requirements in respect of the height and tilt of the panel racks and the use of anti-reflective 'qualities'. The 20 degrees proposed and the anti-reflective coating are set out in the responses received from the Shannon Airport Group/AirNav Ireland. While it is acknowledged that the relevant flightpaths are c.23km from the site, given that the applicant has not raised an issue with this requirement or appealed the condition I consider that it should form a separate condition for agreement prior to commencement of development.

The remainder of the conditions effectively require compliance with mitigation measures set out in the suite of reports submitted and provide clarity on the parameters of the permission which will be captured by the proposed conditions recommended below.

8 Appropriate Assessment

Appropriate Assessment Screening Determination – Test for Likely Significant Effects

Appendix 3 refers.

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 or projects, will give rise to significant effects on the Lower River Shannon SAC [002165] in view of the sites conservation objectives. Appropriate Assessment is required

Appropriate Assessment Conclusion: Integrity Test

Appendix 4 refers.

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

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

My conclusion is based on the following:

The application of general mitigation measures to minimise effects during all phases of the development, alongside specific mitigation with respect to the potential for effects upon water quality, the generation of disturbance and introduction/spread of invasive alien species, which will prevent potential for, the occurrence of / or adverse impact resulting from, the construction, operation or decommissioning of the proposed development.

9 Water Framework Directive

Appendix 5 refers.

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

Recommendation

I recommend that permission is granted for the proposed development subject to the conditions outlined below.

DRAFT ORDER

Reasons and Considerations

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

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

- European legislation, including of particular relevance:
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025)
- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
- National and regional planning and related policy, including:
 - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective 70.
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
 - Regional Spatial Economic Strategy for the Southern Region;
 - Clare County Development Plan 2023-2029.
- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The reports of the Planning Authority and the further information received from the applicant on 8th August 2025 and submissions received in response to same.

- The submissions made on the planning application to the Planning Authority and to the Commission in connection with the appeals.
- The report and the recommendation of the Inspector.

Appropriate Assessment 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 or projects, will give rise to significant effects on the Lower River Shannon SAC [002165] in view of the sites conservation objectives. Appropriate Assessment is required

Appropriate Assessment Conclusion: Integrity Test

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

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

My conclusion is based on the following:

The application of general mitigation measures to minimise effects during all phases of the development, alongside specific mitigation with respect to the potential for effects upon water quality, the generation of disturbance and introduction/spread of invasive alien species, which will prevent potential for, the occurrence of / or adverse

impact resulting from, the construction, operation or decommissioning of the proposed development.

EIA Screening Determination

Having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- (b) The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm, which is not, of itself, a class for the purposes of the EIA Directive, the proposed future grid connection and permitted adjoining solar farm permitted under Ref. P22/591 ABP-316043-23;
- (c) The nature of the existing site and the pattern of development in the surrounding area including the permitted adjoining solar farm permitted under Ref. P22/591 ABP-316043-23;
- (d) The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- (e) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;

(g) The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the submitted (and revised where applicable) Construction and Environmental Management Plan, the Ecological Impact Assessment Report, the Landscape & Visual Impact Assessment, the Natura Impact Statement, and the Archaeological Assessment and Testing Report, Aquatic Ecology report, Invasive Alien Species Management Plan and Bat report.

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

Proper Planning and Sustainable Development

Having regard to the nature, scale and form of the proposed development, to the relevant provisions of the Clare County Development Plan 2023 - 2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the character of the landscape, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of public health, pedestrian and traffic safety, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology or on any European site, and would make a positive contribution to Ireland's requirements for renewable energy in accordance with national, regional and local policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 4th day of October 2024, as amended by the further plans and particulars submitted to the planning authority on the 8th day of August 2025, except as may otherwise be required in

order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Prior to the commencement of development the developer shall submit revised plans which shall comply with the following:
 - (a) All proposed panels shall be southerly facing in orientation with a height not greater than 3m and a tilt angle of 20 degrees with an anti-reflective coating.

Reason: In the interest of clarity

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

Reason: Having regard to the nature of the proposed development, the Commission considered it reasonable and appropriate to specify a period of the permission in excess of five years.

4. (a) This permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
 - (b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the recycling of solar panels and their component parts, removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.
 - (c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be

dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

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

5. 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.

6. All of the mitigation measures, as set out in the revised Natura Impact Statement (August 2025), shall be implemented by the developer.

Reason: In the interests of the protection of the European site during the construction and operational phases of the development.

7. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report (dated October 2024), Ecological Impact Assessment (dated October 2024), Noise Impact Assessment (October 2024), Glint and Glare Assessment (September 2024), Archaeological Assessment and Testing Report (October 2024 and June 2025), Invasive Alien Species Management Plan (July 2025), Bat Report (July 2025) and Aquatic Impact Assessment (May 2025) and other particulars and documentation submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

8. (a) Existing field boundaries shall be retained (other than those specified for removal in the application documentation), notwithstanding any exemptions available and new planting shall be undertaken in accordance with the documentation submitted with the application.

