



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

**Application for a Section 5 Declaration
Development / Exempted Development**

Tipperary County Council
RECEIVED
19 MAR 2024
CSU
Civic Offices, Clonmel

Applicant's address/contact details:

<i>Applicant</i>	Reeve Wave Ltd.
<i>Address</i>	Lissarda Business Park, Lissarda, Co. Cork, Ireland, P14 YN56
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

TIPPERARY CO. COUNCIL
RECEIVED
19 MAR 2024
PLANNING SECTION
FILE NO.

1. Agent's (if any) address:

<i>Agent</i>	-
<i>Address</i>	-
<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 [x]	Agent []

2. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.
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3. 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.)

Underground 20kV Cabling, Ducting and Associated Works Connecting the Permitted Monroe East Solar Array and the Existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.
Proposed floor area of proposed works/uses: cable route and joint bays area total: 933.3 sq.m. (2.03KM route length)

4. 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 <input checked="" type="checkbox"/>	B. Occupier
	C. Other <input checked="" type="checkbox"/>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Please refer to the letters of consent enclosed with this application for further information.	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: O'Dwyer Transport John Shine Sean Nugent Timothy Michael Ryan Address: Refer to Letters of Consent for individual addresses.	

Signature of Applicant(s):



Thomas Scanlan on behalf of Reeve Wave Ltd

Date: 14/03/2024

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	<u>OR</u>	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. € 80 chg
Receipt No 179 339
Date 19/3/24
Received by Helé Prod

Tipperary County Council
RECEIVED
19 MAR 2024
CASH OFFICE
Civic Offices, Clonmel

TIPPERARY CO. COUNCIL
RECEIVED
19 MAR 2024
PLANNING SECTION
FILE NO.



Attn: Planning Department

Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary.

14th March 2024

Re: Section 5 Application of Exempted Development for Underground 20kV Cabling, Ducting and Associated Works Connecting the Permitted Monroe East Solar Array and the Existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.

Dear Sir/Madam,

Reeve Wave Ltd. are requesting a Declaration of Exemption from Tipperary County Council for a proposed 20kV Grid Connection at Monroe East Solar Array, permitted under Pl. Ref. 21/473, under Section 5 of the Planning and Development Act 2000 (as amended) (the Act).

The proposed development consists of:

“Underground 20kV Cabling, Ducting and Associated Works Connecting the Permitted Monroe East Solar Array and the Existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.”

Section 5 Declaration and Exempt Development:

Schedule 2 of the Planning and Development Regulations 2001 (the Regulations) sets out the classes of development which are exempt from the requirement to obtain planning permission under Section 6 of the Regulations. The laying of underground cables for the transmission of electricity such as the proposed development falls under class 26 of the Regulations:

“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.”

There are some Classes of development listed in Schedule 2 to which the exemptions do not apply. These are set out in sub-paragraph 9 (1). Of relevance to



the proposed development is sub-paragraph 9 (1)(a) which states:

“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—

(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,

And

(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.”

Case for Exemption

It is considered that the proposed development fall within the remit of Class 26 Regulations i.e. 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.

An Appropriate Assessment Screening Report has been prepared and submitted with this Section 5 Application, which concludes by stating the following:

“It is concluded beyond reasonable scientific doubt, in view of the best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have a significant effect on any European sites.”

Consequently, it can be confirmed that the proposed development will not impede on any of the Classes of development, as per Schedule 2, Sub-paragraph 9 (1)(a), and therefore can be considered to be Exempt Development.

Enclosures:

The following documentation is submitted as part of this Section 5 Declaration application:

- Required fee of €80.00 (eighty euros only), by cheque.



- Cover Letter;
- Completed Section 5 Application Form;
- Appropriate Assessment Screening Report, prepared by MKO;
- Associated Drawings/Maps; and
- Letters of Consent provided by:
 - O'Dwyer Transport
 - John Shine
 - Sean Nugent
 - Timothy Michael Ryan

We trust that you find the above in order and respectfully request confirmation on receiving this application. Should you require anything further, please do not hesitate to get in touch.

Regards,

Thomas Scanlan on behalf of **Reeve Wave Ltd.**,
Project Engineer.

Sean Nugent

Monroe, Ardfinnan, Clonmel, Co. Tipperary

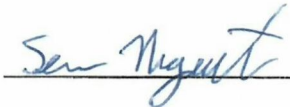
To the relevant authority,

**RE: Section 5 Application of Exempted Development for Underground 20kV
Cabling, Ducting and Associated Works Connecting the Permitted Monroe East
Solar Array and the Existing Ardfinnan 38kV Substation in the townlands of Monroe
East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.**

Dear Sir/Madam,

I, Sean Nugent of the above address, permit Reeve Wave Limited to include my
identified lands in the above application.

Yours Sincerely,



Sean Nugent

Dated: 27/2/24

John Shine

Knockane, Ballylooby, Cahir, Co. Tipperary.

To the relevant authority,

RE: Section 5 Application of Exempted Development for Underground 20kV Cabling, Ducting and Associated Works Connecting the Permitted Monroe East Solar Array and the Existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.

Dear Sir/Madam,

I, John Shine of the above address, permit Reeve Wave Limited to include my identified lands in the above application.

Yours Sincerely,



John Shine

Dated: 27/2/24

Timothy Michael Ryan

Kilballygorman, Clogheen Road, Ardfinnan, Clonmel, Co. Tipperary.

To the relevant authority,

RE: Section 5 Application of Exempted Development for Underground 20kV Cabling, Ducting and Associated Works Connecting the Permitted Monroe East Solar Array and the Existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.

Dear Sir/Madam,

I, Timothy Michael Ryan of the above address, permit Reeve Wave Limited to include my identified lands in the above application.

Yours Sincerely,



Timothy Michael Ryan

Dated: 27-2-24

O'Dwyer Transport

Ballymoreen, Littleton, Thurles, Co. Tipperary.

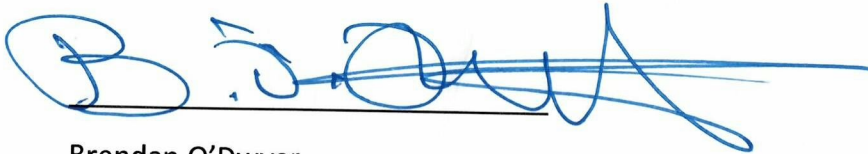
To the relevant authority,

RE: Section 5 Application of Exempted Development for Underground 20kV Cabling, Ducting and Associated Works Connecting the Permitted Monroe East Solar Array and the Existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.

Dear Sir/Madam,

I, Brendan O'Dwyer on behalf of O'Dwyer Transport of the above address, permit Reeve Wave Limited to include my identified lands in the above application.

Yours Sincerely,

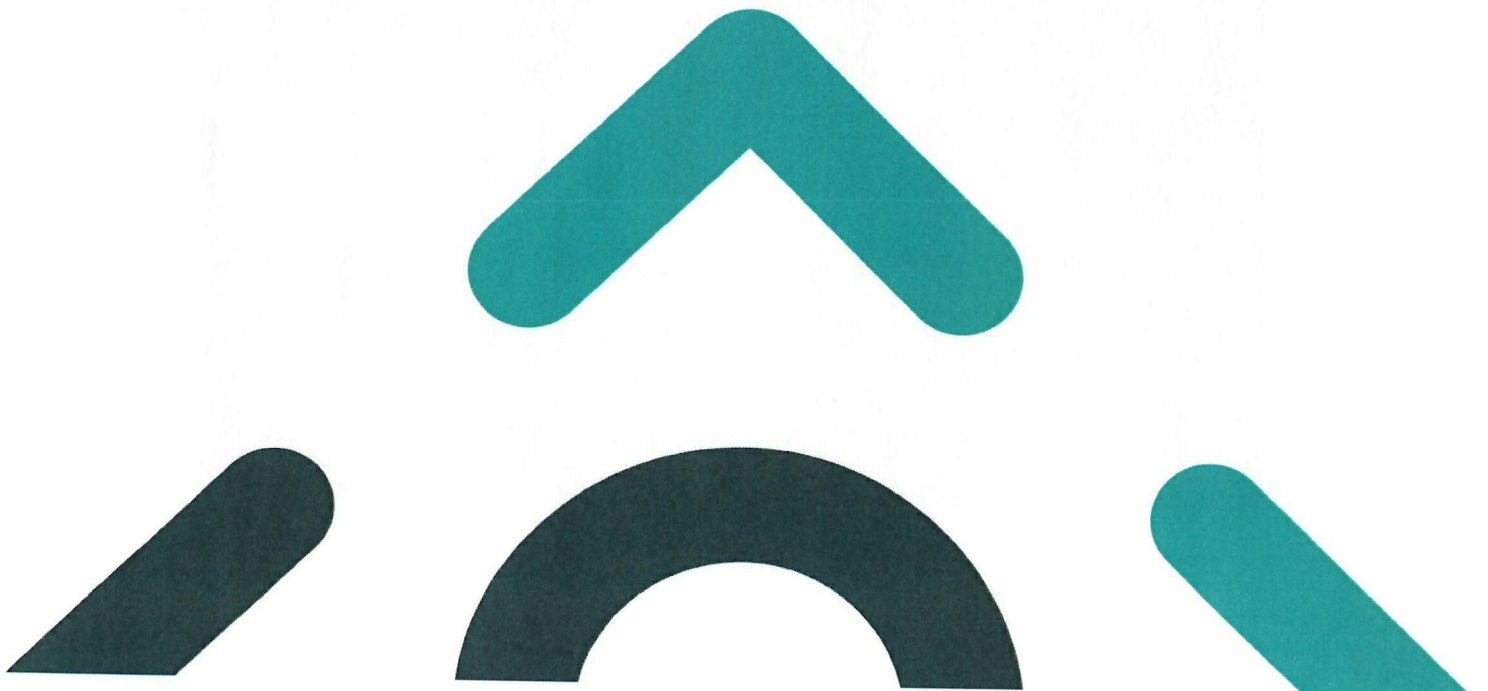


Brendan O'Dwyer

Dated: 27/2/24

Article 6 (3) Appropriate Assessment Screening Report

Proposed 20kV
underground grid
connection for a permitted
solar PV farm in Monroe
East, Co. Tipperary





DOCUMENT DETAILS

Client: **Reeve Wave Ltd.**

Project Title: **Proposed Underground Cabling connecting the Permitted Monroe East Solar Array and the Existing Ardfinnan Substation, Co. Tipperary**

Project Number: **230614-a**

Document Title: **Appropriate Assessment Screening Report**

Document File Name: **AASR F – 230614-a – 2024.02.21**

Prepared By: **MKO
Tuam Road
Galway
Ireland
H91 VW84**



Rev	Status	Date	Author(s)	Approved By
01	Draft	16/02/2024	KB/SC	PD
02	Final	21/02/2024	SC	PD



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1. INTRODUCTION

1.1 Background

MKO has been appointed to provide the information necessary to allow the competent authority to conduct an Article 6(3) Screening for Appropriate Assessment for the proposed underground cabling connecting the permitted Monroe East Solar Array and the existing Ardfinnan 38kV Substation, Ardfinnan, Co. Tipperary.

Screening for Appropriate Assessment is required under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Where it cannot be excluded that a project or plan, either alone or in combination with other projects or plans, would have a significant effect on a European Site then same shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. The current project is not directly connected with, or necessary for, the management of any European Site consequently the project has been subject to the Appropriate Assessment Screening process.

The assessment in this report is based on a desk study and field surveys undertaken during June 2023 and February 2024. It specifically assesses the potential for the proposed development to result in significant effects on European sites in the absence of any best practice, mitigation or preventative measures.

This Appropriate Assessment Screening Report has been prepared in accordance with the European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2021) and Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010) and the Appropriate Assessment Screening for Development Management. Office of the Planning Regulator, Dublin 7, Ireland OPR (2021).

1.2 Statement of Authority

A baseline ecological survey was undertaken on the 30th of June 2023 by Claire Stephens (B.Sc.) and on the 14th of February 2024 by Stephanie Corkery (B.Sc., M.Sc.) The ecological surveyors possess the relevant academic qualifications and are competent in undertaking the ecological surveys in which they were involved. This report has been prepared by Katy Beckett (B.A., M.Sc.) and Stephanie Corkery. This report has been reviewed by Pádraig Desmond (B.Sc.). Pádraig has over 2.5 years' professional experience in ecological consultancy. He has extensive experience undertaking ecological surveys in a range of habitats and has worked on Appropriate Assessment and Ecological Impact Assessment for a wide range of projects.

2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

2.1 Site Location

The site of the proposed grid connection is located within the townlands of Monroe East, Monroe West, Kilballygorman, and Magherareagh, County Tipperary. The northernmost end of the grid connection is located at ESB Networks substation located at Ardfinnan accessed from the north via Ros Na Gréine a local access road off the R665 (Grid Ref. ITM X 607352 Y 617469) ending in the south within the permitted Monroe East Solar Array (Grid Ref.: ITM X 607430 Y 616275). The permitted development is accessed via an existing local road to the east and comprises a network of relatively flat agricultural fields bounded by hedgerows and trees.

The site location is shown in Figure 2-1 below.

