



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Renewable Energy Systems (RES) Ltd
<i>Address</i>	Beaufort Court Egg Farm Lane Kings Langley, Hertfordshire WD4 8LR, England, United Kingdom
<i>Telephone No.</i>	██████████
<i>E-mail</i>	████████████████████

2. Agent's (if any) address:

<i>Agent</i>	Neo Environmental (C/O Conor Cochrane)
<i>Address</i>	83-85 Bridge Street, Ballymena, Northern Ireland, BT43 5EN
<i>Telephone No.</i>	██████████
<i>E-mail</i>	████████████████████
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [☐] Agent [☒]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Lands within Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen Co. Tipperary
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Section 5 Planning & Development Act 2000, as amended declaration – underground grid connection cable for Rathduff Solar Farm (PA Ref: 211014 ABO PL92. 313424 and amendment PA Ref: 2660469) that will transmit power to the existing ESB owned 110kV substation.
Proposed floor area of proposed works/uses sqm (N/A) 4.1km underground cable

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner	B. Occupier
	C. Other (x)	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Applicant has consent for works within solar farm. Majority of proposed development is within the public roadbed are subject to Tipperary County Council road opening licence and a section of the works is within the ESB substation access	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name & Address: Breda Kennedy, Rathduff, Nerano Road, Dalkey, Dublin, A96V253. Solar land Electricity Supply Board (ESB) Fitzwilliam Street, Dublin 2 – Substation access Tipperary County Council Civic Offices, Clonmel Civic Offices, Nenagh, Co. Tipperary	

Signature of Applicant(s) *C.Cochrane*

Date: 07/07/2026

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

**Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary**

OR

**Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary**

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Received by _____

07/07/2026

Tipperary County Council
Planning Department
Civic Offices
Limerick Road
Nenagh
Co. Tipperary

Dear Sir or Madam,

Re: Section 5 Planning and Development Act 2000, as amended Declaration – Grid Connection Cable for Rathduff Solar Farm (PA Ref: 211014 ABP PL92.313424 and Amendment PA Ref: 2660469)

Introduction

This submission comprises a request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether the proposed underground grid connection cable associated with the consented Rathduff Solar Farm is development, and if so, whether it is exempted development.

This application is accompanied with the following drawing package and supporting information:

- Appendix A: Section 5 Covering Statement
- Appendix B: Rathduff Grid Connection AA Screening Report
- Appendix C: Rathduff Proposed Cable Route Archaeological Assets within 100m
- Drawing No: 04103-RES-CBL-DR-PT-001: Typical Joint Bay Details
- Drawing No: 04103-RES-ERW-DR-PT-001: Typical Cable Trench Details
- Drawing No: 04103-RES-GRD-DR-PT-001: Site Location Plan
- Figure 2: European Sites Map

The proposed underground grid connection cable will transmit power from the consented Rathduff Solar Farm, permitted under PA Ref: 211014 / ABP Ref: PL92.313424, as amended by PA Ref: 2660469, to the existing ESB-owned Tipperary 110kV Substation. The proposed cable route is located within the townlands of Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen and will comprise the laying of 38kV underground cable infrastructure, largely within the existing public road network, with a short section of approximately 70m located within greenfield lands to facilitate connection into the permitted Rathduff Solar Farm development area.

Planning Background

Planning permission was granted for (**PA Ref: 211014**) “to construct and complete a Solar PV Energy Development with a total site area of 42.68 hectares, to include a single storey electrical substation building, electrical transformer and inverter substation modules, solar PV panels ground mounted on support structures, internal access tracks, security fencing, electrical cabling and ducting, CCTV and other ancillary infrastructure, drainage, additional landscaping and habitat enhancement as required and associated site development works including works relating to the access to the site at Rathduff, Thomastown Demesne South, Co. Tipperary”. The application was consented by the Council on 13th July 2021.

It should also be noted that the permitted Rathduff Solar Farm was considered by An Coimisiún Pleanála under ABP Ref. PL92.313424 / TCC Ref. 211014. During that appeal process, further information was sought in relation to the indicative grid connection route to inform the Appropriate Assessment of the overall solar farm project.

While the grid connection did not form part of the permitted development, the Commission considered the indicative route and ultimately granted permission for the solar farm. The current Section 5 request therefore follows the separate pathway anticipated for the grid connection route and is supported by a project-specific AA Screening Report.

An Amendment Application (**PA Ref: 2660469**) was submitted on the 19th of May 2026 which consists of “RED III development which will consist of an amendment to a previously consented development (planning reference PL92.313424) comprising the reconfiguration and enlargement of the permitted substation layout from c. 24.0m x 19.0m compound with an enlarged compound (c. 54.1m x 25.9m), to include a Solar Farm (IP) section and an ESB section, containing control rooms, power quality equipment, transformers and a 12m x 12m hardstanding area. The development includes ancillary infrastructure such as 2.44m high palisade fencing, lighting, CCTV and internal access tracks, as well as a minor reconfiguration of the permitted solar array, involving the removal of 11 tables of solar panels to accommodate the revised substation footprint. All other infrastructure of the development

permitted under PL92.313424 remain unchanged. This development is covered by the provisions of the Renewable Energy Directive III (Directive (EU) 2023/2413) and it is important to note that the planning application may be subject to section 34D of the Planning and Development Act 2000, as amended". The decision is due on the 24th August 2026.

Please note that the amendment application will have no bearing in relation to this Section 5 Declaration given the amendment relates to a modest enlargement of the consented substation.

Section 5 Declaration

The question arising is as follows:

"Whether the provision of c.4.1km of 38kV underground cable forming the grid connection between the consented Rathduff Solar Farm (Ref: 211014) to the Tipperary 110kV/38kV substation Co. Tipperary is development and if it is development, if it is exempt development".

The Proposed Cable Route

The proposed cable route shown on drawing 04103-RES-GRD-DR-PT-001 will consist of the construction of an underground medium voltage 38kV grid connection cable from the consented Rathduff Solar Farm to the Tipperary 110kV/38kV Substation.

The grid connection is to be installed from the solar farm along c. 4.1km of public road, with approximately 70m of cable located within greenfield lands, before connecting to the Tipperary 110kV/38kV Substation.

- The proposed underground cable (UGC) route initiates at the southern periphery of the Tipperary 110kV/38kV substation. The UGC then heads south-east utilising the existing access road for approximately 270m before exiting via the substation main gate. Within the substation access track, the route encounters a 38kV UGC crossing;
- From here the UGC joins the public roadway, turning left onto the L4209 local road, which it follows southeast for approx. 607m. Shortly after exiting the access track, the UGC route encounters its first watercourse crossing,
- Continuing southeast circa 80m after the Bridge 1 crossing, where the UGC will encounter a double arch bridge crossing;

- The route proceeds before reaching a junction, where it then leaves the L4209 and turns left, joining onto the L4306 local road, wherein it remains for approx. 2755m heading northeast.
- The UGC continues along the L4306 local road, prior to turning right onto a single lane access track (L4306 1) which it follows south for approx. 467m on approach to the Rathduff Solar Farm (SF).

The final section of the route leaves the public roadway and enters the Rathduff Solar Farm development area, extending through approximately 70m of greenfield lands before reaching the proposed Rathduff Solar Farm substation location.

Legislative Context

The Planning and Development Act 2024 was signed into law on 17 October 2024 and provides for a revised legislative framework for planning and development in the Republic of Ireland. However, the 2024 Act is subject to phased commencement. In this regard, the provisions of Part 2 of the 2024 Act relating to the “*Concept of Development*”, including the replacement provisions concerning development, exempted development and declarations, have not yet been fully commenced.

Accordingly, for the purposes of this Section 5 request, the relevant operative statutory provisions remain those contained in the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended.

Statutory Provisions

Planning and Development Act 2000, as amended

In the context of this section 5 declaration, regard should be had to the Planning and Development Act 2000, as amended.

Section 3(1) of the Planning and Development Act 2000, as amended, states:

“Development” means, except where the context otherwise requires, *the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

“Works” are defined in Section 2 of the Planning and Development Act 2000, as amended, as follows:

“Works” *includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any*

act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Planning and Development Regulations 2001, as amended

Article 6 refers to Exempted Development and states that, subject to Article 9, development of a class specified in Column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in Column 2 of the said Part 3 opposite the mention of that class in the said Column 1.

CLASS 26

The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables, or other apparatus for the purposes of the undertaking.

Under Article 9(1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would:

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act;

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width;

(iii) endanger public safety by reason of traffic hazard or obstruction of road users;

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes, or aircraft;

(iv) except in the case of a porch to which Class 7 specified in Column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that class in the said Column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a Development Plan for the area or, pending the variation of a Development Plan or the making of a new Development Plan, in the draft variation of the Development Plan or the draft Development Plan;

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which Class 25, Class 26 or Class 31(a) specified in Column 1 of Part 1 of Schedule 2 applies;

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a Development Plan for the area in which the development is proposed or, pending the variation of a Development Plan or the making of a new Development Plan, in the draft variation of the Development Plan or the draft Development Plan;

(vii) consist of or comprise the excavation, alteration or demolition, other than peat extraction, of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a Development Plan or Local Area Plan for the area in which the development is proposed or, pending the variation of a Development Plan or Local Area Plan, or the making of a new Development Plan or Local Area Plan, in the draft variation of the Development Plan or Local Area Plan or the draft Development Plan or draft Local Area Plan;

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to Section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under Section 14 or a licence granted under Section 26 of the National Monuments Act 1930, as amended;

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to Appropriate Assessment, and the development would require an Appropriate Assessment because it would be likely to have a significant effect on the integrity of a European site;

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a Natural Heritage Area by order made under Section 18 of the Wildlife (Amendment) Act 2000;

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use;

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a Development Plan for the area or, pending the variation of

a Development Plan or the making of a new Development Plan, in the draft variation of the Development Plan or the draft Development Plan;

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility;

(xi) obstruct any public right of way;

(xii) further to the provisions of Section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an Architectural Conservation Area or an area specified as an Architectural Conservation Area in a Development Plan for the area or, pending the variation of a Development Plan or the making of a new Development Plan, in the draft variation of the Development Plan or the draft Development Plan and the development would materially affect the character of the area.

Relevant Section 5 / Referral Decisions

There are a number of decisions relevant to this case which are referred to below;

ABP-302895-18 / Kildare County Council Reference ED00656: The Board, (ACP) determined that a medium voltage grid connection from the Dysart solar farm at Johnstownbridge, County Kildare to the Dunfirth ESB substation is exempted development. The reasons for this decision, as per the Inspector's report, are as follows:

(a) 'The provision of the medium voltage grid connection between the solar farm development permitted under ref no. 16/1265 and the Dunfirth ESB substation comes within the scope of Sections 2(1) and 3(1) of the Act and constitutes development,

(b) The said underground cable comes within the scope of Class 26 Part 1, Schedule 2, of the Planning and Development Regulations 2001, as amended, ABP-302895-18 Inspector's Report Page 16 of 16

(c) The said underground cable does not come within the scope of section 4(4) of the Planning and Development Act, 2000, as amended. In this regard the Board adopts the report of the Inspector in relation to EIA and AA and, thereby has carried out the necessary assessments to conclude that neither EIA nor AA is required,

(d) The said underground cable does not come within the scope of Article 9(1)(a)(i), (ii), (v), (vii), (viiA) or (viiB) or Article 9(1)(c) of the of the Planning and Development Regulations 2001, as amended.'

RL3503: The Board (ACP) determined that the provision of a connection between the 110kv substation of the Yellow River Windfarm granted under PA0032 and the National Grid is development and is exempted development at Rhode, Co. Offaly.

The Inspector deemed it was development under section 2(1) and 3(1), the decision stated the following;

- Section 2(1) ““works” includes any act or operation of construction, excavation, demolition, extension, alterations, repair or renewal”
- Section 3(1) ““development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land. “statutory undertaker” means a person, for the time being, authorised by or under any enactment of instrument under an enactment to – (a) Construct or operate a railway, canal, inland navigation dock, harbour or airport, (b) Provide, or carry out works for the provision of, gas, electricity or telecommunications services, or (c) Provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.
- As regards Section 4(2)(a)(i) of the Act, and the Regulations made thereunder, the relevant class of development is Class 26, Part 1 Schedule 2 of the Planning and Development Regulations, as amended. This refers to “The carrying out by any electricity undertaking of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.

“In light of these definitions, I am satisfied that Green Wind Energy (Wexford) Ltd. falls within the category of statutory undertaker on foot of its authorisation under the Planning Act to construct a windfarm that is a project for the provision of electricity. On this basis I am satisfied that the proposed development falls within the scope of Class 26.”

- Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

“As regards Appropriate Assessment, the application PA0032 included a Screening Report which concluded that arising from separation distances from European sites, the windfarm would not have any impact on habitats forming conservation interest of SACs or avian species indicated as

*conservation interests within SPAs. In considering the nature of the development subject of the referral a connection between the 100kv Substation and the National Grid and by reason of the intervening distance to the European Sites in the vicinity it can be concluded that the proposed development would not be likely to give rise to significant effects. I consider it reasonable to conclude therefore on the basis of the information provided on file which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effect on European sites in the vicinity and a stage 2 Appropriate Assessment is not therefore required. On the basis of the foregoing I am satisfied **that the development does not fall within the scope of Section 4(4) of the Act.**"*

Furthermore, case PA0032 outlines, the underground cable does not come within the scope of Article 9(1)(a)(i), (ii), (v), (vii), (viiA) or (viiB) or Article 9(1)(c) of the of the Planning and Development Regulations 2001, as amended. Ultimately the Inspector deemed the grid route was development but was also exempted development as it was unlikely to have significant impacts on any European Sites.

The above Section 5 referral decisions are relevant insofar as they confirm that underground grid connection works associated with permitted renewable energy developments may constitute development but fall within the scope of the Class 26 exemption.

The proposed Rathduff grid connection is comparable in principle, comprising a 38kV underground cable connection between the consented Rathduff Solar Farm and the Tipperary 110kV/ 38kV substation (ESBN national grid substation). While the route has a hydrological connection to the Lower River Suir SAC, the submitted AA Screening (see Appendix B) concludes that the works, either alone or in combination with other plans or projects, would not give rise to likely significant effects on any European Site. Accordingly, Stage 2 Appropriate Assessment / Natura Impact Assessment is not required.

On this basis, it is considered that the proposed grid connection constitutes development but is exempted development under Class 26, and that section 4(4) and Article 9(1)(a)(viiB) are not triggered.

RL3375: The Board (ACP) determined that 220m of 20kv underground cable forming part of grid connection at Raragh, Kingscourt, Co Cavan is development and is exempted development.

RL3408 RL3409 RL3410 RL3411: The Board (ACP) determined that the development of grid connection from Crory / Lodgewood substation to Ballycadden windfarm is development and is not exempted development. I note that this determination found that the development came within the scope of

Article 9(1) (a) of the Regulations as their construction contravened a condition of the planning permission for the relevant windfarms.

RL 2789: The Board (ACP) determined that the laying of a 110kv underground electricity cable forming the grid connection to windfarm at Knockacummer Co Cork is development and is exempted development.

RL2778: The Board (ACP) determined that the provision of 10.2km of underground cable forming the grid connection of windfarm at Loughaun North, Tulla, Co Clare to existing substation at Tooreen Ennis Co Clare is development and is exempted development.

RL3377 RL3401: The Board (ACP) determined that the provision of a 20kv electrical connection between Cnoc windfarm and Ballybeagh 38kv substation, Tullaroan, Co Kilkenny is development and is exempted development.

Statutory Undertaker/Undertaker

One of the first items to answer is the issue of the “undertaker” and who can be an “undertaker” for the purposes of the exemption at Class 26 of the Regulations:

“The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.”

Article 33 of the Regulations notes that an electricity undertaking means “an undertaker authorised to provide an electricity service.” The Electricity Regulation Act 1999 notes at section 2(1) the following:

“Electricity undertaking” means any person engaged in generation, transmission, distribution or supply of electricity, including any holder or a licence or authorisation under this act, or any person who has been granted a permit under section 37 of the Principal Act”.

This matter was addressed directly in the Dysert solar farm Section 5 application referenced above (ABP-302895-18, Kildare County Council Reference ED/00656). In that case an exemption was granted by ABP to Power Capital Renewable Energy Ltd. The Inspectors report comments on this matter as follows:

“8.2.2. On the requirement for the development to be carried out by an “undertaker authorised to provide an electricity service” I refer to Article 3(3) of the regulations which states that an

electricity undertaking means an undertaker authorised to provide an electricity service. The Electricity Regulation Act 1999 provides a definition as follows:

“Electricity undertaking” means any person engaged in generation, transmission, distribution or supply of electricity, including any holder of a licence or authorisation under this Act, or any person who has been granted a permit under Section 37 of the Principal Act.”

8.2.3 I note the broad definition of “statutory undertaker” provided within the Planning and development Act 2000 as follows

“Statutory undertaker” means a person, from the time being, authorised by or under any enactment or instrument under an enactment to-

(b)Provide, or carry out works for the provision of, gas, electricity or telecommunications services,” .

“In light of these definitions, I am satisfied that Power Capital Renewable Energy Ltd. falls within the category of statutory undertaker on foot of its authorisation under the Planning Act to construct a solar farm that is a project for the provision of electricity. On this basis I am satisfied that the proposed development falls within the scope of Class 26.”