(b) All landscaping shall be completed in accordance with the details received to the written satisfaction of the planning authority. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

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

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

Cables within the site shall be located underground.

The inverter/transformer stations shall be dark green in colour.

Reason: In the interest of clarity, and of visual and residential amenity.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

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

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

11. The construction of the development shall be managed in accordance with an updated Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall contain:

All mitigation and control measures outlined in the revised NIS (August 2025) Ecological Impact Assessment (October 2024) and particulars submitted with the application.

Details of all archaeological or cultural heritage constraints as may be identified during pre-development archaeological testing and monitoring.

Details in relation to site access and traffic management in accordance with the details submitted with the Site Access and Drainage Report (October 2024).

Provide details of intended construction practice for the development, including hours of working, noise management measures, and on-site management and off-site disposal of construction/demolition waste.

Details of the appointed Ecological Clerk of Works.

Reason: In the interests of public safety and residential amenity.

12. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey on local roads which form part of the identified access route for the site shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

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

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

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

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 Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

Una Crosse
Inspectorate

29 July 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	PL-500253-CE-25
Proposed Development Summary	10-year planning permission for a solar array. The proposed development also provides for minor modifications to the solar array permitted under Reference P22/591 / An Bord Pleanála Reference ABP-316043-23.
Development Address	Colderry, Dromintobin North, Dromintobin South, Knockbrack Lower, Knockbrack Upper, Monaskeha Oakfield and Ruanard (townlands), Ardnacrusha, Co. Clare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	N/A

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	N/A
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 1(a) of Part 2 of Schedule 5 – projects for the restructuring of landholdings, where the length of field boundary to be removed is above 4km, or where recontouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix 2: Form 3 – EIA Determination

A. CASE DETAILS		
An Coimisiun Pleanála Case Reference	PL-500253-CE-25	
Development Summary	10-year planning permission for a solar array. The proposed development also provides for minor modifications to the solar array permitted under Reference P22/591 / An Bord Pleanála Reference ABP-316043-23.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	While EIA and the need for a subthreshold EIAR was discussed no determination on EIA screening appears to have been undertaken.
2. Has Schedule 7A information been submitted?	Yes*	The applicant has submitted an EIA screening report (dated October 2024) updates the content of same in the response to further information – cover letter dated 8 August 2025. The documentation submitted includes an Ecological Impact Assessment submitted with the application and a number of other assessment of relevance including an Aquatic Ecology Report, Bat report and Invasive species report.
3. Has an AA screening report or NIS been submitted?	Yes	AASR and NIS were submitted. The NIS was revised at FI stage with particular regard to the consideration of in-combination effects.
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	SEA and AA were undertaken in respect of the Clare County Development Plan 2023-2029. The site is located within lands subject to the provisions of this plan.	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The site comprises agricultural fields. The field networks are bound by mixed hedgerows and a variety of trees on all sides which provides a good framework of well-established and mostly dense vegetative screening around the external site boundary and within the individual field boundaries. Some field boundaries are heavily grown over with bramble and other shrub species. The hedgerows vary in height. Treelines present within the site comprise a mix of species. It is envisaged that the proposal will result in the loss of 218 linear meters of hedgerow primarily for an upgraded access on the R471, two new accesses proposed on the R471 and a new entrance on the L70382 is required to	No

		fields. The volume of hedgerow to be removed is considered insignificant at 218m (originally 222m) given the remaining linear features present in the surrounding environment and the proposed infilling of existing hedgerow.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	Where existing hedgerow is required to be removed (e.g. for access to the parcels of lands) infill landscaping, e.g. hedgerows, will be planted with the loss proposed to be offset by 385m of new hedgerow planting. In areas where vegetation is scarce or gaps occur, additional native screening planting in the form of native species characteristic of the local area will be instated. It is proposed to bolster an additional 17,650m of hedgerow.	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?	No	Standard construction methods and materials. No significant use of natural resources in operational phase. The loss of natural resources (hedgerow) is not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Hedgerow removal activities will require the use of potentially harmful materials, such as fuels and other such substances to power necessary machinery. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the submitted Construction and Environmental Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Hedgerow removal activities will require the use of potentially harmful materials, such as fuels and other similar substances for necessary machinery and may give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise	No

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

1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the minor nature and scale of the proposed removal of hedgerow associated with the development.	No
1.10 Will the project affect the social environment (population, employment)	No	The initial removal of hedgerow at the proposed upgraded and new entrance locations may cause temporary disruption along the R471 and L70382, however such disturbance will be short in duration and localised and managed through a Traffic Management Plan therefore no significant social environmental impacts anticipated.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Yes, the proposed development is part of a wider solar farm development which of itself is not a class for the purposes of the EIA Directive, but which is considered in the context of any resulting potential cumulative effect which are addressed separately in the Planning Assessment of my report. Furthermore, the EIA screening report addresses the proposed substation and grid connection route and the permitted adjoining solar farm which is referenced as Phase 1. I note the proposed mitigation provided within the submitted documentation including the Ecological impact Assessment, the CEMP and other plans including the Invasive Species Management Plan, the Aquatic Ecology Assessment and the comprehensive consideration of archaeology. Following implementation of these measures no potential for significant effects exist at any geographic scale either from the cumulative impact of the hedge removal and the wider solar farm or with both and the permitted solar or proposed substation and grid connection. This concludes that no significant cumulative effects would arise in respect of the proposed development and the wider solar farm development, the proposed grid connection or the permitted solar comprising Phase 1.	No
2. Location of proposed development			