2.2 Characteristics of the Proposed Development

2.2.1 Description of the project

The proposed development consists of a:

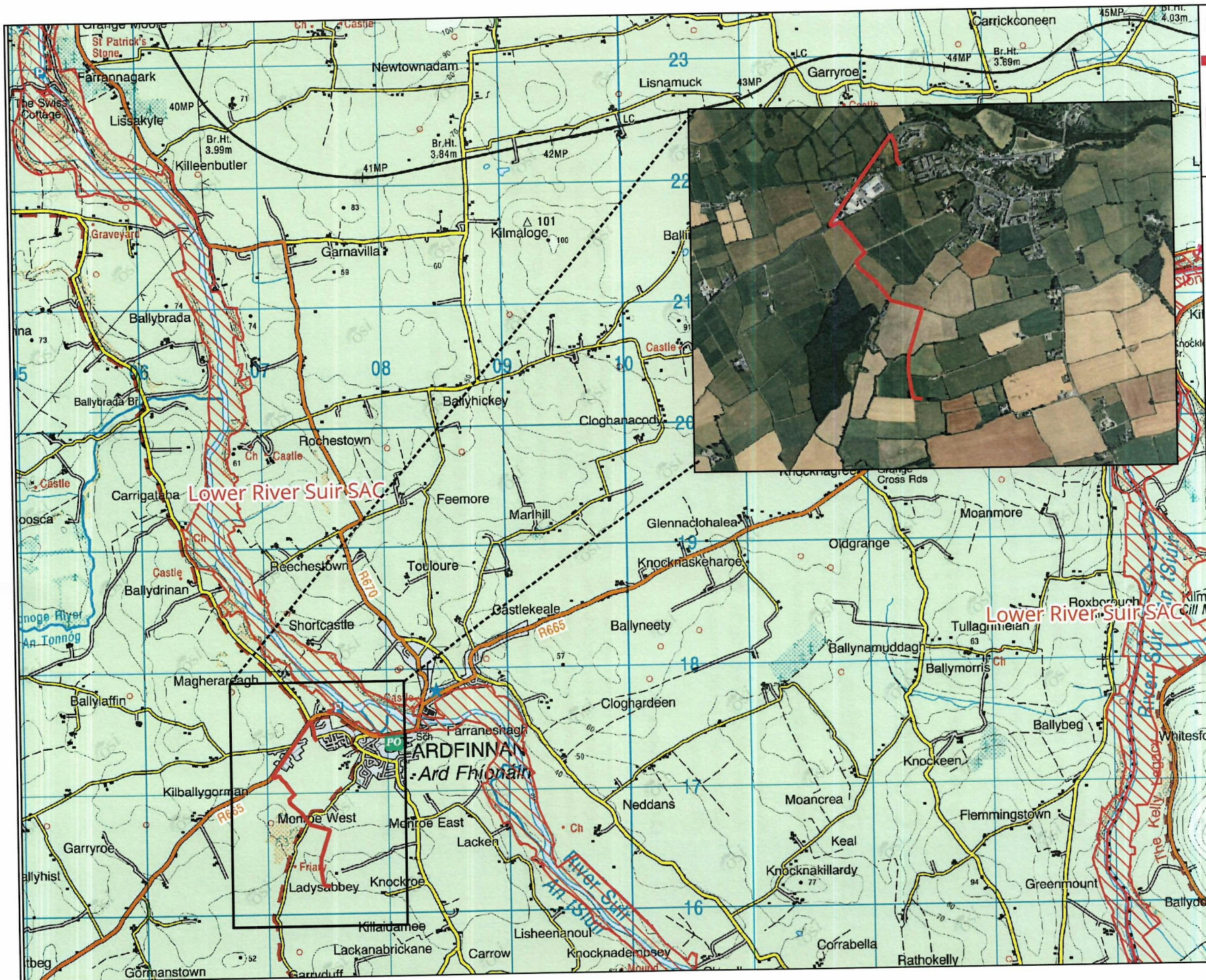
Section 5 Application of Exempted Development for Underground 20kV Cabling, Ducting and Associated Works Connecting the Permitted Monroe East Solar Array and the Existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.

Grid Connection



A connection to the national electricity grid will be made by an underground electricity cable originating from the permitted Monroe East Solar Array (Planning application: 16600642), through existing road infrastructure, agricultural grasslands, arable land and to the ESB Networks substation located at Ardfinnan. The cable will be installed across existing public road and agricultural lands adjacent to existing hedgerows, through arable land, and within an existing private access road into agricultural grassland.

The construction of the proposed grid connection will involve small scale excavation works to facilitate connection of the permitted Monroe East Solar Array to the existing substation in Ardfinnan.

The layout of the proposed grid connection is provided in Figure 2-1.



Map Legend

-  Site Boundary (Grid Connection Route)
-  Special Area of Conservation (SAC)

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Drawing Title	
Site Location - Monroe East	
Project Title	
Monroe East Grid Connection AASR	
Drawn By	Checked By
KB	PD
Project No.	Drawing No.
230614-a	Figure 2-1
Scale	Date
1:40,000	2024-02-20


MKO
 Planning and Environmental Consultants
 Tuam Road, Galway
 Ireland, H91 VW84
 +353 (0) 91 725611
 email: info@mkofireland.ie
 Website: www.mkofireland.ie

2.2.2 Description of the Baseline Ecological Environment

Assessing the impacts of any project and associated activities requires an understanding of the ecological baseline conditions prior to and at the time of the project proceeding. Ecological baseline conditions are those existing in the absence of proposed activities (CIEEM, 2018, Updated September 2022).

A multidisciplinary ecological walkover survey of the site of the proposed works was conducted on the 30th of June 2023 and 14th of February 2024, in line with NRA (2009) guidelines ('Ecological Surveying Techniques for Protected Flora and Fauna During the Planning of National Road Schemes') by Claire Stephens and Stephanie Corkery of MKO. The walkover surveys were designed to detect the presence, or likely presence, of a range of protected habitats and species associated with European Sites. The survey in June of 2023 was undertaken within the optimal time of year for habitat surveys, i.e., April to September (Smith *et al.*, 2011), and all habitats within the site of the proposed works were readily identifiable at the time of both site visits.

The southern section of the proposed grid connection route predominantly consisted of fields comprised of **Improved agricultural grassland (GA1)** (Plate 2-1) and one field of barley categorised as **Arable crops (BC1)**. Fields were delineated by **Hedgerows (WL1)** (Plate 2-2) with small sections of **Treeline (WL2)**, **Earth banks (BL2)** and in some areas the remains of stone walls categorised as **Stone walls and other stonework (BL1)**.

The improved grassland areas comprised almost exclusively of perennial ryegrass (*Lolium perenne*) with frequent white clover (*Trifolium repens*) and broad-leaved dock (*Rumex obtusifolius*) also present. Hedgerows on site are dominated by blackthorn (*Prunus spinosa*), hawthorn (*Crataegus monogyna*) with elder (*Sambucus nigra*), snowberry (*Symphoricarpos albus*), ivy (*Hedera helix*), bramble (*Rubus fruticosus* agg.) and cleavers (*Galium aparine*) also recorded. Ground flora cover included nettles (*Urtica dioica*), common hogweed (*Heracleum sphondylium*), lords-and-ladies (*Arum maculatum*), bracken (*Pteridium aquilinum*), nipplewort (*Lapsana communis*). Some larger trees are present infrequently within the hedgerow, including ash (*Fraxinus excelsior*), sycamore (*Acer pseudoplatanus*), crabapple (*Malus sylvestris*) and beech (*Fagus sylvatica*).

The proposed grid route crosses agricultural grassland and an agricultural access track classified as **Recolonising bare ground (ED3)** (Plate 2-3). Species recorded within the recolonising rank vegetation included black medic (*Medicago lupulina*), dandelion (*Taraxacum officinale* agg.), spear thistle (*Cirsium vulgare*), ribwort plantain (*Plantago lanceolata*), common daisy (*Bellis perennis*), red clover (*Trifolium pratense*), white clover (*Trifolium repens*), pineappleweed (*Matricaria discoidea*), perforate St John's-wort (*Hypericum perforatum*) and willowherbs (*Epilobium* spp.).

The northern section of the proposed grid connection route then follows existing road infrastructure (R665) and driveways, classified as **Buildings and artificial surfaces (BL3)** (Plate 2-4). These were bordered by a combination of **Dry meadows and grassy verges (GS2)**, **Treelines (WL2)**, **Hedgerows (WL1)**, as well as occasional **Flower beds and borders (BC4)** (Plate 2-5). Trees present included ash (*Fraxinus excelsior*), sycamore (*Acer pseudoplatanus*), beech (*Fagus sylvatica*), and cedar (*Cedrus* sp.).

The proposed grid connection route then terminates at the existing Ardfinnan Substation which is categorised as **Buildings and artificial surfaces (BL3)** (Plate 2-6).

No watercourses or drainage ditches were recorded along or adjacent to the proposed grid connection route.

During the survey, the site was searched for species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations (S.I. 477 of 2011). No Third Schedule Invasive Alien Species (IAS) of the European Communities Regulations 2011 (S.I. 477 of 2015) were recorded within the study site.

No habitats listed under Annex I of the EU Habitats Directive were recorded within or adjacent to the proposed development site and no suitable supporting habitat for species listed under Annex II of the EU Habitats Directive or Annex I of the EU Birds Directive was identified during the walkover survey.



Plate 2-1 Example of Improved agricultural grassland (GA1) found throughout the proposed grid connection route.



Plate 2-2 Hedgerow (WL1) habitat found throughout the site.



Plate 2-3 Farm track consisting of Recolonising bare ground (ED3).



Plate 2-4 R665 regional road classified as Buildings and artificial surfaces (BL3).



Plate 2-5 Flower beds and borders along the R665 regional road.



Plate 2-6 Existing Ardfinnan substation.

3.

IDENTIFICATION OF RELEVANT EUROPEAN SITES

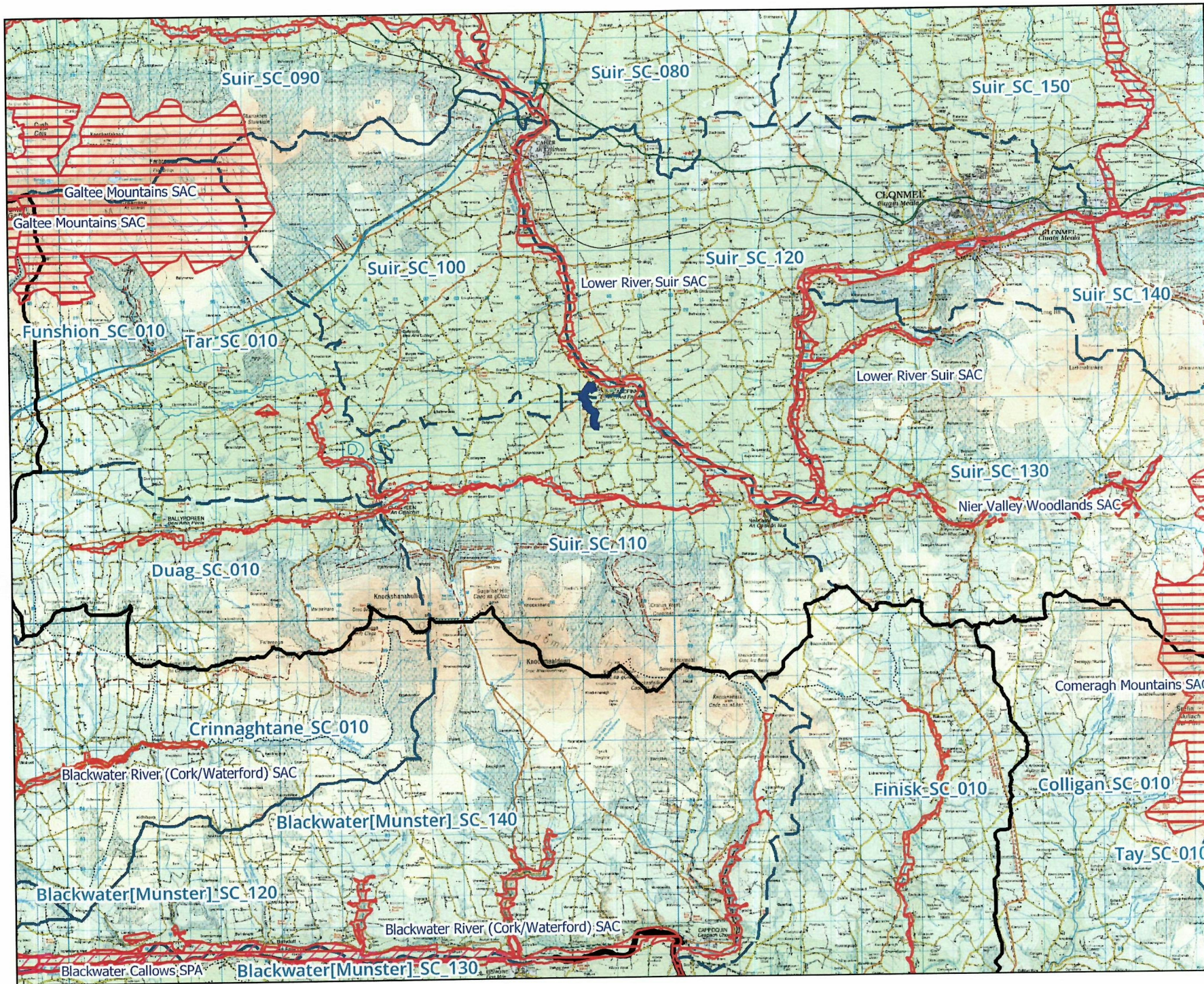
3.1

Identification of the European Sites within the Likely Zone of Influence

The following methodology was used to establish any European Sites upon which there is a potential for a likely significant effect to occur either individually or in combination with other plans and projects as a result of the proposed development:

- Initially the most up to date GIS spatial datasets for European designated sites and water catchments were downloaded from the NPWS website (www.npws.ie) and the EPA website (www.epa.ie) on the 15/02/2024.
- All European Sites that could potentially be affected were identified using a source-pathway - receptor model. To provide context for the assessment, European Sites surrounding the development site are shown on Figure 3-1. Information on these sites according to the site-specific conservation objectives is provided in Table 3-1. Sites that were further away from the proposed development were also considered and no complete source-pathway-receptor chain for significant effect was identified for any other European Site.
- The catchment mapping was used to establish or discount potential hydrological connectivity between the site of the proposed development and any European Sites. The hydrological catchments are also shown in Figure 3-1.
- In relation to Special Protection Areas, in the absence of any specific European or Irish guidance in relation to such sites, the Scottish Natural Heritage (SNH) Guidance, 'Assessing Connectivity with Special Protection Areas (SPA)' (2016) was consulted. This document provides guidance in relation to the identification of connectivity between proposed development and Special Protection Areas. The guidance takes into consideration the distances species may travel beyond the boundary of their SPAs and provides information on dispersal and foraging ranges of bird species which are frequently encountered when considering plans and projects.
- Table 3-1 provides details of all relevant European Sites as identified in the preceding steps and assesses the potential for likely significant effects on each.
- The assessment considers any likely direct or indirect impacts of the proposed development, both alone and in combination with other plans and projects, on European Sites by virtue of criteria including the following: size and scale, land-take, distance from the European Site or key features of the site, resource requirements, emissions, excavation requirements, transportation requirements and duration of construction, operation and decommissioning were considered in this assessment.
- The site synopses and conservation objectives of these sites, as per the NPWS website (www.npws.ie), were consulted and reviewed at the time of preparing this report 15/02/2024.

