



An
Coimisiún
Pleanála

Inspector's Report PL-500706-LS-26

Development

Solar Farm. A co-located Battery Energy Storage System (BESS) park. Natura Impact Statement submitted with this planning application. The development is covered by the provisions of the (RED III) Renewable Energy Directive III (Directive (EU) 2023/2413).

Location

Kilmullen, Ullard or Controversyland, Clonanny Lea and Loughmansland Glebe, Portarlinton, Co. Laois.

Planning Authority

Laois County Council

Planning Authority Reg. Ref.

2560611

Applicant(s)

BNRG Bracklone Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

BNRG Bracklone Ltd.

Observer(s)

Padraig & Patricia Henry

Prescribed Bodies

None

Date of Site Inspection

12th June 2026

Inspector

Rónán O'Connor

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
2.2. Documentation Submitted.....	9
3.0 Planning Authority Decision	11
3.1. Decision	11
3.2. Planning Authority Reports	12
3.3. Other Technical Reports on initial application	14
3.4. Prescribed Bodies.....	14
3.5. Third Party Observations	16
4.0 Planning History.....	18
5.0 Policy Context.....	20
5.1. European Policy	20
5.2. National Policy	21
5.3. Regional Policy Context.....	26
5.4. Local Policy Context	28
5.5. Section 28 Guidelines	35
5.6. Natural Heritage Designations	35
6.0 EIA Screening.....	35
7.0 AA Screening.....	36
8.0 WFD Screening	37
9.0 The Appeal	38
9.1. Grounds of Appeal	38
9.2. Planning Authority Response.....	42
9.3. Kildare County Council	43

9.4. Prescribed Bodies.....	43
9.5. Observations.....	43
9.6. Further Responses	45
10.0 Assessment.....	45
10.2. Principle of Development – Climate Action & Low Carbon Development Act, 2015 (as amended); Local, European, National & Regional Policy	46
10.3. Reason for Refusal No. 2 - Impact on Kilmullen House (Protected Structure).....	50
10.4. Refusal Reason No. 3 – Traffic and Transport (New Access)	57
10.5. Material Contravention	63
10.6. Other Issues	66
11.0 Recommendation	79
12.0 Reasons and Considerations.....	80
13.0 Conditions	83
Appendix 1 - Form 1 - EIA Pre-Screening.....	97
Appendix 2 - Form 3 - EIA Screening Determination.....	103
Appendix 3 - Stage 1 AA Screening	117
Appendix 4 - Standard AA Template and AA Determination	130
Appendix 5 WFD Screening	151

1.0 Site Location and Description

- 1.1.1. The appeal site is comprised of tilled farmland which surrounds Kilmullen House, a Protected Structure (RPS 550) as well as the route of the proposed 20kv underground grid connection (UGC) to Bracklone 110kV substation (2.8km in length), and the route of the proposed 20kV UGC collector route to the boundary of the administrative area of Kildare County Council (3.4km in length). The area of the site for which solar panels, and associated development, are proposed is bounded by the R420 Strategic Regional Road to the east and north-east. This area lies adjacent to Kilmullen House, is a Protected Structure (RPS Ref 550) and is listed in the National Inventory of Ireland (NIAH Ref. 12800556) with a 'Regional' rating and is described as 'Detached six-bay two-storey Georgian house, c. 1790. The garden associated with same is listed in the NIAH Garden Surveys (Garden No. 190).
- 1.1.2. The surrounding land uses comprise agricultural uses, forestry as well as a number of standalone residential dwellings. The Heuston to Cork Railway runs directly adjacent to the southernmost boundary of the site.

2.0 Proposed Development

- 2.1.1. The proposed development within Co. Laois, and that under consideration here, will consist of:
- Linear arrays of solar PV panels on ground mounted steel supported structures with associated cabling and ducting (including onsite control and switch gear room and underground cable grid connection to the Bracklone 110kV substation);
 - 2 no. proposed single storey inverter stations;
 - A co-located Battery Energy Storage System (BESS) park (including 16 no. containers with cells and 4 no. containers with PCS and inverters) with associated security fencing and gates;
 - Site Perimeter fencing;
 - 1 no. new site entrance with palisade double security gates;
 - 1 no. temporary construction compound/carpark/material storage area with associated temporary site offices, parking areas and security fencing;

- 1 no. temporary and 1 no. permanent steel storage containers;
- Site access tracks including passing and turning bays;
- On-site pole mounted CCTV cameras;
- 1 no. temporary construction stage Moby Dick type wheel wash systems;
- 1 no. Concrete wash out locations (within temporary construction compound);
and
- All associated and ancillary works

Grid Connection and Collector Cable

- 2.1.2. A grid connection will be required to connect the proposed development to the National Grid. This grid connection forms part of this current application. In summary, it is planned to connect to the national grid via a 20kV underground cable, tail-fed from the solar farm to the Bracklone 110kV substation, which is located on the outskirts of Portarlinton. The 20kV grid connection will be approximately 2.8 km in length from the Bracklone Solar Farm 20kV control and switchgear room (in Kilmullen, Co. Laois) to the existing Bracklone 110kV Substation.
- 2.1.3. A 20kV UGC collector network will connect all solar parcels to the proposed substation locations. The 20kV collector network route will consist entirely of underground cable (UGC). The 20kV collector network underground ducting route will be installed in solar farmlands and within the public road.
- 2.1.4. I would reiterate that the appeal under consideration here relates to the Laois site only, and the application is sought for development as described in Paragraph 2.1.1 above, and as described in the application form, the site notice and newspaper notice.

Solar Farm Project

- 2.1.5. The Commission will note that the entire solar farm project, as a whole, and as described in the application documentation, is located between the towns of Monasterevin and Portarlinton, within the townlands of Coolnafearagh, County Kildare and Kilmullen, County Laois. The Commission will also note that the environmental reports submitted with the application (the Planning and

Environmental Considerations Report [PECR], the AA Screening Report, the NIS and the EIA Screening Report) assess the solar farm project as a whole.

- 2.1.6. The solar farm project across two sites (in Kildare and in Laois), and will be connected via underground 20kV cabling. The site in Coolnafearagh, Co. Kildare covers approximately 37.66 ha. The site in Kilmullen, Co. Laois covers approximately 22.7 ha and is located approximately 2km east of the new EirGrid Bracklone 110 k substation on the outskirts of Portarlington. The proposed solar farm project spans a total site area measuring 60.36 ha. The Kildare land parcels lie southeast of the Barrow River. The total capacity of Solar PV on the site is estimated to be 32 MW.
- 2.1.7. The Commission will note that the elements of the solar farm project that lie within the administrative boundary of Kildare County Council do not form part of this application. I note that permission for same has been sought under Kildare County Council Reference No. 25/61233 (See Planning History Below).

Proposed Design and Layout

- 2.1.8. A detailed description of the proposal is set out in Section 2.2.1 of the applicant's Planning and Environmental Considerations Report (PECR) and is described in the applicant's other documentation, as submitted at application stage. I have set out a summary of same below.

Solar Panel Foundations

- 2.1.9. It is proposed that the solar panels will be fixed in place using pile driven steel framing or screw auger type anchors. Where required, depending on ground conditions, some foundations may comprise a pre-cast concrete footing.

Fencing

- 2.1.10. The fencing proposed is a meshed fence constructed to a height of 2 m using high pressure treated timber posts at 3.5 m centres, and high tensile galvanised wire. The fence will include ground clearance of all fencing installed to a minimum height of 0.1m above ground level. This will allow the movement of small mammals, such as badger, through the site and avoids the fragmentation of habitat. There will be site security gates installed at each site entrance, with a height of 2 m and an opening width of 4.2m.

Site Access and Internal Access Tracks

- 2.1.11. This site will be accessed via a new entrance off the R420 regional road. Internal access tracks will be approximately 3.5 m wide with a 150 mm Type 1 Granular Running Surface. A cable trench (where applicable) will run adjacent to the access tracks. Passing bays and turning bays will be provided through the site.

Inverter and Transformer Stations

- 2.1.12. Each station will consist of a 20-foot single story container and will be located centrally throughout the site along the internal tracks at a minimal distance to the solar panels

Control and Switchgear Rooms

- 2.1.13. One control and switchgear room is proposed for this site with an acoustic fence will be erected around this structure in order to mitigate against noise nuisance.

Battery Energy Storage System (BESS)

- 2.1.14. The BESS will be housed on-site and will include the following elements:

- BESS enclosures;
- BESS intake substation;
- An MV skid;
- A back-up generator;
- A monitoring house;
- An auxiliary transformer;
- Spares containers;

- 2.1.15. The battery enclosures and associated equipment will sit on reinforced concrete plinths and the surrounding site areas will be surfaced using a permeable gravel surface and will be surrounded by a 2m high fence with no mammal gap at the base.

Grid Connection and Collector Cable

- 2.1.16. The application also includes the main grid connection route to Bracklone 110kV substation on the outskirts of Portarlinton. This consists of a 20kv underground cable. This will be approximately 2.8km in length.

- 2.1.17. The application includes the 20kv underground cable collector network (including the interconnector cable) to the administrative boundary of Kildare County Council. The collector cable will connect all solar parcels to the proposed substation locations, and will consist entirely of underground cable, installed in solar farmlands and within the public road. This route is approximately 3.4km in length.
- 2.1.18. Detailed construction methodology for the grid connection and the collector network is set out in Appendix B of the PECR.

Decommissioning

- 2.1.19. The projected lifetime of the proposed project is 40 years. At the end of the project lifetime, the solar panels and their supports will be completely dismantled (including removal of underground electrical interconnection and distribution cables) and the site will be restored to its preconstruction state, suitable for agricultural use. It is anticipated that the entire decommissioning phase will be completed within six months or less.

2.2. Documentation Submitted

- 2.2.1. The application comprises the following:

- Application Form
- Copy of Site Notice
- Newspaper Advertisement
- Land Owner Consent Letters
- Planning and Environmental Considerations Report (PECR) including Appendices:

A: Public Consultation Responses

B: TLI Construction Methodology MV Connection

C: Construction Environmental Management Plan

D: Electrical Fire Risk Report

E: Road Safety Audit

F: Pre-Planning Information

G: Flood Risk Assessment

H: LVIA: ZTV Map

I: Landscape Mitigation Plan

J: Photomontages: VP1-VP18

K: Photomontages: Kilmullen House

L: Glint & Glare: Comparative Tilt Dwelling Results

M: Glint & Glare: Comparative Tilt Roads and Train Results

N: Glint & Glare: Glare Periods – Dwelling Receptors

O: Glint & Glare: Glare Periods – Road and Train Receptors

P: Archaeology: Summary of Relevant Legislation

Q: Archaeology: Standards and Guidelines

R: Archaeology: Impact Assessment Methodology

S: Architectural Impact Assessment Report

T: Geophysical Survey Report

U: Proposed developments within 5km for Cumulative Assessment

V: Traffic Count Results

W: Traffic Flows

X: PICADY Analysis R420/ R424 T-JUNCTION

Y: PICADY Analysis R424/ Ullard Road T-JUNCTION

Z: PICADY Analysis Proposed Development T-Junction onto the R420

AA: PICADY Analysis Proposed Development access crossroads onto the L7176
Coolnafearagh Road

AB: Biodiversity Management Plan

- EIA Screening Report
- Natura Impact Statement (NIS)
- Drawing Schedule

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to **REFUSE** permission on 30th December 2025 for **3 no. reasons** which are set out in full below.

- 1 A Natura Impact Statement has been submitted with the planning application. The assessment therein does not quantify the extent of habitat loss or alteration arising from the construction of the proposed development. In addition, there is no analysis of cumulative impacts on features relevant to bat species or on habitats associated with Natura 2000 sites and the absence of detailed cumulative habitat loss data and species-specific mitigation measures means that the risk of significant adverse effects on the integrity of the European Sites network cannot be ruled out beyond reasonable scientific doubt.

The Natura Impact Statement submitted does not contain complete, precise, and definitive information to enable Laois County Council, as the Competent Authority, to conclude that the project, either individually or in combination with other plans or projects, will not adversely affect the integrity of the River Barrow and River Nore SAC [site code 2162].

Accordingly, the proposal is contrary to the requirements of the Habitats Directive, would materially contravene Policy Objective BNH2 of the Laois County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area.

- 2 On the basis of the information submitted, the Planning Authority is not satisfied the Architectural Heritage Impact Assessment Report as submitted is comprehensive enough for the Planning Authority, to conclude that the proposed development would not be likely to have a significant effect on the adjacent Kilmullen House, a protected structure under reference 550 in the Laois County Development Plan and which is also listed in the National Inventory of Architectural Heritage under reference 12800556 where it has a Regional Rating.

The proposed development would therefore seriously injure the amenities of the area and be contrary to proper planning and sustainable development of the area.

- 3 On the basis of the information submitted, the Planning Authority is not satisfied that the proposed development involving creation of a new access point onto Strategic Regional Route R420 would not endanger public safety by reason traffic hazard or obstruction of road users or otherwise. In addition, it is considered that the proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a major road by traffic.

3.2. Planning Authority Reports

Planning Officer's Report

3.2.1. The report of the Planning Officer notes the following:

- Site is situated in a 'Lowland Agricultural Area' within reference the Landscape Character Assessment.

Renewable Energy Policy

- Proposal is in accordance with local, regional and national renewable energy and climate change policies.

Archaeology

- Reference is made to the submitted Geophysical Survey Report and conclusions of same are summaries.
- Reference is made to the report of the Department which recommends that an Archaeological Impact Assessment be carried and submitted by way of further information.
- Notes that there is no legislative facility to seek further information.

Built Heritage

- Notes that the site encircles Kilmullen House (a Protected Structure)/Listed in the NIAH.

- Garden associated with same is listed in the NIAH Garden Surveys.
- Makes reference to the Architectural Heritage Impact Assessment Report.
- Makes reference to the report of the Department of Housing, Local Government & Heritage which raises concerns in relation to the impact on character of the Protected Structure and lack of supporting information in relation to same/Same report seeks Further Information.
- Concurs with the advice of the Department.

Visual Amenity

- Would not materially impact on visual amenity.

Glint and Glare

- Proposed development would not cause material injury by reason of glint and glare.

Noise

- Subject to mitigation, proposed development will not cause material injury to the residential amenities of the area (as a result of noise).

Traffic

- Refers to Policy Trans 22 - prohibit unnecessary access onto strategic regional routes in areas where speed limits in excess of 50kmph applies.
- Refers to Roads Design report which has requested further information.

Appropriate Assessment

- Considers NIS does not provide sufficient information and information is required in relation to ecological surveys including bird surveys, risk assessments in relation to battery failure, mitigation and emergency response plan and a full arboricultural assessment of the site.

Recommendation

- Recommends refusal for 3 no. reasons as detailed in Section 3.1 above.

3.3. Other Technical Reports on initial application

Environment Section

No objection subject to a number of conditions relating to Resource & Waste & Management Plan (RWMP), drainage, waste segregation, prohibition on burning [dated 12th December 2025].

Road Design Section

seeks further information in relation to parking, EV charging, road safety, visibility splays, road marking and signage, swept path analysis, lighting, access tracks and drainage. [dated 9th December 2025].

Fire Officer

Report Dated 2nd October 2025

Advises that it did not assess the application, that the applicants be informed that they are required to comply with all relevant Building Regulations and all relevant Building Control Regulations.

Report Dated 27th November 2026

Further advises that there are currently no national standards in place for Battery Energy Storage Systems (BESS).

Refers to the Guidance document produced by the National Fire Chiefs Council in the UK in relation to solar farm energy facility applications which include BESS. Recommend that this guidance is used in the first instance by the developers in design and the development of the proposed facility.

Also refers to a US document produced by the National Fire Protection Association, NFPA 855, which should also be referenced

Attached to the report is a document entitled 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS'. National Fire Chiefs Council

3.4. Prescribed Bodies

Department of Housing, Local Government & Heritage (Two submissions)

Submission dated 24th October 2025

- Have reviewed the Archaeological Geophysical Survey Report submitted with the application.
- Submission refers to PECR Appendix R – Archaeological Impact Assessment Methodology – This is not an archaeological assessment and may have been submitted in error.
- Department recommends that an Archaeological Impact Assessment should be prepared to assessment any impact on archaeological remains within the proposed development site. This should be submitted as Further Information.

Submission dated 29th October 2025

- One section of the proposed development appears to be located partly within the curtilage of Kilmullen House (Protected Structure).
- This is required to be indicated on the site notice.
- PA will need to satisfy themselves regard this parcel's of land inclusion in the Record of Protected Structures and/or it's presence within the curtilage of the Protected Structure.
- Proposed solar arrays encircle the north (front), west and south of Killmullen House at close range to the protected structure.
- Are excessively close and would have an undue impact on the character of the protected structure.
- Submitted Architectural Heritage Impact Assessment notes that 'the proposed works will have a negative visual impact on the house and the historic landscape including demesne, attendant grounds and curtilage'.
- Does not describe in any detail the actual effects or recommend meaningful mitigation for the duration of the operational period.
- Only mitigation proposed is hedgerow planting along the site boundary, including the avenue to the protected structure and to its north (front elevation).
- Photomontage View 14 is the only view submitted that shows the proposed development in relation to Kilmullen House/Additional views are necessary.
- Recommends that FI is sought in relation to impacts on the protected structure.

Inland Fisheries Ireland

- Notes the proposed works lie along the catchment of the Barrow_080 and Barrow_090 surface water bodies.
- The Barrow_080 has an Ecological Status of Moderate and the Barrow_090 has an Ecological Status of Poor. Both are considered At Risk of not meeting its WFD objectives within the third River Basin Management Plan cycle.
- Diffuse urban run-off is a significant pressure for both surface water bodies.
- Conditions recommended.

Irish Rail

Recommends conditions in relation to rail safety/protection of the rail network.

Transport Infrastructure Ireland (TII)

Transport Infrastructure Ireland requests that the planning authority has regard to the provisions of official policy for development proposals.

3.4.1. Other Prescribed Bodies

Submissions were invited but not received from Waterways Ireland, Uisce Éireann, Heritage Council, Department of Climate, Energy and the Environment, An Taisce, Irish Aviation Authority and the EPA.

3.5. Third Party Observations

3.5.1. 23 no. third party submissions were received. A summary of same is set out in the Planner's Report. I have reproduced same below:

- visual amenity including location of panels.
- residential amenity.
- devaluation of properties.
- public health and safety.
- fire risk.
- traffic safety.
- pedestrian & cyclist safety.

- Flooding.
- European Sites.
- Biodiversity.
- Habitats.
- flora and fauna with reference for example to foxes, hares, owls, bats, frogs.
- birds, pollinators.
- impact on the protected structure, Kilmullen House.
- planning history.
- land sterilisation.
- Pollution.
- light spillage.
- water supply.
- run-off.
- Agriculture.
- inadequacies in documentation.
- public consultation.
- Aarhus Convention.
- community engagement.
- cultural heritage.
- future legacy.
- Guidelines.
- County Development Plan policy.
- EU Habitats Directive (92/43/EEC) and the EU Biodiversity Strategy 2030.
- EU Green Deal and Just Transition Principles.
- site choice and consideration of alternative sites.

- Decommissioning.
- Restoration.

4.0 Planning History

- 4.1.1. A detailed planning history is set out in the Planners Report. Those of most relevance to this application are set out below.

On site

- 4.1.2. There are no recent permissions of particular relevance to this application.

4.2. Kildare Site

- 4.3. 25/61233 - RED III Application - Linear arrays of solar PV panels on ground mounted steel supported structures with associated cabling and ducting; 4 no. proposed single storey inverter stations; All associated underground cabling (within and between land parcels), including onsite control and switch gear room; Site Perimeter fencing; 2 no. new site entrances with palisade double security gates; 2 no. temporary construction compound/carpark/material storage areas with associated temporary site offices, parking areas and security fencing; 3 no. temporary and 1 no. permanent steel storage containers; Site access tracks including passing and turning bays; On-site pole mounted CCTV cameras; 2 no. bottomless culverts; 2 no. temporary construction stage Moby Dick type wheel wash systems; 1 no. Concrete wash out location (within the westernmost temporary construction compound); and All associated and ancillary works. The proposed solar farm development spans a total site area measuring 60.36 ha, of which 37.66 ha is located in Co. Kildare and 22.7 ha is located in Co. Laois. Permission is sought for a period of 10 years with an operational period of 40 years. The total capacity of Solar PV on the site is estimated to be 32 MW.

- 4.4. This application was deemed incomplete on 12/12/2025.

Solar Farm Developments nearby

- 4.4.1. The Planner's report has detailed other solar developments nearby. I have also referred to the Commission's Internal GIS database to include any more recent

relevant applications or permissions. For ease of reference, I have tabulated same below:

Table 1 – Solar Farm Developments

PA Ref	ACP (ABP) Ref	Development/Location	PA Decision	ACP Decision
25/60148	PL11.500061	Morett, Killone, Cappakeel, Rossmore and Raheennahown North, County Laois	Grant [18/09/2025]	Grant [16/02/2026]
18/674	n/a	Kilcoran, Rathdowney, County Laois	Grant [22/11/2019]	n/a
17/532	n/a	Bigbog, Coolnabacky, Esker, Money Lower and Loughteeog, Stradbally, County Laois	Grant [19/06/2018]	n/a
16/536	n/a	Acragar, Mountmellick, County Laois	Grant [21/12/2016]	n/a
16/505	248244 ¹	Sronagh, Mountmellick, County Laois	Grant [28/03/2017]	Grant [30/06/2017]

¹ Appeal V Financial Contribution

16/500	248238 ²	Rathleague, Portlaoise, County Laois	Grant [23/02/2017]	Grant [30/06/2017]
16/217	n/a	Derry More, Mountrath, County Laois	Grant [31/01/2017]	n/a

5.0 Policy Context

5.1. European Policy

2030 Climate and Energy Framework (October 2014)

The European Council endorsed EU-wide binding targets for 2021 to 2030 of 1) at least 40% less greenhouse gas emissions by 2030, compared to 1990 and 2) at least 27% renewable energy consumption in 2030.

Regulation (EU) 2018/842

Ireland's binding greenhouse gas emission reduction target for 2030 in relation to 2005 levels is 30%, to comply with Paris Agreement commitments.

European Green Deal 2020

It aims to make Europe climate neutral by 2050, by doubling the share of renewable energy in the energy mix by 2030, compared to 2020, to reach at least 40%.

REPowerEU Plan 2022 & Directive EU 2018/2001 (REDII) (amended 18.05.2022)

The REPowerEU Plan amended the RED II Directive, to require that 42.5% of energy is from renewable sources by 2030.

Council Regulation (EU) 2022/2577 (22nd December 2022)

This binding Regulation works together with the RED Directives. Article 3 introduced a rebuttable presumption that renewable energy projects are of overriding public interest, for the purposes of the relevant competing environmental legislation, being

² Appeal V Financial Contribution

the Habitats Directive, Birds Directive and the Water Framework Directive.

Paragraph 8 states that ‘It is possible for Member States to consider applying this presumption in their relevant national legislation on landscaping’.