2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - 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	No	One Natura 2000 site within the zone of influence of the project which has the potential to be impacted from the proposed works. This is the Lower River Shannon SAC (Site code: 002165). The Oakfield Stream traverses the northwest of the site. This stream meets the Blackwater (Clare) River c.2.8km downstream of the site. The Blackwater (Clare) River meets the SAC further downstream – c.6.4km from the site. The GCR crosses the Oakfield Stream and Blackwater (Clare) River. Field boundaries within the site are not free flowing but convey run off from the site to the Oakfield Stream. These watercourses are not located within close proximity to any of the proposed hedgerow removal works, however field drains which provide a pathway to the watercourses are located within proximity to certain areas of proposed works. These pathways are examined in detail within Appendix 3 & 4 of this report and it has been concluded that following the implementation of those mitigation measures listed within the submitted NIS, no adverse impacts on the site integrity of the Lower River Shannon SAC will occur. The hedgerow habitats proposed for removal are used by commuting and foraging bats as they provide connectivity with the wider landscape. In addition nesting birds are also noted to use these hedgerows. The EclA assesses the impact of the proposal on bats and bird species and concludes that provided mitigation is implemented which includes replacement hedgerow planting, as well as restrictions on the time of year in which hedgerow removal can occur, no significant effects are likely to arise.	No
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?	No	In total c. 218m of existing hedgerow are to be removed, this hedgerow provides habitat for bird species and linear foraging features for bats. While it is noted that there will be some temporary impacts on these species, provided the mitigation measures outlined in the submitted EclA are implemented it is not expected that the removal of hedgerow would result in significant impacts to protected, important or sensitive species	No

2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no previously recorded archaeological sites or Recorded Monuments within the footprint of the proposed development. There are thirteen previously recorded sites located within 1km of the proposed development site boundary the closest of these is an enclosure (CL053-037----) in Knockbrack, which is c.60m from the proposed development. Test trenching was undertaken and the submitted Archaeological Testing report and the Archaeological Assessment and geophysical Survey Report outline effective mitigation measures to be implemented. Provided these mitigation measures are implemented no significant impacts are expected.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	Given the minor nature of the works proposed there will be no foreseeable impact on any areas of high quality or scarce resources which could be affected by the project.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	Having considered the locations of the proposed works, the limited nature of the works and the distance between the proposed hedgerow removal and any field drains in the vicinity it is unlikely any surface run off would affect watercourses downstream.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site adjoins the R471 regional road which links Cloonlara and Sixmilebridge. While some traffic disruption is likely during the initial works on the site entrances, which involves the clearing of 150m of hedgerow from both sides of the R471 roadside, this is expected to be temporary in nature and no significant contribution to traffic congestion is anticipated to arise from the proposed development.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The surrounding area is comprised of agricultural land uses, farmsteads, dwellinghouses and some commercial enterprise. Having considered the minor nature of the works no significant impacts on these uses are anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	The proposed development is part of a wider solar farm development which of itself is not a class for the purposes of the EIA Directive, but which is considered in the context of any resulting potential cumulative effects, including visual/landscape, water and biodiversity which are addressed separately in the Planning Assessment within this report. I have also considered the Phase 1 permitted solar farm development which adjoins the subject site and the proposed future substation and grid connection which would facilitate both phases. Significant environmental effects from a cumulation of the proposed hedgerow removal with other existing development is unlikely based on a review of the comprehensive suite of technical reports submitted to support the application and respond to the FI request. In addition, the embedded project design mitigation and the proposed additional mitigation measures effectively reduce the potential for cumulative effects. It is also noted that there are no other developments (save for a number of residential properties) under construction in proximity to the site. No predicted cumulative effects are expected given that that the proposal will have no significant effects on the environment after the well-considered mitigation measures which are proposed to be employed. Therefore, in summary and as outlined in the assessment it is not considered that any significant cumulative effects in combination with the subject project would arise.	No

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	☒	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
Having regard to: (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised; (b) The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm, which is not, of itself, a class for the purposes of the EIA Directive, the proposed future grid connection and permitted adjoining solar farm permitted under Ref. P22/591 ABP-316043-23; (c) The nature of the existing site and the pattern of development in the surrounding area including the permitted adjoining solar farm permitted under Ref. P22/591 ABP-316043-23; (d) The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised; (e) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003); (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and; (g) The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the submitted (and revised where applicable) Construction and Environmental			

Management Plan, the Ecological Impact Assessment Report, the Landscape & Visual Impact Assessment, the Natura Impact Statement, and the Archaeological Assessment and Testing Report, Aquatic Ecology report, Invasive Alien Species Management Plan and Bat report.