The potential for the proposed development to result in cumulative impacts on any European Sites in combination with other plans and projects was considered in the assessment that is presented in Table 3-1. Plans and projects considered include those that are listed in Section 3.2.



Map Legend

- Site Location (Grid Connection Route)
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)
- WFD Hydrological Catchments
- WFD Hydrological Subcatchments

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Drawing Title	
European Designated Sites within the likely zone of influence	
Project Title	
Monroe East Grid Connection AASR	
Drawn By	Checked By
KB	PD
Project No.	Drawing No.
230614-a	Figure 3-1
Scale	Date
1:160,000	2024-02-21

MKO
 Planning and Environmental Consultants
 10am Road, Cahiry
 Ireland, H91 WW94
 +353 (0) 91 735611
 email: info@mkofireland.ie
 Website: ww.mkofireland.ie

Table 3-1 Identification of Designated sites within the Likely Zone of Influence

European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 15/02/2024	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Influence Determination
Special Areas of Conservation (SAC)			
<p>Lower River Suir SAC [002137]</p> <p>Distance: 0.26km</p>	<ul style="list-style-type: none"> > [1029] Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> > [1092] White-clawed Crayfish <i>Austropotamobius pallipes</i> > [1095] Sea Lamprey <i>Petromyzon marinus</i> > [1096] Brook Lamprey <i>Lampetra planeri</i> > [1099] River Lamprey <i>Lampetra fluviatilis</i> > [1103] Twaite Shad <i>Alosa fallax</i> > [1106] Salmon <i>Salmo salar</i> > [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) > [1355] Otter <i>Lutra lutra</i> > [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) > [3260] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation > [6430] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels 	<p>NPWS (2017) Conservation Objectives: Lower River Suir SAC 002137. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>There will be no direct effects as the proposed development is located entirely outside the boundary of this designated site.</p> <p>No QJ habitat for which this SAC has been designated was recorded within or adjacent to the proposed development site and therefore, there is no potential for <i>ex-situ</i> effects on this European Site.</p> <p>The construction of the proposed grid connection will involve small scale excavation works to facilitate connection of the permitted Monroe solar farm to the existing substation in Ardinnan. No surface water features were recorded within or adjacent to the proposed grid connection route and as such, no complete source-pathway-receptor chain for significant effect exists between the proposed development site and this SAC. The excavation works proposed are of a small scale and there is no potential for groundwater pollution arising from the works. Therefore, given the small nature and scale of the works and the absence of a hydrological connectivity to the SAC, there is no potential for significant indirect effects to this SAC.</p> <p>No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects and the</p>

European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 15/02/2024	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Influence Determination
	<ul style="list-style-type: none"> > [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles > [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) > [91J0] <i>Taxus baccata</i> woods of the British Isles 		<p>site is not within the Likely Zone of Influence and is no further assessment is required.</p>
<p>Blackwater River (Cork/Waterford) SAC [002170]</p> <p>Distance: 10.8km</p>	<ul style="list-style-type: none"> > [1029] Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> > [1092] White-clawed Crayfish <i>Austropotamobius pallipes</i> > [1095] Sea Lamprey <i>Petromyzon marinus</i> > [1096] Brook Lamprey <i>Lampetra planeri</i> > [1099] River Lamprey <i>Lampetra fluviatilis</i> > [1103] Twaite Shad <i>Alosa fallax</i> > [1106] Atlantic Salmon <i>Salmo salar</i> (only in fresh water) > [1130] Estuaries > [1140] Mudflats and sandflats not covered by seawater at low tide > [1220] Perennial vegetation of stony banks 	<p>NPWS (2012) Conservation Objectives: Blackwater River (Cork/Waterford) SAC 002170. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>There will be no direct effects as the proposed development is located entirely outside the boundary of this designated site.</p> <p>No QI habitat for which this SAC has been designated was recorded within or adjacent to the proposed development site and therefore, there is no potential for <i>ex-situ</i> effects on this European Site.</p> <p>The SAC is located approximately 10.8km south of the proposed development in a separate hydrological and groundwater catchment. Therefore, no complete source-pathway-receptor chain for significant effect exists between the proposed development site and this SAC.</p> <p>No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects and the site is not within the Likely Zone of Influence and is no further assessment is required.</p>

European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 15/02/2024	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Influence Determination
	<ul style="list-style-type: none"> > [1310] Salicornia and other annuals colonizing mud and sand > [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) > [1355] Otter <i>Lutra lutra</i> > [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) > [1421] Killarney Fern <i>Trichomanes speciosum</i> > [3260] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation > [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles > [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) > [91J0] <i>Taxus baccata</i> woods of the British Isles 		
<p>Galtee Mountains SAC [000646]</p> <p>Distance: 12.0km</p>	<ul style="list-style-type: none"> > [4010] Northern Atlantic wet heaths with <i>Erica tetralix</i> > [4030] European dry heaths > [4060] Alpine and Boreal heaths > [6230] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in 	<p>NPWS (2016) Conservation Objectives: Galtee Mountains SAC 000646. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>There will be no direct effects as the proposed development is located outside of the designated site.</p> <p>This SAC occurs approximately 12.0km northwest of the proposed works in the same hydrological catchment, however the SAC is entirely upstream of the site works. There is no hydrological</p>

European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 15/02/2024	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Influence Determination
	<ul style="list-style-type: none"> mountain areas (and submountain areas, in Continental Europe) > [7130] Blanket bogs (* if active bog) > [8110] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) > [8210] Calcareous rocky slopes with chasmophytic vegetation > [8220] Siliceous rocky slopes with chasmophytic vegetation 		<p>connectivity between the proposed development and the European site therefore there is no potential for indirect impact in the form surface water deterioration.</p> <p>No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects and the site is not within the Likely Zone of Influence and is no further assessment is required.</p>
<p>Nier Valley Woodlands SAC [000668]</p> <p>Distance: 13.2km</p>	<ul style="list-style-type: none"> > [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 	<p>NPWS (2021) Conservation Objectives: Nier Valley Woodlands SAC 000668. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.</p>	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>The SAC is located approximately 13.2km southeast of the proposed development. The habitats for which the SAC is designated are terrestrially based, therefore no complete impact source-pathway-receptor chain for indirect effects exist.</p> <p>No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects and the site is not within the Likely Zone of Influence and is no further assessment is required.</p>
Special Protection Area (SPA)			



Identification of Source-Pathway-Receptor chain and Likely Zone of Influence Determination	Conservation Objectives	Quality Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 15/02/2024)	European Sites and distance from proposed development
No SPAs were identified to be within the Likely Zone of Influence.			

3.2 Likely Cumulative Impact of the Proposed Works on European Sites, in-combination with other plans and projects

A search and review in relation to plans and projects that may have the potential to result in cumulative and/or in-combination impacts on the ecology of the site was conducted. This assessment focuses on the potential for cumulative in-combination effects on the existing habitats where potential for significant effects was identified. This included a review of online Planning Registers, development plans and other available information and served to identify past and future plans and projects, their activities and their predicted environmental effect. The projects considered include those listed below in Section 3.2.2.

3.2.1 Review of Plans and Policies

The following development plans have been reviewed and taken into consideration as part of this assessment:

- > Ireland's 4th National Biodiversity Action Plan 2023-2030
- > Regional Spatial and Economic Strategy for the Southern Region (RSES) (2020-2032)
- > Tipperary County Development Plan 2022-2028

The review in Table 3-2 below focused on policies and objectives that relate to Natura 2000 sites identified in Table 3-1 and natural heritage.

Table 3-2 Review of plans

Plan	Key Policies/Issues/Objectives Directly Related to European Sites in The Zone of Influence	Assessment of development compliance with policy
Ireland's 4 th National Biodiversity Action Plan 2023-2030	<ul style="list-style-type: none"> <li data-bbox="533 496 1227 667"> > Objective 1: Adopt a Whole-of Government, Whole of Society Approach to Biodiversity. Proposed actions include capacity and resource reviews across Government; determining responsibilities for the expanding biodiversity agenda providing support for communities, citizen scientists and business; and mechanisms for the governance and review of this National Biodiversity Action Plan. <li data-bbox="533 699 1227 869"> > Objective 2: Meet Urgent Conservation and Restoration Needs. Supporting actions will build on existing conservation measures. Efforts to tackle Invasive Alien Species will be elevated. The protected area network will be expanded to include the Marine Protected Areas. The ambition of the EU Biodiversity Strategy will be considered as part of an evolving work programme across Government. <li data-bbox="533 901 1227 1040"> > Objective 3: Secure Nature's Contribution to People. Actions highlight the relationship between nature and people in Ireland. These include recognising the tangible and intangible values of biodiversity, promoting nature's importance to our culture and heritage and recognising how biodiversity supports our society and our economy. <li data-bbox="533 1072 1227 1243"> > Objective 4: Enhance the Evidence Base for Action on Biodiversity. This objective focuses on biodiversity research needs, as well as the development and strengthening of long-term monitoring programmes that will underpin and strengthen future decision-making. Action will also focus on collaboration to advance ecosystem accounting that will contribute towards natural capital accounts. <li data-bbox="533 1275 1227 1318"> > Objective 5: Strengthen Ireland's Contribution to International Biodiversity Initiatives. Collaboration with other countries and across 	<p>The action plan was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network.</p> <p>The proposed works are relatively small-scale and are located outside of any European designated sites, as described in Section 3.1 and will not impact on connectivity within the wider countryside, maintain waterbodies outside the development site in good condition.</p> <p>No potential for cumulative impacts when considered in conjunction with the current proposal were identified. There will be no impact on designated sites or other natural heritage interests.</p> <p>There will be no significant effects on the QIs/SCIs of any European Sites.</p>



Plan	Key Policies/Issues/Objectives Directly Related to European Sites in The Zone of Influence	Assessment of development compliance with policy
	<p>the island of Ireland will play a key role in the realisation of this Objective. Ireland will strengthen its contribution to international biodiversity initiatives and international governance processes, such as the United Nations Convention on Biological Diversity.</p>	
<p>Regional Spatial and Economic Strategy for the Southern Region (RSES) (2020-2032)</p>	<p>RPO 1 Environmental Assessment</p> <p>b. The RSES seeks to protect, manage, and through enhanced ecological connectivity, improve the coherence of the Natura 2000 Network in the Southern Region.</p> <p>RPO 117</p> <p>Flood Risk Management and Biodiversity</p> <p>It is an objective to avail of opportunities to enhance biodiversity and amenity and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned. Plans and projects that have the potential to negatively impact of sites are subject to the requirements of the Habitats Directive.</p> <p>RPO 124</p> <p>Green Infrastructure</p> <p>a. It is an objective to promote the concept of connecting corridors for the movement of wildlife and encourage the retention and creation of features of biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks, watercourses and wetlands. The RSES recognises the necessity of protecting such corridors and the necessity to encourage the management of features of the landscape that support the Natura 2000 network;</p>	<p>The RSES was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests.</p> <p>No potential for cumulative impacts when considered in conjunction with the current proposal were identified in relation to any European Sites, which have been screened out in Table 3-1 of this Appropriate Assessment Screening Report.</p>



Plan	Key Policies/Issues/Objectives Directly Related to European Sites in The Zone of Influence	Assessment of development compliance with policy
	<p>RPO 126</p> <p>Biodiversity</p> <p>c. Local Authorities are required to carry out required screening of proposed projects and any draft land-use plan or amendment/ variation to any such plan for any potential ecological impact on areas designated or proposed for inclusion as Natura 2000/ European Sites and shall decide if an Appropriate Assessment is necessary, of the potential impacts of the project or plan on the conservation objectives of any Natura 2000/European Site;</p>	
<p>Tipperary County Development Plan 2022-2028</p>	<p>Policy 11-1: In assessing proposals for new development to balance the need for new development with the protection and enhancement of the natural environment and human health. In line with the provisions of Article 6(3) and Article 6 (4) of the Habitats Directive, no plans, programmes, etc. or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).</p> <p>Policy 11-2: Ensure the protection, integrity and conservation of European Sites and Annex I and II species listed in EU Directives. Where it is determined that a development may individually, or cumulatively, impact on the integrity of European sites, the Council will require planning applications to be accompanied by a NIS in accordance with the Habitats Directive and transposing Regulations, ‘Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities’, (DEHLG 2009) or any amendment thereof and relevant Environmental Protection Agency (EPA) and European Commission guidance documents.</p>	<p>The development plan was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests.</p> <p>No potential for cumulative impacts when considered in conjunction with the current proposal were identified.</p> <p>There will be no impact on the integrity of designated sites as a result of the proposed works.</p>

3.2.2 Other Projects

Assessment material for this in-combination impact assessment was compiled on the relevant developments within the vicinity of the Proposed Development around Ardfinnan and townlands of Kilballygorman, Monroe West, Monroe East, Ladysabbey, Knockroe and Magherareagh, and was verified on the 15/02/2024. The material was gathered through a search of relevant online Planning Registers, reviews of relevant documents, planning application details and planning drawings, and served to identify past and future projects, their activities, and their environmental impacts. All relevant projects were considered in relation to the potential for in-combination effects. All relevant data was reviewed (e.g., individual EISs/EIARs, layouts, drawings etc.) for all relevant projects within the past 5 years where available. These consisted mainly of small-scale domestic developments and upgrades.