“I would note that there are a number of cases which are listed above that are relevant. In these cases the fact that the applicants have been granted permission for an electricity generating development have been determined to be sufficient to classify the applicants as coming under Class 26, Part 1 Schedule 2 of the Planning and Development Regulations”.

In light of these observations and in order for RES Ltd (Rathduff Solar Limited), in advance of construction and operation, the developer will be required to hold any necessary authorisation and/or licence from the Commission for Regulation of Utilities, as applicable. Similarly, in order to generate electricity, it must obtain a Licence to Generate from the Commission. Accordingly, the developer will have to obtain both Authorisation and a Licence prior to the construction of the proposed development and upon obtaining same will be categorised an Electricity Undertaker as defined in the Electricity (Supply) Act, 1927. Therefore, when the development is commenced, including the construction of the grid connection, the developer or ESB will be the 'undertaker authorised to provide an electricity service' satisfying this provision of Class 26 of the Planning and Development Regulations.

Is the Proposed Grid Connection Development?

The proposal constitutes development under Class 26 of part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) which includes:

“the laying underground of cables for the purposes of an undertaking”.

Environmental Impact Assessment and Appropriate Assessment

The proposed grid connection comprises a 38kV underground cable connection between the consented Rathduff Solar Farm and the Tipperary 110kV/38kV substation. Underground electricity cabling of this nature does not, in itself, fall within a class of development requiring Environmental Impact Assessment (EIA). Accordingly, EIA is not required in respect of the proposed grid connection.

The original solar farm application was subject to Appropriate Assessment Screening by Tipperary County Council, and a Natura Impact Statement was subsequently submitted at appeal stage on a precautionary basis. However, for the purposes of this Section 5 request, the relevant consideration is whether the proposed grid connection itself, either alone or in combination with other plans or projects, would be likely to have a significant effect on any European Site.

A separate Screening for Appropriate Assessment (see Appendix B) has therefore been prepared by Neo Environmental in respect of the proposed grid connection and is submitted with this declaration. The AA Screening identifies a hydrological connection to the Lower River Suir SAC via the Fidaghta watercourse. It also confirms that the works would largely be undertaken within the existing roadbed, with three watercourse crossings required along the route and only a short section of approximately 70m located within greenfield lands. Two crossings would be undertaken by Horizontal Directional Drilling, with the remaining crossing to be installed within the existing roadbed where adequate cover is available. The inspectors report states;

*“A Stage 1 Appropriate Assessment Screening was undertaken for the proposed solar farm development and submitted with the planning application to the Council. This was prepared in accordance with Article 6 (3) and (4) of European Union (EU) Habitats Directive 92/43/EEC. However, as a precautionary approach, a Natura Impact Statement has been undertaken and is submitted with this response (**Please refer to Appendix 1**). This NIS concluded that on the basis of the best scientific knowledge available with the implementation of the mitigation that the possibility of any adverse effects on the integrity of the*

European Sites considered in the NIS, arising from the Proposed Development, either alone or in combination with other plans or projects can be excluded beyond reasonable scientific doubt."

It is therefore considered having regard to the nature, scale and location of the proposed works, the existing road-based route, the proposed crossing methodologies, and the findings of the submitted AA Screening it is concluded that the proposed grid connection would not give rise to likely significant effects on any European Site, either alone or in combination with other plans or projects. Stage 2 Appropriate Assessment and the preparation of a Natura Impact Statement are therefore not required.

Taking the above into account, the proposed development does not fall within section 4(4) of the Planning and Development Act 2000, as amended.

Article 9(1) Restrictions on Exemptions

Article 9(1) of the Regulations sets out a series of restrictions on exemptions which we consider in turn below:

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

The grid connection proposal does not contravene any of the conditions associated with application **PA Ref: 211014** of the Solar Farm permissions noted.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width;

The proposed works do not comprise the formation, laying out or material widening of a means of access to a public road. The works relate to the laying of underground 38kV cable infrastructure between the consented Rathduff Solar Farm and the existing Tipperary 110kV/38kV Substation.

While sections of the proposed cable route are located within the existing public road network, the works do not involve the creation of a new access, the laying out of an access, or the material widening of any existing means of access to a public road. Any works within the public road will be limited to the installation of underground cable infrastructure and subsequent reinstatement.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

The works would be temporary and short-term in nature. They would be undertaken on a phased basis along the route. The works would generally comprise trench excavation, installation of ducting, cable

laying, backfilling and reinstatement. The cable would be installed in sections. This would limit the length of open trench and reduce the extent of active works within the public road at any one time.

Prior to construction, the appointed contractor would review the final cable alignment and confirm the location of existing underground services. This would include slit trenching or trial holes where required. Existing ESB and Irish Water services have been identified along sections of the route. Where the route encounters existing services, appropriate crossing or undercrossing methods would be agreed with the relevant utility provider.

The works would proceed on a rolling basis. No more than a limited section of trench would be opened at any one time. Where works are undertaken in the public road, temporary reinstatement may be used where necessary before final permanent reinstatement is completed. Excavated material would be reused where suitable. Any surplus material would be removed from the works area and disposed of at an authorised facility.

At bridge and watercourse crossings, the proposed methodology would be selected to minimise interference with the existing structures and watercourses. Bridge 1 may be crossed within the existing bridge makeup, subject to confirmation of available cover. Bridge 2 and Bridge 3 are proposed to be crossed by Horizontal Directional Drilling within the curtilage of the road. HDD would allow the cable ducts to pass below the crossing without open-cut works through the watercourse or bridge structure.

Where HDD is required, entry and exit pits would be formed within the works area. The pilot bore would be drilled to the required alignment and profile. The bore would then be enlarged and the ducts pulled through. Drilling fluids and excavated material would be managed by the contractor and removed to an authorised facility where required. The entry and exit areas would then be reinstated.

Construction traffic and road works would be managed through standard temporary traffic management measures. These would include advance warning signage, stop / go arrangements or temporary traffic signals where required, and safe access arrangements for residents and road users. Any works within the public road would be subject to the requirements of Tipperary County Council and the relevant road opening licence process.

Having regard to the temporary and phased nature of the works, the use of existing roads and access tracks, the proposed service checks, the use of standard trenching and HDD methods, and the progressive backfilling and reinstatement of the cable route, it is considered that the proposed works can be undertaken safely and without giving rise to a traffic hazard or obstruction of road users.

(iv) except in the case of a porch to which Class 7 specified in Column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that class in the said Column 1, comprise the construction, erection, extension or renewal

of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a Development Plan for the area or, pending the variation of a Development Plan or the making of a new Development Plan, in the draft variation of the Development Plan or the draft Development Plan;

The proposed works do not comprise the construction, erection, extension or renewal of a building. The works relate solely to the laying of underground 38kV cable infrastructure between the consented Rathduff Solar Farm and the existing Tipperary 110kV/38kV Substation.

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which Class 25, Class 26 or Class 31(a) specified in Column 1 of Part 1 of Schedule 2 applies;

The proposed works comprise the laying of underground 38kV cable infrastructure, the majority of which will be located within the existing public road network, with a short section of approximately 70m located within greenfield lands to facilitate connection into the permitted Rathduff Solar Farm development area.

While the proposed works will involve works under the public road, those works relate to the laying of an underground electricity supply line or cable and associated apparatus. The proposed works therefore fall within the express exception provided for under Article 9(1)(a)(v), and also fall within the scope of Class 26 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

The works within the public road will be temporary in nature and the road surface will be reinstated following installation in accordance with the relevant road opening / reinstatement requirements.

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a Development Plan for the area in which the development is proposed or, pending the variation of a Development Plan or the making of a new Development Plan, in the draft variation of the Development Plan or the draft Development Plan;

The proposed works would not interfere with the character of a landscape, or any view or prospect of special amenity value or special interest. The works relate to the laying of underground 38kV cable infrastructure, largely within the existing public road network, with a short section of approximately 70m located within greenfield lands to facilitate connection into the permitted Rathduff Solar Farm development area.

The works will be temporary and localised during the construction phase. Following installation, the cable will be located underground and the affected surfaces will be reinstated. No permanent above-ground infrastructure is proposed as part of the underground cable route.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

The proposed underground cable route has been reviewed having regard to known environmental, ecological, archaeological and cultural heritage constraints within the surrounding area. The majority of the route would be located within the existing public road network, with only a short section across greenfield lands (c. 70m) connecting into the permitted Rathduff Solar Farm development area or Tipperary 110kV/38kV access track.

The proposed works would not comprise the excavation, alteration or demolition of any identified places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of the County Development Plan.

The proposed routing will safeguard the protection of protected areas, river networks, architectural heritage and monuments data. Where existing constraints are present along the route, including watercourse crossings, the proposed construction methodology has been developed to avoid direct interference where practicable. This includes the use of the existing road corridor, retention of culverts where possible, and the use of Horizontal Directional Drilling at specific bridge / watercourse crossings where required.

The proposed works would be temporary and localised in nature and would be subject to appropriate construction environmental controls, including measures to manage pollution risk, surface water, excavated material and reinstatement.

“(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,”

No direct impacts upon recorded heritage and archaeology sites will occur as a result of the proposed cable connection route (see Appendix C: Rathduff Proposed Cable Route Archaeological Assets within

100m) However, there are several records from the Sites and Monuments Record (SMR) which lie within a 100m study area around the proposed cable route. This includes the following:

- Enclosure TS067-106----
- Enclosure TS067-026----
- Enclosure TS067-043----

The proposed cable route passes close to the associated Zones of Notification for each record but does not encroach on any.

The presence of the enclosures, as well as further SMRs in the local area, such as the Castle Ringwork TS068-005---- and Castle Tower House TS068-032001-, suggests the route sits within an area of archaeological potential. However, as the vast majority of the proposed cable route is restricted to previously disturbed ground within the roads and road verges, potential for encountering sub-surface archaeology is limited to the greenfield sections of the proposed route (i.e., its western stretch).

It is therefore proposed that the **greenfield sections of the proposed cable route are subject to archaeological monitoring** (watching brief) conducted by an appropriately qualified archaeologist. Any archaeological work required will be at the discretion of and in consultation with the National Monuments Service (NMS).

While there are a number of sites within the RMP and NIAH that are close enough to share potential views with the footprint of the Proposed Development, indirect impacts anticipated upon the surrounding heritage assets are anticipated to be **Negligible** due to the sub-surface nature of the development and the temporary nature of construction works. As such, no specific mitigation is considered to be required for the reduction of any indirect impacts.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

A Screening for Appropriate Assessment Report has been prepared by Neo Environmental in respect of the proposed grid connection and is submitted with this Section 5 request.

The AA Screening identifies that the proposed grid connection would largely be constructed within the existing roadbed. Three watercourse crossings are required along the route, comprising two crossings of the Fidaghta_010 watercourse and one crossing of the Fidaghta_020 watercourse. Two of these

crossings would be undertaken using Horizontal Directional Drilling, with the remaining crossing to be installed within the existing roadbed due to the presence of adequate cover.

The AA Screening confirms that the Fidaghta watercourse lies upstream of the River Suir, which forms part of the Lower River Suir SAC. A hydrological connection is therefore identified between the proposed grid connection works and the Lower River Suir SAC. No other European Sites are considered to be potentially ecologically linked to the proposed grid connection route.

Having assessed the nature, scale and location of the works including the proposed in-road construction methodology and the use of HDD at two watercourse crossings, the AA Screening concludes that the proposed grid connection would not give rise to likely significant effects upon the Lower River Suir SAC or any other European Site, either alone or in-combination with other plans or projects.

On this basis, it is considered that the proposed development would not require Stage 2 Appropriate Assessment or the preparation of a Natura Impact Statement. Accordingly, the restriction under Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended, is not triggered.

Concluding Comments

Taking all matters in to account the applicant (RES Ltd) can benefit from the exemption at Class 26 of the Planning and Development Regulations 2001, as amended namely:

“The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.”

The question posed is:

“Whether the provision of c.4.1km of underground cable forming the grid connection between the consented Rathduff Solar Farm (Ref: 211014) to the Tipperary 110kV substation, including c. 70m of cable within greenfield lands is development and if it is development, if it is exempt development”.

We consider the following **proposed grid connection is development and is exempt development.**

For payment of the €80.00 fee, please contact Conor Cochrane (see details below).

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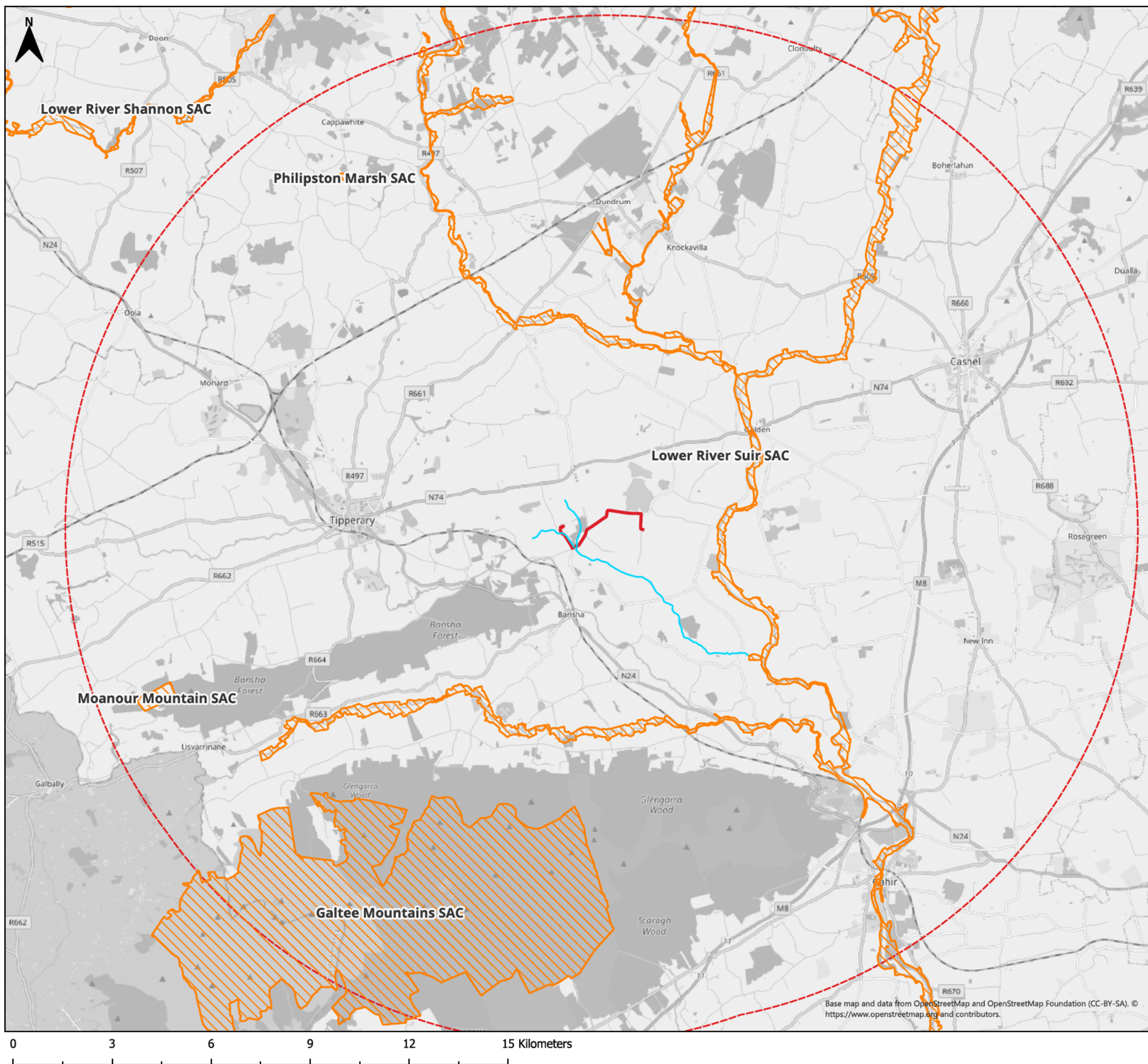
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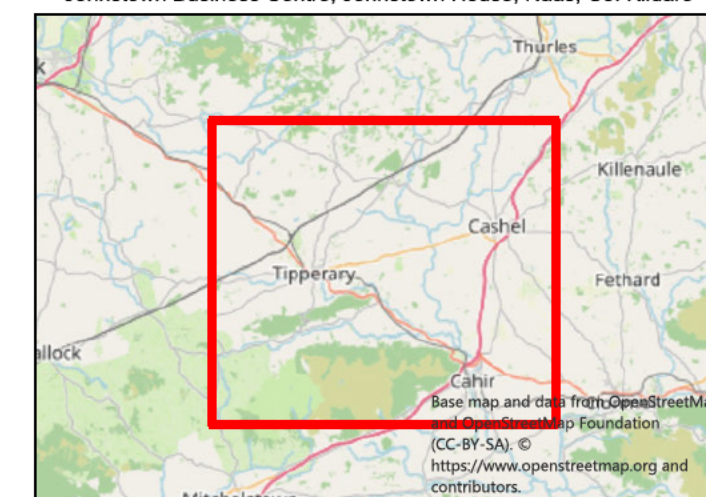


Rathduff Solar Grid Route Connection European Sites Map Figure 2

Key

- Grid_Route
- 15km Indicative Site Buffer
- SAC
- Surface Water Hydrological Linkages

Neo Office Address:
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Date: 24/06/2026
Drawn By: SOH
Scale (A3): 1:113,964.7
Drawing No: AA Screening
Fig. 2





Screening for Appropriate Assessment Report

Rathduff Solar Grid Connection

07/07/2026



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1. EXECUTIVE SUMMARY

- 1.1. Neo Environmental has been appointed by Renewable Energy Systems (RES) Ltd. to produce a Screening for Appropriate Assessment in respect of a Section 5 declaration for a proposed grid connection (the “Proposed Grid Connection”) linking the consented Rathduff Solar Farm (TCC 211014 and ABP 313424-22) with the Tipperary 110kV substation approximately 4.1 km to the east of Tipperary, Co. Tipperary.
- 1.2. This document is intended to provide the competent authority, in this case Tipperary County Council (TCC), as a public authority under the European Communities (Birds and Natural Habitats) Regulations 2011, as amended (“the 2011 Regulations”), with the necessary information to assist in fulfilling their obligations under Regulation 42 of the 2011 Regulations and the underpinning European legislation (Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora, ‘the Habitats Directive’).
- 1.3. The Proposed Grid Connection installation will largely involve construction within the existing roadbed along the route with a short section of approximately 70m of cable located within greenfield lands. However, three water crossings will be required, that being of the Fidaghta_010 (two crossings) and the Fidaghta_020 watercourse. Two of these crossings will be completed using a horizontal directional drilling (HDD) methodology while the third will utilise a conventional in-road installation due to the presence of adequate “cover” under the roadbed.
- 1.4. The Fidaghta watercourse lies upstream of the River Suir which is designated as part of the Lower River Suir SAC. The works also lie within a groundwater bodies (Templemore and Lisvarrinane) which are linked to the River Suir. As such a hydrological linkage is supported between the proposed grid connection works and the SAC. No further European Sites are considered to be potentially ecologically linked to the Proposed Grid Connection route.
- 1.5. The Proposed Grid Connection works will take place within an existing road or will utilise an HDD methodology for two of the proposed watercourse crossings. Proposed HDD works will incorporate a range of standard measures for the protection of surface waters.
- 1.6. It is therefore considered that the Proposed Grid Connection would **not give rise to any likely significant effects** upon the Lower River Suir SAC or any further European Sites.