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

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3: AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Description of the project and local site characteristics	
Brief description of project	10-year planning permission for a solar array. The proposed development also provides for minor modifications to the solar array permitted under Reference P22/591 / An Bord Pleanála Reference ABP-316043-23. Note - while not part of the subject application, the future substation and grid connection are considered in the revised NIS in respect of potential cumulative effects and I address same within this assessment.
Brief description of development site characteristics and potential impact mechanisms	The site comprises 4 parcels of agricultural land comprising a range of fields of differing size. The site extends in total to some 96 hectares. There are two hydrological pathways from the site to the Lower Shannon SAC which are described below. It is the hydrological connections via these watercourses that has the potential for significant effects on European sites.
Screening report	Yes – Included as Appendix A of the NIS

Natura Impact Statement	Yes – revised as part of the response to the further information request - dated 7th August 2025 (Addendum page 90) Screening for AA – Appendix A – dated 4th October 2024 CEMP revised at FI – dated July 2025 Aquatic Ecology Report – dated May 2025 I have used the revised NIS to inform this Appropriate Assessment.
Relevant submissions	Third party concerns are set out in Section 7 above and addressed in the Appropriate Assessment below.
There are two hydrological pathways from the site to the Lower Shannon SAC as follows: Parcels 1 and 2 drain towards the Oakfield stream via a network of minor field drains. These side drains are ephemeral: drying out in summer and are of low ecological significance with no fisheries value. The 'Oakfield stream is conveyed beneath the Ardnacrusha headrace canal ("Annegrove culvert") meeting the Blackwater (Clare) main channel c.680m downstream of the culvert outlet. From the Oakfield Stream confluence with the Blackwater (Clare) main channel, i.e., south of Ardnacrusha headrace canal, the main river flows 3.6km to meet the Lower River Shannon SAC boundary, and a further 250m to meet the River Shannon itself. The distance (at nearest) between the proposed Ballyglass Phase 2 development (i.e., Parcels 1 and 2) and the SAC boundary, via the Oakfield Stream – Blackwater (Clare) River connection, is a total of 6.5km Parcels 3 and 4 to the east of the site drain primarily southwards towards the Knockbrack (KB) Drain, which is the main drainage collector. It is channelised under the R463 then passes beneath the Ardnacrusha headrace canal where it is piped to the west of Clonlara. It then flows south meeting the disused Errina Canal back-drain. From there it flows southwest and is culverted under the disused canal at the old Newtown Lock, ultimately forming the upper Illauntyregan Stream. From there, flow turns southward again via a low gradient, sluggish drain, eventually meeting (EPA named) Doonass Demense Stream, which flows 550m to the Lower River Shannon SAC boundary (and another 650m to the River Shannon itself). The distance (at nearest) between the proposed development and the SAC boundary, via the Knockbrack Drain hydrological connection, is a total of 4km. Future substation and grid connection	

- One watercourse crossing of the Blackwater (Clare) River at Blackwater Bridge proposed by HDD and no instream works.
- One watercourse crossing of the Oakfield Stream at the R463 undertaken by crossing over the stream in the body of the road.

(addressed in revised CEMP)

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

While the AA Screening Report Identifies 11 sites – using the 15km radius distance from the site – there are only 2 sites which have an ecological pathway from the subject site (acknowledged in the AASR) therefore I have addressed these 2 sites in my screening below as there are no **likely significant effects** on any of the other 9 sites.

European Site	Qualifying interests	Distance from proposed development (km approx.)	Ecological connections	Consider further in screening Y/N
Lower River Shannon SAC 002165 S.I No. 328 of 2023 – signed 21 June 2023 Conservation Objectives dated August 2012	• Sandbanks which are slightly covered by sea water all the time [1110] • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Tursiops truncatus (Common Bottlenose Dolphin) [1349]	1.3km - straight-line 6.4km - hydrologically to boundary of SAC	Hydrological connectivity via the Oakfield Stream which meets the Blackwater (Clare) River c.2.8km downstream of the solar array site. The Blackwater (Clare) River flows into the SAC c.6.4km downstream of the solar site. Hydrological connectivity via the Knockbrack Drain via the Illaunyregan Stream and onto the Doonass Demense Stream c. 4km between the site and SAC.	Yes

	• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • 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] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Lampetra planeri</i> (Brook Lamprey) [1096] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] • <i>Salmo salar</i> (Salmon) [1106] • <i>Lutra lutra</i> (Otter) [1355]		The internal cabling and future grid connection road crosses the Oakfield Stream and the future GCR crosses the Blackwater Stream.	
River Shannon and River Fergus Estuaries SPA [004077]	• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Scaup (<i>Aythya marila</i>) [A062] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140]	5.4km - straight-line 14.1km - hydrologically to boundary of SPA	While there is a hydrological connectivity via the Oakfield stream and onto the Blackwater (Clare) River c.2.8km and via the Knockbrack Drain via the Illaunygren Stream and onto the Doonass Demense Stream c. 4km between the site and the River Shannon. This SPA is c 14-14.9km downstream of the site.	No