Regulation 2024/223 (22 December 2023 amending Regulation (EU) 2022/2577)

Paragraph 14 states that ‘Article 3(2) of Regulation (EU) 2022/2577 requires priority to be given to projects that are recognised as being of overriding public interest ...where those projects introduce additional compensation requirements for species protection. ... The first sentence of Article 3(2) of Regulation (EU) 2022/2577 has the potential, ..., to further accelerate renewable energy projects since it requires Member States to promote those renewable energy projects by giving them priority when dealing with different conflicting interests beyond environmental matters in the context of Member States’ planning and the permit-granting process’.

RED III (European Renewable Energy Directive (EU/2023/2413))

RED III sets a binding renewable energy target that by 2030, at least 42.5% of energy will come from renewable sources, but aims for 45%, significantly raising the previous 32% target in RED II and the EU’s 2030 Climate and Energy Framework.

5.2. National Policy

Project Ireland 2040 - National Planning Framework, 2018 (updated April 2025)

National Strategic Outcomes (NSO) No 8 ‘Transition to a Carbon Neutral and Climate Resilient Society’, states Ireland will have a more renewables-focused energy generation system harnessing energy sources such as solar and refers to greenhouse gas emissions reduction targets in the Climate Action and Low Carbon Development (Amendment) Act and the Climate Action Plan 2024. It also states that the accelerated delivery of additional renewable electricity generation is therefore essential for Ireland to meet its climate targets, reduce its greenhouse gas emissions, and improve its energy security by reducing reliance on imported fossil fuels and diversifying its electricity supply. Overall, it is a green energy objective to deliver 80% of our electricity needs from renewable sources by 2030.

Chapter 9 ‘Climate Transition and Our Environment’ and states that the Framework can support the response to climate change through a variety of measures including

through the accelerated roll out of on-shore wind energy and solar development. Under the heading of 'Renewable Electricity' the 'Government has set ambitious targets to achieve 8 GW of solar by 2030'

'Rural Areas and Energy Production' states that 'Development of renewable energy generation can include co-location with agricultural activities that supports both a reduction in carbon emissions and land use diversification options for farmers'.

National Policy Objective 70 (formerly NPO 55) seeks to 'promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050'.

'Regional Renewable Electricity Capacity Allocations' for the southern region notes that 138MW of solar had been energised in 2023 with an additional capacity allocation of 3,302MW out to 2020. These targets form part of NPO 74 and are required to be planned for through the Regional Spatial and Economic Strategy.

Landscape

The following National Policy Objectives are relevant to the appeal:

- National Policy Objective 23 - Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape ...
- National Policy Objective 30 - Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.

National Development Plan 2021-2030

Includes a Strategic Investment Priority for Renewable Energy that states, 'Regular Renewable Electricity Support Scheme (RESS) auctions will deliver competitive levels of onshore wind and solar electricity generation which indicatively could be up to 2.5 GW of grid-scale solar and up to 8 GW of onshore wind by 2030'.

National Development Plan Review 2025

It notes €500 million has been allocated to the Department of Climate, Energy and the Environment to fund projects and programmes that will support climate mitigation and renewable energy development.

Climate Action and Low Carbon Development 2015 (as amended)

The Act provides for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a low carbon, climate resilient and environmentally sustainable economy. It introduced five-year carbon budgets starting in 2021. The first two budgets commit Ireland to reducing emissions by 51% over a 12 year period to the 31st of December 2030. It also established sectoral emissions ceilings compared to 1990 levels, and a net zero target for 2050.

Section 15 (1) (as amended) provides that:

- A relevant body (a public body) shall, in so far as practicable, perform its functions in a manner consistent with —
 - The most recent approved a) climate action plan, b) national long term climate action strategy, c) 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.

Climate Action Plan 2024 (CAP 2024)

Sector emission ceilings approved by Government in July 2022 requires a 75% reduction in electricity emissions by 2030, based on 2018 levels. Central to achieving this goal is an increase in the share of renewable electricity to 80%, largely from solar and wind. Key 'Electricity' targets include delivery of up to 5 GW of Solar by 2025 and 8 GW by 2030. Large-scale deployment of renewables will be critical to decarbonising the power sector, and enabling electrification of other technologies.

Climate Action Plan 2025 (CAP 2025)

CAP 2025 refines and updates measures and actions required from 2024 and is to be read in conjunction with CAP 2024. Chapter 11 addresses Electricity and states that the 22% reduction in emissions from 2021 to 2023 in the electricity sector is due

to an increase in the share of renewable electricity generation. 7% of electricity generated in 2023 came from renewable sources other than wind, such as solar, hydro, and biomass. National electricity generation targets remain the delivery of to 5 GW of Solar by 2025 and 8 GW by 2030. These targets are seen as minimums.

Ireland's Long-term Strategy on Greenhouse Gas Emissions Reduction (Climate Action Strategy - 2024)

It states that 'To achieve the Emission Reduction Measures and Milestones to 2050, the core measures necessary to deliver a net zero emissions electricity sector by 2050 is to deliver significantly higher renewable power capacity mostly through onshore wind, offshore wind, and solar PV. To achieve the required increase in renewable electricity capacity, installation rates of wind and solar power will need to significantly accelerate'. Accelerating the deployment of wind and solar power will align with Ireland's EU commitments and support the RePowerEU Plan.

Second National Adaptation Framework (NAF) June 2024

An incremental approach to climate adaptation will be necessary and sectoral adaptation plans are required for 'Electricity and Gas Networks', and 'Planning and Built Environment'. Electricity is identified as critical infrastructure. Ireland will need to implement adaptation measures by using energy sources and technologies that produce minimal environmental pollution and greenhouse gas emissions, thereby promoting a more sustainable and eco-friendly energy supply.

Electricity and Gas Networks Climate Change Sectoral Adaptation Plan 2025 (EGN SAP 2025)

This is the second Sectoral Climate Change Adaptation Plan for the Electricity and Gas Networks Sector, as required under the provisions set out in the Climate Action and Low Carbon Development Act 2015 and the National Adaptation Framework.

Of note is Section 2.1 'Electricity Generation' wherein it is stated significant expansion in the installed Utility Scale solar generation capacity in the last 5 years to 934 Megawatts underscores the increasing role of solar power in Ireland's renewable energy landscape, highlighting its potential to contribute substantially to the nation's energy mix and sustainability goals

Sectoral Emissions (2022)

Sectoral Emission Ceilings were provided for in the Climate Action and Low Carbon Development (Amendment) Act 2021 and the ceiling for the Electricity and Gas Network, requires a 75% reduction in GHG emissions between 2018 and 2030.

National Climate Objective

The national climate objective is to achieve transition to a competitive, low-carbon, climate-resilient and environmentally sustainable economy by 2050.

Energy Security in Ireland to 2030, Energy Security Package (November 2023)

Confirms Ireland's future energy will be secured by moving from an oil, peat, coal and gas-based energy system to an electricity-led system maximising renewable energy potential. It noted 1 GW of solar energy was due to be connected by the end of 2023 and that 'a rapid programme of solar delivery is underway which is having a real impact on supply security and meeting electricity demand...'. It expects solar energy will reach 8 GW by 2030. Under the heading of 'what are we already doing?' it states that greater alignment between local plans and renewable energy targets to support investment in and delivery of onshore wind and solar renewable energy is critical.

National Energy & Climate Plan 2021-2030 (NCEP) (July 2024)

The objectives for decarbonisation from renewable energy include 1) achieving a 34% share of renewable energy in energy consumption by 2030; 2) increase electricity generated from renewable sources to 70%; and 3) Up to 1.5 GW of grid scale solar energy. This will be achieved through policies including streamline consenting and connection arrangements.

Programme for Government 2025 (Securing Ireland's Future)

Under the heading of 'Leading a Revolution in Renewable Energy' 'the Government is committed to achieving 80% of Ireland's electricity generation from renewable sources by 2030' and will 'intensify the transition to lower-cost renewables in electricity generation, and transition away from expensive imported fossil fuels'. Under 'Accelerating Renewables' the Government will 'Deliver 8GW solar 2030'.

Ireland's Greenhouse Gas Emissions Projections 2024-2055 (EPA May 2025)

- Ireland is not on track to meet the 51 per cent greenhouse gas emissions reduction target in 2030 compared to 2018. Projected only 9-23% lower by 2030.

- Renewable energy generation at the end of the decade is projected to range from 60 to 68 per cent of electricity generation.

Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

Includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission

5.3. Regional Policy Context

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

The RSES for the Eastern and Midlands Region, outlines a number of key issues with regard to rural development, climate change, and renewable energy: Enabling and Sustaining the Rural Economy The RSES for the Eastern and Midlands Region states that energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas.

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

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

National Strategic Outcome 8 is dedicated to achieving transition to a Low Carbon and Climate Resilient Society. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation

Framework noting that new energy systems and transmission grids will be necessary for a more distributed, renewable energy focused system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand.

Decarbonising the Energy Sector

The Region will need to shift from its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources, including renewable energy and secondary heat sources. Decentralised energy will be critical to the Region's energy supply and will ensure that the Region can become more self-sufficient in relation to its energy needs. The Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and offshore, biomass, and solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives.

It is necessary to establish a consistency of approach by planning authorities, both in identifying areas suitable for renewable energy development and having regard to potential impacts, inter alia on biodiversity, landscape and heritage. The provision of infrastructure should be supported in order to facilitate a more distributed, renewables-focused energy generation system, harnessing both on shore and off-shore potential from energy sources such as wind, wave and solar and connecting sites of optimal energy production to the major sources of demand.

Energy

A secure and resilient supply of energy is critical to a well-functioning region, being relied upon for heating, cooling, and to fuel transport, power industry, and generate electricity. With projected increases in population and economic growth, the demand for energy is set to increase in the coming years. The diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/ consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid. The development of onshore and offshore renewable

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

Regional Policy Objectives

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

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

RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people.

5.4. Local Policy Context

The relevant Development Plan is the Laois County Development Plan 2021-2027 which came into effect from 8th March 2022.

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

Solar Farms

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

DM RE 1

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

(i) Site Selection:

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

(ii) Assessment of Impacts

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

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

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

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

Other Relevant policies

Chapter 3 Climate Action and Energy

CA 1 Support and facilitate European and national objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage):

- Climate Action Plan (2019 and any subsequent versions);
- National Climate Change Adaptation Framework (2018 and any subsequent versions);
- Any Regional Decarbonisation Plan prepared on foot of commitments included in the emerging Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- Relevant provisions of any Sectoral Adaptation Plans prepared to comply the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050;
- and Laois Climate Change Adaptation Strategy 2019-2024.

CM RE 1 – Prepare a Renewable Energy Strategy for Co. Laois

CM RE 2- Promote and encourage the development of energy from renewable sources such as hydro, bio-energy, wind, solar, geothermal and landfill gas subject to compliance with normal planning and environmental criteria in co-operation with statutory and other energy providers.

CM RE 3 - Promote County Laois as a low carbon county as a means of attracting inward investment and to facilitate the development of energy sources which will achieve low carbon outputs.

CM RE 4 - Protect areas of recognised landscape importance and significant landscape views from construction of large scale visually intrusive energy

transmission infrastructure, alternative routing or transmission methods shall be used in this instance Ensure that the assessment of energy development proposals will have regard to the impacts on public rights of way and walking routes.

CM RE 8: Promote solar energy projects at appropriate locations.

CM RE 17: Promote the use of efficient energy storage systems and infrastructure that supports energy efficiency and reusable energy system optimization, in accordance with proper planning and sustainable development.

Section 3.5.3 Solar Power includes Map 3.1 Solar Garms (permission granted within County Laois).

Table 3.2 – Solar Energy Outputs for County Laois (completed and granted)

Chapter 10 Transportation

TRANS 1 Maintain, improve and protect the safety, capacity and efficiency of Laois's roads network and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.

TRANS 4 Prevent inappropriate development on lands adjacent to the existing road network, including the intensification of the use which would adversely affect the safety, current and future capacity and function of national roads and having regard to possible future upgrades of the national roads and junctions.

TRANS 6 Discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern. The Council also encourages and promotes shared access points in all circumstances.

TRANS 8 Require development proposals accessing onto Laois's roads network to comply with the Council's road standards contained in the Road Design Section document titled Roads and Parking Standards (2007) and to any subsequent revisions thereto.

DM TRANS 2 - Sightline requirements are determined by the Council having regard to Laois County Council Roads and Parking Standards (2007) guidelines (and any and in exceptional circumstances on a case by case basis. Factors including the type, speed limit and condition of the road shall be taken into consideration: Where

sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted.

In cases where an access already exists with inadequate sightlines, it is Council policy to recommend the closing up of this entrance and to facilitate another entrance with adequate sightlines.

All applications for planning permission must clearly indicate the sightlines available at the proposed access within the boundary of the site.

TRANS 22 Prohibit unnecessary access onto strategic regional routes in areas where speed limits in excess of 50kmph applies.

Table 10. 1 Strategic Regional Roads in County Laois includes the R420 Junction with R419 (Portarlinton) to Junction with R445 (Killinure)

Chapter 10 Surface Water Drainage and Flooding sets out relevant policies as relates to surface water management and flooding, as well as policies relating to surface water and groundwater quality. Policies relating to noise and light pollution are also set out therein.

Chapter 11 Biodiversity and Natural Heritage sets out policies as relates to biodiversity and designated sites, green infrastructure, trees, woodlands and hedgerows including, but not limited to,:

Policy DM BNH 2 APPROPRIATE ASSESSMENT states:

Article 6(3) and 6(4) of the Habitats Directive requires an Appropriate Assessment of any plan or project whether within or outside a designated Natura 2000 site, which does not directly relate to the management of the site but may impact upon its conservation objectives. All planning applications shall be screened for Appropriate Assessment and a Phase II Appropriate Assessment carried out if necessary.

Where full Appropriate Assessment is required, the assessment shall be based on best scientific knowledge, by a person with ecological expertise. It shall address the potential impacts of the plan or project on the conservation objectives of any Natura 2000 site. The impacts assessed must include the indirect and cumulative impacts of approving the plan or project, considered with any current or proposed activities, developments or policies impacting on the site. The potential impacts of policies outside Natura 2000 sites but potentially impacting upon them (known as ‘ex situ’

impacts) must also be included in the assessment. (Refer to: Appropriate Assessment of Plans and projects in Ireland, Guidance for Planning Authorities, DEHLG (2009).

Policies relating to landscape are also set out in Chapter 11 The site lies within a Lowland Agricultural Area as per Map 11.7 Landscape Character Assessment. Table 11.6 'Landscape Sensitivity' describes same as 'Low Sensitivity' and 'Areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.

LCA 1 - Ensure that consideration of landscape sensitivity, as indicated in Table 11.6 of the Plan, is an important factor in determining development uses In areas of high landscape sensitivity, the design, type and the choice of location of proposed development in the landscape will also be critical considerations.

LCA 2 - Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape and conserve valuable habitat including any European and National Designations.

LCA 3 - Seek to ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area, whilst providing for future development.

LCA 5 - Ensure that development will not have a disproportionate visual impact (due to excessive bulk, scale or inappropriate siting) and will not significantly interfere with or detract from scenic upland vistas, when viewed from areas nearby, scenic routes, viewpoints and settlements.

Policy Objectives for Lowland Agricultural Areas

LCA 12 - Recognise that this lowland landscape character area includes areas of significant landscape and ecological value, which are worthy of protection, particularly the 18th and 19th century estate landscapes and associated parkland & woodland to develop them as a tourism resource.

LCA 13 - Continue to permit development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of the visual absorption opportunities provided by existing topography and vegetation.

LCA 14 - Recognise that the lowlands are made up of a variety of working landscapes, which are critical resources for sustaining the economic and social wellbeing of the county.

Map 11.8 Views and Prospects – There are no views impacted by the proposed development.

Section 12.3.4 relates to Historic Gardens, Country Houses and Demesnes

CH 1 Ensure that new development will not adversely affect the site, setting or views to and from historic gardens and designed landscapes.

CH 2 Require that any proposals for new development in an historic garden or demesne include an appraisal of the landscape, designed views and vistas, and an assessment of significant trees or groups of trees, as appropriate.

Relevant policies relating to Archaeological Heritage are also set out in Chapter 12 and include:

AH 1 - Manage development in a manner that protects and conserves the integrity and character of archaeological heritage of the county which avoids adverse impacts on sites, monuments, settings, features or objects of significant historical or archaeological interest and secure the preservation in-situ or by record of all sites and features of historical and archaeological interest.

AH 4 - In areas of archaeological potential, where groundworks are proposed, ensure that all works are undertaken to the highest standard and the resultant information made publicly available. Developers will be required to have regard to Archaeology and Development: Guidelines for Good Practice for Developers (ICOMOS, 2000) in planning and executing development in sensitive areas. The Council favours the preservation in-situ of archaeological remains, where areas of archaeological potential are located in town centres or villages, preservation of archaeological remains by record will be considered.

DM AH 1 In areas of archaeological potential, where groundworks are proposed, the Council favours the preservation in-situ of archaeological remains, where areas of

archaeological potential are located in town centres or villages, preservation of archaeological remains by record will be considered.

Appendix 1 – Record of Protected Structures – RPS 550 Kilmullen House

5.5. Section 28 Guidelines

- Architectural Heritage Protection: Guidelines for Planning Authorities (2011)
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009

5.6. Natural Heritage Designations

- 5.6.1. The River Barrow and River Nore SAC (site code 002162) lies approximately 1.15km to the north-east of the appeal site (the Laois Site), at its closest point. I would note that River Barrow and River Nore SAC lies directly adjacent to the Kildare Site;

6.0 EIA Screening

Having regard to: -

- a) The nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, a limited extent of hedgerow removal (a maximum of approximately 145m over the two sites – the Laois Site and the Kildare Site), thereby coming within Class 1 (a) of Part 2 of Schedule 5 of the regulations and below the threshold set out in the class,
- The location of the proposed development, in a rural area, the nature of the existing site and the pattern of existing and permitted development in the surrounding area;
 - The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended;

- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;
- The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Planning and Environmental Considerations Report (including Appendix C: Construction Environmental Management Plan; Appendix G: Flood Risk Assessment; Appendix I: Landscape Mitigation Plan; Appendix S: Architectural Impact Assessment Report; Appendix T: Geophysical Survey Report and Assessment AB: Biodiversity Management Plan) and the Natura Impact Statement.

the Commission considers that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required.

7.0 AA Screening

7.1. Screening Determination

- 7.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on River Barrow and River Nore SAC (002162) in view of the site's conservation objectives. Appropriate Assessment is required.
- 7.1.2. This determination is based on:
- The nature and scale of the proposed development/works;
 - The hydrological/ecological connections to the River Barrow and River Nore SAC (002162) and the potential for significant effects on QI habitats and QI species, by way of pollution and deterioration of water quality, by way of air quality impacts (as relates to dust deposition) and by way of disturbance (as relates to otter).

7.2. Appropriate Assessment Conclusion: Integrity Test

- 7.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Barrow and River Nore SAC (002162) in view of the conservation objectives of the sites and that Appropriate Assessment under the provisions of S177U was required.
- 7.2.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted including further information and submissions/observations, I consider that adverse effects on River Barrow and River Nore SAC (002162) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 7.2.3. My conclusion is based on the following:
- A detailed assessment of construction, operational and decommissioning impacts.
 - The effectiveness of the mitigation measures proposed.
 - The inclusion of planning conditions to ensure the application of these measures.
 - The proposed development will not affect the attainment of conservation objectives for the River Barrow and River Nore SAC (002162).

8.0 WFD Screening

- 8.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional or coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any waterbody in reaching its WFD objectives. Therefore, it can be excluded from further assessment.
- 8.2. See Appendix 5 at the rear of this report for further information.

9.0 The Appeal

9.1. Grounds of Appeal

- 9.1.1. 1 no. first-party appeal against the PA's decision to refuse permission was received on 29th January 2026. The grounds of appeal are summarised below.

Reason for Refusal No. 1 – Appropriate Assessment

- It is set out that the response to the appeal sets out information in a format that addresses the PA's observations but does not introduce any new information beyond that used in the submitted AA reports.

Habitat Loss

- It is set out that (for both the Laois and Kildare Sites) habitat loss is predominantly confined to habitats of Local Importance (Lower Value) mainly intensively managed agricultural lands.
- Losses affecting higher-value habitats (e.g. woodland, scrub, hedgerows and treelines) are minor, localised and marginal in nature).
- Habitat losses will not give rise to significant residual effects.
- For the Laois Site, the proposed development covers a total habitat area of 15.377 ha, of which around 4.439 is predicted to be lost during the Construction Phase due to project infrastructure. Table 2.2 and Table 2.3 of the appeal submission sets out total areas of habitat that will be lost.
- Largest losses occur in tilled land (BC3) with c3.8ha predicted to be lost, of c12.6 ha.
- Predicted loss of Arable Crops (BC1) is c0.6ha of a total of c2.4ha.
- There is some minor losses of habitats of higher local importance (scattered trees and parkland and scrub).
- A total of 14m of hedgerow will be lost.
- Overall, the proposed development is not expected to result in significant adverse effects on habitats of ecological importance.

- With the application of mitigation measures set out in the PECR and NIS, including habitat protection, minimisation of losses through layout design, and appropriate reinstatement, residual effects on habitats will be minor, localised and manageable, and the ecological integrity of the site will be maintained.
- In relation to both of the site (Laois and Kildare), it is concluded that there will be no significant negative ecological effects at either the Laois Site or Kildare Site.
- Both of the refusal reasons are not supported by the evidence submitted, PA misapplied relevant policy, and failed to take account of established planning precedent and national renewable energy policies
- Will be no significant adverse effects on landscape character, visual amenity, or the setting of Duckett's Grove.
- CDP supports development on fact expressly supports solar energy development on agricultural land.
- Fails to give due weight to national and EU climate obligations.

Effects on the SAC

- At the Laois Site there is no direct or indirect hydrological or ecological connectivity to the River Barrow or River Nore SAC, or to any other Natura 2000 site.
- Site drainage is entirely localised.
- Site is further separated from designated sites by distance and intervening land uses
- No significant ecological corridors are present to facilitate species movement.
- No species associate with SPAs or SACs were recorded during ecological surveys of the site
- Site does not provide significant suitable habitat area to support species of any Natura 2000 site.
- At the Kildare Site, a hydrological connection to the SAC is present via a network of drainage ditches that discharge towards the River Barrow catchment.

- Represent potential indirect pathways for effect, including sediment mobilisation and nutrient transfer to habitats associated with the SAC.
- With the implementation of embedded and additional mitigation measures, no adverse effects on the integrity of the SAC habitats are predicted
- There are no habitats for species associated with SACs or SPAs on the Laois site.
- There is a theoretical potential for otter to utilise drainage ditches as movement corridors on the Kildare Site.
- However such features are of limited ecological suitability, and no evidence of otter activity at the site was observed during surveys.
- Construction phase mitigation measures ensure that no disturbance to SAC habitats or species will occur.
- Site does not provide key supporting habitat for SPA birds.
- Specific mitigation measures ensure that no cumulative impacts are predicted at either the Laois Site or Kildare site.
- No cumulative effect with other plans and projects.
- Following AA Screening, the only site carried forward for further analysis was the River Barrow and River Nore SAC.
- Within same only a number of qualifying habitats/species have the potential to be affected.
- Mitigation measures put forward in relation to same.

Bats

- There are no SACs designated for bats within or adjacent to the project's footprint/Nearest such site is several hundred kilometres north-west of the site.
- PECR Fully assesses potential effects on bats in accordance with the Habitats Directive and relevant national guidance.
- A total of 145m of hedgerow and 16m of treeline will be removed to facilitate site entrances and internal access tracks.