- Permission for the development of a solar PV panel array consisting of up to 38,900 m² of solar panels on ground mounted steel frames, 2 no. electricity control cabins, inverter units, underground cable ducts, hardstanding area, boundary security fence, site entrance, access tracks, CCTV and all associated site services. Planning Permission is sought for a period of 10 years. (Planning Ref: 16600642).
- Permission for the extension of a permitted solar photovoltaic panel array (PI Ref. 16/600642). The proposed development comprises the provision of up to 30,000 m² of solar panels on ground mounted steel frames, a 20kv substation (55sq.m), inverter and transformer units, underground cable ducts, boundary fencing, CCTV and all associated site services and works (Planning ref.: 21473).
- Permission for the development will consist of works to protect and stabilise the banks of the existing by-pass channel of the River Suir, and will comprise: (1) construction of rock armour along a linear stretch of 2.5m on both the eastern and western banks of the channel, adjacent to the abutments of the existing footbridge; (2) construction of rock armour along a linear stretch of 30m on the eastern bank of the channel (to the rear of the existing tennis courts); (3) construction of rock armour along a linear stretch of 30m on the western bank of the channel (immediately before the channel meets the River Suir); and, (4) all ancillary and temporary works including the provision of temporary accessways. A Natura Impact Statement (NIS) will be submitted with this Planning Application. (Planning ref: 2360958).
- Permission for a) change of use of existing commercial premises (hair dressers) to domestic use (dwelling), and b) associated site works. (Planning Ref 2360572).
- Permission for alterations to the front elevation which consists of the provision of separate access door to first floor living accommodation with a new shop front to both Public House and Off License and alterations to the rear external first floor elevation and an extension to the rear ground floor for the provision of storage. Permission is also sought for internal alterations and layout of the Public House and for internal alterations and layout to living accommodation on the first floor. (Planning Ref: 18600664).
- Permission to replace existing garage structure with a new domestic garage and all necessary site works. (Planning ref: 22467).
- Permission for the replacement of the existing garage structure with a new domestic garage and all associated site works. (Planning ref; 23137).
- Permission to replace existing garage structure with a new domestic garage and all associate site works. (Planning ref: 23123).
- Retention to existing garage and permission to erect a link corridor from dwelling to this garage and to convert part of garage to utility room and toilet and to modify the ground floor layout of house including installation of patio door to rear elevation and associated site works. (Planning ref: 23267).
- Retention of (I) conversion of attached car port to residential use; (II) front porch extension & (III) detached domestic shed. (Planning ref: 2360790).

- Permission for the erection of a single storey dwelling house, septic tank and percolation area, all associated site works and to use existing vehicular entrance from public road (Planning ref.: 20836).
- Permission for alterations to as constructed rear ground floor extension of the Public House from that as granted Planning Permission under Planning reference number 18/600664. And for Permission to retain metal flue on the rear elevation of living accommodation over flat roof and for Permission to provide ventilation and extract equipment from the kitchen of the Public House on the external wall and flat roof, all to the rear (Planning ref.: 19600930).
- Permission for the construction of two number bungalow type dwelling houses with connection to existing public sewer, new boundaries, and all other associated site works (Planning ref.: 19601010).
- Permission for minor changes to the elevations of existing dwelling and to retain as constructed extension to existing domestic garage, to retain two number additional sheds, to retain dog kennels and dog runs all with associated site works (Planning ref.: 19601326).
- Permission for (i) 2 no. shed/garages and (ii) existing porch to existing dwelling as well as permission to (ii) extend existing dwelling and all associated site works (Planning ref.: 22250).
- Permission for (1) Two storey extension to the side of existing dwelling (2) Pitched roof over original dwelling (3) Alterations to existing elevations and all with associated site works (Planning ref.: 2260393).
- Retention permission for an existing detached domestic garage/art studio and to retain fuel storage shed, all with associated site works (Planning ref.: 21263).
- Permission for the construction of a new boundary fence and associated site works in lieu of the blockwork boundary wall granted under Planning Permission reference number 18/601370 (Planning ref.: 2360013).
- Permission to amend previously granted Permission Ref 18601321 to include the following: revision to design from two-storey to single-storey extension, reduction in floor area, changes to external finishes and external works (Planning ref.: 19600663).

3.2.2.1 Conclusion of Cumulative Assessment

No pathway or mechanism for the proposed development to result in any significant effect on any European Site was identified when considered on its own during the assessment process and therefore there is no potential for it to contribute to any such effects when considered in-combination with any other development. Additionally, any further applications made within the landowner property boundary will be subject to the appropriate assessment process.

The review of plans and projects that is described above did not reveal any additional potential pathways for effect on European Sites that may have arisen as a result of those plans or projects.

4.

ARTICLE 6(3) APPROPRIATE ASSESSMENT SCREENING STATEMENT AND CONCLUSIONS

4.1

Data Collected to Carry Out Assessment

In preparation of the report, the following sources were used to gather information:

- > Review of NPWS Site Synopses, Conservation Objectives for the European Sites
- > Review of 2019, 2013 and 2007 EU Habitats Directive (Article 17) Reports.
- > Review of online web-mappers: National Parks and Wildlife Service (NPWS), Teagasc, EPA, Water Framework Directive (WFD).
- > Review of OS maps and aerial photographs of the site of the proposed project.
- > Review of other plans including National Biodiversity Action Plan 2017-2021, Draft National Biodiversity Action Plan 2023 - 2027, the Regional Spatial and Economic Strategy for the Southern Region (RSES) (2020-2032), Tipperary County Development Plan 2022-2028 and projects within the area.
- > Review of the planning file for the permitted solar farm development (Planning Ref.: 21/473) including AA Screening, EcIA and CEMP.
- > Review of the planning condition compliance documents including revised CEMP for the permitted solar farm (Planning References 16600642 and 21473).
- > Site visit conducted on the 30th of June 2023 and 14th of February 2024 by Claire Stephens and Stephanie Corkery of MKO.

4.2

Concluding Statement

It is concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have a significant effect on any European Site.

BIBLIOGRAPHY

CIEEM, 2018, Guidelines for Ecological Impact Assessment in the UK and Ireland. Terrestrial, Freshwater, Coastal and Marine. Version 1.1, Chartered Institute of Ecology and Environmental Management, Winchester. Updated 2022.

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and Directive 2009/147/EC (codified version of Directive 79/409/EEC as amended) (Birds Directive) – transposed into Irish law as European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011).

DEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. DEHLG, Dublin.

DoEHLG (2010). Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. Revision, February, 2010. Department of the Environment, Heritage and Local Government.

EC (2000) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission.

EC (2001) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg. European Commission.

EC (2006) Nature and biodiversity cases: Ruling of the European Court of Justice. Office for Official Publications of the European Communities, Luxembourg.

EC (2007a) 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. Office for Official Publications of the European Communities, Luxembourg. European Commission.

EC (2007b) Interpretation Manual of European Union Habitats. Version EUR 27. European Commission, DG Environment.

European Communities (Conservation of Wild Birds) Regulations, 1985, SI 291/1985 & amendments – <http://www.irishstatutebook.ie>

European Communities (Natural Habitats) Regulations, SI 94/1997, SI 233/1998 & SI 378/2005 – <http://www.irishstatutebook.ie>

Fossitt, J. A. (2000). A Guide to Habitats in Ireland. Dublin: The Heritage Council.

Habitats Directive (92/43/EEC).

Natural England (March 2007). Draft Guidance: The Assessment of Regional Spatial Strategies and Sub-Regional Strategies Under the Provisions of the Habitats Regulations.

NPWS (2008) The Status of EU Protected Habitats and Species in Ireland. Conservation Status in Ireland of Habitats and Species listed in the European Council Directive on the Conservation of Habitats, Flora and Fauna 92/43/EEC.

NPWS of the DEHLG (2008) The Report on Status of Habitats and Species in Ireland: Technical Reports and Forms.



NPWS Protected Site Synopses and maps available on <http://www.npws.ie/en/ProtectedSites/>

NRA (2004) Environmental Impact Assessment of National Road Schemes – A Practical Guide, National Roads Authority, Dublin.

NRA (2009). Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes. Dublin: National Roads Authority.

Stace, C. A. (1997). New Flora of the British Isles. Cambridge: Cambridge University Press.

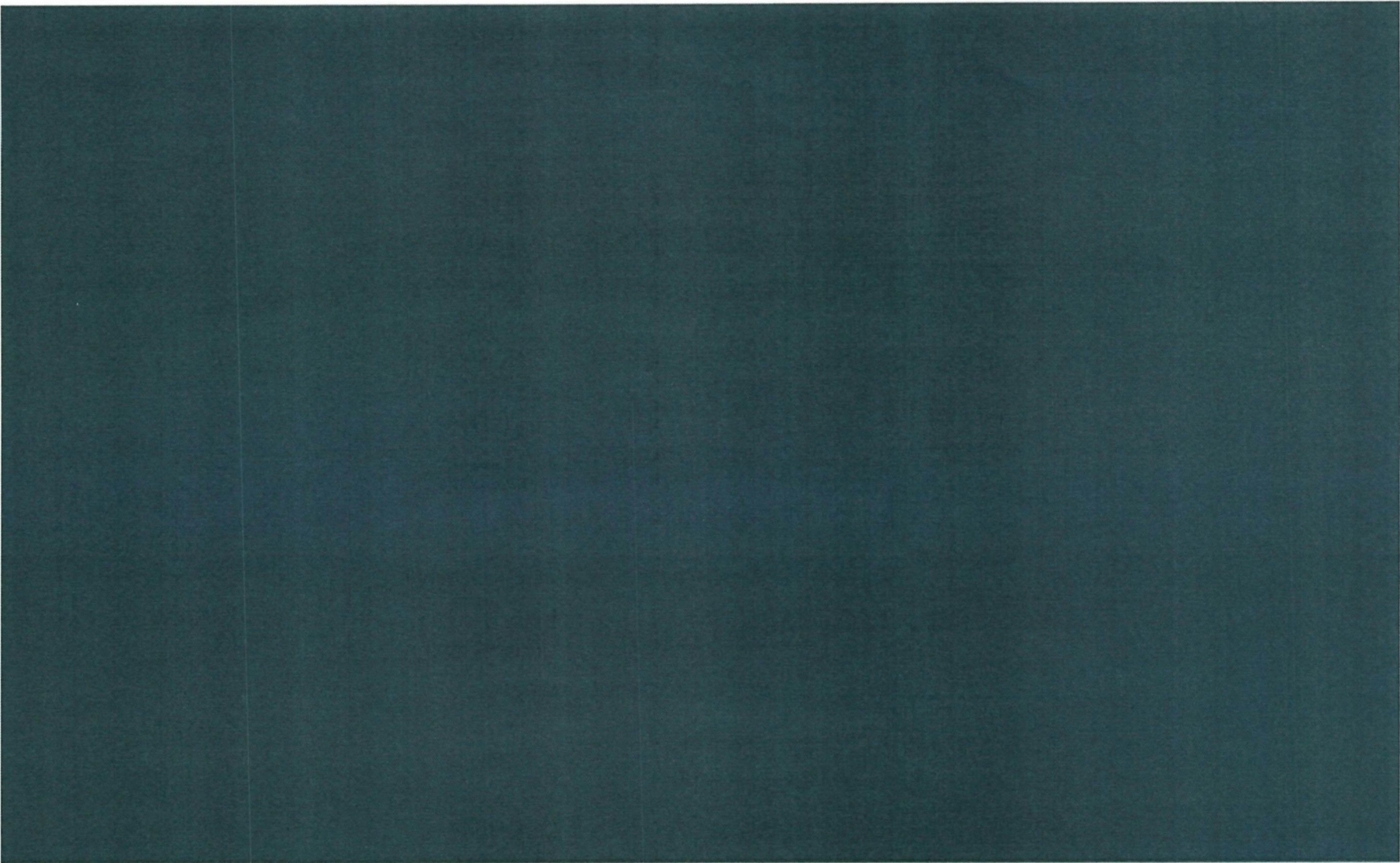
Therivel R. (2009) Workshop Material on the Habitats Directive Assessment of Plans Levett-Therivel Sustainability Consultants on behalf of the Heritage Council, Kilkenny.

Therivel, R. (2009) 'Appropriate assessment of plans in England', Environmental Impact Assessment Review 29(4), pp. 261-272.



Proposed Underground Cabling connecting the Permitted Monroe East Solar Array and the Existing Ardhaman Substation, Co. Tipperary

AASR - 2024.02.21 - 230614a





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
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Date: 25th March 2024

Our Ref: S5/24/36

Civic Offices, Clonmel

Reeve Wave Ltd
Lissarda Business Park
Lissarda
Co. Cork
P14 YN56

Re: Application for a Section 5 Declaration – Underground 20kV cabling, ducting and associated works connecting the permitted Monroe East Solar Array and the existing 38kV Substation at Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 19th March, 2024, in connection with the above.