2. INTRODUCTION

Background

- 2.1. Neo Environmental has been appointed by RES Ltd. to produce a Screening for Appropriate Assessment (AA) in respect of a Section 5 declaration for a proposed 38kV grid connection (the “Proposed Grid Connection”) linking the consented Rathduff Solar Farm (TCC 211014 and ABP 313424-22) with the Tipperary 110kV substation approximately 4.1km to the east of Tipperary, Co. Tipperary.
- 2.2. This document is intended to provide the competent authority, in this case TCC, as a public authority under the European Communities (Birds and Natural Habitats) Regulations 2011, as amended (“the 2011 Regulations”), with the necessary information to assist in fulfilling their obligations under Regulation 42 of the 2011 Regulations and the underpinning European legislation (Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora, ‘the Habitats Directive’).

Introduction

- 2.3. The proposed works would facilitate the grid connection for the permitted Rathduff Solar Farm and comprise the laying of underground cable infrastructure, largely within the existing public road network.

Site Description

- 2.4. The Proposed Grid Connection route is situated within a predominantly rural setting, approximately 4.1km to the east of Tipperary and 1.79km to the north of the village of Bansha, Co. Tipperary. Centred at approximate Irish National Grid Reference (NGR) E 196369 N 135608, the route lies at an elevation of approximately 69 – 89m AOD and is approximately 4.09km in total length.
- 2.5. The route will largely follow public roads including the L4209 and L4306 as well as local track L34061, in addition to lengths of existing track including the access to the Tipperary 110kV sub-station and the consented solar farm site with a short section of approximately 70m of cable located within greenfield lands.
- 2.6. The surrounding area is largely agricultural in nature, characterised by mixed-scale field systems, isolated farmsteads and ribbon development. There is an existing presence of woodland in the surrounding landscape, with pockets of forestry.
- 2.7. The Proposed Grid Connection route is illustrated on the accompanying **drawing no** RES-GRD-DR-PT-001 Site Location Plan.

Scope of the Assessment

- 2.8. This Screening for Appropriate Assessment has considered the potential impacts of the Proposed Grid Connection on European (or Natura 2000) Sites¹ within the Zone of Influence (Zoi) of the project. The Zoi has been defined as the area over which potential effects upon designated sites may arise as a result of the Proposed Grid Connection. In this case assessment has been undertaken for European sites within proximity (15 km) of the proposed route. Further consideration has been given to sites which are located at a greater distance where there is potential for hydrological connectivity with the proposed route or potential functional linkage for SPA bird populations.

Statement of Authority

- 2.9. The assessment has been conducted by suitably qualified and experienced ecologists, and this work has been carried out in line with the relevant professional guidance, which is cited, where relevant, throughout this report.
- 2.10. Samuel O'Hara, who produced this report, is a Principal Ecologist at Neo Environmental, holds a BSc (Hons) in Ecology and has over ten years' experience in ecology consultancy and conservation. He is a protected species licence holder (bats, smooth newt, common lizard) who has extensive experience of habitat and protected species survey work throughout Britain and Ireland with a particular focus on habitat and botanical surveys. Samuel has produced a wide range of documents in support of planning submissions including ecological impact assessment (EcIA), Habitats Directive appraisals, protected species surveys reports, condition compliance reports, invasive species management plans and habitat management plans, among others. This includes planning applications across an array of sectors. Samuel is a full member of the CIEEM.

¹ Sites designated as Special Areas of Conservation (SAC) and Special Protection Areas (SPA).

3. LEGISLATION

Requirement for Appropriate Assessment

- 3.1. The requirement for Appropriate Assessment of plans or projects originates from Article 6 (3) and (4) of European Union (EU) Habitats Directive of the European Union (EU) Council Directive 92/43/EEC of 21 May 1992 (the 'Habitats Directive') and Council Directive 2009/147/EC on the conservation of wild birds (Codified version) (the 'Birds Directive'). This is implemented in Ireland through the European Communities (Natural Habitats) Regulations of 1997, and the European Communities (Birds and Natural Habitats) Regulations 2011 – 2015 (as amended).
- 3.2. In relation to the planning consent process, Part XAB of the Planning and Development Act 2000 – 2015 (as amended) Section 177U sets out the requirements for Screening for AA while Section 177V sets out requirements for undertaking the AA.
- 3.3. The wording of Article 6 (3) of the Directive is as follows:
- “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*
- 3.4. As outlined in the European Commission document ‘Assessment of plans and projects significantly affecting Natura 2000 sites’², any project that is not directly connected with or necessary to the management of a Natura 2000 site, but likely to have a significant effect upon it, either individually or cumulatively will be subject to Appropriate Assessment. Furthermore, the European Commission’s most recent guidance on Article 6: "Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC"³ has also been considered.
- 3.5. Where significant effects are uncertain or unknown at the screening stage an AA will be required, due to the requirement for adherence to the precautionary principle. The purpose of the Stage 1 Screening is to determine, on the basis of a preliminary assessment and

² European Commission (2021) *Assessment of plans and projects in relation to Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats directive 92/43/EEC*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021XC1028%2802%29>

³ Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat’s Directive 92/43/EEC (European Commission, 2018)

objective criteria, whether a plan or project, alone or in-combination with other plans or projects, could give rise to likely significant effects on a European site in view of the site's conservation objectives.

- 3.6. There is no necessity to establish such an effect; it is merely necessary for the competent authority to determine that there may be such an effect. This AA Screening document has been submitted to the competent authority to assist them in reaching this determination. Conversely, if a project will have impacts on a site, but these impacts will clearly not affect or undermine those conservation objectives, it is not considered that it will have a likely significant effect on the site concerned.

Consideration of Mitigation Measures

- 3.7. The European Commission (EC 2001) states that mitigation should not be considered during the AA (i.e. Stage 1) Screening stage. On 12th April 2018, the Courts of Justice of the EU (CJEU) ruled in case C-323/17 (People over Wind v Coillte) that measures intended to avoid or reduce a proposed plan or project's harmful effects on a European site ('mitigation measures') cannot be considered during the Screening for AA stage.
- 3.8. Therefore, unless it can be shown that the proposed plan or project is not likely to give rise to a significant effect on the conservation objectives of the relevant European site, or if reasonable uncertainty remains as to the absence of such effects, it is necessary to proceed to Stage 2 AA. Mitigation measures should be considered at Stage 2, when a 'full and precise analysis' can be carried out. This is contrary to the previous guidance whereby inherent mitigation at the screening stage could be considered.
- 3.9. Several subsequent judgements in both the Irish High Court and CJEU (IEHC 468 and C-721/21 'Eco-Advocacy') have since determined that measures for environmental protection which are included at the design phase, and which would be included irrespective of whether the project was determined to give rise to potential adverse effects upon a European site(s), may be considered at the screening stage. Where this is the case, such measures would be required to be sufficiently effective, based on practical experience, to offer no reasonable scientific doubt as to their effectiveness. These judgements are considered to offer precedent in respect of the application of standard measures for the protection of water quality and their consideration at the screening stage.
- 3.10. In line with relevant case law and adopting a robust and precautionary approach the Screening for Appropriate Assessment, set out within this document, does not include consideration of mitigation measures which are not standard to the construction practices of relevance to the Proposed Grid Connection.

The Precautionary Principle

- 3.11. The Precautionary Principle, referenced in Article 191 of the Treaty on the Functioning of the EU, is defined by the United Nations Educational, Scientific and Cultural Organisation (UNESCO, 2005) as:

“When human activities may lead to morally unacceptable harm [to the environment] that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. The judgement of plausibility should be grounded in scientific analysis.”

- 3.12. The reasoned employment of the ‘Precautionary Principle’ is fundamental to every AA. The Precautionary Principle, is referenced in Article 191 of the Treaty on the Functioning of the EU, is defined by the European Commission, 2000⁴ as, in practice:

“Where preliminary objective scientific evaluation indicates that there are reasonable grounds for concern that the potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the high level of protection chosen for the Community.”

The Precautionary Principle should be considered within a structured approach to the analysis of risk which comprises of three elements: risk assessment, risk management, risk communication. The precautionary principle is particularly relevant to the management of risk.”

- 3.13. The reasoned employment of the ‘Precautionary Principle’ is fundamental to every AA. The need to apply the precautionary principle in making any key decisions in relation to the tests of Appropriate Assessment (AA) has been confirmed by the case law of the Court of Justice of the European Union (CJEU)⁵. At Stage 1 Screening, plans or projects that have no appreciable effect on a European site may be excluded. The threshold at this first stage is a very low one and operates as a trigger in order to determine whether a Stage 2 AA must be undertaken by the competent authority on the implications of a proposed development for the conservation objectives of a European site. Therefore, where significant effects are likely, uncertain or unknown at Stage 1 Screening, a Stage 2 AA will be required.

- 3.14. Case law has established that in order for a Stage 2 AA, to be lawfully conducted, it:

(i) must identify, in the light of the best scientific knowledge in the field, all aspects of the proposed development which can, by itself or in-combination with other plans or projects, affect the conservation objectives of the European site;

(ii) must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps; and

(iii) may only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where the competent authority decides (on the

⁴ ec.europa.eu/commission/presscorner/detail/en/ip_00_96

⁵ Case C-258/11 CJEU 11 April 2013

basis of complete, precise and definitive findings and conclusions) that no reasonable scientific doubt remains as to the absence of the identified potential effects. If adverse impacts can be satisfactorily avoided or successfully mitigated at this stage, so that no reasonable doubt remains as to the absence of the identified potential effects, then the process is complete. If the assessment is negative, i.e. adverse effects on the integrity of a site cannot be excluded, then the process must proceed to the next stages where alternative sites, imperative reasons of overriding public interest, and compensatory measures are considered.

Consideration of Ex-Situ Effects

- 3.15. Member states are advised, within the European Commission's 2018 Notice⁶, that the stipulations set out at Article 6(3) of the Habitats Directive should be applied to all types of development or other activities including where such proposals arise outside of European sites.
- 3.16. Case law⁷ has established that in line with the requirements of Article 6(3) the Appropriate Assessment process must involve the cataloguing of all habitats and species for which the site is designated and furthermore identify and examine the implications of the plan or project for non-qualifying habitats or species or habitats within the site or outside of the site, where the impacts to such habitats or species are liable to affect the conservation objectives of the qualifying interests of the site in question.
- 3.17. In light of this, consideration has been given in the Habitats Directive Appraisals, to the potential of the Proposed Grid Connection to give rise to adverse effects to non-qualifying species and habitats present within or outside of the European sites, where such effects would have potential to affect the relevant qualifying features of the sites.

⁶ European Commission Notice C 33/01 (2019) Managing Natura 2000 sites – The provisions of Article 6 of the Habitats Directive 92/43/EEC

⁷ Case C-461/17 ("Brian Holohan and Others v An Bord Pleanála")

4. METHODOLOGY

Relevant Guidance

4.1. A range of relevant guidance has been published by statutory bodies in respect of the methodology used in the completion of the Habitats Directive Appraisals. The following guidance documents have informed the approach taken to assessment within the Habitats Directive appraisals including definitions, assessment criteria and the application of relevant legal 'tests':

- European Commission Notice C 437/01 (2021) Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission Notice C 33/01 (2019) Managing Natura 2000 sites – The provisions of Article 6 of the Habitats Directive 92/43/EEC.
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: Alternative solutions, Imperative reasons of overriding public interest, Compensatory measures, Overall coherence, Opinion of the Commission. (2007/2012).
- Communication from the Commission on the Precautionary Principle. Office for Official Publications of the European Communities, Luxembourg (EC, 2000).
- Interpretation manual of European Union Habitats. Version EUR 28. Publications Office of the European Union, Luxembourg (EC, 2018).
- Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, Dublin (DEHLG, 2010a).
- Department of Environment Heritage and Local Government Circular NPW 1/10 and PSSP 2/10 on Appropriate Assessment under Article 6 of the Habitats Directive – Guidance for Planning Authorities ([DEHLG, 2010](#));

Stages of Appropriate Assessment

4.2. Appropriate Assessment is a staged procedure, necessitating four possible sequential stages. The guidelines of this assessment are presented in the publication 'Assessment of plans and projects significantly affecting Natura 2000 sites' (EC, November 2021)⁸.

4.3. The stages are as follows:

- **Stage 1 Screening:** To first determine whether the plan or project is directly or indirectly connected to or necessary for the management of a European Site and subsequently (where it is not) to assess, in light of objective criteria, whether the plan or project, alone or in-combination with other plans or projects, is likely to give rise to significant effects on a European site in view of the relevant site's conservation objectives.
- **Stage 2 Natura Impact Statement:** Where likely significant effects upon European sites could not be excluded at the previous stage, Stage 2 will assess the potential of the plan or project to give rise to adverse effects upon the integrity of the European site(s). This assessment must be undertaken in view of the site-specific conservation objectives of the relevant European site and, where reasonable scientific doubt remains, the application of the precautionary principle, as discussed above. Where possible, the NIS will identify and describe appropriate mitigation to remove the potential for adverse effects on any European site(s).
- **Stage 3 Consideration of Alternative Solutions:** Where adverse effects on the integrity of any European site(s) are anticipated or cannot be excluded in the absence of reasonable scientific doubt despite the application of mitigation measures, the proposal should progress to Stage 3 and consideration of alternative solutions. Case law has established that such an assessment should not include considerations of cost. Furthermore, if alternative solutions are available which would not give rise to an adverse effect on the integrity of a European site(s) or would have a less damaging effect on such sites then this alternative option should necessarily be adopted by the competent authority.
- **Stage 4 Consideration of IROPI:** The final stage, following a determination that no less damaging alternatives are available, involves an examination of whether the plan or

⁸ Assessment of plans and projects significantly affecting Natura 2000 sites' EC (October 2021). Available at: [Commission notice Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6\(3\) and \(4\) of the Habitats Directive 92/43/EEC 2021/C 437/01 - Publications Office of the EU](#)

project is proposed for imperative reasons of overriding public interest (IROPI). In such circumstances the proposal may be consented in spite of associated adverse effects upon a European Site(s), where no less damaging solution exists. In such circumstances, the Member State must take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.

Source – Pathway - Receptor Model

- 4.4. The ‘source-pathway-receptor’ conceptual model is a tool used for environmental assessment. In order for an effect to occur, all elements of this model must be linked. The removal or absence of one of the elements of the model results in there being no potential for the effect in question to occur. For example:
- Source(s), e.g., blasting.
 - Pathway(s) e.g., air (noise and vibration effects transmitted through this pathway).
 - Receptor(s) e.g., nesting birds.
- 4.5. For an NIS, this model is focused solely on the qualifying interests (for SACs) and special conservation interests (for SPAs) of European Designated Sites, as defined by the National Parks and Wildlife Services (NPWS) and referenced within this report.
- 4.6. SACs are designated on account of qualifying areas of supported Annex I Habitats or populations of Annex II species, collectively referred to as Qualifying Interests (QIs). SPAs are designated on account of the supported populations of Annex I bird species and associated wetland habitats, collectively referred to as Special Conservation Interests (SCIs).
- 4.7. The Proposed Grid Connection may have the potential to result in a number of impacts, which could potentially affect the qualifying interests (for SACs) and special conservation interests (for SPAs) of European Designated Sites. The “zone of influence” (ZOI) for each effect is established using the Source-Pathway-Receptor framework, which helps identify potential impact pathways between the project and Natura 2000 site. Different effects have different zones of influence, for example hydrological effects may span several kilometres and air and land may span several hundred meters. The analysis of these effects, the source -pathway - receptor framework, requires scientific knowledge and professional judgement and leads to the identification of a “zone of influence” for each effect.