- Additional 360m of hedgerow will be planted post-construction.
- 5m buffer between field boundaries/hedgerow and site fencing is proposed.
- No trees with confirmed or high roost potential will be felled.
- Treelines proposed for partial removal serve only as commuting routes rather than roosts.
- Impacts at construction from lighting will be limited and temporary.
- At operational stage, maintenance will not impact on bats/No permanent artificial lighting is proposed/linear habitats will be maintained.
- Impacts on bats will be temporary and localised at construction stage.

Reason for Refusal No. 2 (Architectural Heritage)

- Reason for refusal addressed in a specialist statement in Appendix C (summarised below).
- Application was supported by a comprehensive Architectural Impact Statement (AIA).
- Acknowledged that there will be visual effects at Kilmullen House/assessment concluded that the project would ultimately have a positive, long-term impact by supporting the continued use and restoration of the protected structure.
- Mitigation measures include planting of vegetative screening to mitigate the visual impact from the house and garden.
- This is demonstrated in the two photomontages representing two viewpoints within the garden of the property/DoHLGH observations suggest that only one viewpoint was shown – this is not the case.
- Views from Kilmullen House grounds (front and rear) shown in Appendix K of the PECR.
- There will be no works within the house gardens or the ha-ha boundary.
- The AIA recommended the preparation of a Historic Landscape Assessment (in order to identify a projection of restoration and replanting works) rather than a Historic Landscape Impact Assessment/to ensure that proposed development would have an overall positive contribution to the conservation of the property.

- A detailed impact assessment has already been completed.
- Will provide property owner with a sustainable income that will allow them to carry out necessary works and maintenance to preserve the property for future generations.
- At the decommissioning phase, all proposed infrastructure will be removed from the site and the site returned to its current condition.

Reason for Refusal No. 3 (Traffic)

- Is addressed fully in a specialist statement in Appendix D (summarised below)
- Refers to technical assessment such as a Stage 1 Road Safety Audit (Appendix E of the submitted PECR)/Concludes that the proposed access onto the R420 is safe.
- Road Design Section did not recommended refusal but requested FI in relation to visibility splays, swept paths and signage.
- Junction will operate within capacity during construction and operation.
- A Traffic Management Plan will be put in place to manage site works.
- Summary of Appendix D CST Document – The Road Safety Audit recommended that sufficient sightlines were provided – drawings were reviews to provide for 160m sightline to the west and 145m to the east/Access width increased/stock proof gate 20m from R420/culvert/Sufficient capacity remains/Concluded the proposed access would be safe.

Enlc: Appendix A LCC Notification of Decision; Appendix B LCC Planner's Report; Appendix C Architectural Conservation Professionals Document; Appendix D CST Document

9.2. Planning Authority Response.

9.2.1. No response was received from Laois County Council.

9.3. **Kildare County Council**

9.3.1. Kildare County Council made a submission which was received on 30th March 2026.
This is summarised as follows:

- Application relates to a cross-boundary RED III application KCC Ref 25/61233 which was deemed incomplete on 12/12/2025.
- ACP is referred to KCC's RED III Completeness Report Reference 15/61233 and reports of the various technical departments.

9.4. **Prescribed Bodies**

9.4.1. None received.

9.5. **Observations**

9.5.1. 1 no. valid observation was received on the appeal from Padraig and Patricia Henry.
The issues raised are set out below.

- Directly adjoins the proposed development lands.
- Appellant does not supply any new surveys, modelling or data in the appeal.
- Habitat loss quantification is incomplete.
- Cumulative assessment is weak or absent – Particularly regard bats, birds and habitat fragmentation.
- No specific impact assessments were submitted.
- Traffic speed survey results referenced by the applicant were never submitted/existing Council commissioned traffic speed surveys were not acknowledged/applicants own traffic speed observations were not considered.
- Cumulative impacts not sufficiently considered/excludes adjacent renewable proposals.
- Has not sufficiently addressed archaeological, ecological and hydrological issues.
- Impact on Built Heritage.
- Appellant's appeal relies on a single photomontage.

- Extensive landscape archaeology surrounding Kilmullen House.
- Features are clearly recorded in the survey but they are omitted entirely from the applicant's Heritage Impact Assessment.
- Would fundamentally alter landscape character.

Road Safety

- 2017 Laois County Council survey showed an 85th percentile speed of 89 km/h with 36% convoy traffic/this is existing where the appellant has proposed a new entrance.
- TII sightline requirements exceed 160 to 215m/145m does not comply.
- Existing paved laneway which has served these lands/laneway has been omitted from proposed lease of land creating 'planning need' for the entrance.
- PICADY modelling assumes zero HGVs and omits observed convoy behaviour/understates risk.
- Traffic count only covers one partial weekday.
- Collision data was not supplied to the RSA team contrary to TII requirements.
- Road has qualified for remedial works as it is so dangerous.
- Has a significant crash history.
- Lands where access is proposed are subject to long time and consistently upheld Section 38 agreements prohibiting non-agricultural development (including upheld by ABP).
- Use of the existing entrance would entirely avoid a new junction on a dangerous stretch of road.
- Creation of a new entrance would set precedent.

Other Issues

- BESS Safety and Public Health Risk.
- Home is downwind of site.
- Lack of information in relation to fire risk/pollution risk/battery type.

- No modelling of fire risk/smoke risk/firefighting water requirements.
- No mention of risks to residents in case of fire.

Flood Risk

- Complete reliance on desk-based mapping.
- Documented near flooding events at neighbouring homes.
- Loss of Tillage Land.
- Conflict with AGP1, NPO 55 and Climate Action Plan targets.
- No evidence anywhere of tillage land being returned to tillage after ground mounted solar.
- Permanent reduction in tillage land is counter to policy.

Section 38 Sterilisation

- Two Section 38 agreements are in force across all of the lands proposed (ref Planning Ref 95/77).
- Also covers the location of the proposed new entrance.
- Ref Planning Refers 97566, 991023, 991447, 00913.
- 97566 was appealed to ABB which upheld the Council's decision.

9.6. Further Responses

9.6.1. None.

10.0 Assessment

10.1.1. Having carried a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted developments in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Principle of Development – Local, European, National & Regional Policy

- Refusal Reason No. 2 – Architectural Heritage/Impact on Kilmullen House
- Refusal Reason No. 3 – Traffic Safety
- Material Contravention - Section 37(2) of the Planning and Development Act
- Other issues
 - Policy DM RE 1 ‘Solar Farms’
 - Biodiversity (including bats, birds and habitat fragmentation)
 - Public Health Risk/Fire Risk (BESS)
 - Noise Impact Assessment
 - Loss of Tillage Land
 - Section 38 Sterilisation Agreement.
 - Article 18(1)(d)(iii) of the Planning and Development Regulations 2001
 - Access Point

10.1.2. The Commission will note that EIA Screening, Appropriate Assessment Screening/Appropriate Assessment and a Water Framework Directive Screening are presented in separate sections of this report. There is reference to similar issues across all three assessments and therefore all four assessments should be read together.

10.2. **Principle of Development – Climate Action & Low Carbon Development Act, 2015 (as amended); Local, European, National & Regional Policy**

10.2.1. I would note at the outset that the Planning Authority is of the view that, in principle, the proposal is in accordance with local, regional and national renewable energy and climate change policies.

10.2.2. Prior to considering the specifics of this particular application, and in order to provide the relevant policy context for the Commission’s consideration, I have set out a discussion of the relevant European, National, Regional and Local Policy below, as relates to renewable energy projects such as this one.

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

10.2.3. As a relevant body, An Coimisiún 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 considerations to enable the Commission make their decision within that framework.

10.2.4. 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 provision of a solar farm would comply with the provisions of the relevant energy and climate change policies of the Laois County Development Plan 2021-2027.

Compliance with European, National, Regional and Local Policy

- 10.2.5. I have set out details of relevant policy in Section 5 above and I refer the Commission to same. I am of the view that the proposal would help to achieve greenhouse emission reductions as set out in the relevant policy provisions above and will increase the proportion of energy derived from renewable energy and thus would help to achieve targets related to same, as well as helping to achieve energy security. As such the proposed development of a solar farm is in compliance with European, National and Regional Policy.
- 10.2.6. In relation to local policy, the Laois County Development Plan 2021-2027 is supportive of renewable energy in general. For example, CM RE 2 seeks to promote and encourage the development of energy from renewable sources including solar, subject to compliance with normal planning and environmental criteria, and CM RE 8 seeks to promote solar energy projects at appropriate locations.
- 10.2.7. Section 3.5.3 'Solar Power' notes that large scale solar farms have been granted permission across the County, although, at the time of drafting of the Development Plan, none have commenced development. Table 3.2 'Solar Energy Outputs for County Laois (Completed and Granted) indicates that a total of 5 no. applications have been granted in the county with a total energy output of 137.7 MW.

- 10.2.8. Policy DM RE 1 sets out Development Management Standards for Solar Farms, and this policy is as detailed in Section 5.4 of this report, and I have considered the provisions of same in the relevant sections below (including in this section and sections 10.3, 10.4, 10.5 and 10.7 below) and therein I have concluded that the proposal is in compliance with same.
- 10.2.9. In relation to site selection, of relevance is criteria 'a' of Policy DM RE 1, which states that there is a *'preference for use of brownfield sites and contaminated land and non-productive agricultural land versus productive agricultural land'*. Notwithstanding, I note that same policy does not exclude the use of agricultural land but merely expresses a preference for same to be located on those sites referred to above. I note also that the Planning Authority did not consider that the site in question was unacceptable in principle, and the reason for refusal does not refer to non-compliance with Policy DM RE 1, nor does the Planner's Report refer to non-compliance with Policy DM RE 1. I have considered this issue further, in the context of loss of tillage land in Section 10.6 below.
- 10.2.10. Having regards to the above considerations, I am satisfied that there is no issue in principle with the development of a solar farm on the site, having regard to the provisions of the CDP.

Conclusion

- 10.2.11. On the basis of the information on the planning file and a review of local, European, national and regional policy, I am satisfied that the development of the proposed solar farm of the scale and manner proposed, is consistent with Ireland's European, national and regional commitments and binding obligation as regards the reduction of greenhouse gas emissions and the provision of energy from renewable sources.
- 10.2.12. While I am satisfied that the principle of the proposed development is acceptable, the proposals must also be assessed in more detail against other relevant policies and objectives of the Laois County Development Plan, and I have done so in the remaining sections of this report.

10.3. Reason for Refusal No. 2 - Impact on Kilmullen House (Protected Structure)

- 10.3.1. The second reason for refusal refers to Kilmullen House, which is a Protected Structure (RPS Ref 550) and is listed in the National Inventory of Ireland (NIAH Ref. 12800556) with a 'Regional' rating and is described as 'Detached six-bay two-storey Georgian house, c. 1790. The garden associated with same is listed in the NIAH Garden Surveys (Garden No. 190).
- 10.3.2. The reason for refusal, in summary, concludes that the Architectural Heritage Impact Assessment Report, as submitted with the application, is not comprehensive enough to conclude that the proposed development would not have a significant effect on Kilmullen House.
- 10.3.3. The Planner's Report makes reference to the report of the Department of Housing, Local Government and Heritage (hereinafter referred to as the DAU), received by the PA on 29th October 2025, which raises concerns in relation to the impact on character of the Protected Structure and lack of supporting information in relation to same and notes that same report seeks Further Information. The Planner concurs with the advice of the Department.
- 10.3.4. The DAU, in the 29th October submission at application stage, state that the proposed solar arrays encircle the north (front), west and south of Kilmullen House at close range to the protected structure, and are excessively close and would have an undue impact on the character of the protected structure. It is further set out that despite the finding of the Architectural Heritage Impact Assessment of negative visual impacts, the report does describe in any detail the actual effects or recommend meaningful mitigation for the duration of the operational period, with the only mitigation proposed being hedgerow planting along the site boundary, including the avenue to the protected structure and to its north (front elevation). It is also set out that additional photomontages are necessary, with photomontage View 14 being the only view submitted that shows the proposed development in relation to Kilmullen House. The DAU recommends that FI is sought in relation to impacts on the protected structure.
- 10.3.5. An observer on the appeal also raised concerns in relation to architectural heritage. It is set out that the appellant's appeal relies on a single photomontage. It is also stated that there is extensive landscape archaeology surrounding Kilmullen House

with features are clearly recorded in the survey but they are omitted entirely from the applicant's Heritage Impact Assessment. It is stated that the proposed development would fundamentally alter the landscape character

- 10.3.6. The first-party appeal submission sets out that application was supported by a comprehensive Architectural Impact Statement (AIA) which acknowledged that there will be visual effects at Kilmullen House. However, the assessment concluded that the project would ultimately have a positive, long-term impact by supporting the continued use and restoration of the protected structure. Mitigation measures include planting of vegetative screening to mitigate the visual impact from the house and garden and the effectiveness of same is demonstrated in the two photomontages representing two viewpoints within the garden of the property. The applicant further states that there will be no works within the house gardens or the ha-ha boundary. It is further set out that the AIA recommended the preparation of a Historic Landscape Assessment (in order to identify a projection of restoration and replanting works, rather than a Historic Landscape Impact Assessment, which would ensure that proposed development would have an overall positive contribution to the conservation of the property. It is stated that, at the decommissioning phase, all proposed infrastructure will be removed from the site and the site returned to its current condition.
- 10.3.7. In relation to impacts on Kilmullen House, I note that the applicant has submitted a PECR Report, which considers 'Archaeology and Cultural Heritage' (Chapter 10 of same) as well as 'Landscape and Visual Impact' (Chapter 8 of same). Relevant appendices include Appendix S 'Architectural Heritage Impact Assessment Report', Appendix H 'Zone of Theoretical Visibility' ZTV, Appendix I 'Landscape Mitigation Plan', Appendix J 'Photomontages 1 to 12', Appendix K 'Photomontages 1 to 4' and Appendix R 'Glossary of Impacts'.
- 10.3.8. Chapter 10 of the PECR makes reference to the conclusions of the Architectural Heritage Impact Assessment Report. Historic Mapping is described and illustrated in the report, and in relation to Kilmullen House, such mapping includes a 1909 24 inch OS map illustrating the house itself and the surrounding semi-circular 'Ha-ha' wall. It is set out that only the sub circular area around Kilmullen House defines the extent of the remains of the designed landscape of the former Kilmullen estate. It is noted that the gardens in the immediate vicinity of the house are well defined and include a

clear boundary. The report contains and number of photographs, and a location map associated with same.

10.3.9. Appendix S 'Architectural Heritage Impact Assessment Report' describes Kilmullen House as a family residence and former stud farm. It is stated that the house and outbuildings are located centrally within approximately 17 ha of associated farmland which is currently being used for tillage and cattle grazing with tree and hedgerow defined boundaries. The gardens in the immediate vicinity of the house and outbuildings consist of mature trees, and ornamental planting. There is an historic 'ha-ha' wall which is extant to the west and south-west of the house.

10.3.10. The solar project as a whole (over the Kildare and the Laois sites) is set within a number of distinct land parcels, as described in the application documentation. The appeal relates to the Laois Site) (Proposed land parcel 1 - Fields 1 to 5). Land Parcel 1 and Fields 1 to 5 are described in the PECR, and it is noted that Fields 1 to 4 are within the former extent of the Kilmullen House estate. It is noted that there are clear views from Field 3 towards Kilmullen House. Section 10.4.1.1 sets out that there are a number of elements of the former Kilmullen estate that survive within the redline boundary of Parcel 1, and are most prevalent in Field 3, but also survive in Fields 2, 4 and 5. It is set out that Field 3 appears to have been part of the pleasure ground, and is enclosed by the ha-ha wall. A number of trees, gateways and piers, associated with the house survive. A geophysical survey was also carried out in August 2025, and identified primarily post-medieval agricultural and estate management features. Remnant of a previous field boundary system and a former carriage track were also determined.

10.3.11. In terms of potential impacts at construction stage, the report cites potential damage to the ha-ha wall during the erection of the proposed boundary fence, at construction phase. It is not set out that any former gateways or piers will be removed as part of the project. Figure 10-35 sets out the proposed layout in relation to the ha-ha wall. I note that no mitigation measures are set out in relation to same in the PECR. Notwithstanding, I am satisfied that potential impacts on same can be mitigated by way of an appropriately worded condition, requiring a method statement for the construction of said boundary fencing, should the Commission be minded to grant permission. I note that neither the PA or the DAU raised concerns in relation to the potential impact on this ha-ha wall at construction stage, and the concerns of

same are in relation to the operational impacts of the proposed development. I have considered same below.

10.3.12. Operational phase impacts cited within the PECR include a direct negative visual impact on Kilmullen House, and its historic landscape, include demesne, attendant grounds and curtilage, noting that parts of the proposed solar farm will be visible from the house, while other areas of the demesne will be occupied by solar panels. Mitigation in the form of screening is proposed (which I have considered below). It is also set out that the proposed development will ensure a viable income to the owners and allow for the continued main of the historic dwelling. It is concluded within the report that the proposed solar farm will have an overall positive impact. It is further set out that there will be no residual impacts to archaeology and cultural heritage.

10.3.13. In relation to viewpoints from the public road, towards Kilmullen House, Appendix J (10 and 11) contains Photomontage Viewpoints 13 and Viewpoints 14, which represent views from the R420, north and south of the site, respectively. With mitigation in the form of planning in place, the solar farm will not be visible from VP13. VP 14 shows the proposed development in the context of Kilmullen House, with VP14c being of particular relevance. The house itself is visible, as existing, from the road, partly due to the gaps in the existing hedgerow. In the absence of the proposed mitigation, in the form of infill planting, the solar farm is clearly seen in the context of the Protected Structure, and I would concur that it would constitute a negative visual impact on the setting of same. However, with the mitigation in place, the solar farm is shielded from view, and will not be seen in the context of the house, and I am satisfied that visual impacts will be reduced to not significant.

10.3.14. In relation to views from within the grounds of Kilmullen House, Appendix K (Parts 1 to 4) represent views towards the proposed solar farm from within the grounds of Kilmullen House (HPV's 1 and 2). In the absence of mitigation, the solar farm is clearly visible, from the grounds of the protected structure. However, with the proposed mitigation, in the form of hedgerow planting, the solar farm is shielded from view, and I am satisfied that impacts of the solar farm on setting of the protected structure, from these vantage points, will not be significant.

10.3.15. In relation to the comments from the DAU, I note that concern was raised in relation to the fact that only one VP was provided showing Kimullen House. In relation to same, I note that the house is largely shielded from view from the R420 road, by virtue of the landscaping that surrounds same, although there are a limited number of viewpoints that the house can be seen from. I am satisfied that VP 14c is representative of the relatively small extent of road that the house can be seen from. I am not of the view that additional viewpoints are necessary in this instance. In relation to the mitigation proposed, the DAU have stated that the mitigation proposed does not represent 'meaningful' mitigation. I do not concur with this conclusion and, noting that the negative effects on Kilmullen House cited in the report, are visual effects, to my mind, reducing the visibility of the solar panels, when viewed in the context of Kilmullen House, represents meaningful and effective mitigation to reduce visual impacts on same.

Curtilage and Attendant Grounds

10.3.16. I would note also that the Record of Protected Structures (RPS) entry for Kilmullen House (CDP Appendix 1 – RPS Ref No. 550) does not include any mapped curtilage or indication that the proposed site forms part of the structure's essential setting. In this regard, the curtilage of Kilmullen House does not appear to be defined in any mapping, nor are the attendant grounds.

10.3.17. I refer to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) (hereinafter referred to as "the Guidelines"). The Guidelines consider how a development can impact on the curtilage and attendant grounds of a Protected Structure (Chapter 13 refers). By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The Guidelines set out that, while the definition of curtilage is not defined by legislation, *'it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure'*.

10.3.18. Having regard to the documentation on file, neither the curtilage, nor the attendant grounds are defined. However, to my mind, it is unlikely that the area that is proposed to be occupied by the solar panels could reasonably be considered to be considered within the curtilage, and I am of the view that a reasonable assumption

would be that the curtilage, and the attendant grounds (see discussion below), are defined by the formal gardens surrounding the house, i.e. those areas that are not within the redline boundary, noting that the character of same is markedly different from the agricultural character of the lands within the redline boundary.

10.3.19. In relation to ‘attendant grounds’, the guidelines note that the ‘*attendant grounds*’ are ‘*lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation*’. It is also set out within the Guidelines that a Planning Authority has the power to protect all features of importance within the attendant grounds of a Protected Structure, but such features must be specified in the Record of Protected Structures (RPS). I would note that no such features have been identified in the RPS.

10.3.20. In relation to country houses, such as the one in question here, the Guidelines set out that the attendant grounds of a country house could include the ‘*entire demesne, or pleasure grounds, and any structures or features within it such as follies, plantations, earthworks, lakes and the like*’. It is my view, and noting the evidence that has been provided by the applicant, by way of analysis and historic mapping, that the application site, as existing, could not be reasonably considered to be intrinsic to the function and setting of the Kilmullen House, in the present day context at least. The PECR sets out that Field Parcel 3 (which is bounded by the ha-ha wall) appears to have been part of the pleasure grounds associated with the Kilmullen Estate, and it retains much of the feel of a designed demesne landscape. I note that no panels are proposed within Field Parcel 3. As such, while it is evident from PECR, and from the AHIA, that the lands with the wider application site (i.e. Field Parcels 1, 2, 4 and 5) fall within the historic demesne of Kilmullen House, the PECR report describes the changes to the demesne over time, with the present-day land use of these parcels being agricultural, with only the subcircular area around Kilmullen House defining the extent of the designed landscape of the former Kilmullen Estate, which is visually distinct from the surrounding agricultural lands.

10.3.21. As such I am satisfied that proposed solar panels, and the associated BESS structures, as proposed for field parcels 1, 2, 4 and 5, do not fall within either the curtilage, nor the attendant grounds of Kilmullen House. I am of the view that these field parcels are both physically and visually separate from Kilmullen House. I note also that not proposed to remove any historic piers or other structures that may have

been associated with Kilmullen House, and in terms of potential subsurface features, I am satisfied that appropriate conditions as relates to archaeology (see discussion of same below) will ensure that there will be no negative impacts on same.

10.3.22. Having to the discussion above, I am satisfied that the proposal solar panels, and associated BESS structures, will not have a negative impact on the character and setting of the protected structure, with mitigation in the form of planting in place. While it may well be the case that glimpses of the panels in the context of Kilmullen House may be gained from the R420, especially during the early stages of vegetation growth, and therefore there may be some slight negative visual effects, I am satisfied that there will be no significant adverse visual effects on the setting and character of Kilmullen House, and I am satisfied that as planting matures this effect would be reduced to 'neutral'.

10.3.23. I note the conclusion of the AIAH, in that the overall impact on Kilmullen House, would be positive, with the AIAH setting out that the proposal will allow the owners to maintain the property. I do not concur with this conclusion, as there is no mechanism in place to ensure that this occurs i.e. that future revenue from the solar farm would ensure maintenance of the property. I am of the view that residual impact on Kilmullen House, will be 'slight negative' reducing to 'neutral' as planting matures, noting the discussion above.