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

Yours faithfully


for **Director of Services**

**Monroe East Solar Array
20kV Cable Route Section 5 Application**



Drawing Schedule

<u>Drawing No.</u>	<u>Title</u>	<u>No. of Sheets</u>
0070 – 001 – G – 003A – R001	Site Location Context Map – OSI – 1:50000	1
0070 – 001 – G – 003B – R001	Site Location Map – 6inch - 1:10560	1
0070 – 001 – G – 003C – R001	Site Layout Map – 1:5000	1
0070 – 001 – G – 004A – R001	Site Layout Overview Map – 1:5000	1
0070 – 001 – G – 004B – R001	Site Layout Sheet 1 of 12 – 1:500	1
0070 – 001 – G – 004C – R001	Site Layout Sheet 2 of 12 – 1:500	1
0070 – 001 – G – 004D – R001	Site Layout Sheet 3 of 12 – 1:500	1
0070 – 001 – G – 004E – R001	Site Layout Sheet 4 of 12 – 1:500	1
0070 – 001 – G – 004F – R001	Site Layout Sheet 5 of 12 – 1:500	1
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0070 – 001 – G – 004J – R001	Site Layout Sheet 9 of 12 – 1:500	1
0070 – 001 – G – 004K – R001	Site Layout Sheet 10 of 12 – 1:500	1
0070 – 001 – G – 004L – R001	Site Layout Sheet 11 of 12 – 1:500	1
0070 – 001 – G – 004M – R001	Site Layout Sheet 12 of 12 – 1:500	1

0070 – 003 – F – 009E – R000

Typical 20kV Trench Detail

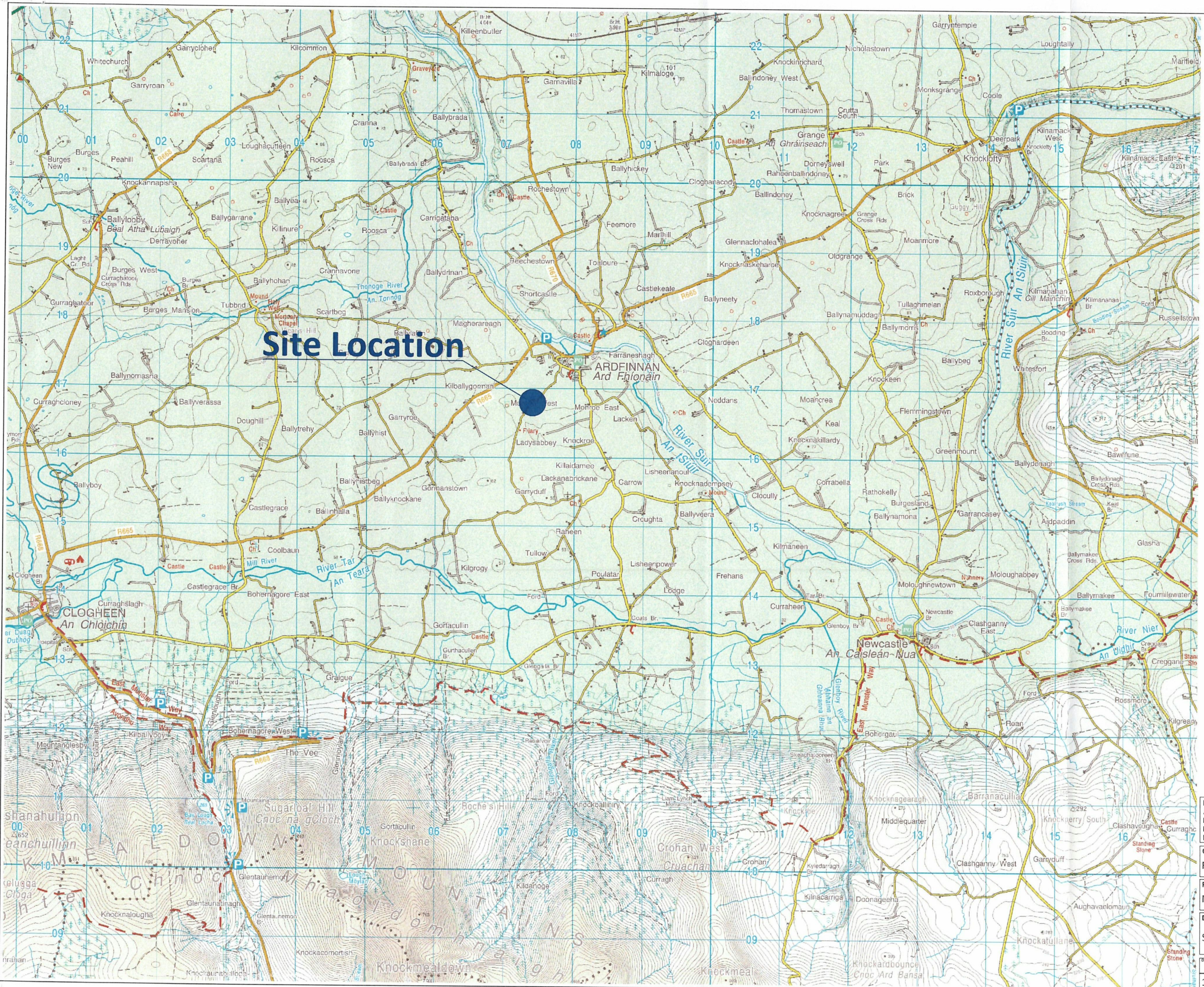
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0070 – 003 – F – 009F – R000

Typical 20kV Joint Bay Detail

1

Site Location



Note:
ALL DIMENSIONS TO BE CHECKED ON SITE & ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER
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DRAWINGS NOT TO BE SCALED

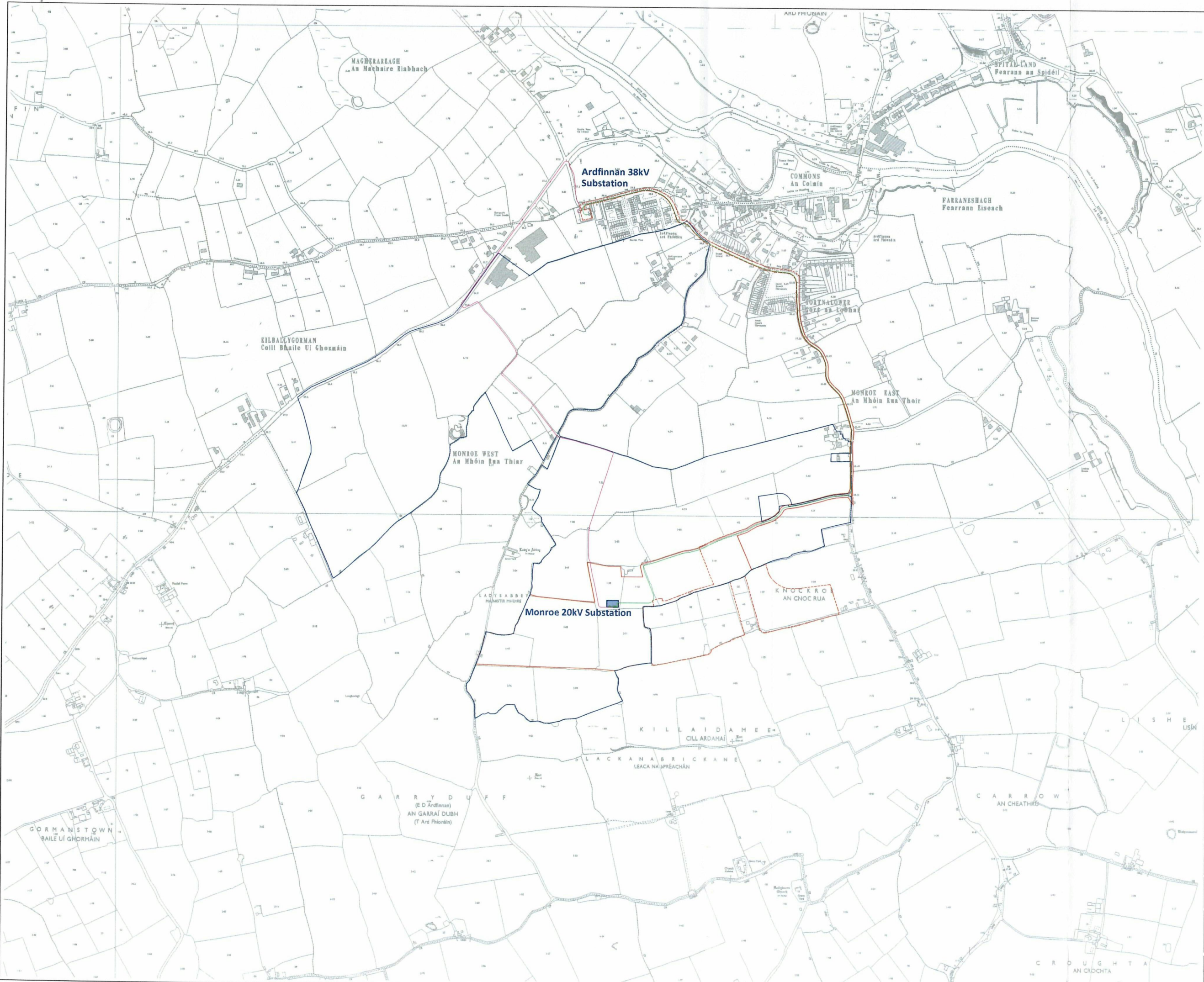
Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Location Context Map

Drawn By	Checked By	Drawing No.
DL	TS	0070-01-G-003A-R001

1:50000@A3



- Landowner Boundary
- Permitted Boundary
TCC ref: 16600642
- - - Permitted Boundary
TCC ref: 21473
- Proposed Cable Route
- Permitted Cable Route
- Monroe 20kV Substation Compound

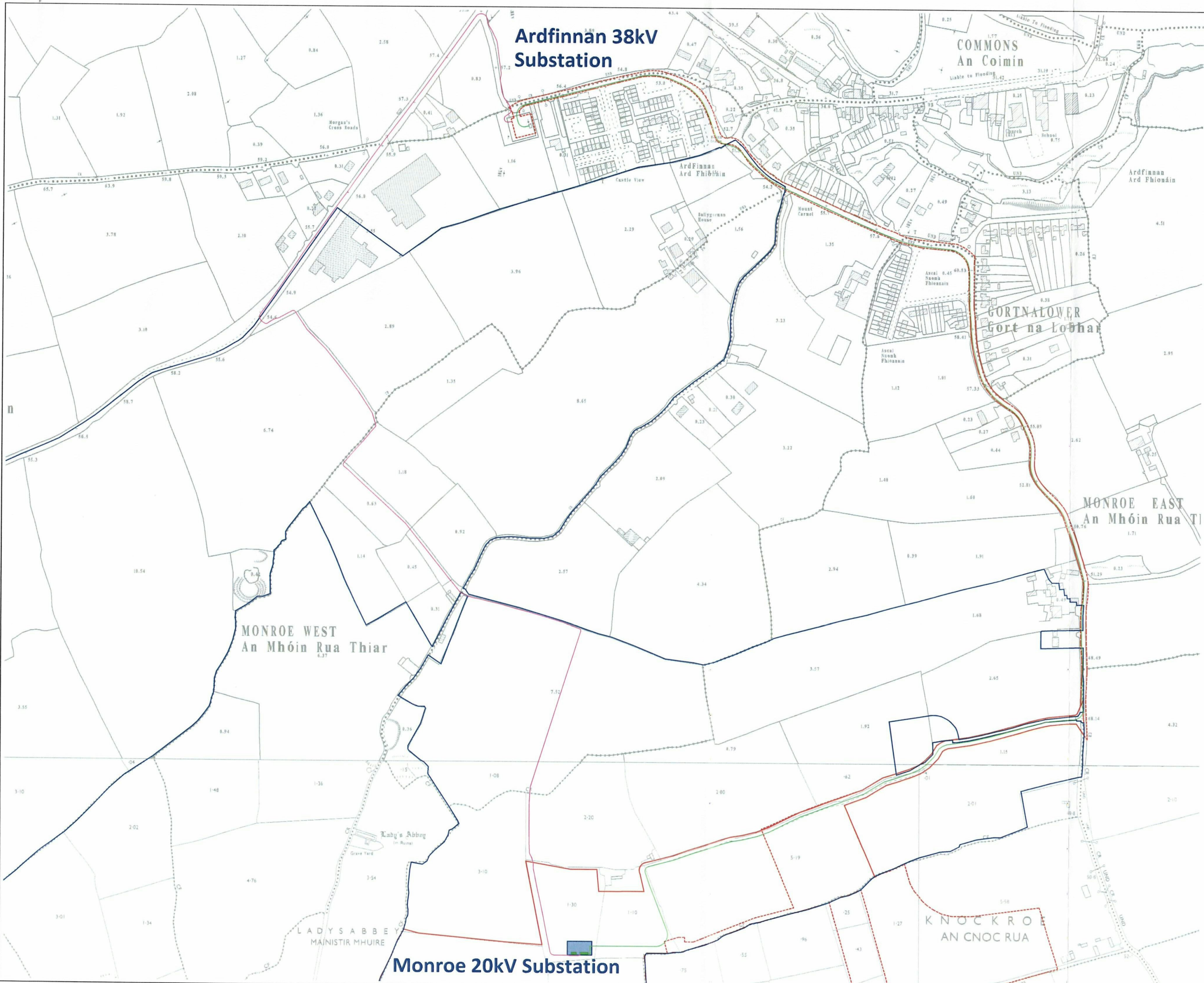
Note:
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 FIGURED DIMENSIONS ONLY TO BE USED.
 DRAWINGS NOT TO BE SCALED

Client:
 Reeve Wave Ltd.