Study Zone Identification

4.8. The ‘Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities’⁹ states that the NIS should include the following:

- “Any Natura 2000 sites within or adjacent to the plan or project area.
- *Any Natura 2000 sites within the likely zone of impact of the plan or project.*
- *A distance of 15 km is currently recommended in the case of plans and derives from UK guidance (Scott Wilson et. al., 2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. In some instances, connectivity may go beyond 15km and will also need to be considered.*
- *Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the case of sites with water dependent habitats or species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment.”*

4.9. The Zone of Influence (Zol) for a project should be established on a case-by-case basis using the Source-Pathway-Receptor framework, as recommended by recent guidance from the Office of the Planning Regulator¹⁰.

4.10. This approach focuses on identifying potential impact pathways between the project and European Sites, rather than relying on arbitrary distances. While earlier guidance suggested a 15km radius as a starting point for considering potential impacts, particularly for plans, the current best practice emphasizes that the Zol can vary significantly based on the nature and scale of the project, the sensitivity of ecological receptors, and potential impact pathways. Sites further than 15km from the Proposed Grid Connection with a potential hydrological or ornithological connection have also been considered.

⁹ Department for Environment, Heritage and Local Government (2009) Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. Available at: http://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

¹⁰ Appropriate Assessment Screening for Development Management – PN01 – Available at: <https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf>

Desk Study

4.11. Sources of material that were consulted as part of the desk study for the purposes of the assessment are as follows:

- NPWS natural heritage database for Natura 2000 sites within the 15km ZOI of the Proposed Grid Connection¹¹.
- NPWS site synopses, Natura 2000 Data Form and conservation objectives relating to each site and aerial images.
- Environmental Protection Agency (EPA) interactive maps¹²

¹¹ Environment, Heritage and Local Government (2009) Appropriate Assessment of Plan and Projects in Ireland. Available at: https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

¹² Available at: <https://gis.epa.ie/EPAMaps/>

5. PROJECT DESCRIPTION

- 5.1. The Proposed Grid Connection will comprise the installation of a 38kV cable linking the Tipperary 110kV sub-station and the consented Rathduff Solar Farm site. The various construction elements and the typical methodologies for these works are set out below.
- 5.2. The location of the Proposed Grid Connection is illustrated in **drawing no RES-GRD-DR-PT-001**.

Preliminary Site Investigations

- 5.3. Site investigations will be carried out along the route to inform final detailed design.
- 5.4. The following items may be carried out:
- Slit trenches at locations of major service crossings (Half Road width).
 - Trial holes along the route to ascertain ground conditions and thermal resistivity of the soil.
 - Trial holes at all chamber positions to ascertain ground conditions and thermal resistivity of the soil
 - Traffic Management – Single lane closure where necessary.

Underground Cable Construction Methodology

- 5.5. The UGC will consist of a number of High-density Polyethylene (HDPE) power cable ducts, HDPE communications duct and earth continuity duct to be installed in an excavated trench, typically 600mm wide by 1,220mm deep, with variations on this design to adapt to service crossings and watercourse crossings, etc. The power cable ducts will accommodate 1 No. phase cable per duct.
- 5.6. The ducts will be installed, and the trench reinstated in accordance with the local road's authority within Tipperary County Council where installed on public roads and reinstated in accordance with the landowner's requirements where installed on private lands. The greenfield section is limited to approximately 70m and will be reinstated following installation. The installation of the electrical cabling/fibre cable will be installed by pulling them through the ducts between joint bays. Construction methodologies to be implemented and materials to be used will ensure that the UGC is installed in accordance with the requirements of the Council and private landowners.

Trenching Methodology

5.7. The following section outlines the methodology to be followed during trenching works:

- The Contractor, and their appointed Site Manager, will prepare a targeted Method Statement concisely outlining the construction methodology and incorporating all mitigation and control measures;
- All existing underground services shall be identified on site prior to the commencement of construction works;
- Where the cable route intersects with culverts, the culvert will remain in place (where possible) and the ducting will be installed either above or below the culvert to provide minimum separation distances in accordance with ESB and Irish Water specifications;
- Excavated material will be temporarily stockpiled onsite for re-use during reinstatement. Stockpiles will be restricted to less than 2m in height. Stockpiles will be located a minimum of 15m from surface water features and subject to regular inspection by the site manager.
- Excavated material shall be employed to backfill the trench where appropriate and any surplus material will be transported off site and disposed at a fully authorised soil recovery site;
- Any earthen (sod) banks to be excavated will be carefully opened with the surface sods being stored separately and maintained for use during reinstatement;
- The excavated trench will be dewatered if required, from a sump installed within the low section of the opened trench. Where dewatering is required, dirty water will be fully and appropriately attenuated, through silt bags, before being appropriately discharged to vegetation or surface water drainage feature;
- Where required, grass will be reinstated by either seeding or by replacing with grass turves;
- No more than a 100m section of trench will be opened at any one time. The second 100m will only be excavated once the majority of reinstatement has been completed on the first;
- The excavation, installation and reinstatement process will take on average of 1 no. day to complete a 100m section;

- Where the cable is being installed in a roadway, temporary reinstatement may be provided to allow larger sections of road to be permanently reinstated together;
- Following the installation of ducting, pulling the cable will take approximately 1 no. day between each joint bay, with the jointing of cables taking approximately 1 week per joint bay location.

Ducting Installation Methodology

5.8. Trenching and ducting works, shall employ the following step by step methodology:

- Grade, smooth and trim trench floor when the required 1220mm depth and 600mm width have been obtained.
- Place bedding layer of Cement Bound Granular Mixture B (CBGM B) material in accordance with the specification and compact it.
- Lay the bottom row of ducts in trefoil formation as detailed on the design drawings. Use spacers as appropriate to establish horizontal duct spacing. Fit a secure cap / bung to the end of each duct run to prevent the ingress of dirt or water.
- Carefully surround and cover ducts with CBGM B in accordance with the design drawings and specifications and thoroughly compact without damaging ducts.
- Place cable protection strips on compacted CBGM B directly over the ducts.
- Lay the top row of ducts onto the freshly compacted CBGM B including the cable protection strips above the bottom row of ducts. Place a secure cap at the end of each duct to prevent the ingress of dirt or water.
- Carefully surround and cover ducts with CBGM B material in accordance with the drawings and thoroughly compact without damaging ducts.
- Place red cable protection strip on top of compacted CBGM B over each set of ducts as shown on the drawings.
- Place and thoroughly compact CBGM B material or Clause 804 backfill, or soil backfill as specified and place warning tape at the depth shown on the drawings.
- For concrete and asphalt/bitmac road sections, carry out immediate permanent reinstatement in accordance with the specification and to the approval of the local authority and/or private landowners, unless otherwise agreed with local authorities.

- Clean and test the ducts in accordance with the specification by pulling through a brush and mandrel. Install 12 mm polypropylene draw rope in each duct and seal all ducts using robust duct end seals fitted with rope attachment eyes in preparation for cable installation at a later date. All the works should be witnessed by ESNB Clerk of Works (CoW) as required.

Managing Excess Material from Trench

- 5.9. All excavated material will be temporarily stored adjacent to the trench before re-use in the trench reinstatement (where applicable). Stockpiles will be restricted to less than 2m in height. Where excess material exists, it may be used in the reinstatement of the consented Solar Park sites or disposed of at a licensed facility.

Storage of Plant and Machinery

- 5.10. All plant, machinery, and equipment will be stored on-site within the works area or within the temporary construction compound to be located within the consented Solar Park site. Oils and fuels will not be stored on-site and will be stored in an appropriately bunded area within the temporary storage compound.

Joint Bays and Associated Chambers

- 5.11. Joint bay locations have been selected to meet ESNB standards and ensure proper sheath bonding. However, their full design is subject to site investigation and liaison with the Local Authority, ESNB and other relevant stakeholders to ensure their placement causes minimal disruption during construction. For this reason, joint bays are to be provided approximately every 750 to 1000meters along the UGC routes. 38kV Joint Bays are typically 4.5m x 2.03 m pre-cast concrete structures installed below the finished ground level. Joint Bays will be located in the non-wheel bearing strip of roadways, however given the narrow profile of local roads this may not always be possible.

Cable Installation

- 5.12. The electrical cable is supplied in pre-ordered lengths on large cable drums. Once the ducting installation works are completed, the ducts have a 12mm polyethylene rope blown through them. This guide rope is then used for proving the ducts by attaching a mandrel, a sponge and brush, for cleaning the duct installed. Once the ducting is proved, the electrical cables (situated on a drum) are pulled through the ducting by a specialised mechanical winch. The electrical cable will be connected to the winch rope using approved suitably sized and rated cable pulling stocking and swivel or the pulling head fitted by the cable manufacturer. Installing "one section" of electrical cable normally involves pulling three individual conductors into three separate ducts via the winch. The winch will also monitor the tension

on the cables being pulled so as not to damage the cables. The cable pulling winch must be set at a predetermined cut off pulling tension as specified by the designer. Cable lubricant is applied to the outside of the cables being pulled through the duct. The lubricant assists in the pulling process by removing friction between the cable and the rollers. This not only speeds up the process but also prevents snagging and therefore damage to the cable.

- 5.13. Once the “two sections” of cable are pulled into the joint bay, a jointing container is positioned over the joint bay and the cable jointing procedure is carried out in this controlled environment. Following the completion of jointing and duct sealing works in the joint slab, place and thoroughly compact cement-bound sand in approximately 200 mm layers to the level of the cable joint base to provide vertical support. Install additional layers of cement-bound sand and compact each layer until the cement-bound sand is level with the top of the joint. Install an additional 100 mm cement-bound sand layer. Install cable protection strip. Backfill with cement-bound sand to a depth of 250 mm below surface and carry out permanent reinstatement including placement of warning tape at 300 mm depth below finished surface.

Horizontal Directional Drilling

- 5.14. Horizontal Direction Drilling (HDD) is a method of drilling under obstacles such as motorways, railway lines, bridges, watercourses, existing UG infrastructure, etc. This method is employed where installing the ducts using standard trenched installation methods is not possible and instead, cable ducts are installed by drilling under the obstacle.
- 5.15. The proposed route includes three bridge / watercourse crossings. Bridge 1, located over the Fidaghta River, has been identified as having sufficient cover to allow the cable ducts to be installed within the existing bridge makeup, subject to confirmation at detailed design stage. Bridge 2 has insufficient cover to support the proposed 38kV connection within the bridge makeup and is therefore proposed to be crossed by HDD within the curtilage of the road. Bridge 3 is also proposed to be crossed by HDD within the curtilage of the road.
- 5.16. The proposed drilling methodology is as follows: -
- A works area of circa 40m² for the HDD entry side, and circa 20m² on the HDD exit side, will be required for the HDD equipment and vehicles. These areas will be fenced off during the HDD implementation.
 - Entry and exit pits will be located at least 5m either side of the watercourse.
 - The drilling rig and fluid handling units will be located on the entry side and will be appropriately bunded using sandbags, which will contain any fluid spills and stormwater run-off.

- Entry and exit pits (approximately 2m (w) x 3m (L) x 1m deep) will be excavated using an excavator, and the excavated material will be temporarily stored within the works area and used for reinstatement or disposed of to a licensed facility.
- The HDD pilot bore will be undertaken using a wireline guidance system. Assembly will be set up by the drilling team and steering engineer.
- The pilot bore will be drilled to the pre-determined profile and alignment under the watercourse crossings.
- The steering engineer and drill team will monitor the drilling works to ensure that modelled stresses and pressures are not exceeded.
- The drilled cuttings will be flushed back by drilling fluid to the entry and exit pits and re-cycled for re-use.
- Once the first pilot hole has been completed a hole-opener or back reamer will be fitted in the exit side which will then be pulled back to the entry side as part of the pre-reaming/hole opening process to enlarge the hole to the correct size.
- When the pre-reaming/hole opening/hole cleaning has been completed, a reamer of a slightly smaller diameter than the final cut will be installed on the drill string to which the ducts will be attached for installation.
- The drilling fluid will be disposed of at a licensed facility.
- The ducts will be cleaned and proven, and their installed location surveyed.
- The entry and exit pits will be reinstated to the specification of ESNB and any requirements of Tipperary County Council.

Drainage Management

- 5.17. The measures described in this section will be adopted during the construction phase in order to manage on-site drainage in accordance with current best practice and legislation.
- 5.18. The Site Manager shall contact:
- The Client;
 - Environmental Protection Agency (“EPA”) 24-hour emergency incident line 1890 33 55 99;

- Inland Fisheries 24-hour pollution line 1890 34 74 24. The pollution hotline number shall be referenced in the construction site rules and displayed in the Site Office, within the Rathduff Solar Farm facility, and in the Emergency preparedness & response plan.
- 5.19. Each Contractor working with controlled substances shall supply appropriate spill kits which shall be kept on site. The spill kits shall be made accessible at all times to all site personnel.
- 5.20. Silt-laden runoff should be expected from any areas of recently exposed soil. There is also potential for pollution to occur from machinery used in the construction.
- 5.21. The introduction of artificial materials required (e.g. silt fencing, straw bales, sandbags etc.) will be deployed onsite and will be removed on completion of the works. A suitable buffer and barriers (silt fences) will be provided between any excavated material and any surface water features to prevent sediment washing into the receiving water environment.
- 5.22. Discharge from the silt control measures will be discharged into an area of vegetation for dispersion or infiltration, in accordance with Sustainable drainage system (SuDS) techniques. Where drains or watercourses are crossed with underground cables the release of sediment will be prevented through the implementation of best practice construction methodologies.
- 5.23. The contractor shall ensure that silt fences are regularly inspected and maintained during the construction phase.
- 5.24. If very wet ground must be accessed during the construction process bog mats/aluminium panel tracks will be used to enable access to these areas by machinery. However, works will be scheduled to minimise access requirements during very wet periods and predominantly aiming to carry out works during the summer season.
- 5.25. The contractor will carry out visual examinations of local watercourses from the proposed works during the construction phase to ensure that sediment is not above baseline conditions. In the unlikely event of water quality concerns, an Environmental Manager and ECoW will be consulted.
- 5.26. Excavations will be left open for minimal periods to avoid acting as a conduit for surface water flows.
- 5.27. Entry by plant equipment, machinery, vehicles, and construction personnel into watercourses or wet drainage ditches shall not be permitted. All routes used for construction traffic shall be protected against migration of soil or wastewater into watercourses.
- 5.28. Cabins, containers, workshops, plant, materials storage, and storage tanks shall not be located near any surface water channels.

6. BASELINE ENVIRONMENT

BIODIVERSITY

Habitats

- 6.1. The vast majority of the Proposed Grid Connection will be installed within areas which are currently occupied by either existing public road or access tracks in addition to a short section of greenfield land (c. 70m) which will comprise the consented solar farm access track. These areas support habitats of bare hardstanding or improved grassland of negligible ecological value. Watercourses along the route will not be directly affected by the works.

Protected Species

- 6.2. Given the habitats present along the Proposed Grid Connection, which will be affected by the construction, namely hardstanding habitats with negligible ecological value, it is considered that no protected species would have potential to be impacted by the construction.
- 6.3. While watercourses to be crossed within the Proposed Grid Connection have some limited potential to support occasional otter activity including foraging, the works in proximity to watercourses are limited to within the footprint of existing roads. As such the lengths of watercourse in proximity to the construction are already subject to significant quantities of human disturbance arising through ongoing use of the relevant local roads. Furthermore, the watercourse channels to be crossed have been significantly affected through historical culverting. Works which are likely to have reduced the suitability of these lengths of watercourse by otter.
- 6.4. It is not considered that the site supports suitable habitat to support additional Annex II species.

HYDROLOGY

- 6.5. According to the Environmental Protection Agency (EPA) Map, the Proposed Grid Connection route and the surrounding area lies entirely within the Hydrometric Area No.16, River Suir (Water Framework Directive) Catchment Area. The Proposed Grid Connection lies entirely within the boundary of the Suir sub-catchment 'SC_070'.
- 6.6. The Proposed Grid Connection crosses two watercourses, the Fidaghta_010 and Fidaghta_020, both tributaries of the River Suir.

GEOLOGY AND SOILS

Geology and Soil

- 6.7. The geological conditions of the site were identified utilising the Geological Survey of Ireland (“GSI”) Spatial Resources online geological mapping system¹³. The Proposed Grid Connection route is underlain by the Ballysteen Formation, Hore Abbey limestone Formation and Limestone shales.