Conclusion

10.3.24. In conclusion, and having regard to the assessment above, I am satisfied that, subject to the mitigation proposed, and subject to an additional condition relation to a construction method statement, the proposed development will have not have any significant adverse effects on the character and setting of Kilmullen House, nor on the wider historic landscape associated with same, noting, in particular, the very limited visibility from the public road towards Kilmullen House, as described in detail above. I am satisfied, therefore, that the proposal is in compliance with relevant policies of the CDP as relates to Protected Structures, Historic Gardens, Country Houses and Demesnes, and is also in line with guidance as set out in Architectural Heritage Protection: Guidelines for Planning Authorities (2011).

10.4. Refusal Reason No. 3 – Traffic and Transport (New Access)

- 10.4.1. The Planning Authority's third reason for refusal relates to the creation of a new access on the R420, and the PA were of the view that the creation of same had the potential to endanger public safety by way of a traffic hazard, and would set a precedent for similar accesses.
- 10.4.2. I note the Roads Report (dated 9th December 2025 and summarised in Section 3.3 above) refers to Policy TRANS 22 (see discussion on same below) and I note that said report requests further information be sought in relation to sightlines, as well as other matters. The Roads Report does not recommend a refusal of permission.
- 10.4.3. I note an observer on the appeal has raised a number of issues relating to traffic and transport, including reference to a previous survey indicating that speeding occurs on this road. It is also set out that the applicant's sightlines are insufficient. It is further stated that there is an existing paved laneway, and the fact that this has not been included in the lease agreement, creates the need for the new access. The methodology and assumptions of the traffic modelling have also been questioned. It is also stated there is a history of road traffic accidents on this road.
- 10.4.4. The appellant has referred to the specialist report submitted (Appendix D of the appeal submission) as well as the Stage 1 Road Safety Audit (Appendix E of the PECR). The report from CST Group (Appendix D of the Appeal Statement) notes that improved sightlines were provided on the foot of the recommendations of the Road Safety Audit.
- 10.4.5. In relation to the acceptability of the proposed new access, or otherwise, of relevance is Policy Trans 22 of the Laois County Development Plan, which states the following:
- 'Prohibit unnecessary access onto strategic regional routes in areas where speed limits in excess of 50kmph applies.'*
- 10.4.6. Table 10.1 'Strategic Regional Roads in County Laois' includes the R420 'Junction with R419 (Portlington) to Junction with R445 (Killinure), which is the road that runs to the east of the Laois Site under consideration here. As such, Policy TRANS 22 is applicable here. The policy seeks to prohibit unnecessary access onto this road.

10.4.7. In relation to speed limits on the R420, while not detailed in the application documentation, from my observations on site, I note the limit varies depending on location on this road. A 60 km/hr speed limit applies on the road in the vicinity of the site, although I note that an 80km/hr limit applies on some sections of the road, north and south of the site. Notwithstanding, the applicable speed limit in the vicinity of the proposed access point is 60 km/hr.

DM TRANS 22

10.4.8. In relation to the specific wording of DM TRANS 22, the CDP does not set out what would comprise a necessary or indeed unnecessary access. Notwithstanding, I am of the view that the access in this instance is necessary, given that this would appear to be the only available access to the site and given that it facilitates both the construction, and the operation, of the solar farm, noting there is only one frontage onto the public road (see further discussion of same in Section 10.6 below). I am satisfied also that, for the same reasons, the proposed development does not represent a material contravention of Policy DM TRANS 22, and I note that the PA is not of the view that the proposal represents a material contravention of Policy DM TRANS 22 (see further discussion of the issue of 'Material Contravention' in Section 10.5 of the this report). I am satisfied that, in principle, the access point onto the R420 is acceptable.

DM TRANS 2

10.4.9. In terms of the sightlines provided, I refer to Policy DM TRANS 2 'Sightlines, which states that sightline requirements are determined by the Council having regard to 'Laois County Council Roads and Parking Standards (2007)' guidelines (and any and in exceptional circumstances on a case by case basis. [SIC].³ Factors including the type, speed limit and condition of the road shall be taken into consideration. It is also stated that where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted.

10.4.10. I have made reference to Laois County Council Roads and Parking Standards (2007)' and I placed a hard copy of this document for the Commission's information. The Laois County Council Roads and Parking Standards (2007) sets out that for

³ I note a typo in the policy wording, where the closing bracket is not provided.

Strategic Regional Routes where a speed limit of 80 km/hr applies, an 'x' distance (a sightline distance) of 180m is required (Table 2.1 refers). I note that Table 2.1 of the Laois County Council Roads and Parking Standards document does not refer to a Strategic Regional Road where a speed limit of 60 Km/h applies, as is the case here (see further discussion of same below). However, I note the contents of the Roads Report, which has requested sightlines of 180m at the proposed site entrance.

10.4.11. In relation to the sightlines proposed here, I refer to Dwg. No. 12022-2040 Rev 'SITE ENTRANCE 1 (R420 LAOIS)' which shows a sightline distance of 160m to the north-west, and a sightline of 145m to the south-east. In order to determine the appropriate sightlines, the PECR notes that traffic speed surveys were carried out on the R420 on both approaches to the proposed new access and the results were used to determine the sightlines. On the southbound approach, the 85th percentile speed⁴ was 80.29 km/h, and on the northbound approach 85th percentile speed was 72.90 km/h. Appendix E of the PECR contains the Road Safety Audit, which recommends that sufficient sightlines are provided, in line with TII guidance⁵. The guidance in question is TII Guidance DN-GEO-03060 (May 2023). Table 5.5 'y' *visibility distances from the minor road* of same refers to a 'y' distance of 160m being provided where the design speed of major road is 85 km/h, a 'y' distance of 120m being provided where the design speed is 70 km/hr and a 'y' distance of 60 km/hr where the design speed is 60 km/hr. While the applicable speed limit is 60 km/hr here, the speed surveys have shown that speeds are in excess of this, and the applicants have provided sightlines with reference to said guidance. I am satisfied that the sightlines that have been provided are in accordance with said guidance, noting that for the southbound approach, the 85th percentile speed was 80.29 km/h, and a sightline of 160m is therefore provided. For the northbound approach, the 85th percentile speed was 72.90 km/h, and while the TII guidance sets out a sightline requirement of 120m for a design speed of 70 km/h, the applicants have provided a

⁴ As noted in Section 13.6.4 'Road Safety' of the PECR, the 85th percentile speed is used as the design speed (this is the speed below which 85% of the traffic were travelling).

⁵ While the specific guidance is not referred to, I note that Drg. 12022-2040 Rev A Site Entrance 1 (R420 Laois) Entrance Details & Visibility Sightlines 1 of 3, refers to TII Guidance DN-GEO-03060 Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) May 2023

sightline of 145m, which would appear to reflect the 85th percentile speed which is slightly in excess of 70km/h.

- 10.4.12. In relation to Policy DM Trans 2, I note that same requires adherence to Laois County Council Roads and Parking Standards (2007) guidelines except in exceptional circumstances on a case by case basis. I note that Table 2.1 of Laois County Council Roads and Parking Standards does not set out a sightline distance for Strategic Regional Roads, where a speed limit of 60 km/hr applies, as is the case here, and, as such. it is somewhat unclear as to what the applicable sightline standard is in this instance.
- 10.4.13. Notwithstanding, even if one were to conclude that the sightline standards in Table 2.1 apply (and the Roads Department would appear to be of this view), I am of the view that exceptional circumstances apply here, by virtue of the nature of the application (a Solar Farm), noting that at operational stage, it is likely that a relatively small number of vehicles will enter and exit the site on a daily basis. I refer to Section 13.4.2 'Trip Generation' of the PECR. This sets out a 'worst-case' scenario of 10 arrivals and 10 departures in the AM and PM peak hours. In my view, this is a significant overestimation of potential trips that could be generated at the operational phase of a solar farm, given that elsewhere in the report (in Section 13.4.2) it is stated that the authors of the report were advised that '*only 2-3 visits per month*' would occur at operational stage.
- 10.4.14. To my mind, this latter quantum is more realistic of the operation of a solar farm, where infrequent visits would occur to carry out maintenance, for example. There is no obvious operational need for 10 arrivals and 10 departures at AM and PM peak hours in my view, and this 'worst-case' scenario is presented without any supporting justification. As such, noting the likely limited number of trips from the site, and noting the adherence to relevant TII guidelines, as relates to sightlines, I am of the view that exceptional circumstances apply in this instance, and I am not of the view that, at operational stage, sightlines of 180m are required from the proposed access point.
- 10.4.15. At construction stage, while a larger number of vehicles will enter and exit the site (as compared to the operational stage), resulting from site preparation works, construction vehicles and deliveries of the modules for example (as detailed in

Section 13.4.2 of the PECR), this will be on a limited-time basis (limited to 10 to 12 months in total, with the peak construction stage in 2028) and the risk from same can be offset by appropriate mitigation measures, including the provision of banksmen controlling access and egress from the site, which are as detailed in the Construction Stage Traffic Management Plan set out in Section 13.5 of the PECR. An updated version of same, can be required by way of condition and I refer the Commission to Recommended Condition No. 8 in this regard.

10.4.16. I note that Policy DM Trans 2 also refers to other factors that are of relevance when considered case by case sightlines. These include the type, speed limit and condition of the road shall be taken into consideration. In this instance the road is a regional road, the condition of which appears to be good (from observations on my site visit, at least). In relation to the speed limit, the limit is 60kmph as noted above, however the applicants have commissioned a speed survey and have provided sightlines as set out above, that account for the 85th percentile speed. The appeal submission is also supported by a Technical Report, authored by CST Consulting Engineers, which concludes that the proposed access is safe.

10.4.17. In conclusion then, and while the proposal may not provide sightlines of 180m in both directions, I am satisfied that the nature of the development is such that the imposition of this sightline requirement is unnecessary in my view. I am satisfied also that, for the reasons outlined above i.e. that exceptional circumstances apply, the proposed development does not represent a material contravention of Policy DM TRANS 22 (see further discussion of the issue of 'Material Contravention' in Section 10.5 of this report).

Collision Data

10.4.18. I note that an observer has raised concerns in relation to previous accidents on this road. There is little detail of same the application documentation (save for reference to a fatality that occurred on the R420). However, information in relation to road traffic incidents is publically available on the RSA website⁶, and I have made reference to same. For all available years, from 2016 to 2024, a total of 10 incidents are mapped on the section of the R420 (from the junction of the R420/R424 and the Junction of the R420/L7175). There are 3 incidents recorded to the south of the

⁶ <https://www.rsa.ie/road-safety/statistics/collisions>

proposed access (between the proposed access and the existing access to Kilmullen House, occurring between 2017 and 2022 and all resulting in non-serious injury). In August 2017, a fatal accident occurred at a point beyond the northern extent of the site, approximately 200m of the proposed access point. However, this was not at the access point itself. Notwithstanding, there is evidence to show that there has been a number of previous road incidents on the R420. However, I am not of the view that proposed development would increase the risk of road traffic accidents on the R420 in any material manner, given the likely volume of operational traffic, exiting and entering the site, noting also that the sightlines that have been provided are supported by speed survey data provided by the applicant. I am also of the view, and as set out above, that any temporary risk from construction traffic entering and exiting the site, can be offset and managed by way of a Construction Traffic Management Plan.

- 10.4.19. I note that the applicant has taken on board other recommendations as set out include widening the access lane to accommodate two vehicles (if one is exiting and entering the site at the same time) so the vehicle entering does not have to wait on the R420. I note that Appendix B of the Road Safety Audit 'RSA Feedback Form' has not been completed. However, the appellants appeal statement has detailed how the application has responded to the potential issues as highlighted in the Road Safety Audit.

Traffic Survey Data

- 10.4.20. The observation on the appeal sets out that traffic surveys were only carried out on a partial day. In relation to same I note that Section 13.3.3 of the PECR states that 12-hour traffic survey was conducted at two key junctions (R420/ R424 T-Junction and the R424/ Ullard Road T-Junction) between 12am and 12pm. However, I note that the actual survey data, as set out in Appendix V of the PECR, sets out traffic data from 7am to 6.45pm for the same day (Tuesday, 27th May). From this data, the peak AM and PM hours were determined. As such, I am satisfied that sufficient traffic survey data is presented in the report that support the conclusions therein.

10.5. Material Contravention

10.5.1. I note that, where a planning authority has decided to refuse permission because a proposed development materially contravenes the development plan, Section 37(2) of the Planning and Development Act 2000, (as amended), empowers the Commission to grant permission even if a proposed development contravenes materially the development plan.

10.5.2. Section 37(2) states that the Commission may only grant permission, where it considers that one of the following circumstances of Section 37 (2) (b) apply. They are:

- i the proposed development is of strategic or national importance,
- ii there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- iii permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- iv permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.5.3. I note that the Planning Authority's first reason for refusal has cited a material contravention of Policy DM BNH2 'Appropriate Assessment. I have set out the full text of this policy in Section 5.4 above. I have assessed the project against this policy in Appendix 4 of this report. Therein, I have concluded that the proposal does not represent a material contravention of same, nor indeed does the proposed development contravene same, for the reasons set out in Appendix 4.

10.5.4. I am also of the view that the proposed development does not materially contravene any other policies of the Development Plan, for those reasons as set out in the

assessment above, and in relation to Policy DM RE 1, for those reasons as set out elaborated upon Section 10.6 below.

- 10.5.5. As such I am of the view that Section 37(2) of the Planning and Development Act 2000, (as amended) does not apply in this instance. However, should the Commission be of the view the proposal does, in fact materially contravene the Development Plan, I am of the view that sufficient justification exists in order to grant permission for the development as set out below.

Strategic or national importance

- 10.5.6. I refer to Commission to Section 10.2 above 'Principle of Development – Local, European, National & Regional Policy', It is set out therein that Ireland has binding targets it is required to achieve in respect of the delivery of renewable energy, which includes large scale solar developments. At a national level, a targeted delivery of 8GW of solar has been set for 2030, and is included in the Climate Action Plan's 2024 and 2025, and this target has been reaffirmed in the Programme for Government (2025), while Ireland also has a binding renewable energy target of 42.5% from the Renewable Energy Directive (RED III), and the first two carbon budgets prepared in accordance with the Climate Action and Low Carbon Development Act 2015 (as amended), commits Ireland to reducing emission by 51% over 12 years to the end of 2030.

- 10.5.7. I am satisfied that the proposed development is of a scale (the area of the Laois site is 22.7 ha) that it can be deemed to be of national importance, as its delivery and energisation would make a significant contribution to the achievement of the binding national targets for renewable energy and reduction in carbon emissions.

Conflicting or unclear objectives

- 10.5.8. Noting the discussion in Section 10.4 above, I note that there is a lack of clarity as to the applicable sightline distance that applies to Strategic Regional Roads where the speed limit is 60 km/hr. As set out above, the Strategic Regional Road R420 in the immediate vicinity of the site has a posted speed limit of 60 km/hr. Policy DM Trans 2 of the Laois County Development Plan 2021-2027 requires adherence to the Laois County Council Roads and Parking Standards Guidelines (2007). However, the Laois County Council Roads and Parking Standards Guidelines (2007) does not set out an 'x' standard (a sightline distance) for Strategic Regional Roads where the

speed limit is 60 km/hr, rather an 'x' standard is set out for Strategic Regional Roads where the speed limit is 80 km/hr and the footnote to same set out that this standard is 180m (Table 2.1 of Laois County Council Roads and Parking Standards Guidelines refers). I am of the view, therefore, that there are unclear objectives) in the development plan (Policy DM Trans 2 and related standards set out in the Laois County Council Roads and Parking Standards Guidelines) that are of relevance to this particular development, as relates to sightlines in circumstances where an access point is proposed on Strategic Regional Roads where a speed limit is 60 km/hr applies.

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

10.5.9. In this regard I am of the view that The Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031 (RSES) is relevant in this instance, and I refer the Commission to Section 5 where I have summarised relevant sections of same. In particular I would highlight the following:

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

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

10.5.12. The Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and

offshore, biomass, and solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives.

10.5.13. The diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/ consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid. The development of onshore and offshore renewable energy is critically dependent on the development of enabling infrastructure including grid facilities to bring the energy ashore and connect to major sources of energy demand.

10.5.14. I also refer the Commission to Section 10.2 of this report which addresses relevant national policy and in that respect, I am also satisfied that permission for the proposed development should be granted having regard to relevant policy of the Government.

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

10.5.15. I have referred to a number of precedents in Section 4 'Planning History; above. The current Development Plan came into effect from 4th July 2022. I note that a solar farm has been granted in Morett (and other townlands) in County Laois, approximately 6km south of this site (ABP Ref 500061 and PA Ref 25/60148). This was granted permission by the Commission on 16th February 2026, following a third-party appeal against the decision of the Planning Authority to grant permission. As such, I am satisfied that similar developments have been granted permission in the wider area since the making of the current Development Plan. As such the pattern of development, is one where the Planning Authority, or the Commission, has previously deemed other such solar farm developments appropriate for the county, subject to a detailed assessment of the merits of each individual development.

10.6. Other Issues

Policy DM RE 1

10.6.1. I note that Policy DM RE 1 sets out a number of criteria as relates to Solar Farms. The applicant has specifically addressed the requirements of same in Section 3.3.2 of the PECR.

10.6.2. I have considered the proposed development compliance, or otherwise, with Policy DM RE 1 below.

Site selection

(a) Preference for use of brownfield sites / contaminated land and non productive agricultural land versus productive agricultural lands

10.6.3. I have considered these issues in Section 10.2 above (in relation to the principle of development, and in this section below (as relates to loss of tillage land).

(b) Proximity to electricity infrastructure

10.6.4. I would note that the project, as a whole, proposes a 2.8km grid connection to the Bracklone 110kV substation. I am of the view therefore that there is sufficient electricity infrastructure in place to serve the proposed solar farm project, and the solar farm element on the appeal site.

Assessment of Impacts

(a) Glint and Glare

10.6.5. The PECR (Section 9 of same) and related appendices consider the issue of Glint and Glare. I would note that the report notes that mitigation by design is incorporated into the project by way of growing out the existing hedgerows around the site, filling in gaps in the hedgerows and planting of new sections, as indicated on the Landscape Masterplan (Appendix I of the PECR). The boundary planting will be trimmed to a height of 3-4m, which is generally greater than the maximum height of the proposed panels. The Glint and Glare analysis rules out any significant residual effects on residential receptors although concludes that, post-mitigation, 2 no. of the 105 no. residential receptors examined have the potential to be affected by glint and glare, noting a maximum reflectance from the solar panels of 174 minutes per year at residential receptor H62, and a maximum of 276 minutes per year at residential receptor H68), with the magnitude of impact deemed very low and low respectively, with mitigation in place. This represents the worst-case scenario, which assumes the sun is always shining and at full intensity. It is concluded within the assessment that

the reflectance periods outlined for these properties will not materially impact the enjoyment of these properties, and that with real world scenarios accounted for, including climate factors, and the nature of the solar panels themselves, no notable reflectance effects generated from glint and glare towards surrounding dwellings as a result of the proposed solar farm. In terms of roads receptors no significant effects on same were identified.

- 10.6.6. I am satisfied that glint and glare has been adequately assessed in the application documentation, and that no significant effects on residential or road receptors will result from same. I note also that the Planning Authority did not refer to potential glint and glare effects in any of the 3 no. reasons for refusal.

(a) Visual impact on heritage and landscape assets, designated sites, views and prospects

- 10.6.7. I have considered impacts on Kilmullen House (a Protected Structure) in Section 10.3 above. I note that Section 8 of the PEQR considers Landscape and Visual Impacts. Moderate negative visual effects are predicted at construction stage, but these are not considered to be significant. At operational stage, moderate-slight landscape effects will be experienced within the immediate vicinity of the site (less than 500m) with effects beyond this distance deemed slight or imperceptible. With mitigation in place, visual impacts will generally be imperceptible, with slight negative visual impacts at the R420 at Kilmullen (VP 13, resulting from fleeting visibility for road users of the R420, and at VP 14, again on the R420 at Kilmullen (see additional discussion of same in Section 10.3 above). The assessment concludes that once mitigation screen planting is in place, the panels will be fully screened from the local road at VP14.

- 10.6.8. No protected views or prospects will be affected by the proposed development on the Laois site, with reference to Map 11.8 'Views and Prospects' of the CDP.

The extent of additional impacts of solar rays follow the daily movement of the sun;

- 10.6.9. No additional impacts have been identified by the Planning Authority, and I am satisfied that all potential impacts of the proposed solar farm have been considered within the application documentation.

Ecology including biodiversity, flora and fauna

10.6.10. I have considered same below.

Cumulative impacts of the proposal with other renewable energy installations in the area;

10.6.11. This has been considered within the relevant sections of the PECR, and I am satisfied that no significant cumulative impacts arise.

Traffic impact on road infrastructure during all phases of development (construction, operation and decommissioning)

10.6.12. I have considered Traffic and Transportation issues in Section 10.4 of this report.

Drainage, surface water runoff, flooding

10.6.13. These issues are considered within Section 5 of the PECR, which contains a Hydrology and Hydrological Assessment. Potential effects on surface water quality at construction stage are mitigated by those measures as set out in Section 5.7 of the PECR and as set out in the CEMP (see discussion of same in Appendix 2 (in relation to EIA Screening, Appendix 3 and 4 in relation to AA, and Appendix 5 in relation to the Water Framework Directive). No significant residual effects on water quality are identified at construction, operational or decommissioning stages, with mitigation in place, and I am satisfied that this will be the case.

10.6.14. In relation to flood risk, I note that an observer on the appeal has stated that raised concerns in relation to Flood Risk. It is set out that the assessment has placed complete reliance on desk based mapping, and flooding has been documented in the area.

10.6.15. Appendix G of the PECR is a Flood Risk Assessment. I note that same was prepared with reference to the Flood Risk Management Guidelines. In relation to the Laois site(the appeal site), it set out that there are no flood events documented on same, with the closest such event being 1.3km to the north of the Laois Site. PFRA and CFRAM mapping shows the site outside Flood Zones A and B. The site is not shown to be at risk of groundwater flooding. The FRA notes that the Kildare site is at some risk of pluvial flooding. Notwithstanding, I am satisfied that, given the information on file, that the solar farm development on this site (the Laois site) is not at risk of flooding, nor will the proposed development give risk to additional flood risk

on adjoining lands, in particular noting that the site beneath the solar panels will remain as grassland which will remain permeable, and the panels themselves will be mounted on open framed structures will not impede the flow of surface water across the site.

Effect on potential archaeological heritage, and therefore a planning application should be accompanied by an archaeological impact statement.

10.6.16. I note that the applicant has submitted a PECR Report, which considers 'Archaeology and Cultural Heritage' (Chapter 10 of same). Relevant appendices include Appendix T 'A Geophysical Survey Report'. Within the Laois Site, the geophysical survey identified former field boundaries, along with a former carriage track. No other features of definite archaeological significance were identified. I note that the DAU, in their submission of 24th October 2025, made at application stage, notes that an Archaeological Impact Assessment should be submitted as part of Further Information. In relation to same, I note that Chapter 10 has considered potential impacts on archaeology as a result of the proposed development, and I am satisfied same is sufficient to fulfil the requirement of Policy DM RE 1, and I am also satisfied that the mitigation measures as set out in same, including a programme of test excavations and archaeological monitoring, will be sufficient to ensure that that there will be no significant impact on archaeological heritage, and I do not share the view of the DAU that additional information is required in this instance. Said mitigation can be ensured by way of condition.