S.I No. 329 of 2019 – signed 2 July 2019 Conservation Objectives dated September 2012	• Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Knot (<i>Calidris canutus</i>) [A143] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Greenshank (<i>Tringa nebularia</i>) [A164] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999]		The proposed internal cabling and future GCR crosses the Oakfield stream and the proposed grid connection will cross the Blackwater River, which flows into the River Shannon and, in turn, this SPA 14.1km downstream. The site is at such a distance that is clear, given the nature of the likely effects, that there would be no significant effect on this site. I would also note, as asserted in the AASR, the site does not provide suitable foraging for any of the SCI's and therefore displacement or disturbance not a factor.	
Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites Construction and Decommissioning of Solar Development and future substation and grid connection. Surface water related pollution – sediment laden runoff and pollutants (hydrocarbons and concrete) entering the Oakfield Stream and Blackwater (Clare) river. AA Screening matrix				
Site name		Possibility of significant effects (alone) in view of the conservation objectives of the site		

Qualifying interests		
Lower River Shannon SAC [002165]	Impacts Direct: No direct impacts predicted Indirect: Water Quality Potential for temporary negative impacts on surface water/water quality due to construction related emissions including increased sediment and construction related pollutants such as hydrocarbons and cement. Invasive Species Giant Hogweed identified on existing tracks in parcel C. Invasive species report submitted with FI response. Disturbance to Otter Disturbance of their commuting route along the Oakfield Stream.	Effects Water Quality Potential to undermine the conservation objectives of the European site related to water quality. Invasive Species Potential for invasive species to enter the SAC. Disturbance to Otter Potential displacement.
	Qualifying Interest	Distance to Site
	Likelihood of Significant Effect?	
	Likelihood of significant effects from proposed development: Yes alone and in combination with grid connection route	
It is not possible to exclude the possibility that the proposed development alone and in combination with another permitted solar array and proposed substation and grid connection would result significant effects on Lower River Shannon SAC [002165] from effects associated with temporary negative impacts on surface water/water quality due to construction related emissions including increased sediment and construction related pollutants such as hydrocarbons and cement which have the potential to undermine the conservation objectives of the European site related to water quality. An appropriate assessment is required on the basis of these potential combined effects.		

Screening Determination

Significant effects cannot be excluded

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

Appendix 4: Appropriate Assessment & AA Determination

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a proposed solar farm, in combination with adjoining permitted solar farm and proposed substation and grid connection, in view of the relevant conservation objectives of the **Lower River Shannon SAC [002165]** based on scientific information provided by the applicant and considering observations on nature conservation.

The information relied upon includes the following:

- Appropriate Assessment Screening Report and Natura Impact Statement as revised.
- Construction and environmental management plan (CEMP) as revised.
- Aquatic Ecology report submitted in response to the Further Information request
- Applicants' response documents to submissions

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

Submissions/observations

Third party concerns are set out in Section 7 above and attest that ecological reports are incomplete and that no Stage 2 Aa was carried out. They also consider that the proposal is project splitting for the purposes of 6(3) of the Habitats Directive. I note that the issues raised are broad and incorrectly attest that a Stage 2

AA was not carried out. An NIS which was revised was submitted to facilitate the competent authority in undertaking the Appropriate Assessment herein. In terms of project splitting, the previous first phase included an NIS and the Commission (Board at the time) carried out an AA, therefore project splitting is not an issue notwithstanding the term applies to the EIA Directive.

Lower River Shannon SAC [002165]

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

- (i) Potential for emissions to water (sediment, hydrocarbons / oils and concrete waste) from ground works, which could be carried to surface waters by run-off at locations of works close to watercourses within the Site. Run-off could contain silt, hydrocarbons or oils from machinery, and concrete waste. Silt-laden run-off can alter the physico-chemical conditions of receiving water bodies.
- (ii) Invasive Alien Species (IAS) have potential to be introduced by machinery during ground works and can be carried to surface waters by rainfall and wind, potentially affecting aquatic and other water dependent QIs of Lower River Shannon SAC.
- (iii) Potential for disturbance to affect Otter a QI of the Lower River Shannon SAC as a result of activities generated by the proposed works (i.e. increased human presence and associated activities during construction and decommissioning).