Project:
 Monroe Solar Array - 20kV Cable

Drawing:
 Site Location Map - 6 Inch

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-003B-R001
1:10560@A3		



- Landowner Boundary
- Permitted Boundary
TCC ref: 16600642
- Permitted Boundary
TCC ref: 21473
- Proposed Cable Route
- Permitted Cable Route
- Monroe 20kV Substation Compound

Note:
 ALL DIMENSIONS TO BE CHECKED ON SITE & ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER
 FIGURED DIMENSIONS ONLY TO BE USED.
 DRAWINGS NOT TO BE SCALED

Client:
 Reeve Wave Ltd.

Project:
 Monroe Solar Array - 20kV Cable

Drawing:
 Site Layout Map

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-003C-R001
1:5000@A3		



Sheet 2 of 12

Sheet 3 of 12

Sheet 1 of 12

Sheet 4 of 12

Sheet 5 of 12

Sheet 6 of 12

Sheet 7 of 12

Sheet 8 of 12

Sheet 9 of 12

Sheet 10 of 12

Sheet 11 of 12

Sheet 12 of 12

- Permitted Cable Route
- Permitted Boundary
TCC ref: 21473
- Permitted Boundary
TCC ref: 16600642
- Proposed Cable Route
- Monroe 20kV Substation Compound

Note:
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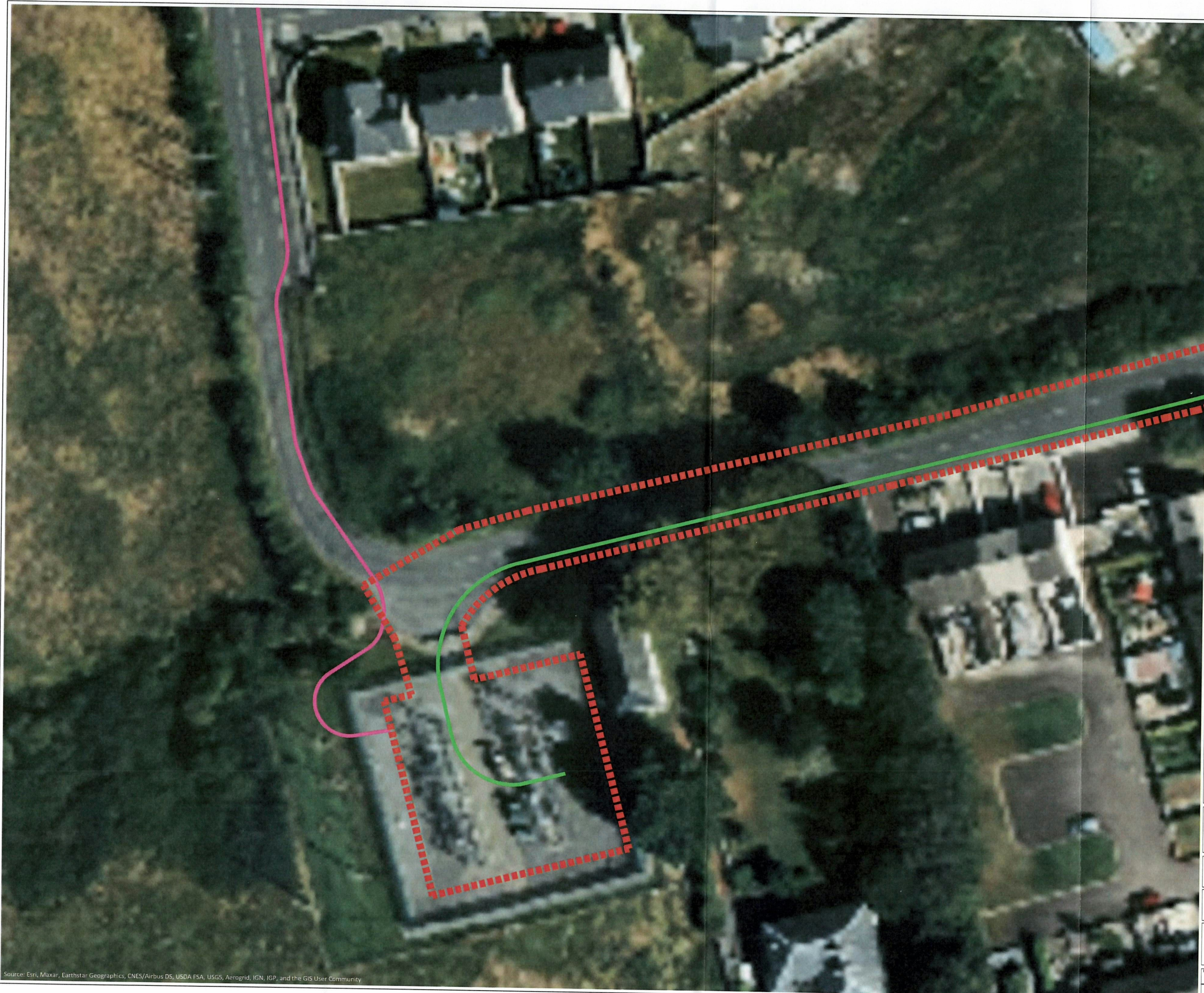
Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Overview Map

Drawn By:	Checked By:	Drawing No.
DL	TS	0070-01-G-004A-R001
1:5000 @ A3		

Source: Esri, Maxar, Earthstar Geographics, CNES/Airbus, USDA-FSA, USGS, AeroGRID, IGN, IGP, and the GIS User Community



- Permitted Cable Route
- - - Permitted Boundary
TCC ref: 21473
- Proposed Cable Route

Note:
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Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 1 of 12

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-004B-R001
1:500 @ A3		



Proposed Cable Route
Joint Bay

JB1

Note:
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Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 2 of 12

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-004C-R001
1:500 @ A3		



— Proposed Cable Route

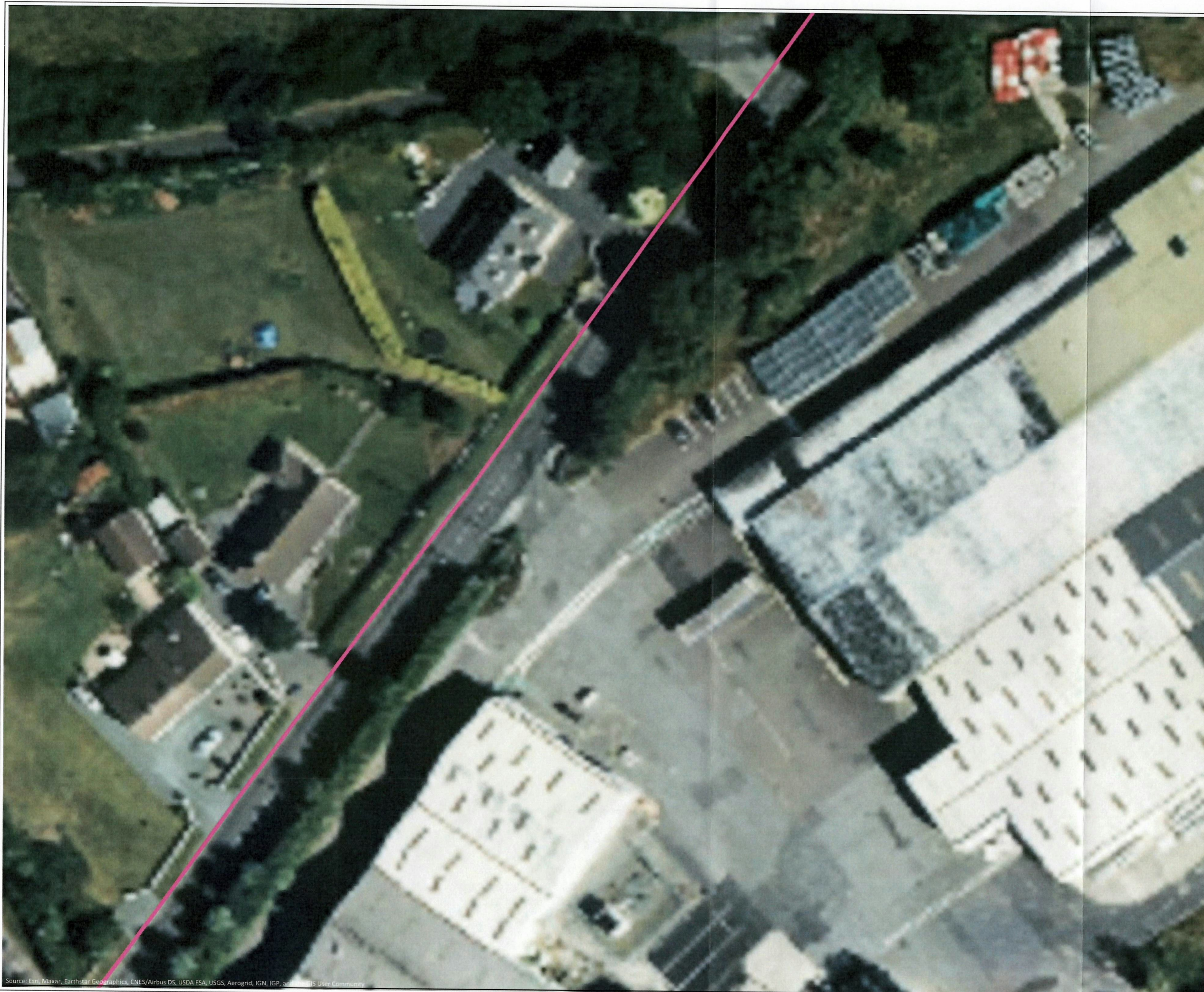
Note:
ALL DIMENSIONS TO BE CHECKED ON SITE & ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER FIGURED DIMENSIONS ONLY TO BE USED. DRAWINGS NOT TO BE SCALED

Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 3 of 12

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-004D-R001
1:500 @ A3		



— Proposed Cable Route

Note:
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Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 4 of 12

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-004E-R001
1:500 @ A3		

Source: Esri, Maxar, Earthstar Geographics, CNES/Airbus DS, USDA FSA, USGS, AeroGRID, IGN, IGP, and the GIS User Community



— Proposed Cable Route

Note:
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Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 5 of 12

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-004F-R001
1:500 @ A3		



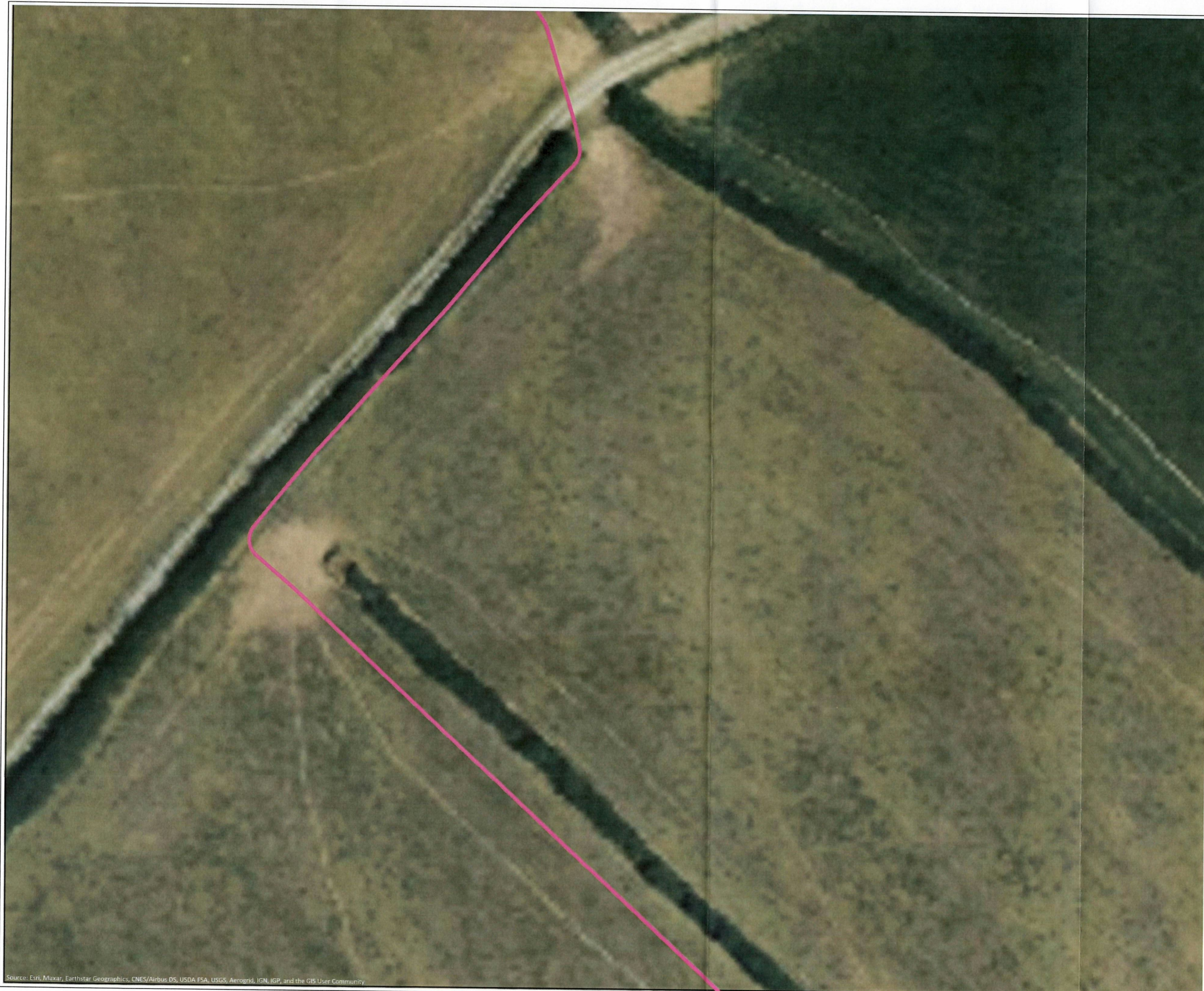
— Proposed Cable Route

Note:
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DRAWINGS NOT TO BE SCALED

Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 6 of 12



— Proposed Cable Route

Note:
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Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 7 of 12

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-004H-R001
1:500 @ A3		



— Proposed Cable Route
■ Joint Bay

Note:
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Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 8 of 12

Drawn By	Checked By	Drawing No.
DL	TS	0070-01-G-004I-R001
1:500 @ A3		

JB2

JB2



— Proposed Cable Route
■ Joint Bay

Note:
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DRAWINGS NOT TO BE SCALED

Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 9 of 12

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-004J-R001
1:500 @ A3		



— Proposed Cable Route

Note:
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Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 10 of 12



- Permitted Boundary
- Proposed Cable Route

Note:
ALL DIMENSIONS TO BE CHECKED ON SITE & ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER FIGURED DIMENSIONS ONLY TO BE USED. DRAWINGS NOT TO BE SCALED

Client:
Reeve Wave Ltd.