(iii) As a minimum the following will be required to be submitted in support of a planning application; a. Drawings, including those addressing all drainage matters b. Landscape / Biodiversity Plan; c. Construction Environmental Management Plan; and d. Decommissioning / Restoration plan.

10.6.17. Drawings including those pertaining to drainage have been submitted with the application, as has a Landscape Plan (Appendix I of the PECR), a Biodiversity Plan (Appendix AB of the PECR) and a Construction Environmental Management Plan (Appendix C of the PECR). In relation to decommissioning and restoration, details of same are set out in Sections 2.5 and 3.3.2 of the PECR, and I note that, in summary, at the end of the project lifetime of 40 years, the solar panels and their supports will be completely dismantled (including removal of underground electrical

interconnection and distribution cables) and the site will be restored to its preconstruction state, suitable for agricultural use. I note also that a Habitat and Restoration Management Plan (Dwg. No. 12022-2050 Rev A) has been submitted with the application. I am satisfied that details of same are sufficient for this stage of the project, and are sufficient in relation to the requirements of DM RE 1.

- 10.6.18. I note that a standard condition requiring a more detailed plan can be imposed on any permission, should the Commission be minded to grant. I would note also that the Planning Authority did not highlight any concerns in relation to compliance, or otherwise, the Policy DM RE 1.

Biodiversity (including bats, birds and habitat fragmentation)

Bats

- 10.6.19. I would highlight to the Commission that Reason No. 1 of the Planning Authority's Refusal relates to, Appropriate Assessment, and I have considered same in Appendix 2 below. The Reason for refusal cites impacts on bats (in the context of potential effects on Natura 2000 sites) and I have discussed same in Appendix 2 below. In this section, however, I will consider potential effects on bats, in a more general context.

- 10.6.20. Potential impact on bats is considered within the submitted PECR Report. Within same, it is set out that a daytime preliminary bat roost assessment survey was carried out on all trees and nearby structures present within the proposed project site, in accordance with best practice guidance. In relation to suitable habitat for bat on site, it is set out that the site contains some mature trees which were found to have significant ivy cover and were determined to have low to moderate suitability for individual or small numbers of bats. In relation to the Laois site, it is set out that the 10. No. large mature Ash and Beech trees on the eastern border of the site may provide roost habitat for bats.

- 10.6.21. It is noted with the PECR report that construction activities have the potential to result in increased noise and disturbance (including from lighting), and in the absence of mitigation could result in temporary, negative impacts on bats. Operational stage potential impacts cited include potential collision risks (resulting from the 'lake effect') which is mitigated by way of the use of appropriate PV panels, which are black in colour and are designed to absorb light rather than reflect light.

There is no artificial lighting source at operational stage (except for emergency situations, as described in Section 2.2.1.2).

10.6.22. It is set out that no bat roosts were found during bat surveys carried out within the proposed project site. 5 no. trees and 1 no. house were recorded as having 'moderate' bat roost potential, with treelines and hedgerows within the site boundary also likely to be used by commuting and foraging bats. The hedge and trees species that are proposed for removal (Ash, Hazel, willow, Hawthorn, blackthorn) to allow for access tracks and site entrances were accessed as having poor to moderate commuting and foraging for birds and bats and no roost potential. Notwithstanding, the removal of same will be carried out in accordance with NRA Guidance (2005), with these felled trees/lopped branches being soft felled and brought to the ground in a supported fashion and left in-situ for 24 hours prior to removal or cutting into smaller sections. This is to enable any bats that may be using the trees to escape.

10.6.23. I note that Section 4.4.2.4.3 set out that disturbance of bats, as a result of construction lighting, could result in negative impacts on the local bat population, and more generally, it is set out that the slight increase in noise and disturbance during the construction phase will result in a temporary, negative impacts on protected species. No mitigation is set out in relation to same. However, I am satisfied that any potential effects related to same can be mitigated by way of an appropriate condition as relates to appropriate lighting during the construction stage.

10.6.24. In conclusion, I am satisfied that potential impacts on bats have been considered satisfactorily within the application documentation, and the mitigation measures therein will be sufficient to ensure that there are no significant residual effects on bats. These mitigation measures, as out in the PECR, can be ensured by way of condition

Habitat loss/ Cumulative assessment (bats, birds and habitat fragmentation)

10.6.25. I note an observer on the appeal has stated that habitat loss has not been quantified. In relation to same, I note that the appeal statement has submitted a breakdown of habitat loss, as well as details of proposed replacement habitat. I note that Section 2.1.1.2 of the applicant's appeal statement sets out that for the Laois Site, a total of 4.4 Ha of habitat will be lost (total site area is 14.98 Ha). The majority of habitat loss will be Tilled Land (BC3), of which there is a total loss of 3.8 Ha.

There is also very limited loss of Scattered Trees and Parkland (WD5) Scrub (WS1) as well as 14m of Hedgerow.

10.6.26. I have considered potential impacts on bats above. In relation to birds, I note that I Section 4 of the PECR sets out a Biodiversity Assessment, and therein a detailed assessment on the impacts on biodiversity, including habitats and birds is set out. I would note that the assessments considers the project as a whole (the proposal solar farm over the two sites, Kildare and Laois, and the grid connection).

- Otter – It is set out that no evidence of otter activity was recorded during the study area during surveys, and the drainage ditches within the proposed site are unlikely to be used by Otter. It is set out, however , that the section of the watercourse located adjacent to the Kildare site contains suitable habitat for Otter to forage, rest, breed and commute. It is noted that the local Otter population is assessed as being of International importance.
- Badger – Evidence of Badger Activity was recorded on both sites. In relation to the Laois site, 1 no. sett was recorded on the southern boundary of same, with trail cameras confirming that this was in use. It is set out that a pre-construction badger survey will need to be carried out to reassess the status of the setts across both sites prior to works commencing.
- Pine Martin – Activity was present on the Kildare Site.
- Other mammals – The project site may support other small, protected mammal species such as hedgehog. Pygmy Shrew and Irish Stoat.
- Birds – The PECR sets out that during the surveys of February and August, the bird species recorded across both sites (Laois and Kildare) were typical farmland species. It is set out that no species protected under the Birds Directive were recorded during the surveys.

10.6.27. In relation to potential impacts, the PECR notes that there will be a loss of habitat across both sites (see discussion above in relation to quantum of habitat loss). Save for the habitat loss as quantified in the PECR (and as quantified in the applicant's appeal statement), no additional habitat will be lost, and all other existing hedgerows, treelines and woodland will remain in situ. It is proposed to plant 947m of new native hedgerows across both sites. The PECR sets out that given the

relatively small areas of habitat that will be permanently lost (noting that the decommissioning of the solar farm will allow the reestablishment of grassland), and the predominantly low ecological value of same, no significant negative effects on the receiving environment are expected.

10.6.28. In relation to potential impacts on birds, it is stated that existing hedgerows will be fenced off with a 5 m buffer between solar panels so as not to disturb existing field boundaries, noting the roosting and nesting potential of same for passerine bird species. It is concluded noting the ecological value of the habitat, the additional planted hedgerow as well as the availability of similar habitat in the wider surrounding area, the habitat loss associated with the project will not result in negative impacts on the local fauna for commuting, foraging, resting, roosting or breeding.

10.6.29. In relation to noise and disturbance, it is set out that plant machinery will be designed to ensure that the maximum noise level 10m outside of the site boundary do not exceed those standards set out in BSI British Standards (BS5228-1: L2009 + A1: 2014), with works only carried out during permitted construction hours. In addition it is set out that no rock breaking or blasting will be undertaken during the construction phases. In relation to badgers, it is set out that during the badger breeding season, no construction works will be undertaken within 50m of active setts, nor piling be undertaken within 150m of active setts due to the potential of disturbance. Exclusion zones around the previously identified badger setts will be put in place.

10.6.30. At operational phase, the issue of habitat fragmentation is considered within Section 4.4.3.1 of the PECR and it is noted that the fencing around the site has the potential to cause fragmentation of wildlife corridors, noting that it is evident that badgers forage and commute through the site. No other potentially significant impacts on biodiversity are expected at operational phase.

10.6.31. Decommissioning impacts are similar to those highlighted for construction phase but would be of a shorter duration (approximately 6 months).

10.6.32. Mitigation measures are set out in Section 4.5.1 of the PECR, and include adherence to a Construction Environmental Management Plan (CEMP), which is

included with the application as well as the appointment of an Ecological Clerk of Works.

10.6.33. In relation to habitats measures include the imposition of a buffer zone of 5m between hedgerows and the footprint of the project, the planting of 947m of new hedgerow across the project site (both the Loais and Kildare sites). In addition, a Biodiversity Management Plan has been prepared, and is included within Appendix AB of the PECR.

10.6.34. In relation to birds, as well as the buffer zones noted above, it set out that no clearance of vegetation will be carried out in breeding season (between 1st March and 31st August), save where the construction programme does not allow. If this is the case, then these areas will be inspected by a qualified ecologist first for the presence of nests prior to commencement of any clearance. Where an active nest is found, the nest will be clearly marked and avoided until the chicks have fledged or where nesting has failed. Where avoidance of the nest is not possible, the nest will be removed under a derogation license sought from NPWS.

10.6.35. Specifically in relation to badgers, a number of measures are set out including exclusion zones around active setts, the use of a 2m deer fence around the site which will include a gap of 100mm from ground level, which will allow the passage of badgers and other small mammals across the project site. It is set out that should construction works be delayed more than 12 months from the initial walkover survey, or if badger have developed setts within the site during the intervening period between the Planning Application and the commencement of works, a pre-construction badger survey will be undertaken by a qualified ecologist in advance of the commencement of works.

10.6.36. The PECR concludes that, with the implementation of the proposed mitigation measures, the proposed development will not result in significant impacts on biodiversity.

10.6.37. In relation to the conclusions therein, I am satisfied that the application documentation has adequately assessed potential impacts on all aspects of biodiversity. I am also satisfied that the mitigation measures as set out therein, in conjunction with an additional condition as relates to lighting at construction stage, will ensure that any residual impacts on biodiversity will be not be significant.

Specifically in relation to otter, I note that the mitigation measures include measures in relation to reducing noise and disturbance. I note that suitable habitat was found with the study area (along the river bank adjacent to the Kildare Site). However, it is of note that no evidence of otter holts or activity was found within the study area, and drainage ditches with the project site were not found to be suitable for otter. I am satisfied therefore that the mitigation measures as set out in the application documentation will ensure that there will be no significant effects on residual effects on otter, as relates to disturbance. I note that measures as relates to water quality are also set out in the PECR, and this will ensure that there will be no indirect effects on otter (as a result of a reduction in biomass for example). I refer the Commission to Appendix 4 of this report where I have considered the issue water quality, and indirect effects on species, including otter, in the context of Appropriate Assessment, noting that otter is a QI species of the River Nore and River Barrow SAC, which lies adjacent to the Kildare Site.

- 10.6.38. In terms of cumulative effects, I note that the PECR submitted with the application considers the project as a whole, i.e. the solar farm projects located over two sites, and the associated grid connection. In this sense, I am satisfied that the potential effects of the entire project have been adequately addressed. I note also that the PECR has also considered the potential cumulative effects of other projects in the area (as relates to impact on water quality for example), and I am satisfied that all potential cumulative effects that could have an impact on the biodiversity have been addressed.

Public Health Risk/Fire Risk (BESS)

- 10.6.39. An observer has raised the issue of public health risk of resulting from a potential fire arising from the BESS element of the proposal. I note the BESS element is to the west of the site,
- 10.6.40. Section 2.6 of the PECR considers 'Health and Safety'. It is stated therein that the batteries in the BESS element would have the potential to act as fuel for a fire, and it is stated that the facility has been designed to minimise the risk of fire spreading from one container to another within the BESS, and is located at a distance from nearby properties such that it does not pose a risk to same. It is set out that a more detailed Fire Risk Assessment will be undertaken as part of the

detailed site design and reference is made to Appendix D of the PECR which contains an 'Electrical Fire Risk Report'. I would note that same highlights that the final detailed design has not been confirmed as yet, as a tendering process has not yet taken place. However, the report aims to apply experience from UK solar and the BESS industry in order to appraise risks of electrical fire from the proposed development. The reports sets out the risk of fire from the various elements of the proposed development, and is summarised in Appendix A of the report. The report sets out various measures to reduce the risk of same (and are summarised in Sections 5.1 to 5.6 of the report).

10.6.41. In relation to the risk of fire from the BESS element, I note that, in the absence of mitigation, there is a moderate risk of fire from same. It is stated that these units will contain lithium iron phosphate (LFP) battery cells. The fire risk from same relates to potential overheating and thermal runaway, although the risk is reduced through selection of low risk LFP cells, as well as intelligent system design, but is not eliminated. Measures to reduce risk include operational cooling, system monitoring, fire detection and automated firefighting. Passive design measures included sufficient spacing of the BESS units, which will be a minimum of 3m apart. It is noted that there is no local guidance on spacing, but the spacing proposed exceeds the requirements of US standard NFPA 885. Access roads will allow access for firefighting services. With mitigation in place, the risk of personal exposure remains moderate, although Table 1 of the report notes that the risk of fire is negligible for well maintained and designed BESS containers.

10.6.42. I note that additional details in relation to Fire Risk is set out in Section 14.3.7 of the PECR, and this section reiterates the fire protection measures that are outlined in Appendix D 'Electrical Fire Risk Report'. I note that said Chapter of the PECR (Major Accidents, Hazards and Natural Disasters), following a detailed risk assessment, including that assessment as set out in Appendix D 'Electrical Fire Risk Report', rules out any significant environmental effects from the risk of major accidents, including that arising from fire risk.

10.6.43. I am satisfied that the risk of fire, and subsequent risk to surrounding properties, has been adequately addressed in the application documents, noting the detailed fire risk mitigation measures set out in the documentation accompanying the application. The measures set out in same can also be ensured by way of condition.

Loss of Tillage Land

- 10.6.44. An observer on the appeal has raised concerns in relation to the loss of tillage land. In relation to same, I note that the subject lands are currently in agricultural use. I note that Policy DM RE 1 'Solar Farms' sets out a number of factors which will be used to assess applications for Solar Farm Development within the county. In relation to site selection, of relevance to the loss of tillage land is criteria 'a' which states that there is a *'preference for use of brownfield sites and contaminated land and non-productive agricultural land versus productive agricultural land'*. Notwithstanding, I note that same policy does not exclude the use of agricultural land, but merely expresses a preference for same to be located on those sites referred to above. I note also that the Planning Authority did not consider that the site in question was unacceptable in principle, and the reason for refusal does not refer to non-compliance with Policy DM RE 1, nor does the Planner's Report refer to non-compliance with Policy DM RE 1.
- 10.6.45. I note the applicant has committed to utilise the land for ongoing agricultural activities where possible, such as sheep farming, and it is noted within the PECR that sheep farming can coexist harmoniously with solar farms (as elaborated upon in Section 1.10.2 of the PECR).
- 10.6.46. In relation to national policies on this issue, I note that there is no national land use policy in Ireland which prescribes the preservation or protection of agricultural lands, in the interest of food security, and to which this development would be contrary, nor is there any national guidance specifically in relation to the location of solar energy development. Notwithstanding, the Climate Action Plan 2025 sets an ambitious target of 5 GW of Solar by 2025 and 8 GW by 2030 and which will require a transformation from agricultural land use to other uses such as solar PV. This would not suggest that development of the nature proposed on agricultural lands is unacceptable in principle.
- 10.6.47. I am satisfied that there is potential for the land to continue in some form of agricultural use, such as sheep farming. In addition, I would note also that the development works themselves are relatively non-intrusive and are generally reversible, such that the lands could be returned to agricultural use. Having regard to

the foregoing, I do not consider that the proposed development would be unacceptable solely on grounds of the loss of productive agricultural lands.

Section 38 Sterilisation Agreement.

- 10.6.48. I note that an observer submission has made reference to a Section 38 Sterilisation Agreement that applies to these lands. I would note that the Planning Authority has not raised a concern in relation to same. I am of the view that enforcement of same, should it be applicable, is beyond the remit of the Commission, and is matter for the Planning Authority.

Article 18(1)(d)(iii) of the Planning and Development Regulations 2001

- 10.6.49. The submission from the DAU (dated 29/10/2025) makes reference to Article 18(1)(d)(iii) of the Planning and Development Regulations 2001 which relates to public notices for any planning application that relates to a protected structure, including any development within the curtilage of same. In this regard, I refer the Commission to my assessment in Section 10.3 of this report, and I have concluded therein that the proposed development does not fall within the curtilage of Kilmullen House (a Protected Structure) and therefore I am satisfied that the provisions of Art. 18(1)(d)(iii) of the Planning and Development Regulations 2001 do not apply in this instance.

Access Point

- 10.6.50. I have considered the road safety aspects of the proposed access point above. I note that an observer has stated that an alternative access is available. The only other possible access point, to my mind, is that which currently provides access to Kilmullen House. However, I would note same is not within the redline boundary, and would not appear to be in control of the applicant. I am satisfied, therefore, having regard to the evidence on file, that the access point proposed is acceptable, and is compliance with the relevant provisions of the Development Plan, as assessed in detailed in Section 10.4 of this report.

11.0 Recommendation

I recommend that planning permission should be granted, based on the reasons and considerations as set out below and subject to the attached conditions.

12.0 Reasons and Considerations

12.1. The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and the relevant sectoral adaptation plans in particular the Electricity and Gas Networks Climate Change Sectoral Adaptation Plan (2025) and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State), and otherwise had regard to:

- (a) The nature, scale and extent of the proposed development,
- (b) the National Biodiversity Action Plan 2023-2030,
- (c) National policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases, including Project Ireland 2040 National Planning Framework – First Revision (2025), the National Development Plan 2021-2030, the National Development Plan Review 2025 and the National Energy & Climate Action Plan 2021-2030,
- (d) the policies set out in the Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031,
- (e) the policies of the planning authority contained within the Laois County Development Plan 2021-2027,
- (f) the character of the landscape in the area of the site and in the wider area of the site,
- (g) the pattern of the existing and permitted development in the area,
- (h) The distance between the solar farm and surrounding dwellings and other sensitive receptors from the proposed development,
- (i) The Natura Impact Statement,

- (j) Measures proposed for the construction, operation and decommissioning of the development,
- (k) The documentation submitted with the application and the appeal and the submissions and observations made in connection with the planning application,
- (l) The report of the Inspector.

Appropriate Assessment Stage 1

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Planning Inspector's report and submissions on file. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that River Barrow and River Nore SAC (002162) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for this site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

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

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

(ii) the mitigation measures which are included as part of the current proposal, and

(iii) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of River Barrow and River Nore SAC (002162), in view of the sites' Conservation Objectives.

EIA Screening Determination

Having regard to –

- (a) The nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, includes a limited extent of hedgerow removal (a maximum of approximately 145m over the two sites – the Laois Site and the Kildare Site), thereby coming within Class 1 (a) of Part 2 of Schedule 5 of the regulations and below the threshold set out in the class,
- (b) The location of the proposed development, in a rural area, the nature of the existing site and the pattern of existing and permitted development in the surrounding area;
- (c) 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 amended;
- (d) 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);
- (e) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;

- (f) The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement and the Planning and Environmental Considerations Report (and associated appendices),

the Commission considers that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the character of the landscape or on cultural heritage, would not seriously injure the visual and residential amenities of the area including designated views and prospects and scenic routes, would be acceptable in terms of public health, 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.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest or clarity.
2.	The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

	Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.
3.	(a) The permission shall be for a period of 40 years from the date of the commissioning of the solar arrays. The solar array and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period. (b) Prior to commencement of development, a Decommissioning Statement, including a detailed restoration plan and a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, concrete shoes, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. The Decommissioning Statement shall be updated, submitted to and agreed with the planning authority prior to the commencement of decommissioning. (c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors/concrete shoes, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning. Reason: To enable the relevant planning authority to review the operation of the solar farm in the light of the circumstances then prevailing.
4.	The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented in full. Reason: To protect the integrity of European Sites.
5.	All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Considerations Report and associated appendices, and as set out in other plans and particulars submitted with the application, shall be implemented in full by the developer in

	conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order. Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.
6.	The following requirements of Inland Fisheries Ireland (IFI) must be adhered to: (i) There must be no interference with the bed, gradient, profile or alignment of any watercourse without the prior notification and the written agreement of Inland Fisheries Ireland. Unless otherwise agreed, watercourses on or bordering the site must be maintained in their original state, their bankside vegetation preserved, and the existing line of the watercourse left unaltered. (ii) The storage, management and conveyance of materials on site must not permit any deleterious matter to reach surface water systems either directly or indirectly, either during construction or post-construction. There must be no run-off of fuels, oils, concrete or from stockpiles of materials or general run-off to surface waters from the works. (iii) Works in, over or adjacent to waters must comply with IFI's Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters (2016). (iv) All mitigation measures outlined in the applicant's NIS and CEMP must be adhered to in full. Mitigation measures must be in place in advance of works commencing and remain in situ until after works have been completed. (v) Similarly, the method statements provided for Horizontal Directional Drilling (HDD) and installation of bottomless culverts must be adhered to in full. (vi) Buffer zones to protect aquatic zones should be clearly marked in advance of works commencing. Machines should not enter these zones, except where it is unavoidable. Nor can material stockpiles or spoil

	heaps be permitted within this zone. Buffer zones should not be removed until after the construction phase of the project has ended. (vii) Records should be kept of any water monitoring undertaken during the works. Records should also be kept of inspections made of the surface water mitigation measures outlined in the applicant's documents. These records should be made available upon request to any authorised person as defined under the Local Government (Water Pollution) Acts. (viii) IFI must be informed immediately should any discharge or potential discharge of deleterious matter to a surface water body occur. Reason: In the interests of the protection of water quality.
7.	Construction operations during the hours of darkness shall be kept to a minimum. If construction lighting is required, lighting shall be directed away from boundaries of the site. Reason: To minimise disturbance to species including bats, badgers and otters.
8.	(a) The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including: i) location of the site and materials compound(s); ii) location of areas for construction site offices and staff facilities; iii) details of site security fencing and hoardings; iv) details of on-site car parking facilities for site workers during the course of construction; v) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

	vi) measures to obviate queuing of construction traffic on the adjoining road network including the provision of banksmen to facilitate safe access and egress from the site; vii) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; viii) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; ix) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater; x) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; xi) details of on-site re-fuelling arrangements, including use of drip trays; xii) details of how it is proposed to manage excavated soil; xiii) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses. xiv) the community liaison details including how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads and/or HGV deliveries. The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the NIS. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development and to ensure the protection of archaeology.
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9.	(i) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. (ii) The electricity control unit, inverters, and fencing shall be dark green in colour or other dark colours, details of which shall be agreed with the planning authority, prior to commencement of development. Reason: In the interest of visual amenity.
10.	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.
11.	Prior to commencement of development, the developer shall submit details to the planning authority confirming the anticipated megawatt capacity and annual electricity generation of the solar farm. Reason: In the interest of clarity.
12.	a) Existing field boundaries, including trees and hedgerow, shall be maintained and supplemented in accordance with the details submitted, except where removal is proposed to facilitate access tracks and sightlines. b) Infill hedgerow planting shall comprise of native species. All proposed landscaping and planting shall take place in the first planting season following commencement of development and in accordance with the details proposed. The landscaping and screening shall be maintained at regular intervals. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority. c) Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining dwellings as a result of the development, as per the mitigation measures as set out in the Glint and

	Glare Assessment. Upon commissioning of the development, and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no such glint impact has taken place, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved. Reason: in the interest of the visual amenities of the area.
13.	a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission. b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level. d) The solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission; and e) Cables within the site shall be located underground. f) No cables/services are permitted to run through or in the carriageway over a bridge/culvert structure and these should be directionally drilled under the river/watercourse away from the structure. Reason: In the interest of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, to minimise impacts on drainage patterns and surface water quality, and in the interest of long-term viability of agricultural land.
14.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: in the interest of environmental protection.