HYDROGEOLOGY

- 6.8. According to the GSI map, the site lies within the Templemore (GWB)¹⁴, Bansha (GWB)¹⁵ and the Lisvarrinane (GWB)¹⁶.
- 6.9. The Templemore GWB is described as supporting local discharge to streams and rivers in addition to small springs and seeps. Limited groundwater and surface water interactions are considered to arise. The groundwater body is described as having extreme vulnerability with diffuse recharge where subsoils are thin. Steep topography leads to greater overland flows.
- 6.10. The Bansha GWB is described as supporting significant artesian flows, at relatively great depths and with diffuse recharge from precipitation and through bedrock fractures. It is described as of extreme vulnerability with rock close to the surface throughout.
- 6.11. The Lisvarrinane GWB is described as supporting groundwater flows which are largely in line with those at the surface via karstic aquifers with a general flow direction to the east. Discharge from the groundwater is primarily to surface stream flows. The vulnerability is described as high to extreme with recharge via diffuse inputs from rainfall and via runoff in the northern and southern areas of the catchment.

¹³ GSI Spatial Resources Online Map., Available at <http://dcenr.maps.arcgis.com/apps/MapSeries/?appid=a30af518e87a4c0ab2fbde2aaac3c228>

¹⁴ GSI. Portlaoise GWB: Summary of Initial characterisation. Available at: <https://gsi.geodata.gov.ie/downloads/Groundwater/Reports/GWB/PortlaoiseGWB.pdf>

¹⁵ GSI. Geashill GWB: Summary of Initial characterisation. Available at: <https://gsi.geodata.gov.ie/downloads/Groundwater/Reports/GWB/GeashillGWB.pdf>

¹⁶ GSI. Bagenalstown Upper GWB: Summary of Initial characterisation. Available at: <https://gsi.geodata.gov.ie/downloads/Groundwater/Reports/GWB/BagenalstownGWB.pdf>

7. STAGE 1 – SCREENING FOR APPROPRIATE ASSESSMENT

- 7.1. In accordance with relevant guidance, this stage of the AA has identified all European Sites located within the ZoI of the Proposed Grid Connection. These sites and their current status form the baseline against which the potential for LSEs should be assessed.
- 7.2. The potential impact pathways associated with the Proposed Grid Connection have been identified. Those International Sites upon which there is no possibility of significant effects will be ruled out of any further assessment.
- 7.3. The potential for LSEs can depend more on the nature of proposals, sensitivity of receptors and causal linkage, rather than actual distances. The assessment below considers connectivity, either ecological, ornithological or hydrological, that may exist between the Proposed Grid Connection and the European site(s).

DIRECTLY CONNECTED WITH OR NECESSARY TO THE MANAGEMENT OF THE SITE

- 7.4. The Proposed Grid Connection is for the operational conveyance of renewable electricity feeding into the grid from the consented Rathduff Solar Farm.
- 7.5. The project is therefore not directly connected with or necessary to the management of any European site.

IDENTIFICATION OF EUROPEAN SITES

- 7.6. There are four Special Areas of Conservation (SACs) within 15km of the site which are discussed further below. No further European Sites are considered to be within the potential zone of influence of the Proposed Grid Connection given the lack of potential hydrological, ecological or ornithological connections.
- 7.7. European sites within the identified potential ZoI of the Proposed Grid Connection are illustrated in **Figure 2 – European Designated Sites Map (Appendix A)**. These sites are described in **Table 7-1**, below.

Table 7-1: European Sites

Site Code	Site Name	Qualifying Features	Shortest Linear Distance to Proposed Grid Connection (km)	Potential Connectivity with the Proposed Grid Connection
002137	Lower River Suir SAC	Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <i>Taxus baccata</i> woods of the British Isles [91J0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Alosa fallax fallax</i> (Twaiite Shad) [1103] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	2.23km East (7.8km by closest surface water pathway)	Hydrological

Site Code	Site Name	Qualifying Features	Shortest Linear Distance to Proposed Grid Connection (km)	Potential Connectivity with the Proposed Grid Connection
000646	Galtee Mountains SAC	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220]	7.80km South	None
001847	Philipston Marsh SAC	Transition mires and quaking bogs [7140]	12.3km North-West	None
002257	Moanour Mountain SAC	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030]	12.5km Southwest	None

SOURCE-PATHWAY-RECEPTOR ANALYSIS

- 7.8. The potential for the Proposed Grid Connection construction to give rise to LSEs upon the above listed European sites, in addition to any others with potential connectivity to the route, is assessed on the basis of source-pathway-receptor links. As discussed above, this is defined as a link between a source of impact (such as construction phase operations giving rise to visual and noise disturbance), a pathway for such a source to act (such as through proximity to a European site) and the receptor itself (which may comprise a specific qualifying interest

sensitive to such effects). Where a sufficient link is considered to exist between the source, pathway and receptor it is considered that a likely significant effect may occur.

- 7.9. As outlined in **Table 7-1**, the Proposed Grid Connection Route is not located within or directly adjacent to any European site. As such, it is not considered that its construction would have potential to give rise to any direct habitat loss effect to any European site.
- 7.10. Furthermore, all such sites are located at least 2.2 km from the site. As such it is not considered that there is any potential for the Proposed Grid Connection to give rise to any likely significant noise, vibration or visual disturbance to the European sites or their respective qualifying interests within the boundaries of the sites themselves.
- 7.11. The only European Site for which there exists a potential pathway for effects is the Lower River Suir SAC, that being a hydrological connection via the Fidaghta watercourse. All other European Sites within the initially identified potential ZOI are therefore screened out at this stage.

Lower River Suir SAC

- 7.12. The Lower River Suir SAC¹⁷ is located approximately 2.23km to the east of the Proposed Grid Connection at its closest point. The SAC is connected to the route via a surface water pathway of approximately 7.8km via the Fidaghta_010 and Fidaghta_020 watercourses.
- 7.13. The SAC is designated for a range of Annex I habitats including several freshwater aquatic habitats including:
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
 - Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
- 7.14. In addition, the SAC is designated on account of a range of freshwater aquatic Annex II species including:
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
 - *Austropotamobius pallipes* (White-clawed Crayfish) [1092]
 - *Petromyzon marinus* (Sea Lamprey) [1095]
 - *Lampetra planeri* (Brook Lamprey) [1096]
 - *Lampetra fluviatilis* (River Lamprey) [1099]

¹⁷ [ConservationObjectives.rdl](#)

- *Alosa fallax fallax* (Twaite Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

- 7.15. Of these Annex I habitats and Annex II species, all are considered, on the basis of the site's conservation objectives¹⁷, to be sensitive to the effects of pollution and sedimentation. It is noted however that the highly sensitive species, freshwater pearl mussel, does not occur within the catchment of the Lower River Suir SAC which lies downstream of the Proposed Grid Connection.
- 7.16. The Proposed Grid Connection construction works will involve excavations within the roadbed of existing roads and access tracks and subsequent reinstatement. Such works are small scale (100m of roadbed to be under construction at any given time) and will incorporate standard measures for the protection of surface waters as set out above. It is therefore considered that such works would have no potential to give rise to measurable water quality effects such as pollution or sedimentation. As such there would be no potential for likely significant effects to arise to the Lower River Suir SAC, located 7.8km downstream of these proposed works.
- 7.17. Three watercourse crossings are also required as part of the Proposed Grid Connection. Of these the first, which will cross the Fidaghta_010 watercourse, on the L4209 local road, will involve a construction methodology which is in keeping with that set out above for typical cable installation within the roadbed. This is due to the bridge having sufficient "cover" to facilitate a conventional installation above the head of the underlying culvert.
- 7.18. The second watercourse crossing (also of the Fidaghta_010 watercourse on the L4209 local road), will utilise an HDD cable installation methodology as insufficient cover is supported under the roadbed above the bridge structure to facilitate conventional installation. The HDD methodology to be utilised is a method often adopted for sensitive watercourses given that it will involve no direct disturbance to the watercourse channel. Furthermore, this HDD methodology, as set out above, will incorporate a range of standard measures for the protection of the watercourses, including the use of buffers for siting of entry and exit pits, use of bunding with sandbags around working areas and the collection and appropriate disposal of drilling fluids. Such standard measures pertain to all such HDD cable installations and are implemented irrespective of the presence or otherwise of any European Site within or downstream of the relevant location. It is therefore considered that such works will not have potential to give rise to significant water quality effects upon the Fidaghta watercourse, either via sedimentation or pollution. As such there is no potential to these works to give rise to likely significant effects upon Lower River Suir SAC.
- 7.19. The third watercourse crossing of the Fidaghta_020 watercourse (on the L4306 Road), will also utilise a HDD installation methodology, due to the lack of cover supported under the roadbed and above the culvert. This methodology will be as described above in respect of the second crossing. Similarly, it is considered that the proposed HDD works at this location will not have potential to give rise to significant water quality effects upon the Fidaghta

watercourse, either via sedimentation or pollution. As such there is no potential to these works to give rise to likely significant effects upon Lower River Suir SAC. This conclusion is drawn in light of the standard measures which will be implemented to safeguard water quality around the HDD works sites, as discussed above, in addition to the small-scale of the proposed works and their location 7.8km upstream of the Lower River Suir SAC.

IN-COMBINATION ASSESSMENT

- 7.20. As well as singular effects, in-combination effects also need to be considered. Article 6 (3) of the EU Habitats Directive and Regulation 15 of the European Communities (Natural Habitats) Regulations state that any plan or project that may, either alone or in combination with other plans or projects, significantly affect a European Designated Site require consideration.
- 7.21. In-combination effects can become a conservation concern even when individual development proposals have a small impact on European Designated Sites. If other nearby proposals are anticipated to have ecological or ornithological impacts, the combined result can have a significant impact on European Designated Site(s).
- 7.22. The European Commission Habitats Directive and the Habitats Regulations 2011 require that the impacts on European Designated (formerly 'Natura 2000') Sites be assessed from the plan or project in question and also in the presence of other plans and projects that could affect the same European sites.
- 7.23. This AA Screening has identified other plans and projects that could act, in combination with this Proposed Grid Connection, and has assessed whether or not those plans or projects pose likely significant effects on European Designated sites.
- 7.24. The main aim of this process is to assess if these other plans and projects have undergone Appropriate Assessment Screening themselves and have either been adopted or consented following an AA Screening, then they cannot pose likely significant adverse effects on European sites.
- 7.25. There is no standard prescriptive method for assessing in-combination effects of nearby proposed or consented developments subject to planning applications within a given area. Planning applications considered within this assessment have been screened by distance, scale and nature, and further determined by comparing potentially overlapping Zones of Influence from other projects in regard to species, habitats and designated sites.
- 7.26. Current guidance¹⁸ from CIEEM states:

"The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. The zone

¹⁸CIEEM (2024) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.3 Available at: <https://cieem.net/wp-content/uploads/2018/08/EcIA-Guidelines-v1.3-Sept-2024.pdf>

of influence will vary for different ecological features depending on their sensitivity to an environmental change.”

Plans

7.27. A review of the following plans was undertaken:

National Planning Framework 2040

7.28. The National Planning Framework (“NPF”) 2040 is a high-level, national vision and provides the strategic framework and principles to manage future population and economic growth in Ireland over the next 20 years. It informs the parameters for the preparation of Regional Spatial and Economic Strategies (“RSEs”) by each of the three Regional Assemblies, established under the Local Government Reform Act 2014.

7.29. In order to comply with the requirements of Article 6(3) of the EU Habitats Directive an AA screening was undertaken at an early stage in the drafting of the National Planning Framework (“NPF”).

7.30. Adopting the precautionary principle, it was concluded that a NIS should be prepared. An NIS was prepared by RPS on behalf of the Minister for Housing, Planning and Local Government. The NIS considered the potential for the NPF to adversely affect the integrity of any European Designated Site(s); with regard to their qualifying interests, associated conservation status, the structure/function of the site(s) and the overall site(s) integrity. This was done in a two-stage process, initially assessing the draft NPF and subsequently assessing the changes made post consultation for the NPF.

7.31. The Minister of Housing, Planning and Local Government, having considered the AA and its conclusions determined that;

“the adoption and publication of the NPF as a replacement of the National Spatial Strategy for the purposes of section 2 of the Planning Development Act 2000 will not individually or in combination with any other plan or project adversely affect the integrity of any European Site (as defined).”

7.32. Thus, the in-combination impacts from the NPF, with the Proposed Grid Connection are not predicted to result in any Likely Significant Effects to any European Site(s).

Regional Spatial and Economic Strategy for the Southern Region

7.33. In order to comply with the requirements of Article 6 (3) of the EU Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended), the process of Screening for AA was undertaken at an early stage in the drafting of the RSES.

7.34. The AA Screening undertaken by ecologists at RPS on behalf of the Southern Regional Assembly, assessed whether the RSES was likely to have significant effects on any European

Sites within the Natura 2000 network, either alone or in combination with other plans and projects.

- 7.35. The screening concluded that an AA of the RSES was required, as the Plan is not directly connected with or necessary to the management of the sites as European sites and as it cannot be excluded, on the basis of objective information, that the Plan, individually or in combination with other plans or projects, would have a significant effect on a European site.
- 7.36. Therefore, adopting the precautionary principle, it was concluded that a NIS should be prepared. The NIS (prepared by RPS on behalf of the Southern Regional Assembly) considered the potential for the RSES to adversely affect the integrity of any Natura 2000 site(s), with regard to their qualifying interests, associated conservation status, the structure/function of the site(s) and the overall site(s) integrity.
- 7.37. The Assembly determined that pursuant to Article 6(3) of the Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended), that the adoption and publication of the RSES as a replacement for the “Regional Planning Guidelines” for the purposes of Section 24 (4) of the Planning and Development Act 2000 (as amended) would not either individually or in combination with any other plan or project adversely affect the integrity of any European Site.

Tipperary County Development Plan 2022-2028

- 7.38. An Appropriate Assessment was carried out for the County Development Plan within Tipperary County Council. The Appropriate Assessment concludes that assuming that the County Development Plan is implemented in accordance with the policies and objectives then significant adverse effects on European sites will be avoided¹⁹.
- 7.39. As the above plan is not predicted to result in any significant effects to any Natura 2000 sites, and there will be no effects on Natura 2000 sites from the Proposed Grid Connection, it has been concluded from the above assessments that there will be no in combination effect from the reviewed plans with the Proposed Grid Connection and associated future elements.

Agriculture

- 7.40. The vast majority of the areas surrounding the site are comprised of agricultural lands which are farmed at a variable degree of intensity, with a large proportion being intensively managed pasture.
- 7.41. This agricultural activity is considered as being highly likely to give rise to potential adverse effects upon the downstream aquatic environment including aquatic habitats within the relevant SAC. Such effects would occur as a result of contaminated surface water run-off from

¹⁹ Appropriate Assessment Conclusion Statement for Offaly County Development Plan 2021-2027. Available at: https://www.offaly.ie/app/uploads/Council/Council_Services_A-Z/Planning_Building/AA-Conclusion-Statement.pdf

agricultural activities including through the application of organic material (slurry) and chemical fertilisers in addition to sedimentation through routine agricultural operations such as drain clearance and ploughing. Potential effects associated with such inputs would be a general deterioration of downstream water quality through sedimentation and eutrophication.

- 7.42. It is considered that the Proposed Grid Connection, the construction of which would involve extremely small-scale works undertaken in line with a range of standard measures for the protection of surface waters, would have no potential to act in-combination with agricultural activities occurring throughout the surface water catchment in which the site is located.

Forestry

- 7.43. A very small number of forestry licences have been applied for within 10km of the Proposed Grid Connection for activities in the form of afforestation only. A search was carried out on such applications on the Department of Agriculture, Food and the Marine Forestry Licence Viewer²⁰ was carried out on 25th June 2026. The findings are set out below within **Table 7-2**.

Table 7-2: Forestry Licences submitted and granted within 3km of the Proposed Grid Connection

Licence Number	Licence Type	Date Submitted	Distance and Direction	Date Granted
CN81706	Afforestation	08/02/26	3.58km Southeast	Refused
CN81706	Afforestation	17/08/2018	7.83km Southeast	Refused

- 7.44. No granted licence applications within proximity to the Proposed Grid Connection are present on the Forestry Licence Viewer.
- 7.45. No potential in-combination effects are predicted to arise alongside the Proposed Grid Connection, given the lack of potential effects arising from the proposed construction, discussed above.

Emissions Licences

- 7.46. A search of the Environmental Protection Agency Maps was carried out to identify emissions licences that were granted along the Fidaughta watercourse and further downstream, the relevant surface water pathway linking the site and the Lower River Suir SAC. The granted emission licences can be viewed in **Table 7-3** below.

²⁰ <https://flv.apps.services.agriculture.gov.ie/>

Table 7-3: Emissions Licences granted along surface water pathway between site and European Sites

Licence Number	Licence Type	Authorised Date	Distance and Direction
P0489-01	Industrial Emissions	05/10/00	4.6km Southeast
P0311-01	Industrial Emissions	05/01/98	13.1km Southeast

- 7.47. Licence Number P0489-01 is for Rosderra Farms Unlimited Company and relates to the rearing of pigs of over 1,000 units on gley soils or 3,000 units on other soils with a pig equating to 1 unit and a sow equating to 10 units. An Environmental Impact Statement from 1999 was produced as required with an EPA licence. This report highlights the range of potential impacts associated with the activities including to water quality. A range of mitigation measures are included including monitoring requirements. All environmental monitoring continues to be carried out in compliance with the Conditions of the licence.
- 7.48. Licence Number P0311-01 is for Outrath Quarries Limited. An environmental report from 2024 was produced as required with an EPA licence. The determination report for the licence sets out a range of mitigation measures which are to be adhered to during the activities for the protection of surface waters and air quality.
- 7.49. Given the nature of the Proposed Grid Connection, it is considered that the works would not have potential to act in combination with the above licenced activities which themselves incorporate a range of measures for the protection of downstream water quality.