Project:
Monroe Solar Array - 20kV Cable

Drawing:
Site Layout Sheet 11 of 12

Drawn By:	Checked By:	Drawing No.:
DL	TS	0070-01-G-004L-R001
1:500 @ A3		



- Permitted Cable Route
- Permitted Boundary
- Proposed Cable Route
- Joint Bay
- Monroe 20kV Substation Compound

Note:
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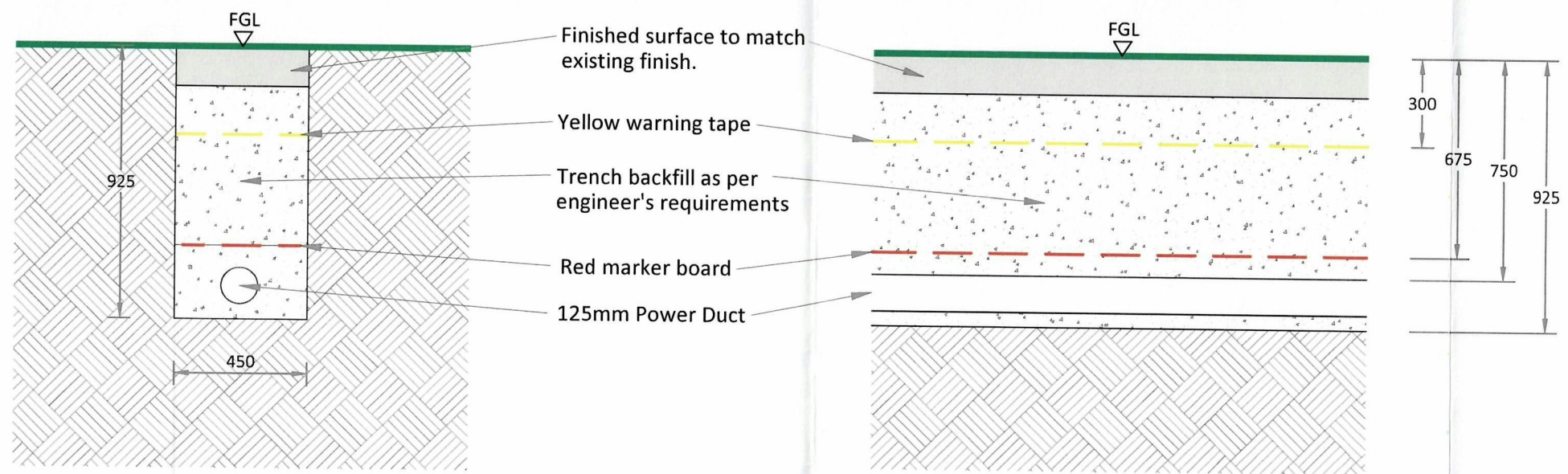
Client:
 Reeve Wave Ltd.

Project:
 Monroe Solar Array - 20kV Cable

Drawing:
 Site Layout Sheet 12 of 12

Drawn By: DL	Checked By: TS	Drawing No. 0070-01-G-004M-R001
1:500 @ A3		

Source: Esri, Maxar, Earthstar Geographics, CNES/Airbus DS, USDA FSA, USGS, AeroGRID, IGN, IGP, and the GIS User Community



20kV SECTION DETAIL

Scale 1:20

Legend:
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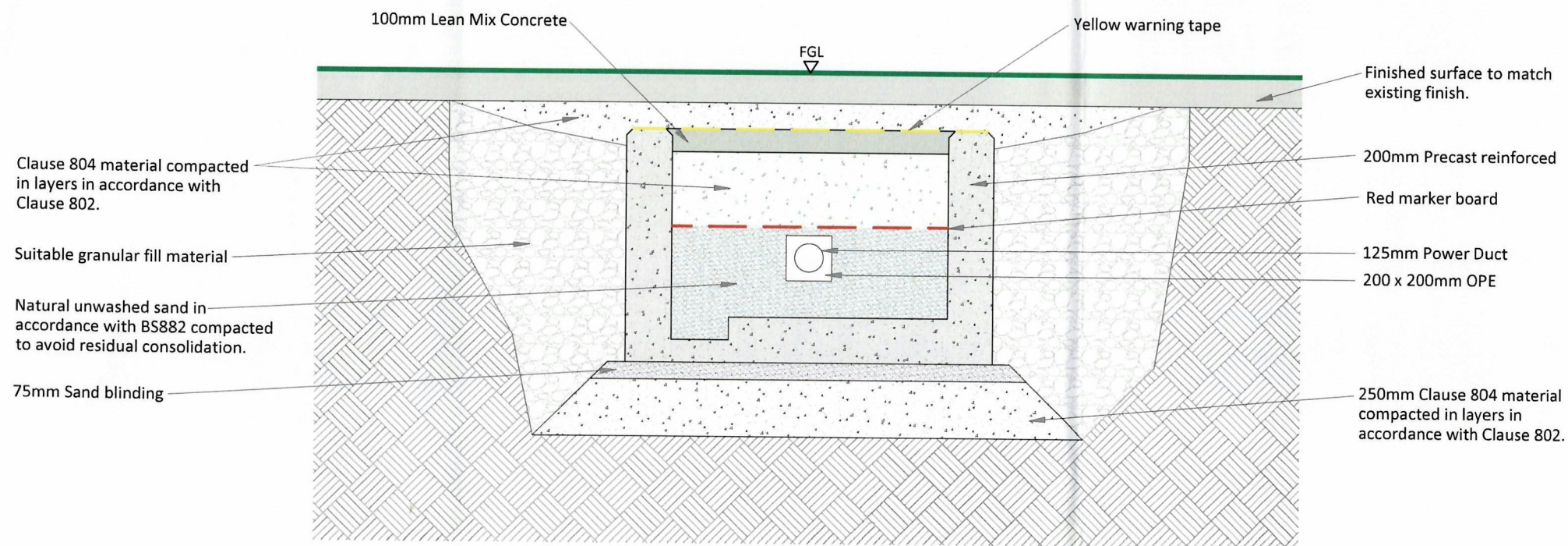
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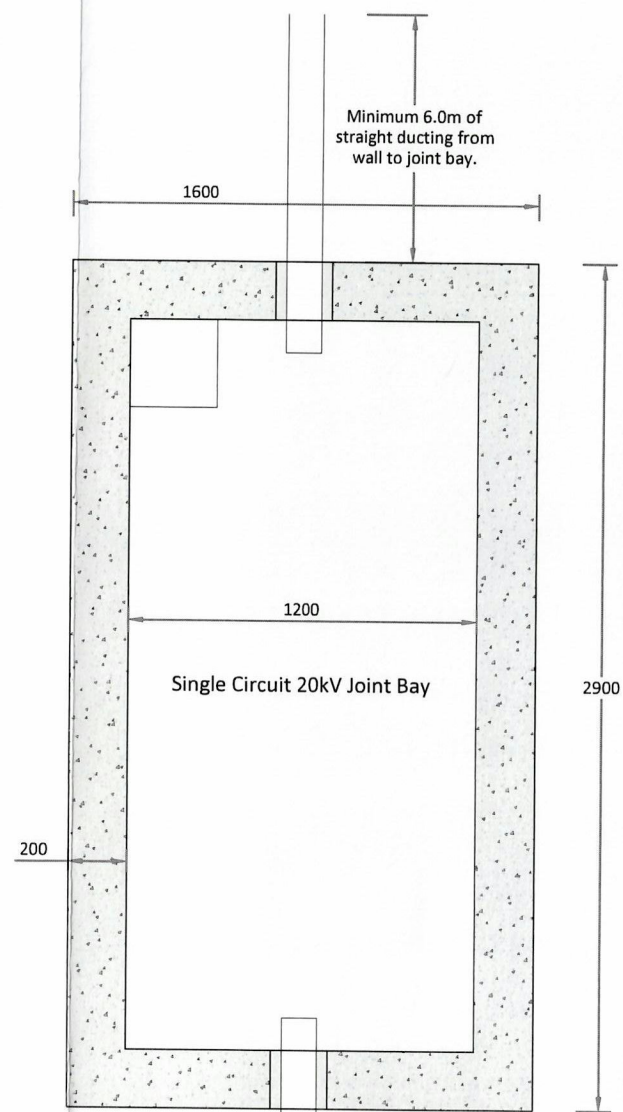
Project:
 Monroe East Solar - 20kV Cable

Drawing:
 20kV Trench Detail

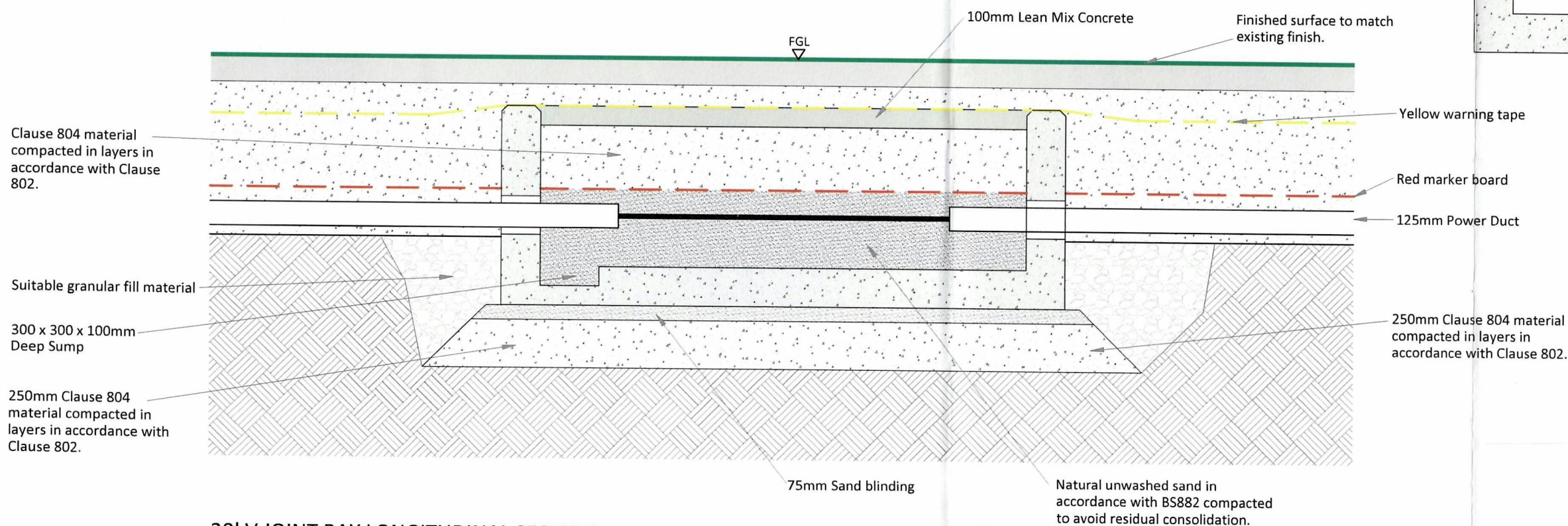
Drawn By: T.Sca	Checked By: NG	Drawing No. 0070-03-F-009E-R000
Scale: 1:20 @ A3		



20kV JOINT BAY CROSS SECTION
Scale 1:25



20kV JOINT BAY PLAN
Scale 1:25



20kV JOINT BAY LONGITUDINAL SECTION
Scale 1:25

Legend:
ALL DIMENSIONS TO BE CHECKED ON SITE AND ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER. FIGURED DIMENSIONS ONLY TO BE USED. DRAWINGS NOT TO BE SCALED.

Note:
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Project:
Monroe East Solar - 20kV Cable

Drawing:
20kV Joint Bay Detail

Drawn By: T.Sca	Checked By: NG	Drawing No. 0070-03-F-009F-R000
Scale: 1:25 @ A3		

Tipperary County Council

**Declaration on Exempted Development under Section 5 of the Planning and
Development Act 2000**

Declaration Reference No.: S5/24/36

Query: Whether the provision of a 20kV underground grid connection for a permitted solar PV farm is development and if so, does it constitute exempted development.

Location: Monroe East, Kilballygorman and Monroe West, and Magherareagh, Co. Tipperary

Querist: MKO Planning and Environmental Consultants

Owner/Occupier: Reeve Wave, O'Dwyer Transport, John Shine, Sean Nugent, Timothy Michael Ryan.