15.	a) All road surfaces, culverts, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. b) Prior to the commencement of construction, a road condition survey shall be taken along the full extent of the construction haul route to provide a basis for future reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. c) Prior to the commencement of construction, final details of the proposed haul route for the construction phase are to be agreed in writing with the Planning, unless otherwise in agreed in writing. d) Where any of the proposed entrances to the site are widened to facilitate access/egress by HGV's adequate drainage measures must be installed. Reason: In order to ensure a satisfactory standard of development.
16.	a) Details of the construction and operational access arrangements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development including the nature of the surface finishes at and near the connections of site access tracks to public roads. b) Any gates shall open inwards only. Reason: in the interest of traffic safety.
17.	a) Prior to the commencement of construction, the Applicant shall comply with the requirements of the planning authority for drainage arrangements, including the attenuation and disposal of surface water. Such works and services and shall otherwise comply with submitted Flood Risk Assessment (Appendix G of the Planning and Environmental Considerations Report). b) A Drainage Management Plan shall be developed for the construction and the operational phases of the development and include details of the proposed access routes and drains, which shall be submitted to the planning authority for approval prior to commencement of development. Reason: In the interests of environmental protection and flood prevention.

18.	During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15 min and 60 dB LAfmax, 15 min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: To protect the residential amenities of property in the vicinity of the site.
19.	Prior to the commencement of construction, the Applicant shall: a) Agree a programme of noise monitoring to confirm that construction works, particularly pile driving, are within specified limits. b) Agree a plan for noise monitoring test locations suitable for the variable work locations. Reason: In the interests of the amenities of the area and of environmental sustainability, to maintain effective control of this development and in the interest of the proper planning and sustainable development of the area.
20.	a) Access for fire brigade vehicles shall comply with the requirements of the Chief Fire Officer. b) Water supplies for firefighting purposes shall comply with the requirements of the Chief Fire Officer. c) All mitigation measures/recommendations as set out in Section 14.3.7 of the Planning and Environmental Considerations Report (PECR), and as set out in the Electrical Fire Risk Report' (Appendix D of the PECR), submitted at application stage, shall be implemented in full. Reason: In the interests of public safety.

21.	Prior to commencement of development, the developer shall satisfy the requirements of Uisce Éireann in relation to their requirements for working in the vicinity of Uisce Éireann assets. Reason: in the interest of protecting the public water infrastructure at this location
22.	All mitigation measures in relation to archaeology as set out in Section 10.7 of the Planning and Environmental Considerations Report (PECR), except as may otherwise be required in order to comply with the below conditions relating to protection of the archaeological heritage. In this regard, the developer shall retain/engage a suitably qualified Archaeologist (licensed as required under the National Monuments Act) to: a. Carry out Archaeological Monitoring of all groundworks required for construction of the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the Archaeologist without his/her express consent. b. Archaeological Monitoring shall be informed and supplemented by licensed metal detection survey. c. Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest. pending a decision of the Planning Authority, in consultation with the National Monuments Service of the Department, regarding appropriate mitigation (preservation in situ/excavation). d. The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service of the Department, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the Planning Authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of the monitoring and any

	subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer. All site personnel shall be apprised of the locations and sensitivities of the sub-surface archaeological features identified within the development site. This shall be done through the appropriate dissemination of the CEMP and Archaeological Assessment report and through pre-commencement and regular on-site toolbox talks. Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest
23.	Prior to commencement of development, a Construction Method Statement for the erection of the proposed boundary fencing shall be submitted to the Planning Authority, for agreement in writing, which shall detail measures to ensure the protection of the 'ha-ha' wall associated with Kilmullen House from any potential damage caused by the construction of said fencing. Reason: In the interests of the preservation of architectural heritage.
24.	The following requirements in relation to the operation and safety of the rail line shall be complied with: (i) The Railway Safety Act 2005 places an obligation on any 3rd party working near the railway to ensure no danger or hazard is posed to railway operations. Due to the proximity of this site to the railway corridor, the Applicant must take due consideration of this obligation during the planning and construction of the development. (ii) The boundary of the proposed development lies directly adjacent the Heuston to Cork Railway line. The site boundary shown on the plan drawings assumes that the property boundary to railway lands corresponds with OSi mapping or existing fence lines. This approach is unreliable and may not reflect the full extent of railway lands acquired to construct, maintain and operate the railway. It is usually the case that drainage channels running parallel to the railway at the crest of cuttings and the toe of embankments fall within the original land take for the railway corridor. It is therefore possible that the proposed development

	encroaches onto Iarnród Éireann lands. The Applicant should engage with the Third-Party Co-ordinator by the email 3rdpartyapprovals@irishrail.ie and provide detailed cross sections with a view to agreeing the line of the proposed boundary. (iii) The security of the railway boundary must be maintained at all times during construction where new boundary treatment is to be installed. Preferably the permanent boundary treatment should be completed early in the construction programme. (iv) At no point should the applicant or their representatives enter railway property to undertake the construction of this development. It is imperative that the railway always remains inaccessible to prevent trespassing, both during the construction phase and in the future. This includes safeguarding against unauthorized access, especially through scaffolding or any other means. (v) No additional liquid, either surface water or effluent shall be discharged to, or allow to seep onto, the railway property or into railway drains / ditches. (vi) Any proposed services that are required to cross along, over or under the railway property must be the subject of a licence agreement with Iarnród Éireann / CIÉ. (vii) No overhang of any part of the development over the railway property is to be allowed (viii) No deciduous trees are to be planted directly along the railway boundary as they can impair the vision of train drivers or their views of signals, etc. Furthermore, falling leaves and / or leaf litter on rails can adversely affect the operation of trains by causing poor wheel / rail adhesion. (ix) Should you intend to cut down trees that are in proximity of the railway line such that if they were to fall towards the line, they would block it, the Applicant must contact the Third-Party Co-ordinator by the email 3rdpartyapprovals@irishrail.ie for a safe system of work to be established to undertake this work. (x) If any mitigation measures are required to prevent glare affecting the railway, Iarnród Éireann recommends that such measures be fully
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	installed and established on site prior to the installation of any solar panels. This will ensure that railway safety is not compromised. Reason: To ensure the safety of the rail line.
25.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of proper planning and sustainable development.
26.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: in order to safeguard the residential amenities of property in the vicinity.
27.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as

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

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

Ronan O'Connor
Senior Planning Inspector

29th June 2026

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	PL-500706-LS-26
Proposed Development Summary	Solar Farm. A co-located Battery Energy Storage System (BESS) park. Natura Impact Statement submitted with this planning application. The development is covered by the provisions of the (RED III) Renewable Energy Directive III (Directive (EU) 2023/2413). It should be noted that the submitted reports assess the development as a whole (i.e. the Kildare Site and the Laois Site) and as described in Section 3 of the applicant's EIA Screening Report, the proposed project, as a whole, will consist of the construction of the following: Linear arrays of solar PV panels on ground mounted steel supported structures with associated cabling and ducting (including onsite control and switch gear rooms and underground cable grid connection to the Bracklone 110kV substation); • 6 no. proposed single storey inverter stations; • A co-located Battery Energy Storage System (BESS) park (including 16 no. containers with cells and 4 no. containers with PCS and inverters) with associated security fencing • and gates; • Site Perimeter fencing; • 3 no. new site entrances with palisade double security gates; • 3 no. temporary construction compound/carpark/material storage areas with associated temporary site offices, parking areas and security fencing; • 4 no. temporary and 2 no. permanent steel storage containers; • Site access tracks including passing and turning bays; • On-site pole mounted CCTV cameras; • 2 no. bottomless culverts; • no. temporary construction stage Moby Dick type wheel wash systems; • 2 no. Concrete wash out locations (one within each temporary construction compound • excluding the easternmost one); and • All associated and ancillary works.

	One site entrance adjoining the R420 road (the Laois site) and two site entrances off the L7051 (the Kildare site) are proposed. A temporary sealed below ground wastewater storage tank will be constructed on site to hold wastewater generated by toilets in the temporary staff building during the construction phase. The Commission will note that the solar farm project, as a whole, sits across two sites (in Co. Kildare and in Co. Laois). The site in Coolnafearagh, Co. Kildare covers approximately 37.66 ha. The Kildare land parcels lie southeast of the Barrow River. The site in Kilmullen, Co. Laois covers approximately 22.7 ha and is located approximately 2 km east of the new EirGrid Bracklone 110 k substation on the outskirts of Portarlinton. The proposed solar farm project spans a total site area measuring 60.36 ha, of which 37.66 ha is located in Co. Kildare and 22.7 ha is located in Co. Laois. The total capacity of Solar PV on the site is estimated to be 32 MW. I refer the Commission to Section 2.0 of the Inspector's report for a detailed description of the proposed project, as relates to the Laois Site (the appeal site) only.
Development Address	Kilmullen, Ullard or Controversyland, Clonanny Lea and Loughmansland Glebe, Portarlinton, Co. Laois.
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	☒ Yes, it is a 'Project'. Proceed to Q2.

involving the extraction of mineral resources)	
	☐ 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.	
☒ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	Solar The 2020 High Court Judgement in Sweetman -v- An Bord Pleanála and others [2019 No. 33 J.R.] confirmed that the development of a solar farm is not a specified class of development in Part 1 or Part 2 of Schedule 5 of the Regulations.

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	The following classes and section are considered be potentially applicable to the proposed development: • Class 1. (a) Projects for the restructuring of rural land holdings • Class 10 of Part 2 of Schedule 5: Infrastructure Projects: (dd) All private roads which would exceed 2000m in length. Class 1 of Part 2 of Schedule 5 refers to: Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares <u>Comment</u> The 4km, 5ha and 50ha thresholds referred to above are the same the thresholds set out in Schedule 1, Part B of the 2011 EIA (Agriculture) Regulations referring to consent applications. In addition, Part A of Schedule 1 of the 2011 Regulations sets out the following thresholds for screening for EIA – 4km (length of field boundary to be removed), 5ha (re-contouring within farm-holding) and 50ha (area of lands to be restructured by the removal of field boundaries). I note that there is some inconsistency within the documentation on file in relation to the extent of hedgerow removal. Within the Planning and Environmental Considerations Report (PECR), it is stated that approximately a combined total (across the 2 no. sites) of approximately 145m of hedgerow will be removed (Section 2.2.1.4 refers). The EIA Screening Report also states that approximately 145m of hedgerow is to be removed. However, the First Party Appeal Statement submits that a total of 67m of hedgerow is to be removed (14m on the Laois Site and 53m on the Kildare site). It is also set out that 16m of treelines are to be removed. The removal of total of 84m of hedgerow and treeline across the 2 no. sites is therefore set out in the appeal statement (Tables 2.3 and 2.5 refer) although Section 2.1.3.2 of same again
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	refers to a figure of 145m. Notwithstanding, I am satisfied that for the purposes of EIA Screening, and applying a precautionary approach, the higher figure of 145m can be applied here. The loss of c145 linear meters of hedgerow (across the 2 no. sites) to accommodate access tracks and site access is significantly below the 4km threshold and does not relate to the enlargement of fields. The panels are to be laid on the existing surface and re-contouring is not proposed as a part of the development (as confirmed within Section 2.2.1.4 of the PECR). Although the project area extends to 60.36 ha, the development itself only involves the removal of a minor amount of boundary hedging and does not involve any notable restructuring. Therefore, the development does not involve any restructuring through the removal of field boundaries above 50 hectares. Therefore, while the proposed project is of a Class listed in Part 2, on the basis that it involves the removal of field boundary hedgerow it is considered sub-threshold for mandatory EIA for development. on the basis that it involves the removal of 145 m of field boundary hedgerow. Class 10 of Part 2 of Schedule 5: Infrastructure Projects: (dd) All private roads which would exceed 2000m in length. The proposed development includes the laying of access tracks to provide access for construction and maintenance purposes during the operational life of the solar farm. It is not considered that the private internal access tracks constitute a private road. In this regard, I note that the Commission has previously determined that these are tracks and not roads in respect of solar farm developments and do not fall under this Class.
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	Screening Determination required (Complete Form 3)

No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2 - Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	PL-500706-LS-26	
Development Summary	As described in Appendix 1 above.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	The PA carried out a preliminary examination and concluded that the proposed development is not of a type for which an environmental impact assessment report is required.
2. Has Schedule 7A information been submitted?	Yes	An EIA Screening Report prepared by Tobin with Schedule 7A information accompanied the application.
3. Has an AA screening report or NIS been submitted?	Yes	A NIS, prepared by Tobin has been submitted and includes a Stage 1 AA Screening and a Stage II Natura Impact Statement.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project	Yes	Other assessments included in the application are: Habitats Directive (92/43/EEC) and Birds Directive (79/409/EEC) – see Planning and Environmental Considerations report (and associated appendices); AA Screening Report and NIS.

been carried out pursuant to other relevant Directives – for example SEA		• Floods Directive (2007/60/EC) – See Planning and Environmental Considerations report (and associated appendix G Flood Risk Assessment); • Water Framework Directive (2000/60/EC) – See Planning and Environmental Considerations report (and associated appendices); AA Screening / NIS. Furthermore, the proposed development has been assessed and designed for: • Mitigation of impacts experienced during the construction phase (Planning and Environmental Considerations report including Appendix C Construction Environmental Management Plan). • Glint and Glare (Planning and Environmental Considerations report including Appendices L, M, N and O Glint and Glare Assessment) • Visual impact, land restoration, planting and biodiversity (Planning and Environmental Considerations report including Appendices AB, H, I, J, and K) • Noise impacts (Planning and Environmental Considerations report) • Impacts on Cultural Heritage (Planning and Environmental Considerations report including Appendices R, S and T).
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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?	Yes	The existing surrounding environment consists primarily of agricultural lands. The project site comprises of 17 no. fields in total, across the 2 no. sites, and the site boundaries are predominantly hedgerow, treelines and watercourses (including drainage ditches). The field networks are bound by mixed hedgerows and mature trees on all sides which provides a good	No

		framework of well-established and mostly dense vegetative screening around the site boundary. It is envisaged that the proposal will result in the loss of a maximum 145 linear meters⁷ of hedgerow (across the 2 no. sites) to accommodate access tracks and site access. The volume of hedgerow to be removed is considered not significant given the remaining linear features present in the surrounding environment. Furthermore, replacement hedgerow (947m) is to be planted resulting in a net linear gain of 802m of hedgerow. As such I do not consider that the proposed development would be considered to be significantly different in character or scale to existing and surrounding pattern of development.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal will result in the loss of a maximum 145 linear meters of hedgerow (across the 2 no. sites) to accommodate access tracks and site access. I note that a Biodiversity Management Plan has been prepared for the site (included within Appendix AB of the PECR). Within same it is stated that it is	No

⁷ See comment in relation to same in Appendix 1 above.

		replacement hedgerow planting is proposed, as described above.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The project will use standard construction methods, materials and equipment, and the process will be managed through the implementation of a CEMP (Construction and Environmental Management Plan). The loss of natural resources (hedgerow) is not regarded as 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?	Yes	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?	Yes	Hedgerow removal activities will require the use of potentially harmful materials, such as fuels and other similar substances for necessary machinery and may give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during these activities are	No

		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?	Yes	The project involves removal of hedgerow at a number of locations within the site. To facilitate same, standard construction methods, materials and equipment are to be used, and the process would be managed through the implementation of the CEMP. During the construction silt fencing will be used along the drainage ditches to ensure ensure sediment is not released off-site via surface water run-off. Surface water protective measures will form part of the CEMP. Accordingly, as risks of contamination to ground or water bodies are mitigated and managed, I do not consider this aspect of the project would be likely to result in a significant effect on the environment.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for hedgerow removal activity to give rise to noise and vibration emissions. The works would be short term in duration, and impacts arising would be temporary, localised, and be managed	No

		through implementation of the CEMP, which would comply with the recognised best practice standards typically adopted for such projects in Ireland.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	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. During construction any material or substance which could cause pollution, including fuels or silty water will be prevented from entering groundwater, surface water drains or watercourses by the measures set out in the CEMP. 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 nature and scale of the development.	No
1.10 Will the project affect the social environment (population, employment)	No	I do not consider the removal of hedgerow will likely result in a significant effect on the social environment of the area.	No

1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	A number of other solar farm developments have been permitted within in the wider area in recent years (as set out in Section 4 'Planning History'). The greatest potential for cumulative effects would be landscape effects but, I am satisfied that sufficient separation exists between the different solar farm clusters in the area, as well as intervening topography and vegetation, to means that significant cumulative impacts would not occur.	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	Yes	The project is not located on or in any designated or proposed NHA, or any other listed area of ecological interest or protection. With regard to European Sites, the project site (the Kildare Site) is located adjacent to River Barrow and River Nore SAC (Site code 002162). I have considered potential impacts on European Sites in Appendix 4 and I have concluded therein that consider that adverse effects on site integrity of River Barrow and River Nore SAC (002162) can be excluded in view of the conservation objectives of this sites and that no reasonable scientific doubt	No

		remains as to the absence of such effects. In conclusion, I do not consider the project will likely result in a significant effect on the environment in terms of ecological designations or biodiversity.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	The PECR Report states that a total of six badger setts were recorded along treelines and hedgerows within the proposed project site. Sett 1 was recorded within the Laois Site and Setts 2-6 were recorded within the Kildare Site. Treelines and hedgerows within the site boundary are also likely to be used by commuting and foraging bats. The removal of hedgerow could impact on same. In addition, the removal of hedgerow has the potential to impact bird species. Mitigation measures are set out with the PECR report to ensure no significant impacts on badgers, bats, birds or any other species. Mitigation measures are also out in the Biodiversity Enhancement Plan that would include planting of new hedgerow. and enhancement of existing hedgerows, have been included to create additional habitat for fauna on completion of the development.	No

		With mitigation, and enhancement, as set out in the PECR, and as set out in the Biodiversity Enhancement Plan, as well as the restrictions on the time of year in which hedgerow removal can occur, I am satisfied that no significant effects on any species are likely to arise.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	The second refusal reason issued by the planning authority referred primarily to impacts on Kilmullen House (A Protected Structure). The hedgerow removal works are unlikely to have any significant impact on same. In relation to archaeology, I am satisfied that while hedgerow removal may involve root removal, and therefore may involve groundworks, I am satisfied that same will have no significant impact on archaeology, noting the mitigation measures as set out in Section 10.7 of the PECR which includes Archaeological monitoring of ground works. As such, I do not consider the hedgerow removal will likely result in a significant negative effect on the environment in terms of archaeology and cultural heritage.	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	The nature of the works proposed are such that there would be no foreseeable impact on any areas of high quality or scarce resources. There are no significant or important such resources in proximity to the site which could be negatively affected by the project.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The River Barrow flows southeast approximately 120m distance from the border of the project site (the Kildare Site). In addition, there are drainage ditches within both the Laois site and the Kildare site. As highlighted within the Flood Risk Assessment, some areas of the Kildare site have been identified as being potentially liable to flooding. However, the removal of hedgerow is not expected to give rise to increased surface water runoff (volumes or rates). As such, no significant impact on water courses, nor any significantly increased flood risk, will result from same.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
2.7 Are there any key transport routes(e.g. National primary Roads) on or around the location which are susceptible	No	It is not considered that the project will result in congestion.	No

to congestion or which cause environmental problems, which could be affected by the project?			
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	No such uses in the immediate area which could be affected by the project.	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?	Yes	The proposed development is a solar farm development which of itself is not a class for the purposes of the EIA Directive, but which is considered in the context of any resulting potential cumulative effects, including visual/landscape, water and biodiversity which are addressed separately in the Planning Assessment within this report. Significant environmental effects from a cumulation of the proposed hedgerow removal with other existing development is unlikely based on a review of the relevant technical reports, the project design decisions and the proposed mitigation measures which effectively reduces the potential for cumulative effects. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative	No

		environmental effects with the subject project. It is also noted that there are no other developments under construction in proximity to the site. 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.			
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary effects arise.	No		
3.3 Are there any other relevant considerations?	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: - b) The nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, includes a limited extent of hedgerow removal (a maximum of approximately					

145m over the two sites – the Laois Site and the Kildare Site), thereby coming within Class 1 (a) of Part 2 of Schedule 5 of the regulations and below the threshold set out in the class,

- c) the nature of the existing site and the pattern of existing and permitted development in the surrounding area;
- d) The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended;
- e) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- f) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;
- g) The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement and the Planning and Environmental Considerations Report (and Associated Appendices),

the Commission considers that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3 - Stage 1 AA Screening

Appendix 3 - Screening For Appropriate Assessment -Test for Likely significant effects

Introduction

This section of the report considers the likely significant effects of the proposal on Natura 2000 European sites with each of the potential significant effects assessed in respect of each of the European sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening and Natura Impact Statement submitted with the application.

It should be noted that the submitted Appropriate Assessment Screening and Natura Impact Statement assesses the project as a whole (which is described in detail in Section 4.2 of the AA Screening Report/NIS, comprising the development of a solar farm and associated works which sits across two nearby sites, with the townlands of Coolnafearagh, County Kildare (the Kildare Site) and Kilmullen, County Laois (the Laois Site) which will be connected via underground 20kV cabling, as well as the grid connection from the Bracklone Solar Farm 20kv Substation, in Kilmullen, Co. Laois, to the Bracklone Solar Farm 20 kV substation, which will be approximately 2.8km in length, The site location of the proposed project and the grid connection route are set out in Figure 4-1 of the AA Screening Report/NIS).

Step 1: Description of the project and local site characteristics

Brief description of project

10 year planning permission for Solar PV energy Solar Farm. A co-located Battery Energy Storage System (BESS) park. Natura Impact Statement submitted with this planning application. The development is covered by the provisions of the (RED III) Renewable Energy Directive III (Directive (EU) 2023/2413).