Projects

- 7.50. A search was conducted of the Tipperary County Council and An Coimisiún Pleanála online planning search tools to identify any other existing, approved, or proposed applications of relevance within a 5km study area of the site.
- 7.51. There are a number of smaller projects in the wider area. It is not considered that these projects would result in significant in-combination effects to any European designated sites. It can be concluded that if a Project has been adopted following an AA then it cannot pose likely significant adverse effects on any European sites.
- 7.52. The search included key developments preceding the date of issue of this report and excluded retention applications and incomplete, withdrawn or refused applications. The relevant projects with the potential for in-combination likely significant effects on European sites are detailed in **Table 7-4**.

Table 7-4: Key Planning Applications within the surrounding area of the Proposed Grid Connection

Planning Reference	Project Type	Planning Status	Distance and Direction	Date Granted
18600406 (and ACP 304054)	Development will consist of a 10 year permission for the construction of an energy storage facility within a total site of up to 0.86 hA, to include one single storey electrical substation building and electrical compound, electrical transformer/inverter station modules, containerised battery storage modules and spare parts containers on concrete support structures, access tracks, associated electrical ducting, cable racking and cabling, security fencing and CCTV security monitoring system, lightning protection poles, communications equipment and ancillary infrastructure	Granted at Appeal	N/A (overlaps the Proposed Grid Route Boundary)	23/07/2019
23305	The construction of an energy storage facility within a total site of up to 0.86 hA, to include one single storey electrical substation building and electrical compound, electrical transformer/inverter station modules,	Unconditional	N/A (overlaps the Proposed Grid Route Boundary)	31/01/2024

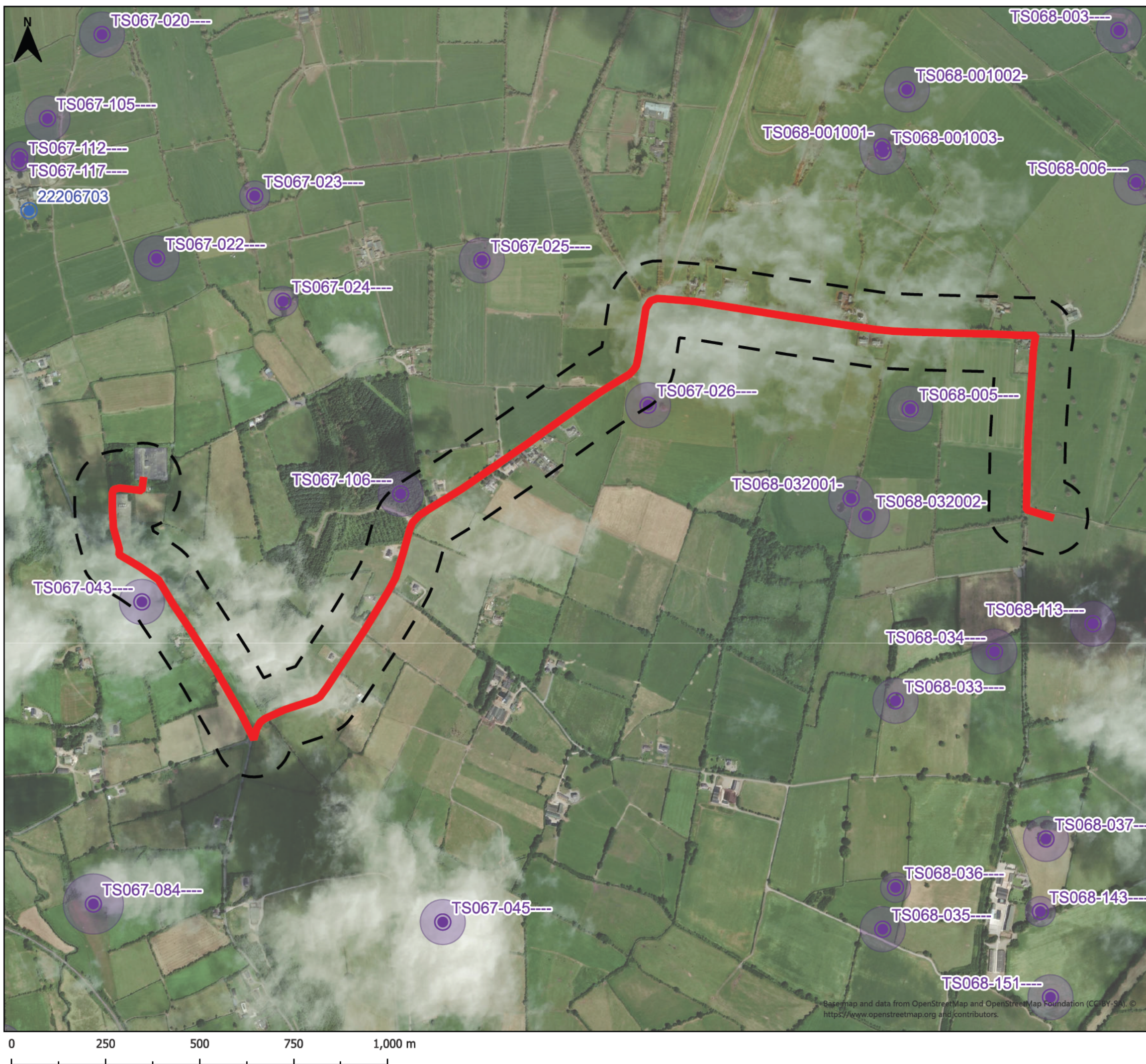
	containerised battery storage modules and spare parts containers on concrete support structures, access tracks, associated electrical ducting, cable racking and cabling, security fencing and CCTV security monitoring system, lightning protection poles, communications equipment and ancillary infrastructure previous ref 18600406. (Extension of Duration)			
2660469, ACP 313424 and 211014	RED III development which will consist of an amendment to a previously consented development (planning reference PL92.313424) comprising the reconfiguration and enlargement of the permitted substation layout from c. 24.0m x 19.0m compound with an enlarged compound (c. 54.1m x 25.9m), to include a Solar Farm (IP) section and an ESB section, containing control rooms, power quality equipment, transformers and a 12m x 12m hardstanding area. The development includes ancillary infrastructure such as 2.44m high palisade fencing, lighting, CCTV and internal access tracks, as well as a minor	Original application granted at appeal. Amendment application currently under consideration.	N/A (overlaps the Proposed Grid Route Boundary)	Appeal granted 24/09/2024

	reconfiguration of the permitted solar array, involving the removal of 11 tables of solar panels to accommodate the revised substation footprint. All other infrastructure of the development permitted under PL92.313424 remain unchanged.			
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- 7.53. **Planning Application 18600406 and ACP Case 304054** (and the linked extension of duration application **(23305)**) is for a construction of an energy storage facility adjacent to the Tipperary 110kV substation. The application was accompanied by Appropriate Assessment Screening which determined that the project would not give rise to likely significant effects to any European Sites including the Lower River Suir SAC this conclusion was also reaffirmed by ACP. It is not considered that likely significant in-combination effects will arise when this project is considered alongside the Proposed Grid Connection.
- 7.54. Planning application **2660469 (amendment application), ACP 313424 and 211014** (original application approved at appeal is for the construction of Rathduff Solar Farm to which the Proposed Grid Connection is linked. This application was supported by a Natura Impact Statement and subject to AA screening by the ACP inspector. The project was not considered to give rise to likely significant effects upon the Lower River Suir SAC or any other European Sites. It is not considered that likely significant in-combination effects will arise when this project is considered alongside the Proposed Grid Connection.
- 7.55. A range of further current and previous applications for small-scale developments were also returned via the planning portal search. These broadly relate to single dwelling applications (some of considerable age) in addition to extensions and other small-scale residential developments. It is not considered that such applications would have potential to act in-combination with the Proposed Grid Connection.
- 7.56. On the basis of the above it is considered that there is no potential for likely significant in-combination effects upon the Lower River Suir SAC through downstream water quality and habitat deterioration effects arising at construction or via any other pathway, in the absence of consideration of mitigation measures.

8. CONCLUSION

- 8.1. This Appropriate Assessment Screening undertaken in line with Article 6(3) of the Habitats Directive, has assessed the Proposed Grid Connection linking the Tipperary 110kV sub-station and the consented Rathduff Solar Farm, north of Bansha, Co. Tipperary.
- 8.2. Screening for Appropriate Assessment, as detailed in **Section 7**, assessed the potential of the Proposed Grid Connection to give rise to likely significant effects upon any European site.
- 8.3. Stage 1: Screening identified that the Proposed Grid Connection would not give rise to likely significant effects, during construction and decommissioning, on any European sites.
- 8.4. This conclusion is drawn in light of the small-scale nature of the works which will largely take place within the existing roadbed along the route with only a short section of approximately 70m located within greenfield lands in addition to the range of standard measures which will be implemented for watercourse crossings which will either utilise a convention “in-road” installation or an HDD crossing method.
- 8.5. An in-combination assessment of the Proposed Grid Connection, alongside relevant plans and projects with potential to act cumulatively was undertaken. This assessment of a large range of plans and projects concluded that no significant adverse in-combination effects will occur as a result of the Proposed Grid Connection.
- 8.6. It is therefore concluded that no Appropriate Assessment (and the associated production of an NIS) is required.



Rathduff Proposed Cable Route Archaeological Assets within 100m Figure 1

Key

Proposed Cable Route

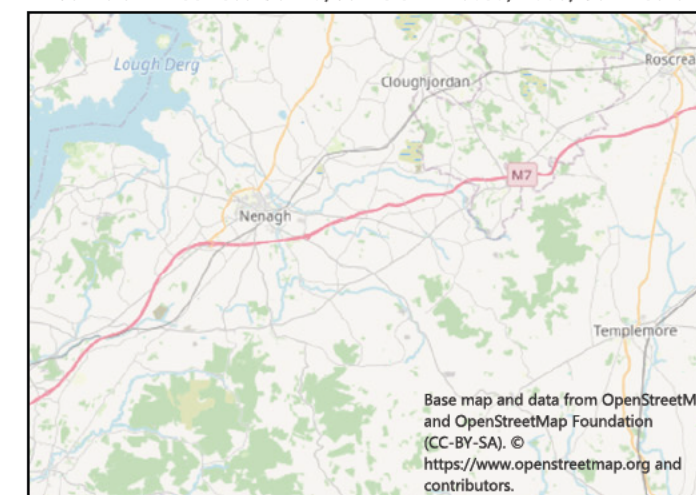
100m Study Area

NIAH Historic Buildings

Sites and Monuments Record

SMR Zones

Neo Office Address:
Johnstown Business Centre, Johnstown House, Naas, Co. Kildare



Date: 25/06/2026
Drawn By: Michael Briggs
Scale (A3): 1:10,000
Drawing No: NEO00626/0371A



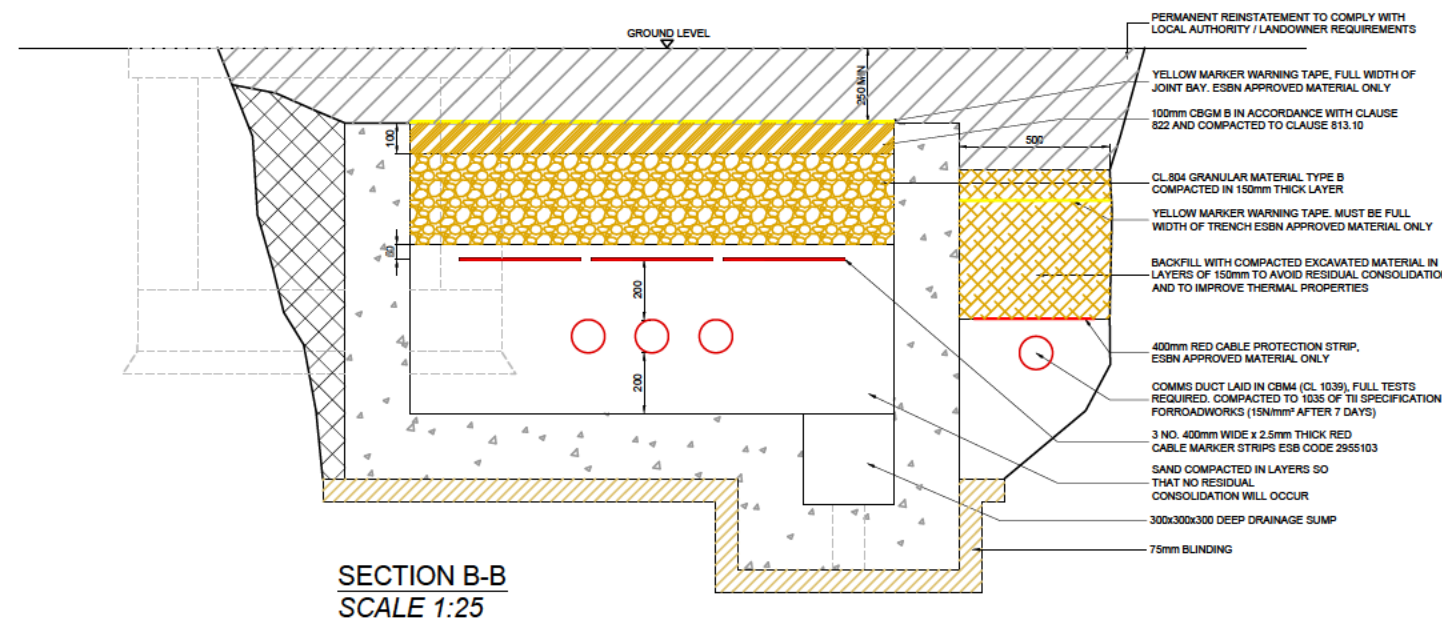
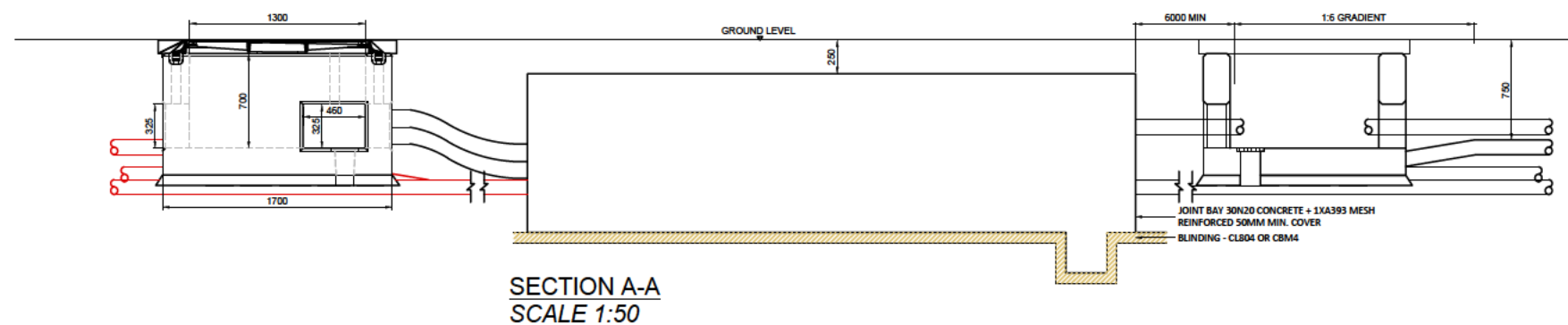
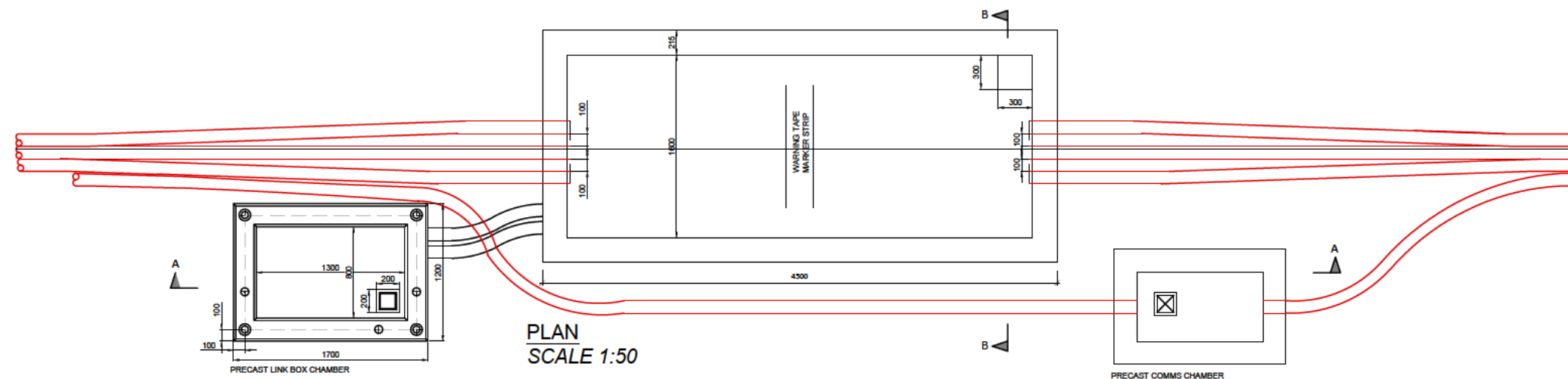
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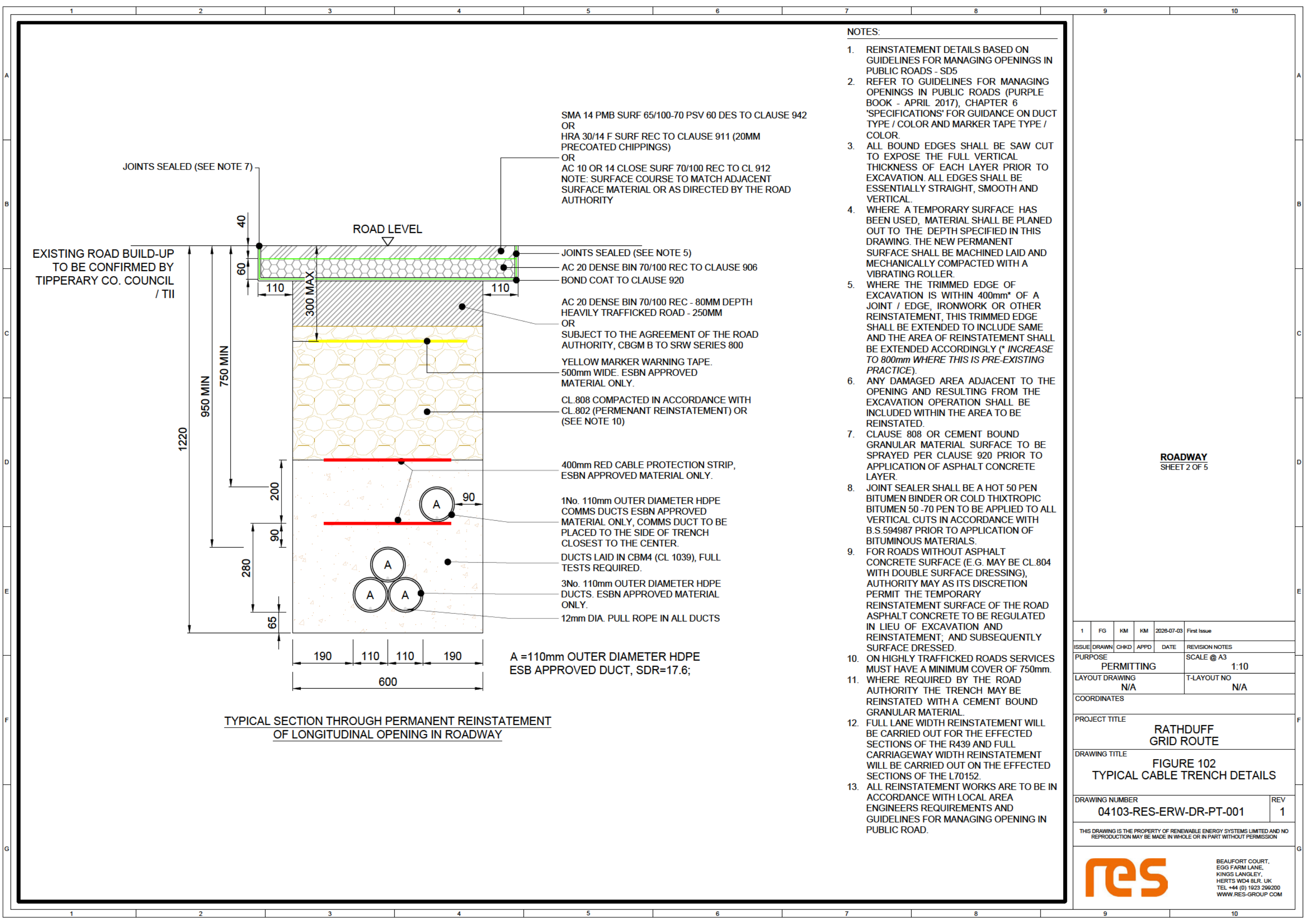
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SHEET 3