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Qualifying Interests where NO potential for Significant Effects			
Sandbanks which are slightly covered by sea water all the time [1110]	To maintain the favourable conservation condition of Sandbanks which are slightly covered by sea water all the time in the Lower River Shannon SAC.	No Risk - given straight-line distance to this QI from subject site of c.77km there is no potential for adverse effects.	Not required for this QI
Estuaries [1130]	To maintain the favourable conservation condition of Estuaries in the Lower River Shannon SAC	No Risk – given downstream distance to this QI from subject site of c.11km there is no potential for adverse effects.	Not required for this QI

Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Lower River Shannon SAC	No Risk - given downstream distance to this QI from subject site of c.14km there is no potential for adverse effects.	Not required for this QI
Coastal lagoons [1150]	To restore the favourable conservation condition of Coastal lagoons in the Lower River Shannon SAC	No Risk - given the straight-line distance to this QI from subject site of c.23km there is no potential for adverse effects.	Not required for this QI
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition of Large shallow inlets and bays in the Lower River Shannon SAC	No Risk - given the straight-line distance to this QI from subject site of c.60km there is no potential for adverse effects.	Not required for this QI
Reefs [1170]	To maintain the favourable conservation condition of reefs in the Lower River Shannon SAC	No Risk - given the straight-line distance to this QI from subject site of c.46km there is no potential for adverse effects.	Not required for this QI
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition of Perennial vegetation of stony banks in the Lower River Shannon SAC.	No Risk - given the straight-line distance to this QI from subject site of c.58km there is no potential for adverse effects.	Not required for this QI
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition of Vegetated sea cliffs in the Lower River Shannon SAC	No Risk - given the straight-line distance to this QI from subject site of c.73km there is no potential for adverse effects.	Not required for this QI
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in the Lower River Shannon SAC	No Risk - given the straight-line distance to this QI from subject site of c.68km there is no potential for adverse effects.	Not required for this QI
Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	To restore the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia maritima) in the Lower River Shannon SAC	No Risk - given the straight-line distance to this QI from subject site of c.13km there is no potential for adverse effects.	Not required for this QI
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in the Lower River Shannon SAC.	No Risk - given the straight-line distance to this QI from subject site of c.29km there is no potential for adverse effects.	Not required for this QI

Tursiops truncatus (Common Bottlenose Dolphin) [1349]	To maintain the favourable conservation condition of Bottlenose Dolphin in the Lower River Shannon SAC	No Risk – given distance of the site to this coastal QI there is no risk of impact to their habitat, no creation of barriers to movement of the species and no adverse effects.	Not required for this QI
Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation in the Lower River Shannon SAC.	Proposed site c.6.4km upstream of this QI. The NIS addresses each of the attributes and provides a robust justification as to why there is no potential for adverse effects.	Not required for this QI
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae) in the Lower River Shannon SAC.	While location of this habitat is not mapped, no evidence of this habitat within the zone of influence.	None required for this QI
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) in the Lower River Shannon SAC.	No connectivity to this QI from the subject site.	None required for this QI
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition of Freshwater Pearl Mussel in the Lower River Shannon SAC	The SSCO for this species applies to the Cloon River, Co. Clare (Map. 15 of SSCO document refers). The project site has no hydrological connectivity with the Cloon River population and therefore there is no pathway for effects. NIS notes that there are no records for the species within the ZoI nor are there suitable habitats to support the species.	Not required for this QI

Qualifying Interests with potential for Significant Effects

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects
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Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC Distribution - Greater than 75% of main stem length of rivers accessible from estuary Population structure of juveniles - At least three age/size groups present. Juvenile density in fine sediment - at least 1/m² Extent and distribution of spawning habitat - No decline Availability of juvenile Habitat - Number of positive sites in 3rd order channels (and greater), downstream of spawning areas	None Potential from excessive sedimentation or mobilisation of contaminants
Lampetra planeri (Brook Lamprey) [1096]	To maintain the favourable conservation condition of Brook Lamprey in the Lower River Shannon SAC Distribution - Access to all water courses down to first order streams Population structure of juveniles - At least three age/size groups present.	. None

	Juvenile density in fine sediment - at least 2/m² (mean catchment) Extent and distribution of spawning habitat - No decline Availability of juvenile Habitat – more than 50% of sample sites positive	Potential for impacts on juveniles from excessive sedimentation or mobilisation of contaminants Potential for impacts on spawning habitat from excessive sedimentation or mobilisation of contaminants Potential for impacts on juvenile habitat from excessive sedimentation or mobilisation of contaminants
Lampetra fluviatilis (River Lamprey) [1099]	To maintain the favourable conservation condition of River Lamprey in the Lower River Shannon SAC Distribution - Access to all water courses down to first order streams Population structure of juveniles - At least three age/size groups present. Juvenile density in fine sediment - at least 2/m² (mean catchment) Extent and distribution of spawning habitat - No decline	. None Potential for impacts on juveniles from excessive sedimentation or mobilisation of contaminants Potential for impacts on spawning habitat from excessive sedimentation or mobilisation of contaminants

	Availability of juvenile Habitat – more than 50% of sample sites positive	Potential for impacts on juvenile habitat from excessive sedimentation or mobilisation of contaminants
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon in the Lower River Shannon SAC Distribution: 100% of river channels down to second order accessible from estuary, Adult spawning fish - conservation limit for each system consistently exceeded, Salmon fry abundance - maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling Out-migrating smolt abundance - no significant decline Number and distribution of redds - no decline in number and distribution of spawning redds due to anthropogenic causes, Water Quality - at least Q4 at all sites sampled by EPA.	None None Potential for impacts on salmon fry from excessive sedimentation None Potential for impacts on number and distribution of redds from excessive sedimentation Potential to contribute to a temporary localised reduction in Q value as a result of mobilisation of contaminants and excessive sedimentation

Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter in the Lower River Shannon SAC Distribution - No significant decline Extent of terrestrial Habitat - No significant decline (mapped area - 596.6ha above HWM and 958.9ha along riverbanks) Extent of marine habitat - No significant decline (mapped area – 4461.6ha) Extent of freshwater (river) habitat - No significant decline (mapped area – 500.1ha) Extent of freshwater (lake/lagoon) habitat - No significant decline (mapped area – 125.6ha) Couching sites and holts - No significant decline Fish Biomass available - No significant decline Barriers to connectivity – no significant increase	Use of the site by otter limited to foraging and commuting along the Oakfield Stream with potential for disturbance during construction (visual and noise) although acknowledged in NIS that species peak at dawn and dusk with main activity period outside of construction hours. The potential impact on water quality to effect aquatic organisms is considered but given temporary and localized nature and mobility of this species not considered to be significant. Considered that there is an abundance of available aquatic habitat downstream with no adverse effects predicted. Proposal will not create a barrier.
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.		
Mitigation Measures		
Given the nature of the proposed development and the QI's identified the mitigation measures proposed relate to all of the relevant QI's as follows: Overseeing of Environmental Controls Suitably qualified Site Environmental Manager (SEM) acting as Ecological Clerk of Works (ECoW) employed to oversee the construction phase, including any advance works period, to ensure compliance with methods, mitigation measures and monitoring set out in the CEMP and NIS		

- ECoW present during key parts of the construction phase, i.e., culvert installations, HDD crossing, in order to protect water quality and avoid potential impacts on aquatic receptors.
- ECoW role and responsibilities defined.

Prevention and control of sediment loss

- Trenching works undertaken using a cut and fill procedure to ensure that only short sections of the trench ($\leq 100\text{m}$) are open at any time;
- run-off water which gathers in an excavated trench collected and treated appropriately using Best Practice methods (e.g., silt bags, settlement systems) before being discharged.
- No discharge of silt contaminated pump-out water to on-site drains or watercourses;
- While spoil heaps unlikely to accumulate because trenches due to immediate back filling following ducting installation - freshly excavated spoil retained in an area over 10m away from any drain or watercourse until such time as the trench is refilled. Spoil heap located on either a well vegetated area surrounded by silt fencing or with the use of containment measures (geotextile mat or bag) and covered to reduce potential for sediment export. Ready supply of these materials must be on site at all times to deal with such eventualities;
- Where ancillary on-site drains are crossed with underground ducting, the release of sediment over baseline conditions will be prevented by the use of silt traps, check dams and/or bunds put in place on either side of the dry drain crossing location in advance of construction works

Prevention and Control of Sediment Loss

- Use of silt traps, Check dams, temporary bunds (sand bags)
- Excavated or striped soil that is used to fill in verges along proposed access tracks or site infill will be immediately tamped, reseeded with an appropriate grass seed mix and rolled to establish vegetative cover to reduce potential solids washout – any surplus soil taken off site or appropriately covered
- Wheel washout facility water (Section 3.6.2 of CEMP) treated via settlement pond/stilling area that is correctly dimensioned to allow for suitable residence time to settle solids;
- Outflow from stilling ponds monitored for suspended solids (sediment) and pH (to detect concrete pollution) on a regular basis by an ECoW during the construction phase.
- If elevated pH occurs (>9.5) remove water for treatment in an appropriate facility.

Avoid Hydrocarbon Loss

- No storage of hydrocarbons or any polluting chemicals can occur within 50m of watercourses or surface water features.
- Any diesel or fuel oils stored on site will be bunded to 110% of the capacity of the storage tank.

Prevention of Spread of pathogens and invasive species

- Giant Hogweed plants to be controlled by herbicide in compliance with the product label and in accordance with Good Plant Protection Practice as prescribed in the European
- Communities (Authorization, Placing on the Market, Use and Control of Plant Protection Products) Regulations, 2003 (S.I. No. 83 of 2003).
- Use of trained operators
- Giant Hogweed treated by foliar spray application using a cowed knapsack sprayer or using a weed wiper (subject to location specific environmental sensitivities) which will prevent regrowth of seedlings.
- Use of best practice avoidance measures – construction and monitoring through surveys during years 1, 3 and 5 of operation.

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

The submitted NIS identifies the potential for adverse effects pre-mitigation on the following QI's.

- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

The QI conservation attributes for the SAC that have the potential to be adversely affected have been identified in the table above. If these identified potential adverse effects occurred, it could adversely effect the aquatic and water reliant species within the zone of influence of the subject site.