As described in Section 4.2 of the NIS, the proposed project as a whole will consist of the construction of the following:

Linear arrays of solar PV panels on ground mounted steel supported structures with associated cabling and ducting (including onsite control and switch gear rooms and underground cable grid connection to the Bracklone 110kV substation);

- 6 no. proposed single storey inverter stations;
- A co-located Battery Energy Storage System (BESS) park (including 16 no. containers with cells and 4 no. containers with PCS and inverters) with associated security fencing
- and gates;
- Site Perimeter fencing;
- 3 no. new site entrances with palisade double security gates;

	• 3 no. temporary construction compound/carpark/material storage areas with associated temporary site offices, parking areas and security fencing; • 4 no. temporary and 2 no. permanent steel storage containers; • Site access tracks including passing and turning bays; • On-site pole mounted CCTV cameras; • 2 no. bottomless culverts; • no. temporary construction stage Moby Dick type wheel wash systems; • 2 no. Concrete wash out locations (one within each temporary construction compound excluding the easternmost one); and • All associated and ancillary works. One site entrance adjoining the R420 road and two site entrances off the L7051 are proposed. A temporary sealed below ground wastewater storage tank will be constructed on site to hold wastewater generated by toilets in the temporary staff building during the construction phase. I refer the Commission to Section 2.0 of the Inspector's report for a detailed description of the proposed project, as relates to the Laois Site (the appeal site) only.
Brief description of development site characteristics and potential impact mechanisms	The proposed project will involve site preparation and access arrangement at the relevant sites to facilitate site clearance and earthworks. The removal and disturbance of earth, drainage ditches and hedgerows within the site will be required to accommodate roadworks, access tracks, instalment of culverts and to facilitate the works. Temporary construction compound/material storage areas will be located within the site boundary, two within the Kildare Site and one within the Laois Site. Clearance of hedgerows, topsoil and vegetation will be required with replacement planting proposed. Other elements of the project include underground cable trenches, with Horizontal Directional Drilling proposed at three bridge locations along the proposed grid connection route.

	It is expected that the entire construction phase will last approximately 12 months. For the solar arrays, galvanised steel framing piles will be driven into the ground to support the solar panel arrays. In order to install the Inverter Stations, battery enclosures and associated equipment containers, the topsoil will be excavated and levelled for a reinforced concrete base. Internal access tracks will be approximately 3.5m wide. The Battery Energy Storage System (BESS) will be located on the Laois Site. Deer mesh fencing is proposed which will have a clearance of a minimum of 150mm above ground level. Additional planting within the existing perimeter and internal hedgerows is proposed, within new native hedgerow planted. It is proposed that the site is decommissioned once the operational lifespan has been reached (40 years), with the site returned to its former state, and all elements of the development will be completely removed. Surface Water The project is located with the Barrow Catchment (14) and the Barrow_SC_050 sub catchment. The proposed grid connection route is located across the Barrow_SC_050 and the Barrow_SC_020 sub catchments. The nearest surface water body to the proposed project is the Barrow_090, which is located 37m of the proposed site boundary (from the Kildare Site). The Barrow_090 is located within the River Barrow and River Nore SAC (site code 002162). The Kildare site is hydrologically connected to the River Barrow and River Nore SAC. There is no hydrological connectivity between the Laois Site and the River Barrow and River Nore SAC. It is also set out that Horizontal Directional Drilling (HDD) associated with the collector cable works can lead to a risk of surface water impacts when carried out at bridge locations. It is set out there are 3 no. bridge locations along the proposed grid connection route. These are located at Bergins Bridge (at Loughmansland Glebe), a bridge in the townland of Clonanny and another in the townland of
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Ullard. The proposed grid connection route (GCR) is located across the Barrow_SC_050 and Barrow_SC_020 subcatchments.

The most recent Q-value assessment available for the Barrow_090 shows the watercourse achieved a Q3-4 “moderate” status within the 2022-2025 period, which indicates it is not meeting the requirements of the Water Framework Directive. The EPAs’ published WFD status classification of the Barrow_090 RWB for the period 2016-2021, reported this surface waterbody was of ‘Poor’ status. It is considered ‘At Risk’ of not achieving a ‘Good’ status in 2027 (EPA, 2025).

Groundwater

The proposed project site is located within the Cushina groundwater body (GWB). The Screening Report sets out the Laois Site has a ‘Moderate’ Vulnerability and the Kildare Site has a ‘High’ Vulnerability. It is set out that given the project require excavations for the laying of cable and for HDD to a max depth of 3m, there is potential that the proposed projects and groundwater fed habitats are linked via hydrogeological connectivity. Data from the EPA indicated that the GWB is at ‘Good Status’ overall and is considered ‘Not at Risk’ of failing to achieve ‘Good’ status in 2027. The GWB is located within sections of the River Barrow and River Nore SAC which contain QI that are Groundwater Dependant Terrestrial Ecosystems.

Habitats and Flora

In terms of habitats and flora within the site, it is set out that no Annex I habitat was identified within the proposed project during the habitat surveys. The project sites predominantly contain improved agricultural grassland (GA1), Mixed Broadleaved Woodland (WD1) and tilled lands (WL2), as well as hedgerows (WL1), treelines (WL2) and drainage ditches (FW4). The drainage ditches located within the Kildare Site are hydrologically connected to the Barrow_090 located within the River Barrow and River Nore SAC. The drainage ditches located within the other three land parcels are not hydrologically connected to the Barrow_090.

In relation to fauna, there is no evidence of otter activity recorded within the proposed project site. However, the River Barrow is located 60m northeast of the Kildare site, at its closest point, and the riverbank of same is considered suitable for Otter to forage, rest, breed and commute.

Therefore, there is the potential for disturbance to same as a result of construction works.

No other no hydrological or ecological connections were identified with any other Natura 2000 site.

Other Potential Impact Mechanisms

Impacts on Bird Habitats/Impacts on migratory paths

It is set out within the AA Screening Report that numerous bird species were recorded visually and aurally. However, no bird species protected within the Birds Directive were recorded within the study area.

I would note also that the nearest SPA is the Slieve Bloom Mountains SPA (site code 004160), which is c19km from the site, and is designated for the Hen Harrier. There is no evidence the site is suitable for Hen Harrier. The site synopsis⁸ for this SPA states that Hen Harriers will forage up to c5km from the nest site. I note that the project site falls outside of this range.

As such I am satisfied that any impacts on bird species associated with this SPA, and any other SPA, can be ruled out in this instance.

Spread of Invasive Species

No invasive species were recorded within the site and as such I am satisfied that any impacts on any Natura 2000 site associated with the spread of invasive species can be ruled out at this stage.

Waste Water Impacts

A temporary sealed below ground wastewater storage tank will be constructed within the Laois Site to hold wastewater generated by toilets in the temporary staff building during the construction phase. This will be emptied and its content

⁸ <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004160.pdf>

	transported offsite by a licensed waste haulier for treatment at a licensed facility. Given the nature and scale of same, I am satisfied that it is unlikely that there would be likely significant impact on the River Barrow and River Nore SAC or on any other European Site, as a result of waste water generated by this development. <u>Other European Sites</u> The AA Screening report 'screens-in' the River Barrow and River Nore SAC only. In relation to other European Sites, no likely significant impact on same is envisaged. Having regard to the considerations above, I concur that the River Barrow and River Nore SAC is the only Natura site where potential significant effects could occur and I am satisfied that other Natura 2000 sites can be 'Screened-Out' from further assessment.
Screening report	Yes - (As contained in Appendix 1 of NIS prepared by Tobin)
Natura Impact Statement	Yes - (Tobin)
Relevant submissions	<u>Planning Authority</u> While the PA have not made a submission on the appeal, the PA's First Reason for Refusal relates to Appropriate Assessment issues, in particular impacts on the River Barrow and River Nore SAC (I refer to the Commission to Section 3 of this report for the exact wording of same). In summary, the reason for refusal relates to the following issues: • No quantification of the extent of habitat loss or alteration. • No analysis of cumulative impacts on features relevant to bat species or on habitats associated with Natura 2000 sites. • Absence of detailed cumulative habitat loss data • Absence of species-specific mitigation measures. • Material Contravention of Policy DM BNH 2 (as relates to Appropriate Assessment).

	<u>Inland Fisheries Ireland (IFI)</u> At application stage, IFI have made a submission that recommendation conditions as relates to the protection of water quality. <u>First Party Appeal Statement</u> Has responded to the PA's Reason for Refusal and I have summarised same in Section 9.1 of this report and, in the interests of avoiding repetition I refer the Commission to same. <u>Observations</u> An observation on the appeal raises concerns in relation to Appropriate Assessment and has stated that the appellant does not supply any new surveys, modelling or data in the appeal, and that habitat loss quantification is incomplete. It is also stated that the cumulative assessment is weak or absent, particularly with regard to bats, birds and habitat fragmentation.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The applicants AA Screening Report concluded that the only Natura Site lying within the Zone of Influence was the River Barrow and River Nore SAC, due to identified surface water and groundwater pathways, details of which are listed below.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed project (km)	Ecological connections	Consider further in screening Y/N
River Barrow and River Nore SAC (002162)	• Desmoulin's Whorl Snail • Freshwater Pearl Mussel • White-clawed Crayfish • Twait Shad	c0km (the Kildare Site lies directly adjacent to River Barrow and River Nore SAC).	Hydrological connection via drainage ditches (from Kildare Site only) Potential downstream connections from collector cable works (HDD at 3 no. bridge locations)	Yes. See discussion below.

	• Sea River Lamprey • Brook River Lamprey • River Lamprey • Salmon • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Reefs • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows • Otter • Mediterranean salt meadows • Killarney Fern • Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation • European dry heaths • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels			
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	• Petrifying springs with tufa formation • Old sessile oak woods with Ilex and Blechnum in the British Isles • Alluvial forests with Alnus glutinosa and Fraxinus excelsior https://www.npws.ie/protected-sites/sac/002162			
As above	As above.	As above.	Habitat Loss/Alteration/Disturbance	Yes. Indirect effects due to physical proximity.
As above.	As above.	As above.	Hydrogeological connection via Cushina GWB.	No. See discussion below.

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

The proposed project (the Kildare Site) lies directly adjacent to River Barrow and River Nore SAC, with the Barrow_090 River located within the SAC. As set out in the AA Screening Report there is potential for direct and indirect impacts.

Hydrological

Noting the link between the project site and the SAC, via drainage ditches on the Kildare Site, and via the HDD process associated with the collector cable works, there is potential for significant effects on the SAC via surface water runoff and drainage ditches. The SAC is designated for aquatic Qis which are sensitive to changes in water quality. This is due to the potential release of pollutants, particularly sediments from ground disturbance activities, dust and potential spills of hydrocarbons and chemicals.

Hydrogeological

As set out in the AA Screening Report, both the project site and the SAC, lie above the Cushina GWB. The SAC is designated for 4 no. GWDTE's - Hydrophilous Tall Herb Communities, Alluvial Forests*, Petrifying Springs* and Desmoulin's Whorl Snail which are sensitive to changes in the groundwater regime. However, it is stated within the AA Screening Report that the extraction of earth for the cable connection along the cable route, and the HDD proposed, are not expected to impact the GWB due to the depth of extraction (1.6m for a cable trench and 3m for HDD) and there is no abstraction of, or discharge to, groundwater. As such there is no potential for the project to result in groundwater impacts.

Ecological

There is potential to cause disturbance to otter feeding, resting, commuting or breeding along the Barrow_090 during the construction stage. As such there is an ecological pathway for effect via disturbance.

Habitat Loss/Habitat Alteration/Habitat Disturbance

The proposed project will not result in direct habitat loss within the SAC as the boundary of the site does not lie within same. However, the AA Screening Report states that there is potential for indirect impacts on habitats by way of dust generation at construction stage, with indirect on fauna that depend on same. As set out in the AA Screening Report, dust deposits on vegetation can stunt growth

AA Screening matrix

Table 1

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Barrow and River Nore SAC (002162) (See QI's listed in step 2)	<u>Water Quality</u> At construction phases potential for surface waters containing sediments, pollutants and/or cementitious materials to enter the SAC during the excavation and construction works. At operational phase due potential spills of hydrocarbons and chemicals associated the maintenance of the solar farm, and due to potential flooding of the site (the Kildare Site).	Potential damage to habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals. Undermine conservation objectives related to water quality. Impacts on qualifying habitats and species Disturbance of otter Indirect impacts on habitats and species due to dust deposition on vegetation

	Impact on water quality could potentially impact qualifying species and habitats. <u>Indirect Impacts on Habitats</u> Potential for indirect impacts on habitats by way of dust generation at construction stage, with indirect on fauna that depend on same. As set out in the AA Screening Report, dust deposits on vegetation can stunt growth. <u>Disturbance (Otter)</u> Increase noise levels at construction, operational and decommissioning stages could result in a disturbance of otter.	
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Possibility of significant effects cannot be ruled out without further analysis and assessment	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the AA screening report, site visit, a review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures it is not possible to exclude the possibility that the proposed development alone would result in significant effects on the River Barrow and River Nore SAC (002162) from effects associated with the proposed solar farm project as a whole including direct potential and indirect damage to QI habitats and QI species by way of disturbance (as relates to otter), by of pollution and deterioration of water quality, and by way of indirect impacts on habitats and species within the SAC (by way of dust deposition). An Appropriate Assessment is required on the basis of the possible effects of the project ‘alone’. Further assessment in-combination with other plans and projects is not required at screening stage.		

Screening Determination

Significant effects cannot be excluded

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

This determination is based on:

- The nature and scale of the proposed development/works.
- The proximity of the project site (Kildare Site) to the River Barrow and River Nore SAC (002162).
- The hydrological/ecological connections and the ecological connections to River Barrow and River Nore SAC (002162) and the potential for significant effects on QI habitats and QI species, by way of disturbance (as relates to otter), and by way of pollution and deterioration of water quality, and by way of indirect effects on habitats within the SAC (by way of dust deposition).

Appendix 4 - Standard AA Template and 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 following proposed development:

Linear arrays of solar PV panels on ground mounted steel supported structures with associated cabling and ducting (including onsite control and switch gear rooms and underground cable grid connection to the Bracklone 110kV substation);

- 6 no. proposed single storey inverter stations;
- A co-located Battery Energy Storage System (BESS) park (including 16 no. containers with cells and 4 no. containers with PCS and inverters) with associated security fencing and gates;
- Site Perimeter fencing;
- 3 no. new site entrances with palisade double security gates;
- 3 no. temporary construction compound/carpark/material storage areas with associated temporary site offices, parking areas and security fencing;
- 4 no. temporary and 2 no. permanent steel storage containers;
- Site access tracks including passing and turning bays;
- On-site pole mounted CCTV cameras;
- 2 no. bottomless culverts;
- no. temporary construction stage Moby Dick type wheel wash systems;
- 2 no. Concrete wash out locations (one within each temporary construction compound excluding the easternmost one); and
- All associated and ancillary works.

One site entrance adjoining the R420 road and two site entrances off the L7051 are proposed.

A temporary sealed below ground wastewater storage tank will be constructed on site to hold wastewater generated by toilets in the temporary staff building during the construction phase.

The information relied upon includes the following:

- Natura Impact Statement prepared by Tobin
- Planning and Environmental Considerations Report including Appendices

It should be noted that the reports cited above assess the project as a whole.

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

Submissions/observations

As per Appendix 3: AA Screening Report

River Barrow and River Nore SAC (002162)

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

- (i) Water quality degradation (and subsequent effects on QI habitats and species)**
- (ii) Disturbance of mobile species (otter)**
- (iii) Indirect impacts on habitats and species (by way of dust deposition)**

Surface Water quality degradation (and subsequent effects on QI habitats and species)

Construction

Section 6.1.3.1 of the NIS describes potential effects as relates to water quality. It is set out that there is a number of drainage ditches present on the project site, and it is note that the River Barrow is located approximately 37m from the boundary of the Kildare Site. It is set out that site clearance, excavation activities, installation of bottomless culverts, fencing and the stockpiling of material all have the potential for water quality impacts, and to result in the runoff of sediments and nutrients depositing within the River Barrow. Potential flooding of the construction site also has the potential to result in increased volumes of suspended within the River Barrow.

Sediment input has the potential to result in negative effects on habitat conditions, aquatic plants and fauna, and can have severe negative impacts on invertebrates and fish species. Increased silt loading can stunt aquatic plant growth.

Accidental spills and leak of chemicals, hydrocarbons and concrete also have the potential to contaminate nearby surface waters, with a subsequent risk to the aquatic environment. Concrete and other cement-based products are alkaline and can be corrosive, and generate a fine, highly alkaline silt that can physically damage fish. Flooding can also introduce same chemicals, hydrocarbons and concrete to surrounding surface waters. Furthermore, HDD associated with the collector cable works, results in a risk of structural fracturing or collapse

of rivers/streams, and has the potential for leaks of drilling lubricant, which can lead to water quality impacts and habitat degradation downstream.

Operation

It is set out that no chemicals are utilised to wash the solar panels, and water from a mobile tanker, or from the public supply will be used which will percolate to ground immediately after washing. There is potential for pollutants from maintenance vehicles and machinery to enter surface water, with subsequent impacts on water quality.

It is set out that the only the Kildare site is hydrologically connected to a watercourse, the River Barrow. This flows in a southeasterly direction before discharging into the Upper Barrow Estuary, located approximately 90km downstream. It is set out in the NIS, that considering the transitional nature of the estuary coupled with the total volume of water, no water quality impacts from the proposed project are anticipated beyond the Upper Barrow Estuary.

Habitat Degradation due to Air Quality Impacts

At construction stage, dust from construction works and traffic could result in dust deposition, with impacts on plant communities. The NIS suggests that dust could be deposited between 25-50m from the works area.

Noise and Disturbance

At construction stage, as noted within the NIS, there is potential for noise and disturbance impacts that may result in disturbance to mobile species within the European Site, which in this case is limited to otter. It is set out, with reference to TII guidelines, that disturbance to breeding otter sites would not extend beyond 150m.

River Barrow and River Nore SAC

A detailed description of the River Barrow and River Nore SAC is set out in Section 7.1.1 of the NIS. In summary it is detailed that the SAC lies within eight counties, and comprises almost the entire freshwater element of the Barrow River and Nore River, and their tributaries, stretching as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. It is designated for eleven Annex I habitats and eleven Annex II species (as detailed in above).

It is set out that site-specific conservation objectives have been set by the NPWS for the QI's for which the River Barrow and River Nore SAC is designated. The NIS contains and assessment of whether the potential impacts identified above could adversely affect the integrity of the River Barrow and River Nore SAC was undertaken in relation to the attributes,

measures, and targets that would be expected to define the favourable conservation condition of the QIs of the SAC. I have set out a summary of same in Table 2 below with reference to the NIS and the NPWS website.

Table 2

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary) ⁹	Potential adverse effects	Mitigation measures (summary) NIS Sections as referred to below
River Barrow and River Nore SAC			
Estuaries (1130)	Maintain favourable Conservation Condition. Target is the permanent habitat area is stable or increasing, subject to natural processes	Significant impacts unlikely noting location of habitat which is 72 km downstream (hydrological Distance 85km) from the site	n/a
Mudflats and sandflats not covered by seawater at low tide (1140)	Maintain favourable Conservation Condition. Target is the permanent habitat area is stable or increasing.	Significant impacts unlikely noting location of habitat which is located 85km south (hydrological distance c105 km) downstream from the site.	n/a
Salicornia and other annuals colonizing mud and sand [1310]	To maintain the favourable conservation condition Target is area stable or increasing, subject to natural processes	Significant impacts unlikely noting location of habitat which is located 93km (hydrological distance 115 km) downstream from the site	n/a

⁹ See https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf for the full text of same.

Atlantic salt meadows [1330]	To restore the favourable conservation condition Target is area stable or increasing, subject to natural processes, including erosion and succession.	Significant impacts unlikely noting location of habitat which is located 90km (hydrological distance 112 km) downstream from the site	n/a
Mediterranean salt meadows [1410]	To restore the favourable conservation condition Target is area stable or increasing, subject to natural processes, including erosion and succession.	Significant impacts unlikely noting location of habitat which is located 91km south (and 113 km downstream) from the site	n/a
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation	Maintain favourable Conservation Condition Target is no decline, subject to natural processes.	No potential for adverse effects – no source-pathway-receptor chain has been identified as this habitat is located within a different sub-catchment (Nore Sub-catchment) with no hydrological or ecological link present.	n/a
European dry heaths [4030]	To maintain the favourable conservation condition	No. Habitat indicated as occurring on the steep, free-draining,	n/a

	Target is no decline in habitat distribution from current habitat distribution	river valley sides especially the Barrow and tributaries in the foothills of the Blackstairs Mountains which is 60km south of the proposed project site Given said distance, and its terrestrial nature, there is no potential for impacts.	
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	To maintain the favourable conservation condition Target is no decline in habitat distribution	No. The nearest recording of this habitat is located ca. 15km south of the proposed project and is located within a different sub-catchment (Barrow_SC_060 sub-catchment.	n/a
Petrifying springs with tufa formation (Cratoneurion) [7220]	To maintain the favourable conservation condition Target is habitat area stable of increasing, subject to natural processes.	Known to occur in the Dysart Wood along the Nore River and within a different sub-catchment (Nore sub catchment) from the proposed project.	n/a
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in	Restore favourable conservation condition.	No. This habitat type is located 97km south of the	n/a

the British Isles (91A0)	No decline in habitat distribution.	proposed project, around the southern shores of the River Barrow. Considering the separation distance of the Annex I habitat and its terrestrial nature, there is no potential for impacts.	
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (91E0)	Restore favourable conservation condition. No decline in habitat distribution.	No. The nearest record of this habitat type is 15km south of the proposed project. The downstream location is within a different subcatchment and GWB. There is no potential for adverse effects (direct or indirect).	n/a
Killarney Fern [1421]	Maintain favourable Conservation Condition Target is no decline in distribution.	This species type is located 81km south of the proposed project around the southern shores of the River Barrow. Considering the separation distance of the Annex I species and its terrestrial nature, there is no potential for impacts (direct or indirect) from the proposed project	n/a

Reefs [1170]	Maintain favourable Conservation Condition Target is the permanent area of habitat is stable or increasing, subject to natural processes	This habitat type is located 104km south of the proposed project. Habitat is associated with the coastal/estuarine environment. Considering the separation distance of the Annex I habitat and its coastal nature, there is no potential for impacts.	n/a
Desmoulin's Whorl Snail [1016]	Maintain favourable Conservation Condition Target is no decline in the distribution of occupied sites.	Data illustrates that Desmoulin's whorl snail is located 61km south of the proposed project near the River Barrow. The species known distribution sites are not located within the Barrow_090 RWB. There is no source-pathway receptor from the proposed project site to this species location within the SAC. There is no potential for adverse effects.	n/a
Freshwater Pearl Mussel [1029]	To restore the Favourable conservation condition	Yes. source-pathway-receptor has been identified between via	As set out below.

	Target relates factors such as distribution and population size at 3 no. sites as well as factors such as habitat extent and condition.	drainage ditches into the Barrow_090 RWB which flows into the Upper Barrow Estuary. The proposed project has the potential to result in the degradation of water quality within watercourses located downstream with a potential adverse effect on the Ballymurphy, Mountain and Nore freshwater pearl mussel populations, downstream from the project site.	
White-clawed Crayfish [1092]	To maintain the favourable conservation condition Targets includes no reduction in distribution from baseline.	Yes. Records indicate species present within the Barrow_090 watercourse at the Pass Bridge, 1km downstream of the proposed project. There are also records of the species further downstream at Monasterevin Bridge. White-Clawed Crayfish are vulnerable to pollution and sedimentation.	As set out below.

		The proposed project has the potential to result in the degradation of water quality and aquatic habitat. Potential for negative impacts having regard to the conservation objections for this species.	
Sea Lamprey [1095]	To restore the favourable conservation condition Targets include no decline in extent and distribution of spawning habitat.	Yes. There is no record of this species present within the Barrow_090 RWB. However, there are records of this species downstream at St. Mullins. The degradation of water quality on the main Barrow channel downstream of the proposed project, can reduce the availability of suitable habitat. A reduction in fine sediment and spawning habitat would constitute an adverse effect on the integrity of the site.	As set out below.