SHEET 2

TIPPERARY 110KV SUBSTATION

RATHDUFF 38KV SUBSTATION

SHEET 4

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Map series:

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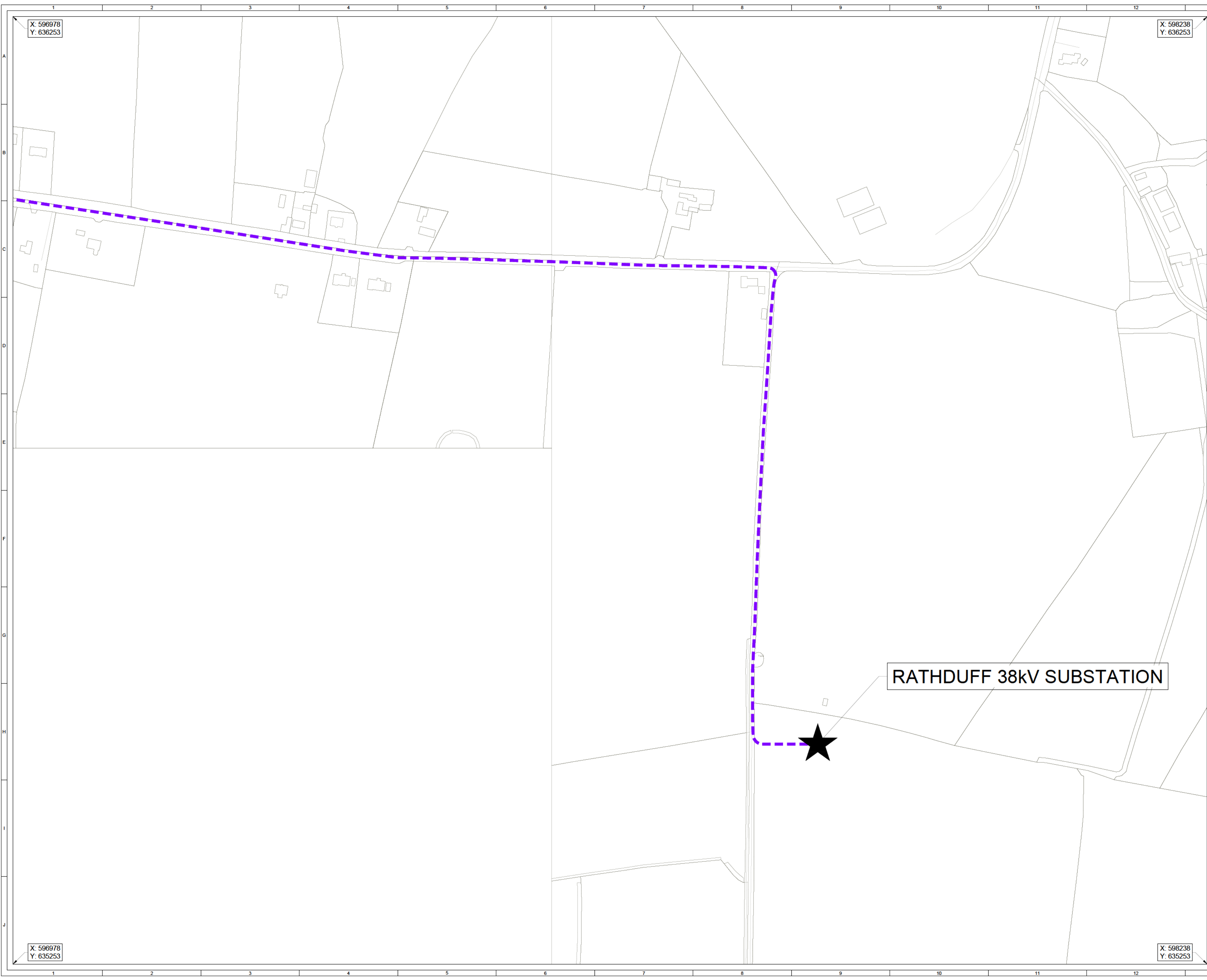
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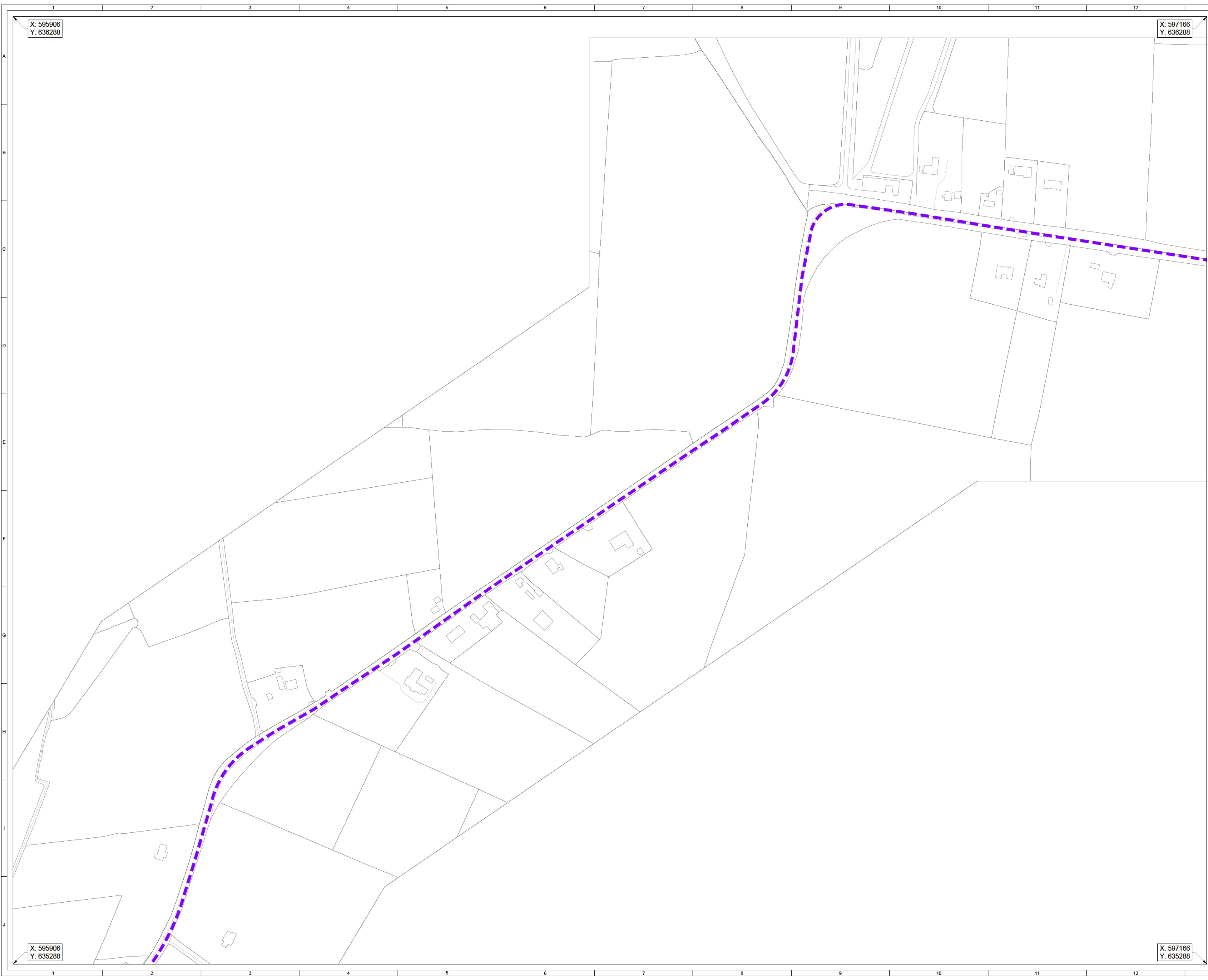
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SITE LOCATION - NOT TO SCALE

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IRENET95/ITM (EPSG:2157)					
PROJECT TITLE					
RATHDUFF GRID ROUTE					
DRAWING TITLE					
FIGURE 101 SITE LOCATION PLAN					
DRAWING NUMBER					REV
04103-RES-GRD-DR-PT-001					1
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Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
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Cluain Meala,
Co. Thiobraid Árann
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Civic Offices, Clonmel,
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e customerservice
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Date: 9th July 2026

Our Ref: S5/26/114

Civic Offices, Nenagh

Renewable Energy Systems (RES) Ltd
C/O NEO Environmental
Conor Cochrane
83-85 Bridge Street
Ballymena
Northern Ireland
BT43 5EN

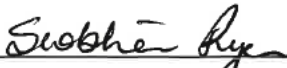
Re: Application for a Section 5 Declaration – Underground grid connection cable for Rathduff Solar Farm, that will transmit power to the existing ESB owned 110Kv Substation at lands within Thomastown demesne North, Ballymacady and Balyglasheen, Co. Tipperary

Dear Mr Cochrane,

I acknowledge receipt of your application for a Section 5 Declaration received on 8th July 2026 in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Reference:	S5/26/114
Applicant:	Renewable Energy Systems (RES) Ltd
Development Address:	Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen, Co. Tipperary
Proposed Development:	Underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424 and amendment PA Ref 2660469) that will transmit power to the existing ESB owned 110kV substation.

1. **GENERAL**

On 8th July 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Renewable Energy Systems (RES) Ltd as to whether or not the following works constituted development and if so, whether same was exempted development:

Underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424 and amendment PA Ref 2660469) that will transmit power to the existing ESB owned 110kV substation.

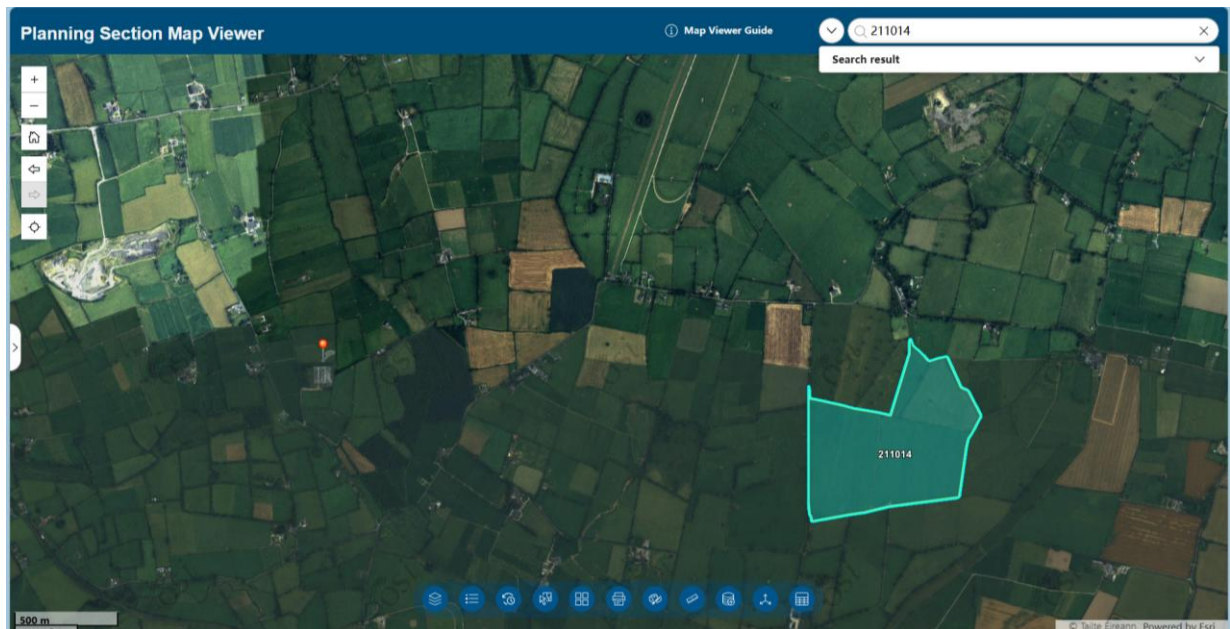


Figure 1 Site Location PA Ref 211014 ABP PL92.313424 and amendment PA Ref 2660469

The application is accompanied by the following documents:

- Appendix A: Section 5 Covering Statement
- Appendix B: Rathduff Grid Connection AA Screening Report
- Appendix C: Rathduff Proposed Cable Route Archaeological Assets within 100m
- Drawing Typical Joint Bay Details
- Drawing Typical Cable Trench Details
- Drawing: Site Location Plan
- European Sites Map

2. STATUTORY PROVISIONS

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

And,

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure”.