I note reference in the NIS to the white-clawed crayfish. This is not a QI listed in the Conservation Objectives for the site however it is an Annex II species. No evidence has been found but it cannot be ruled out given historical EPA data from upstream tributaries. The potential impact would be from sediment or pollutants impacting the water quality. Given the mitigation measures proposed to address the potential for impacts on water quality to avoid adverse effects on other aquatic QI species, these measures would also address any adverse effect likely to arise on the crayfish.

Mitigation measures are proposed to minimise the potential for these effects and is set out in detail in section 6 of the NIS, as well as summarised above. With the implementation of mitigation, including supervision of works by an Environmental Manager and Ecological Clerk of Works, and implementation of measures through a Construction Environmental Management Plan, (alongside

specific mitigation measures with respect to identified effects), it can be reasonably concluded that no adverse effect upon the integrity of the SAC / SPA will result.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. Section 5.4 of the NIS identifies plans and projects with potential for cumulative effects alongside the proposed development. Of particular note is the permitted Phase 1 solar array and the proposed substation and grid connection (section 5.5-6) have been comprehensively addressed in the NIS facilitating an in-combination assessment herein. It is noted in the NIS that the proposed grid connection route runs for c.3.6km from the (future) proposed 110kV substation via underground cabling along local roads to Ardnacrusha crossing over the Oakfield Stream, which flows into the Lower River Shannon SAC c. 5.7km downstream and Blackwater (Clare) river, which flows into the Lower River Shannon SAC c.6km downstream. There is potential for export of sediment and small amounts of potentially damaging waterborne pollutants (e.g., sediment, wet cement, hydrocarbons) during the construction phase of the grid connection and 110kV substation to result in significant cumulative and in-combination effects on the conservation objectives of aquatic and semi-aquatic QI for the Lower River Shannon SAC present within the Oakfield Stream and Blackwater (Clare) river with the proposed Ballyglass Solar Farm Phase 2. However, subject to the mitigation proposed in respect of the solar array and likely to be proposed in the future application for the grid connection (specifically included at section 6.1.3 of the NIS), the NIS concludes that there are no likely in-combination cumulative effects and I concur with this conclusion which is based on a very thorough consideration in the revised NIS. I am therefore satisfied that the assessment of cumulative effects in the NIS is acceptable.

Appropriate Assessment Conclusion: Integrity Test

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

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

My conclusion is based on the following:

The application of general mitigation measures to minimise effects during all phases of the development, alongside specific mitigation with respect to the potential for effects upon water quality, the generation of disturbance and introduction/spread of invasive alien species, which will prevent potential for, the occurrence of / or adverse impact resulting from, the construction, operation or decommissioning of the proposed development.

Appendix 5: Water Framework Directive Reporting

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500253-CE-25	Townland, address	Coolderry, Dromintobin North, Dromintobin South, Knockbrack Lower, Knockbrack Upper, Monaskeha Oakfield and Ruanard (townlands), Ardnacrusha, Co. Clare.
Description of project		10-year planning permission for a solar array. The proposed development also provides for minor modifications to the solar array permitted under Reference P22/591 / An Bord Pleanála Reference ABP-316043-23.	
Brief site description, relevant to WFD Screening,		Parcels 1 and 2 drain towards the Oakfield stream via a network of minor field drains. The 'Oakfield stream is conveyed beneath the Ardnacrusha headrace canal ("Annegrove culvert") meeting the Blackwater (Clare) main channel c.680m downstream of the culvert outlet. Parcels 3 and 4 to the east of the site drain primarily southwards towards the Knockbrack (KB) Drain, which is the main drainage collector. It is channelised under the R463 then passes beneath the Ardnacrusha headrace canal where it is piped to the west of Clonlara. It then flows south, meeting the disused Errina Canal back-drain. From there it flows southwest and is culverted under the disused canal at the old Newtown Lock, ultimately forming the upper Illaunyregan Stream. From there, flow turns southward again via a low gradient, sluggish drain, eventually meeting the Doonass Demense Stream.	
Proposed surface water details		Use of existing drainage and infiltration pattern on the site with generous gaps between racks. Adequate capacity within drainage system. Soakaways proposed at entrances. Drains subject to inspection.	
Proposed water supply source & available capacity		N/A	

Proposed wastewater treatment system & available capacity, other issues	No permanent facilities.
Others?	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	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) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	Blackwater (Clare) 020 IE_SH_25B060250	Good	Not at risk	Agriculture	Surface water runoff via Oakfield stream which meets the Blackwater	Range of measures to prevent sedimentation and contamination –	Yes sufficient

					(Clare) downstream	see mitigation measures in Appendix 4 AA	
River	Shannon (Lower)- 060 IE_SH_25S012600	Moderate	Review	Agriculture and Hydromorphology	Surface water runoff via the Knockbrack drain which meets the Doonass Demesne downstream.	Range of measures to prevent sedimentation and contamination – see mitigation measures in Appendix 4 AA	Yes sufficient
Ground	Ardnacrusha IE_SH_G_009	Good	Not at risk	No identified significant pressures	No	N/A	N/A