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3	<i>Legislative Context</i>	4
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1 Introduction

1.1 Query

- 1.1.1 A question has arisen pursuant of Section 5 of the Planning and Development Act 2000 (as amended) as to whether or not the provision of underground 20kV cabling, ducting and associated works connecting the permitted Monroe East Solar Array and the existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary is development and if so, if it constitutes exempted development.
- 1.1.2 Under Section 5 Ref 23/92 Tipperary County Council determined that an alternative connection route at this location was exempted development. This Section 5 refers to an alternative route for the underground cable.

2 Site Location and History

2.1 Site location

- 2.1.1 The permitted solar farm comprises an area of c. 27 hectares. It is located in a rural area 1.1 kms south of the village of Ardfinnan. This is a predominately rural area, with limited development in the immediate vicinity of the site.
- 2.1.2 The site is located in the area under urban influence as defined in the Tipperary County Development Plan 2022.
- 2.1.3 The solar farm is accessed from the north via Ros Na Greine, a local road off the R665, ending in the south within the permitted Monroe East Solar Array. As indicated in the planning application, the permitted development is accessed via an existing local road to the east and comprise a network of relatively flat agricultural fields bounded by hedgerows and trees.
- 2.1.4 The querist is now seeking a declaration from the Planning Authority as to whether or not the re routing of the grid connection constitutes exempted development. The cable will be installed across existing public road and agricultural lands adjacent to existing hedgerows, through arable land, and within an existing private access road into agricultural grassland.
- 2.1.5 The construction of the proposed grid connection will involve small scale excavation works to facilitate connection of the permitted Monroe East Solar Array to the existing substation in Ardfinnan.



Figure 1 New Proposed route connection



Figure 2 Proposed route connection subject to Section 5 Ref 23/92

3 Legislative Context

3.1 Planning and Development Act 2000 (as amended)

- 3.1.1 According to **Section 2(1)** of the **Planning and Development Act (as amended)**, the definition of “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- 3.1.2 According to the same section, a “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.
- 3.1.3 According to **Section 3(1)** of the **Planning and Development Act (as amended)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.1.4 **Section 4** of the same Act lists works that would be considered exempted development. Section 4 also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.
- 3.1.5 As per **Section 172(1)** of the Act; “An environmental impact assessment shall be carried out by a planning authority or the Board, as the case may be in respect of an application for consent for – (a) Proposed development of a class specified in Schedule 5 to the Planning and Development Regulations 2001 which exceeds a quantity area, or other limit specified in that Schedule, and (b) Proposed development of a class specified in Schedule 5 to the Planning and Development Regulations 2001 which does not exceed a quantity, area or other limit specified in that Schedule but which the planning authority or the Board determines would be likely to have significant effects on the environment.
- 3.1.6 As per **Section 177U(9)** of the Act, “In deciding upon a declaration or a referral under section 5 of this Act a Planning Authority or the Board, as the case may be shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section”.

3.2 Planning and Development Regulations 2001 (as amended)

- 3.2.1 Article 3(3) states that “electricity undertaking” means an undertaker authorised to provide an electricity service”.
- 3.2.2 Article 6(1) states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

- 3.2.3 In relation to this specific case, the provisions of Class 26 are considered relevant. Class 26 considers “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”. There are no Conditions or Limitations in column of this Class.
- 3.2.4 Article 9 of said Regulations lists a series of restrictions on exemptions. Of particular note are the provisions of 9 (1)(a) (iii), which relates to the road safety, Article 9(1)(a)(viiiB) which de exempts developments that require an appropriate assessment because it would likely have an effect on the integrity of a European designated site and Article 9(c) which de-exempts development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these regulations) to comply with the procedures for the purposes of giving effect to the Council Directive.

4 Assessment

4.1 Works Proposed

- 4.1.1 For the purpose of this Declaration, the work, to which the query relates, is,

The laying of c 2.03 kms of underground 20kV cabling, ducting and associated works connecting the permitted Monroe East Solar Array and the existing Ardfinnan 38kV Substation at Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary.

The querist has submitted an Appropriate Assessment Screening report, a full suite of drawings and letters of consent from landowners.

4.2 Is it development?

- 4.2.1 Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the proposal as set out in paragraph 4.1.1 above, does constitute development as it does involve the carrying out of works on the subject lands.

4.3 Is it exempted development?

- 4.3.1 As is set out in Section 3 above, 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 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 Planning Authority is satisfied that the proposal is “a development consisting of the laying underground of cables for the purposes of the undertaking”.

- 4.3.2 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 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.”
- 4.3.3 The definition of “statutory undertaker” provided within the Planning and Development Act 2000 reads 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.”.
- 4.3.4 Having regard to these definitions, and the approach adopted by An Board Pleanala under other similar cases (RL 92.3436 is one example) the Planning Authority is satisfied that Reeve Wave Limited (the Applicant for the solar farm development), 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.
- 4.3.5 On this basis, the proposal comes within the scope of Class 26.

4.4 Restrictions on exemptions

- 4.4.1 As noted earlier, there are no conditions and limitations associated with Class 26 as set out under Schedule 2 Part 1.
- 4.4.2 Article 9(1)(a)(i) of the Regulations states that development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of the development would contravene a condition attached to a permission issued under the Act or if it would be inconsistent with any use specified in a permission under the Act. Planning permission was granted under PI Ref 16/600642 for the development of a solar PV panel array consisting of up to 38,900 m² of solar panels on ground mounted steel frames, 2 no. electricity control cabins, inverter units, underground cable ducts, hardstanding area, boundary security fence, site entrance, access tracks, CCTV and all associated site services.
- 4.4.3 The solar farm was extended by a further 12.5 hectares under PI Ref 21/473. Condition 4 of this permission is noted. It reads as follows;

Figure 1 Condition 4

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

- 4.4.4 It is noted that the above condition does not include a clause stating that planning permission must be sought for the said grid connection works, rather that they are not granted by the said permission. In the subject case, the grant of permission issued for the Solar Farm did not include for the grid connection works detailed in the subject referral and, therefore, the cumulative impact of the said grid connection works when taken in conjunction with the Solar Farm was not assessed as part of that planning application. However, this condition did not explicitly state that permission is required for the grid connection works.
- 4.4.5 It is reasonable again to conclude that the proposal is not restricted by Condition 4 of PL Ref 21/473.
- 4.4.6 Article 9(1)(a)(iii) of the Regulations states that development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of the development would 'endanger public safety by reason of traffic hazard or obstruction of road users'. As noted above, the proposed cable only interacts with the public road at one location where it crosses the L-7517.

4.5 Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

- 4.5.1 Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).
- 4.5.2 In relation to EIA, the development of a 20 KV underground grid connection between Monroe East 20 KV substation and the existing Ardfinnan 38kV Substation is not a prescribed class of development for the purposes of EIA. As such, an EIA is not required for the proposal.
- 4.5.3 With respect to AA, the applicant has submitted a comprehensive screening report. There are four SAC's within 15 kms of the subject site;
- The lower River Suir SAC (site code 002137) – 0.26 kms from site
 - The Blackwater River SAC (site code 002170) – 10.8 kms from site
 - The Nier Valley Woodlands SAC (site code 000668) – 13.2 kms from site and
 - The Galtee Mountains SAC (site code 000646) - – 12 kms from site. '
- 4.5.4 Table 3.1 of the submitted screening report considers the impact of the proposal on these protected sites. It notes that the proposal is located entirely outside the designated site. The route of the cable does not interact with any watercourse. As such there is no direct hydrological connection between the site and any of the designated sites.
- 4.5.5 The screening report considers other proposal in the vicinity of the site. Cumulative or in combination impact were not considered likely.
- 4.5.6 The report concludes that the proposed development individually or in combination with other plans and projects, will not have a significant effect on any European Site. The site is located c 2.2 kms from the Galtee mountains SAC and 4.1 kms from the Lower River Suir SAC.

4.5.7 Having regard to:

- the nature of the development,
- the fact that the works proposed do not interact with a water body,
- The intervening land uses between the subject site and the above referenced SAC's and
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

5 Conclusion

5.1 Query

5.1.1 A question has arisen as to whether the provision of a 20kV cabling, ducting and associated works connecting the permitted Monroe East Solar Array and the existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary is development and if so, if it constitutes exempted development.

5.1.2 Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 2, 3, 4, 172 (1) and 177U (9) of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended and,
- Class 26 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- the planning history of the solar farm, under planning authority register reference numbers 16/600642 and 21/473.
- the nature and scale of the proposed use
- the Appropriate Assessment Screening report as submitted by the agent on behalf of the developer.

5.1.3 Having considered the information presented, the Planning Authority has concluded that

- the provision of the underground electricity connection and associated works involves the carrying out of works and, therefore, constitutes development, under sections 2 and 3 of the Planning and Development Act, 2000, as amended,

- the underground electricity grid connection involves works carried out by an electricity undertaking, and, having regard to the nature of those works, would come within the scope of Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and would, therefore, constitute exempted development,
- none of the restrictions on exempted development provided for under section 4 (4) of the Planning and Development Act 2000, as amended, apply in this case,
- none of the restrictions on exempted development provided for under Article 9 (1)(a) of the Planning and Development Regulations, 2001, as amended, apply in this case,
- none of the restrictions on exempted development provided for under Article 9 (1)(a) (viiB) of the Planning and Development Regulations, 2001, as amended, apply in this case, in particular, having regard to the Appropriate Assessment Screening Report submitted.
- there are no other restrictions on exemption set out in the Planning and Development Act, 2000 and/or the Planning and Development Regulations, 2001 that would apply in this instance.

5.2 Determination

5.2.1 Having considered the information received, the Planning Authority has determined that the laying of underground 20kV cabling, ducting and associated works connecting the permitted Monroe East Solar Array and the existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary is development and is exempted development.

Signed: *Sara Jane Condon* Date: 9th April 2024

Assistant Planner



Signed: Date: 09.04.2024

Senior Executive Planner

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/36** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, 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. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Reeve Wave Ltd., Lissarda Business Park, Lissarda, Co. Cork P14 YN56 re: The provision of a 20kV underground grid connection for a permitted solar PV farm at Monroe East, Kilballygorman and Monroe West, and Magherareagh, Co. Tipperary is development and is exempted development.

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

- Sections 2, 3, 4, 172 (1) and 177U (9) of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended and,
- Class 26 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- the planning history of the solar farm, under planning authority register reference numbers 16/600642 and 21/473.
- the nature and scale of the proposed use
- the Appropriate Assessment Screening report as submitted by the agent on behalf of the developer.

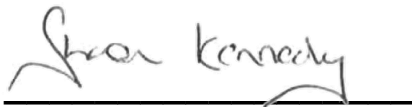
Having considered the information presented, the Planning Authority has concluded that

- the provision of the underground electricity connection and associated works involves the carrying out of works and, therefore, constitutes development, under sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- the underground electricity grid connection involves works carried out by an electricity undertaking, and, having regard to the nature of those works, would come within the scope of Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and would, therefore, constitute exempted development,

- none of the restrictions on exempted development provided for under section 4 (4) of the Planning and Development Act 2000, as amended, apply in this case,
- none of the restrictions on exempted development provided for under Article 9 (1)(a) of the Planning and Development Regulations, 2001, as amended, apply in this case,
- none of the restrictions on exempted development provided for under Article 9 (1)(a) (viiB) of the Planning and Development Regulations, 2001, as amended, apply in this case, in particular, having regard to the Appropriate Assessment Screening Report submitted.
- there are no other restrictions on exemption set out in the Planning and Development Act, 2000 and/or the Planning and Development Regulations, 2001 that would apply in this instance

Having considered the information received, the Planning Authority has determined that the laying of underground 20kV cabling, ducting and associated works connecting the permitted Monroe East Solar Array and the existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary **is development and is exempted development.**

Signed:



Sharon Kennedy

Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District

Date: 11/04/2024



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

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Date: 11th April 2024

Our Ref: S5/24/36

Civic Offices, Nenagh

Reeve Wave Ltd
Lissarda Business Park
Lissarda
Co. Cork
P14 YN56

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 19th March 2024, in relation to the following proposed works:

The provision of a 20kV underground grid connection for a permitted solar PV farm at Monroe East, Kilballygorman and Monroe West, and Magherareagh, Co. Tipperary

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

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

- Sections 2, 3, 4, 172 (1) and 177U (9) of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended and,
- Class 26 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- the planning history of the solar farm, under planning authority register reference numbers 16/600642 and 21/473.
- the nature and scale of the proposed use
- the Appropriate Assessment Screening report as submitted by the agent on behalf of the developer.

Having considered the information presented, the Planning Authority has concluded that

- the provision of the underground electricity connection and associated works involves the carrying out of works and, therefore, constitutes development, under sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- the underground electricity grid connection involves works carried out by an electricity undertaking, and, having regard to the nature of those works, would come within the scope of Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and would, therefore, constitute exempted development,
- none of the restrictions on exempted development provided for under section 4 (4) of the Planning and Development Act 2000, as amended, apply in this case,
- none of the restrictions on exempted development provided for under Article 9 (1)(a) of the Planning and Development Regulations, 2001, as amended, apply in this case,
- none of the restrictions on exempted development provided for under Article 9 (1)(a) (viiB) of the Planning and Development Regulations, 2001, as amended, apply in this case, in particular, having regard to the Appropriate Assessment Screening Report submitted.
- there are no other restrictions on exemption set out in the Planning and Development Act, 2000 and/or the Planning and Development Regulations, 2001 that would apply in this instance

Having considered the information received, the Planning Authority has determined that the laying of underground 20kV cabling, ducting and associated works connecting the permitted Monroe East Solar Array and the existing Ardfinnan 38kV Substation in the townlands of Monroe East, Kilballygorman, Monroe West and Magherareagh, Co. Tipperary **is development and is exempted development.**

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord 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



for **Director of Services**