Section 2(1) of the Planning and Development Act 2000, as amended defines “Statutory Undertaker” as:

“statutory undertaker” means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—

- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,*
- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or*
- (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking;*

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 4 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended. Section 4(2)(a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4 (2)(a) of the Planning and Development Act 2000, as amended, states as follows:-

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:-

- 4. (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an*

environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001, as amended

Article 3 (Interpretation) of the Planning and Development Regulations 2001, as amended states:

*(3) In these Regulations, except where the context otherwise requires—
“electricity undertaking” means an undertaker authorised to provide an electricity service,*

Article 6 (**Exempted Development**) of the Planning and Development Regulations 2001, as amended states:

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Class 26 Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

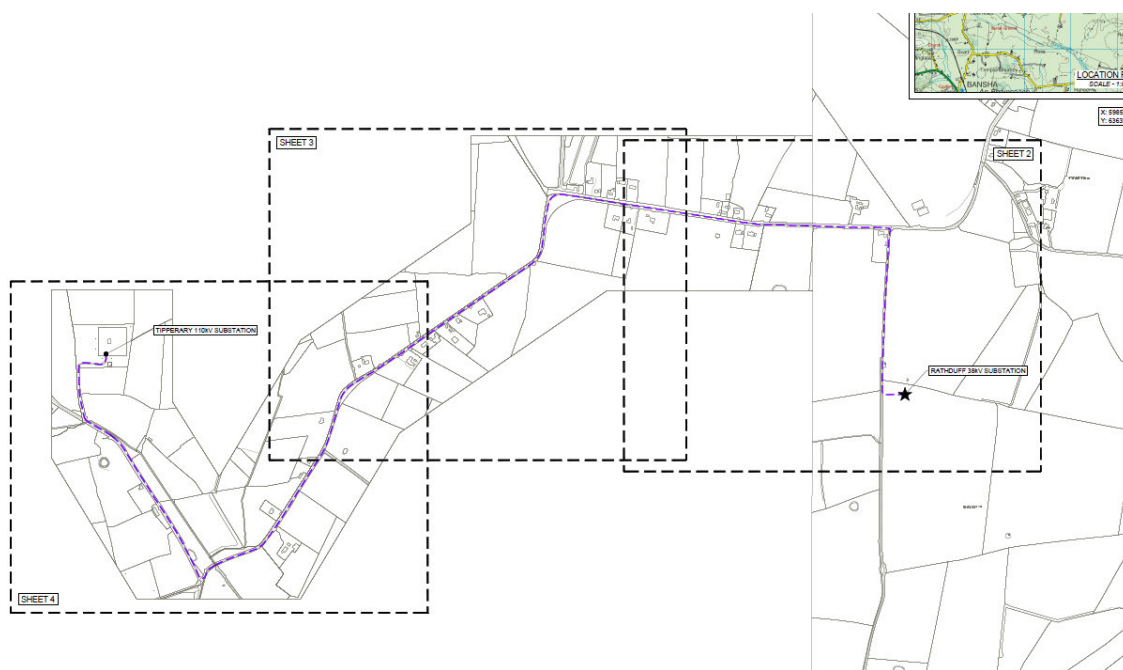
<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
Class 26 <i>The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.</i>	

Restrictions on exemptions are set out under Article 9 of the same Regulations.

3. ASSESSMENT

a. Site Location

The proposed cable route is located within the townlands of Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen and will comprise the laying of 38kV underground cable infrastructure, largely within the existing public road network, with a short section of approximately 70m located within greenfield lands to facilitate connection into the permitted Rathduff Solar Farm development area.



b. Relevant Planning History

An Bord Pleanála Ref PL92.313424 and TCC Pl. Ref. No. **211014** - Permission GRANTED to RES Ltd for a period of 5 years to construct and complete a Solar PV Energy Development with a total site area of 42.68 hectares, to include a single storey electrical substation building, electrical transformer and inverter substation modules, solar PV panels ground mounted on support structures, internal access tracks, security fencing, electrical cabling and ducting, CCTV and other ancillary infrastructure, drainage, additional landscaping and habitat enhancement as required and associated site development works including works relating to the access to the site. The development would be operational for 35 years.

26/60469 Permission APPLIES FOR RED III development which will consist of an amendment to a previously consented development (planning reference PL92.313424) comprising the reconfiguration and enlargement of the permitted substation layout from c. 24.0m x 19.0m compound with an enlarged compound (c. 54.1m x 25.9m), to include a Solar Farm (IP) section and an ESB section, containing control rooms, power quality equipment, transformers and a 12m x 12m hardstanding area. The development includes ancillary infrastructure such as 2.44m high palisade fencing, lighting, CCTV and internal access tracks, as well as a minor reconfiguration of the permitted solar array, involving the removal of 11 tables of solar panels to accommodate the revised substation footprint. All other infrastructure of the development permitted under PL92.313424 remain unchanged. This development is covered by the provisions of the Renewable Energy Directive III (Directive (EU) 2023/2413) and it is important to note that the planning application may be subject to section 34D of the Planning and Development Act 2000, as amended. When a notice issues in accordance with section 34D(b), the provisions of article 26A of the Planning and Development Regulations 2001 to 2025 shall apply.

Decision due 24/08/2026

c. Assessment

A. "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

The question is rephrased to omit the reference to live application 26/60469 as there is no decision on same to date.

Underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424) that will transmit power to the existing ESB owned 110kV substation.

B. "Is or is not Exempted Development"

I consider that the construction of an underground cable grid connection that will transmit power from the permitted Solar PV Development to the substation to the existing ESB owned Cauteen 110kv Substation comes within the planning exemption provided under Class 26 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

On the requirement for the development to be carried out by an "undertaker authorised to provide an electricity service";

Article 3(3) of the Regulations which states that an electricity undertaking means an undertaker authorised to provide an electricity service. The Electricity Regulation Act 1999 provides a definition as follows: *"electricity undertaking" means any person engaged in generation, transmission, distribution or supply of electricity, including any holder of a licence or authorisation under this Act, or any person who has been granted a permit under Section 37 of the Principal Act.*

I note the broad definition of "statutory undertaker" provided within the Planning and Development Act 2000 as amended as follows:

“statutory undertaker” means a person, from the time being, authorised by or under any enactment or instrument under an enactment to-
(b)Provide, or carry out works for the provision of, gas, electricity or telecommunications services”.

In light of the above, I am satisfied that RES Ltd falls within the category of statutory undertaker on foot of its authorisation under the Planning Act to construct a solar farm that is a project for the provision of electricity. The applicants have been granted permission for an electricity generating development which is sufficient to classify the applicants as coming under Class 26.

C. Restrictions under Article 9

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*
- (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

- (viiC) *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*
- (viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

Following a review of the permitted development, it is considered that the proposal does not contravene a condition attached to a permission and is not inconsistent with any use specified in a permission. The proposal is not therefore restricted under Article 9 (1)(a)(i) of the Regulations.

The proposal will not endanger public safety by reason of traffic hazard or obstruction of road users. The developer will be required to obtain road opening licences for the works to the public road. The proposal is not therefore restricted under Article 9 (1)(a)(iii).

The cable route is not located within the Zone of Archaeological Potential associated with any monument. It is also noted that the majority of the cable is along existing roads that therefore the potential for archaeological remains at this location is considered to be low. The proposal is not therefore restricted under Article 9 (1)(a)(vii) and (viiB)

It is noted that there are no protected structures or NIAH sites located along or close to the proposed cable route. The cable route is located outside of any designated Amenity Area's as identified under the Tipperary County Development Plan 2022-2028.

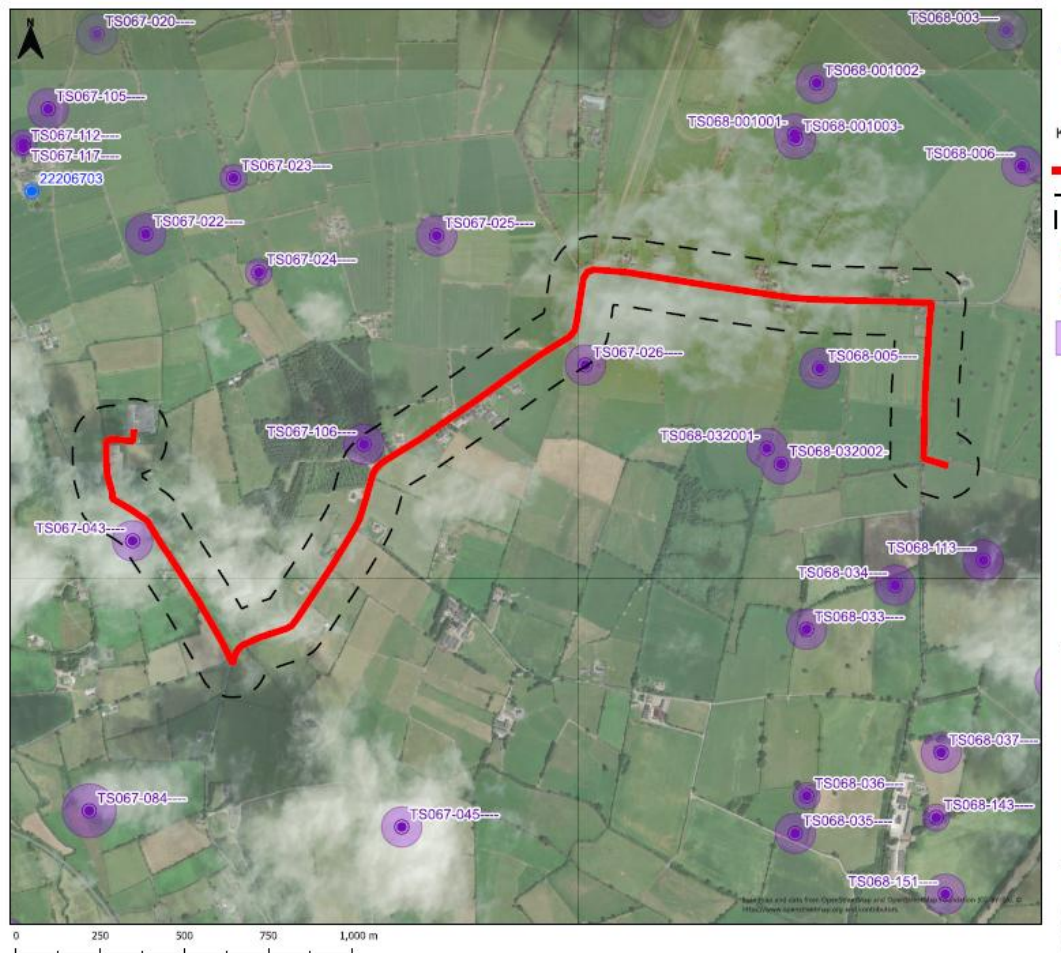


Figure 3 Archaeology and Built Heritage relative to cable route

D. Requirement for Appropriate Assessment (AA) & Environmental Impact Assessment (EIA)

AA

The applicant has prepared an AA screening to assist the Planning Authority in its screening functions. The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. The requirement for directional drilling across the Fidaughta at two locations is noted. Having regard to the distance of the directional drilling locations from the Lower River Suir and the standard best practice methodologies to be used the Planning Authority is satisfied that this element of the proposal does not result in a requirement for AA. See Screening Report attached.

EIA

EIA is not required in respect of the proposal.

4. RECOMMENDATION

A question has arisen as to whether an underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424) that will transmit power to the existing ESB owned 110kV substation at Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen, Co. Tipperary is development and is or is not exempted development:

Tipperary County Council, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Class 26 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 as amended.
- (d) The planning history and details as submitted with the application on 8th July 2026.

Tipperary County Council has concluded that –

The development consisting of an underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424) that will transmit power to the existing ESB owned 110kV substation at Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen, Co. Tipperary **is development and is exempted development** as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

District Planner:



Date: 27/07/2026



Senior Executive Planner:

Date: 29.7.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5/26/114
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	Yes	Yes
000646 Galtee Mountains SAC	https://www.npws.ie/protected-sites/sac/000646	Within 10km	None	No
002257 Moanour Mountains SAC	https://www.npws.ie/protected-sites/sac/002257	Within 10km	None	No
001847 Philipstown Marsh SAC	https://www.npws.ie/protected-sites/sac/001847	Within 15km	None	No
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	Yes

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance	The majority of the works are within the existing road. The requirement for directional drilling across the Fidaughta at two locations is noted. Having regard to the distance of the directional drilling locations from the Lower River Suir and the standard

• Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests	best practice methodologies to be used the Planning Authority is satisfied that this element of the proposal does not result in a requirement for AA.
Operational phase e.g. • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents	No impacts
In-combination/Other	No impacts
(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site	No impacts
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
☐ Yes ☒ No	

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.

On the basis of the information on file and the screening report provided by the applicant, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the proposed land use and distance from European sites,
- the distance between the two directional drilling locations across the Fidaughta from the Lower River Suir and the standard best practice methodologies to be used,

it is concluded that the proposed development, individually or in-combination with other plans or projects is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	☒	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/114
Development Summary:	As per planners report
Was a Screening Determination carried out under Section 176A-C?	☐ Yes, no further action required ☒ No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
☐ Yes, specify class _____	EIA is mandatory No Screening required
☒ No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
☒ No, the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
☐ Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

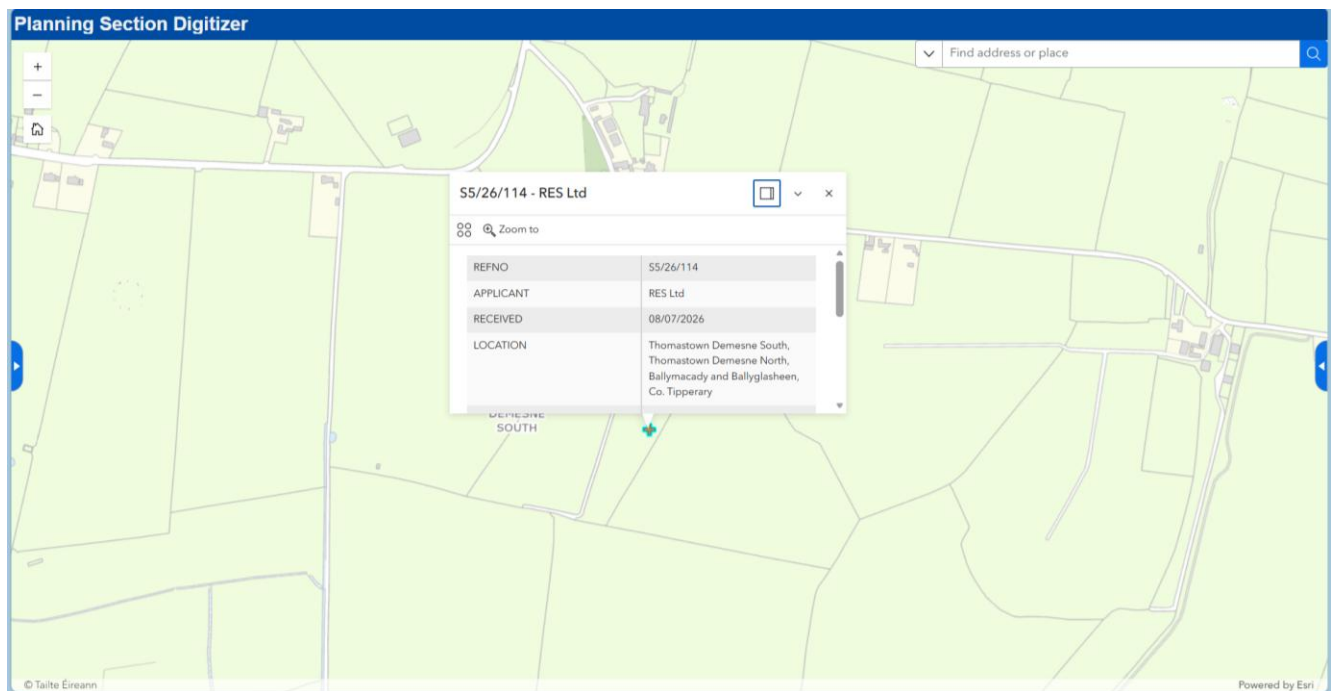


Figure 4 Planning Register

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/114** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Caroline Conway, Senior Executive Planner, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 47881 dated 7th July 2026 hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Renewable Energy Systems (RES) Ltd, C/O NEO Environmental, Conor Cochrane, 83-85 Bridge Street, Ballymena, Northern Ireland, BT43 5EN, RE: Underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424 and amendment PA Ref 2660469) that will transmit power to the existing ESB owned 110kV substation at Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen, Co. Tipperary is development and is exempted development.

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 26 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.
- c) Articles 6 and 9 of the Planning and Development Regulations 2001 as amended.
- d) The planning history and details as submitted with the application on 8th July 2026.

Tipperary County Council has concluded the development consisting of an underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424) that will transmit power to the existing ESB owned 110kV substation at Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen, Co. Tipperary **is development and is exempted development** as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.



Signed:

**Caroline Conway
Senior Executive Planner**

Date: 29/7/2026



Date: 29th July 2026

Our Ref: S5/26/114

Civic Offices, Nenagh

Renewable Energy Systems (RES) Ltd
C/O NEO Environmental
Conor Cochrane
83-85 Bridge Street
Ballymena
Northern Ireland
BT43 5EN

Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 8th July 2026 in relation to the following proposed works:

Underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424 and amendment PA Ref 2660469) that will transmit power to the existing ESB owned 110kV substation at Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen, Co. Tipperary

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

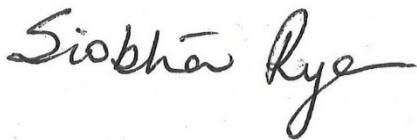
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Tipperary County Council has concluded the development consisting of an underground grid connection cable for Rathduff Solar Farm (PA Ref 211014 ABP PL92.313424) that will transmit power to the existing ESB owned 110kV substation at Thomastown Demesne South, Thomastown Demesne North, Ballymacady and Ballyglasheen, Co. Tipperary **is development and is exempted development** as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is fluid and cursive, with the first name "Siobhán" and the surname "Rye" clearly legible.

for **Director of Services**

CC: Breda Kennedy, Rathduff, Nerano Rd, Dalkey, Dublin. A96V253

CC: Electricity Supply Board, Substation Access Section, Fitzwilliam St, Dublin 2

CC: Tipperary County Council, Property Management Sections, Civic Offices, Clonmel, Co Tipperary.