Brook Lamprey [1096]	To restore the favourable conservation condition Targets include no decline in extent and distribution of spawning beds.	Yes. There is potential for this species to be present within the Barron_090 and downstream within the SAC. The proposed project has the potential to result in the degradation of water quality in the Barrow_090 within the SAC. Critical freshwater habitat requirements of lamprey relate to the availability of clean spawning gravels and nursery silt. The degradation of water quality can reduce the availability of spawning habitat.	As set out below.
River lamprey [1099]	To restore the conservation condition. Targets include no decline in extent and distribution of spawning beds.	Yes. There is present for this species to be present downstream within the SAC, and a degradation in water quality could lead to a reduction in availability of clean	As set out below.

		spawning gravels and nursery silts.	
Twaite Shad <i>Alosa fallax</i>	Restore favourable conservation condition. Target include greater than 75% of main stem length of rivers accessible from estuary	Yes. There is present for this species to be present downstream within the SAC, and a degradation in water quality could lead to a reduction in availability of suitable feeding and spawning habitat.	As set out below.
Atlantic Salmon <i>Salmo salar</i> (only in fresh water) (1106)	Restore favourable conservation condition. Targets include no decline in number and distribution of spawning redds due to anthropogenic causes	Yes. Salmon may occur downstream of the proposed project site. A reduction in water quality has the potential to negatively impact suitable spawning habitats.	As set out below.
<u>Otter [1355]</u>	Restore favourable conservation condition. Target includes no significant decline in distribution of extent of terrestrial, marine and freshwater habitat or couching sites, holts and fish biomass.	Yes. Otter may occur within the Barrow_090 RWB downstream of proposed project site, and within water bodies within the hydrological pathway from the proposed project. Degradation in water quality can	As set out below.

		impact fish and other aquatic species, result in a decline in available feeding resources for otter, negatively impacting the local population of otter within the SAC. There is potential that the proposed construction works may result in the disturbance of otter when foraging or commuting nearby. The proposed works will be temporary in nature and are unlikely to displace otter in the medium or long-term. Temporary construction lighting may be required outside of daylight hours during the construction works. Direct lighting on a holt or along river corridor may disturb otter within the area. There is therefore potential for impact on this species, and	
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		adverse effects on the integrity of the site.	

The above table is based on the documentation and information provided on the file, as well as information provided on the NPWS Website. The NIS has set out in detail the relevant attributes and targets of the Qualifying Interests and I am satisfied that there is sufficient detail provided in order to carry out an Appropriate Assessment of the proposed development.

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

I note that Laois County Council's first reason for refusal refers to matters relating to Appropriate Assessment. I have address each of the relevant concerns raised within this reason for refusal in the assessment below.

With respect to each of the matters addressed below I note that the Department of Housing, Local Government and Heritage has not raised any concerns in respect of issues that could give rise to adverse effects on the European site in view of its conservation objectives.

(i) Water quality degradation

There is potential for overland flow of construction stage silt/pollutants from the drainage ditches within the project site (the Kildare Site) to enter into the River Barrow and River Nore SAC , and from the HDD process associated with the collector cable works, and result in indirect habitat loss or deterioration as well as a potential reduction in density of a number of qualifying aquatic species, as set out in the table above. Flooding of the construction site has potential to result in the release of increased volumes of suspended solids to the to the nearby drainage ditches and Barrow_090.

This above mechanism has the potential to undermine the respective SSCO attribute and target in relation to the relevant QI aquatic species cited above, and QI habitats which may be impacted by a decline in water quality.

This mechanism could have also result in an indirect effect on Otter populations resulting from impacts on fish biomass available and/or distribution. This has the potential to undermine the respective SSCO attribute and target in relation to the decline of coaching sites and holts, fish biomass available and/or distribution.

(ii) Disturbance (Otter)

For the reasons previously cited, the proposed project could result in disturbance to otter. As such the proposed development, the potential to undermine the respective SSCO attribute and targets in relation to distribution and terrestrial and freshwater habitat or couching sites, holts and fish biomass.

(iii) Air Quality Impacts (Dust)

At construction stage, dust from construction works and traffic could result in dust deposition, with impacts on plant communities. The NIS suggests that dust could be deposited between 25-50m from the works area.

Mitigation measures and conditions

Section 8 of the NIS sets out Mitigation Measures.

Construction Stage

At construction stage the following measures are proposed:

General

- Adherence to the Construction Environmental Management Plan (CEMP)
- Appointment of an Ecological Clerk of Works.

Sediment Control Measures

- Sediment control measures including, but not limited to, adherence to relevant IFI Guidance, use of silt fences, appropriate management of excavated material.
- Use of silt fencing.
- Excavation activities will not be carried out during or following heavy rainfall (i.e. if there is a yellow weather warning in place or 5mm in a 1-hour period) or at high water levels.
- Works will be suspended during heavy rainfall or when there is a risk of pollutants entering the adjacent watercourses.

Pollution Control Measures

- Pollution control measures including, but not limited to, appropriate handling of hydrocarbons, appropriate storage for fuel and oils and appropriate management of cementitious materials.
- Bunding of stockpiles.

Horizontal Directional Drilling

- Measures relating to Horizontal Direction Drilling including but not limited, measures to prevent loss of bentonite and appropriate disposal of drilling fluids.

Dust and Air Pollution

- Dust and Air pollution measures including appropriate stockpiling of materials.
- Management of Material including soil material waste.

Operational Stage

At operational stage, the following measures are proposed:

- Regular maintenance of machinery
- Appropriate refuelling procedures
- Use of spill kits
- Spill containment procedures
- No gap at the base of fences to prevent mammals entering the site and interacting with development components – I note that Section 4.3.10 clarifies that this is in relation to the BESS element only.

At decommissioning stage, the measures are as for the construction phase.

Water Quality/Dust and Air Pollution

Save for the mitigation feature that relates to boundary fencing (see discussion below), I am satisfied that the proposed mitigation measures as detailed in Section 8 of the NIS and as summarised above, are adequate to ensure that water quality is not degraded as a result of the proposed development. I am also satisfied that the measures proposed will ensure that there will be no impacts as a result of dust deposition, noting the specific dust and air pollution measures proposed.

Mammal Gates

I would note that there is some inconsistency in the application documentation, in that in the in Section 4.3.10 of the NIS, it is set out that deer mesh fencing will be installed on the boundaries with a minimum height of 150mm above ground level, to allow for mammal movement, including badger. However, Section 8.2 of the NIS states that no such gaps will be provided, to prevent interaction with the solar farm components. However, I am satisfied that elsewhere in the application documentation, including Section 4.3.10, and Section 6.1.4.1 of the NIS clarifies that no gap will be provided around the BESS element only, and

this is satisfactory and I would note that such mammal gates would not be provided around elements such as the BESS due to said risk of unwanted interaction with the BESS components. I am satisfied therefore that said mammal gates will be provided, and a condition can be imposed to ensure that this is the case.

Disturbance of Otter

In relation to potential disturbance of otter, I note that the NIS does not explicitly set out measures that serve to reduce potential impacts of disturbance to otter, in relation to noise and lighting for instance. Notwithstanding, I am satisfied that the potential for impacts is limited to construction stage, and to a lesser extent decommissioning stage, as a result of activities on the project site including from noise and lighting.

Noting same, I also note that otters are primarily nocturnal and are therefore much more likely to be active during times when construction and decommissioning activity levels at the site are low. While measures relating to noise are not set out in the NIS, I note that measures are set out in relation to Noise and Vibration in Section 3.5 of the Construction and Environmental Management Plan (CEMP, as included as Appendix C of the PECR). Section 8.1.1 of the NIS confirms that all of the measures as set out in the CEMP will be implemented in full. Section 7.5 the PECR also sets out mitigation measures as relates to noise. It is concluded within the PECR that construction noise and vibration will comply with the recognised best practice standards typically adopted for such projects in Ireland. I note also that Section 4.4.2.4.3 of the PECR (which considers noise impacts on fauna generally) concludes that plant machinery will be designed to ensure that the maximum noise level 10m outside the site boundary do not exceed what is recommended in best practice guidance.

In relation to lighting, I am satisfied that an additional condition as relates to appropriate lighting will ensure that the potential for impacts on otter as a result of lighting at construction stage is reduced.

As such I am satisfied that the limitations on site development and building work hours (which can be ensured by way of condition), as well as an additional condition as relates to appropriate lighting, will ensure disturbance to otter will be minimised.

I also note that the riverbank itself, where suitable habitat was identified is located 60m northeast of the Kildare site, at its closest point

As such, and specifically in relation to otter, I am satisfied that the proposed mitigation measures, as well as the additional conditions as described above, are adequate and will be effective in ensuring that the attributes required to restore the favourable conservation condition for otter will not be adversely affected and that the proposed development will not prevent the attainment of the conservation objective to restore favourable conservation condition. Mitigation measures are captured in planning conditions of the Inspector's Report.

Other Pertinent Issues

I note that Laois County Council's Reason for Refusal No. 1 relates to the following issues, and I have considered same below, with reference to the assessment above.

- No quantification of the extent of habitat loss or alteration.
- No analysis of cumulative impacts on features relevant to bat species or on habitats associated with Natura 2000 sites.
- Absence of detailed cumulative habitat loss data
- Absence of species specific mitigation measures.
- Material contravention of Policy DM BNH 2

No quantification of the extent of habitat loss or alteration.

I would note in the first instance that neither the Laois Site nor the Kildare Site lie within a Natura 2000 Site, with the nearest site being the River Barrow and River Nore SAC, which adjoins the Kildare Site. Therefore, there is no direct loss of habitat within the SAC, or alteration of habitat within the SAC. Furthermore, as detailed in the applicant's NIS, and the First Party Appeal Statement, there is no habitat that is suitable for mobile QI species associated with the River Barrow and River Nore SAC, which in this case is limited to Otter. Therefore, any loss or alteration of habitat within either the Kildare Site or the Laois site would not result in significant effects on the SAC.

No analysis of cumulative impacts on features relevant to bat species or on habitats associated with Natura 2000 sites

In relation to same, I note that bats are not a QI species of the River Barrow and River Nore SAC. As set out in the applicant's appeal statement, the nearest Natura 2000 site for which bats are a QI species is located several hundred kilometres north-east of the project site, and I am satisfied that there is no potential for significant impacts on bats associated with any Natura 2000 site. I have considered impacts on bats generally in Section 10.6 of this report.

In relation to cumulative impacts on habitats, as noted above I note there is no loss of habitat on either the Laois Site or the Kildare site that is associated with the River Barrow and River Nore SAC. The applicant's AA Screening Report and NIS has considered the project as a whole over the 2 no. sites, and the proposed grid connection and collector cable, and has also considered cumulative effects as a result of other projects, within the NIS. I am satisfied that cumulative effects have therefore being adequately considered in the NIS.

Absence of species-specific mitigation measures.

As noted above Section 8 of the NIS sets out detailed mitigation measures as relates to water quality, impacts on air quality and dust as well as references to more general measures as set out in the CEMP. These measures relate to the potential effects on aquatic species and plant species that could be impacted by the impairment of water quality and by dust deposition, and I am satisfied that measures will be effective. I accept that specific measures relating to potential disturbance to otter were not explicitly set out in the NIS, but I am satisfied that the application documentation as whole contains a number of measures relating to same, and with additional conditions as described above, I am satisfied that the proposed development will not prevent the attainment of the conservation objective to restore the favourable conservation condition of otter.

Material contravention of Policy DM BNH 2

The Planning Authority's first reason for refusal has cited a material contravention of Policy DM BNH2 'Appropriate Assessment'. I have set out the full text of this policy in Section 5.4 above. In relation to the specific wording of the policy, I note it was determined by the applicant that a Stage 2 AA was necessary, and I have concurred with same. I note that an NIS was submitted, prepared by Tobin, and the Planning Authority have not questioned the ecological expertise of the authors. The NIS has considered the potential impacts of the

project on the conservation objectives of the River Barrow and River Nore SAC, including potential direct and indirect impacts. Ex-situ impacts have also been considered.

As such having regard to the above, and having regard to the Stage 2 assessment set out in this Appendix 4, I am not of the view that the proposal does, in fact, represent a material contravention of Policy DM BNH2, nor indeed does the proposal contravene same (see additional discussion of Material Contravention in Section 10.5 of this report).

In-combination effects

Section 9 of the NIS considers 'In-Combination' Effects. A review of the EIA portal, the National Planning Application Database, Kildare and Laois Planning Portals was utilised to determine relevant projects, and proposals in relevant County Development Plans have also been considered.

3 no. specific proposals are considered, as well as a number of smaller projects in the area. Of note is the EirGrid-Cushaling-Portlaoise 110kV Overhead Line (Kildare ref 2560302). It is noted that this project relates to the proposed update of this overhead line, and the spatial extent of same is 41.6km long. It is noted that an NIS was prepared for same, which concluded that there would be no adverse effects on the River Barrow and River Nore SAC with mitigation measures in place. Therefore, there is no potential for the EirGrid Development to result in in-combination effects with the proposed development under consideration here.

In combination effects with relevant plans and projects are ruled out within the NIS.

I am satisfied that in-combination effects have been assessed adequately in the NIS.

I am satisfied that the applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

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

Based on the information provided, and submissions made, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Barrow and River Nore SAC as considered in the NIS. I am satisfied that the mitigation measures proposed

to prevent adverse effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

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

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Barrow and River Nore SAC (002162), in view of the conservation objectives of the sites, and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted including further information and submissions/observations, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC (002162) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- A detailed assessment of construction, operational and decommissioning impacts;
- The effectiveness of the mitigation measures proposed;
- The inclusion of planning conditions to ensure the application of these measures;
- The proposed development will not affect the attainment of conservation objectives for River Barrow and River Nore SAC (002162).

Appendix 5 WFD Screening

Appendix 5 - WFD Impact Assessment Stage 1: Screening

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

An Bord Pleanála ref. no.	PL- 500706-LS- 26	Townland, address	Kilmullen, Ullard or Controversyland, Clonanny Lea and Loughmansland Glebe, Portarlinton, Co. Laois.
Description of project		The Commission will note that the solar farm project, as a whole, sits across two sites (in Co. Kildare and in Co. Laois), and will be connected via underground 20kV cabling. The site in Coolnafearagh, Co. Kildare covers approximately 37.66 ha. The Kildare land parcels lie southeast of the Barrow River. The site in Kilmullen, Co. Laois covers approximately 22.7 ha and is located approximately 2 km east of the new EirGrid Bracklone 110 k substation on the outskirts of Portarlinton. The proposed solar farm project spans a total site area measuring 60.36 ha, of which 37.66 ha is located in Co. Kildare and 22.7 ha is located in Co. Laois. The total capacity of Solar PV on the site is estimated to be 32 MW. The proposed project, as a whole, will consist of the construction of the following: Linear arrays of solar PV panels on ground mounted steel supported structures with associated cabling and ducting (including onsite control and switch gear rooms and underground cable grid connection to the Bracklone 110kV substation); • 6 no. proposed single storey inverter stations;	

	• A co-located Battery Energy Storage System (BESS) park (including 16 no. containers with cells and 4 no. containers with PCS and inverters) with associated security fencing and gates; • Site Perimeter fencing; • 3 no. new site entrances with palisade double security gates; • 3 no. temporary construction compound/carpark/material storage areas with associated temporary site offices, parking areas and security fencing; • 4 no. temporary and 2 no. permanent steel storage containers; • Site access tracks including passing and turning bays; • On-site pole mounted CCTV cameras; • 2 no. bottomless culverts; • no. temporary construction stage Moby Dick type wheel wash systems; • 2 no. Concrete wash out locations (one within each temporary construction compound excluding the easternmost one); and • All associated and ancillary works. One site entrance adjoining the R420 road (the Laois site) and two site entrances off the L7051 (the Kildare site) are proposed. A temporary sealed below ground wastewater storage tank will be constructed on site to hold wastewater generated by toilets in the temporary staff building during the construction phase. I refer the Commission to Section 2.0 of the Inspector's report for a detailed description of the proposed project, as relates to the Laois Site (the appeal site) only. The application contains the following document which contain references to matters relating to the Water Framework Directive Screening Assessment:
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	- Planning and Environmental Considerations Report (PECR) including Appendices: C: Construction Environmental Management Plan G: Flood Risk Assessment U: Proposed developments within 5km for Cumulative Assessment AB: Biodiversity Management Plan - AA Screening Report, Natura Impact Statement.
Brief site description, relevant to WFD Screening,	The proposed solar farm project spans a total site area measuring 60.36 ha, of which 37.66 ha is located in Co. Kildare and 22.7 ha is located in Co. Laois. Of particular relevance to WFD Screening, is the description of the site's hydrology, hydrogeology as set out in the application documentation. I note also that Chapter 5 of the PECR contains a Hydrology and Hydrological Assessment. I have summarised same below. The project is located with the Barrow Catchment (14) and the Barrow_SC_050 sub catchment. The proposed grid connection route is located across the Barrow_SC_050 and the Barrow_SC_020 sub catchments. The nearest surface water body to the proposed project is the Barrow_090, which is located 37m of the proposed site boundary (from the Kildare Site).

	The Barrow_090 is located within the River Barrow and River Nore SAC (site code 002162). The Kildare site is hydrologically connected to the River Barrow and River Nore SAC. There is no hydrological connectivity between the Laois Site and the River Barrow and River Nore SAC. The most recent Q-value assessment available for the Barrow_090 shows the watercourse achieved a Q3-4 “moderate” status within the 2022-2025 period, which indicates it is not meeting the requirements of the Water Framework Directive. The EPAs’ published WFD status classification of the Barrow_090 RWB for the period 2016-2021, reported this surface waterbody was of ‘Poor’ status. It is considered ‘At Risk’ of not achieving a ‘Good’ status in 2027 (EPA, 2025). The proposed project site is located within the Cushina groundwater body (GWB). The Laois Site has a ‘Moderate’ Vulnerability and the Kildare Site has a ‘High’ Vulnerability. Data from the EPA indicated that the GWB is at ‘Good Status’ overall and is considered ‘Not at Risk’ of failing to achieve ‘Good’ status in 2027. In terms of flood risk, the application documentation indicates that the parts of the Kildare Site may be liable to fluvial flooding during a 1% and 0.1% AEP event. The ‘highly vulnerable’ infrastructure is located outside the predicted flood extents (Flood Zone C), and located on higher ground (elevation 65 m DO) above the predicted MRFS flood level (61.1m OD).
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Proposed surface water details	The installation of solar panels in the agricultural fields is not expected to give rise to any material increased surface water runoff (volumes or rates), which will be facilitated by the maintenance of grass underneath the panels. Access tracks are to be constructed using permeable materials, from which surface water will infiltrate naturally to the ground. These elements of the scheme are design to preserves peak water runoff rates at natural levels. There will be areas of hard standing relating the BESS elements, and the electrical inverter/transformer stations. However, as set out in the Flood Risk Assessment, the permeability of the site will largely be maintained, and the surface water runoff is not expected to increase significantly (as concluded within the Flood Risk Assessment – Appendix G of the PECR).
Proposed water supply source & available capacity	N/A
Proposed wastewater treatment system & available capacity, other issues	N/A

Others?	N/A					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body ¹⁰	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbodies						
River Waterbody	c35m (from Kildare Site)	BARROW_090	Moderate	At Risk	UR, HYMO, IS	Surface water runoff, drainage
Groundwater Bodies						

¹⁰ <https://catchments.ie/wp-content/files/catchmentassessments/14%20Barrow%20Catchment%20Summary%20WFD%20Cycle%203.pdf>

Groundwater waterbody		Underlying site	Cushina (IE_SE_G_048)	Good	Not at risk	n/a	Infiltration to groundwater underlying site
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No .	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)	Determination** to proceed to Stage 2. Is there a risk to the water environment ? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
1.	Surface	BARROW_090	Drainage ditches within the Kildare	Runoff, siltation, pH (concrete), hydrocarbon	Mitigation measures as set out in the Section 5.7 of	No. During the construction phase,	No. Screened out

			site/Downstream pathway	spillages and leaks. Could lead to potential negative effects in terms water quality downstream.	the PECR, the NIS, the Flood Risk Assessment and as set out in the Outline Construction and Environmental Impact Plan (CEMP), as contained in Appendix C of the PECR. These include, but, are not limited to: • Adherence to the Construction Environment	works will be undertaken in accordance with the mitigation measures as set out in the documents referred to.	
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					al Management Plan (CEMP) • Appointment of an Ecological Clerk of Works. • Sediment control measures including, but not limited to, adherence to relevant IFI Guidance, use of silt fences, appropriate management of excavated material. • Pollution control measures including, but		
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					not limited to, appropriate handling of hydrocarbons, appropriate storage for fuel and oils and appropriate management of cementitious materials. • Measures relating to Horizontal Direction Drilling including but not limited, measures to prevent loss of bentonite and appropriate		
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					disposal of drilling fluids.		
4.	Ground	Cushina (IE_SE_G_048	Underlying the site.	Introduction of contaminants to sub-surface flow paths, which could lead to potential negative effects in terms of water quality.	As above	As above	No. Screened out
OPERATIONAL PHASE							
1.	Surface	BARROW_090	Drainage ditches within the Kildare site/Downstream pathway	Potential pollutants (oils, solvents) which could enter the watercourse.	Mitigation measures as set out in the application documentation including the CEMP and the NIS, and	No. During the construction phase, works will be undertaken in	No. Screened out

					include, but are not limited to: • Appropriate refuelling procedures • Use of spill kits • Spill containment procedures Surface water will be managed in accordance with SuDS and the nature-based solutions to treat and attenuate water before infiltration to	accordance with the mitigation measures as set out in the documents referred to.	
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					ground or discharging offsite. Discharge will also be maintained at greenfield / baseline rates, and the proposed development will not increase the risk of flooding elsewhere in the catchment.		
	Ground	Cushina (IE_SE_G_048	Underlying the site.	Introduction of contaminants to	Mitigation measures as set	No. During the	No. Screened out

				sub-surface flow paths, which could lead to potential negative effects in terms of water quality.	out in the application documentation including the CEMP and the NIS, and include, but are not limited to: • Appropriate refuelling procedures • Use of spill kits • Spill containment procedures	operational phase, works will be undertaken in accordance with the mitigation measures as set out in the documents referred to.	
DECOMMISSIONING PHASE							

1.	Surface	BARROW_090	Drainage ditches within the Kildare site/Downstream pathway	Runoff, siltation, pH (concrete), hydrocarbon spillages and leaks. Could lead to potential negative effects in terms water quality downstream.	Standard decommissioning practices and mitigation.	No. During the decommissioning phase, it is expected that works will be undertaken in accordance with a decommissioning plan. The solar arrays will be removed upon	No. Screened out. Standard decommissioning practices will minimise the risk of pollution and impact upon receiving waterbodies.
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						decommis sioning of the solar farm. The project can be fully reversed upon decommis sioning.	
4	Ground	Cushina (IE_SE_G_048	Underlying the site.	Runoff, siltation, pH (concrete), hydrocarbon spillages and leaks. Could lead to potential negative	As above	As above	As above

				effects in terms water quality.			
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