

An
Bord
Pleanála

Board Direction
BD-018965-25
ABP-319252-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/02/2025.

The Board decided to APPROVE the proposed development for the following reasons and considerations and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to:

- (a) the nature, scale and extent of the proposed development;
- (b) the characteristics of the site and of the general vicinity;
- (c) national, regional and local policy support for developing renewable energy, in particular -
 - (i) National Planning Framework, 2018,
 - (ii) Government Policy Statement on the Security of Electricity Supply, 2021,
 - (iii) The Regional Spatial and Economic Strategy for the East and Midlands Region, and
 - (iv) The Kildare County Development Plan 2023 - 2029;
- (d) the distance to dwellings or other sensitive receptors from the proposed development;

- (e) the planning history of the immediate area including the adjoining permitted Delamain Solar Farm;
- (f) the submissions on file from prescribed bodies and third parties;
- (g) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely effects of the proposed development on European Sites, and
- (h) the report of the Inspector.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with, or necessary to, the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, including the Poulaphouca Reservoir Special Protection Area (Site Code:004063), in view of any such sites conservation objectives. This screening determination is based on the assessment of the nature and scale of the proposed development, the nature of the European sites identified, the qualifying interests/special conservation interests and the separation distance and absence of direct and indirect pathways between the European Sites and the proposed development.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, regional and local planning and related policy, would be consistent with the provision of the

Climate Action Plan 2024 and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. Overall, the proposed development would not have an unacceptable impact on the landscape, ecology or features of cultural heritage interest and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would be acceptable in terms of traffic and public safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as supplemented by the information received on the 19th day of June, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the undertaker shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

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

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity for this permission in excess of five years.

3. All of the environmental, construction and ecological mitigation and monitoring measures, as set out in the Ecological Impact Assessment Report (EclA), Appendices, and all other particulars submitted with the application, shall be

implemented by the undertaker in conjunction with the timelines, as set out therein, except as may otherwise be required in order to comply with the conditions of this order.

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

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

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

5. Prior to the commencement of development, the undertaker shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply unless otherwise agreed with the planning authority.

Reason: In the interest of public health and to ensure adequate water facilities.

6. The undertaker shall comply with the transportation requirements of the planning authority and other relevant bodies for such works and services as appropriate.

Reason: In the interest of traffic and pedestrian safety.

7. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (a) The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping,

emergency response planning, site environmental policy, and project roles and responsibilities.

- (b) The CEMP shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development, as set out in the Archaeological and Architectural Heritage Assessment by John Cronin and Associates (dated 5th March, 2024) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: In the interests of environmental protection, residential amenities, public health and safety and to ensure the continued preservation of archaeological features or objects on the site.

- 8. The undertaker shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development Archaeological Geophysical Test Excavation at the development site and to submit an Archaeological Impact Assessment Report for the written agreement of the planning authority, following consultation with the Department/National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.
 - (a) The Archaeological Geophysical Survey must be carried out under licence from the National Monuments Service and in accordance with an approved Method Statement. Having completed the work, the archaeologist shall submit a written report to the Department and to the planning authority describing the results of the Archaeological Geophysical Survey.
 - (b) The archaeologist will liaise with the Department to establish, based on the results the Archaeological Geophysical Survey, the appropriate scope of the Archaeological Test Excavation to adequately

characterise the character and extent of any potential sub-surface archaeological material within the development site.

- (c) The report on the Archaeological Test Excavation shall include an Archaeological Impact Statement and Mitigation Strategy. Where archaeological material is shown to be present, avoidance, preservation in- situ, preservation by record (archaeological excavation) and/or monitoring may be required.
- (d) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the undertaker.
- (e) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to, and approval to proceed is agreed in writing with, the planning authority.
- (f) The planning authority and the Department shall be furnished with a final Archaeological Report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the undertaker.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 9. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

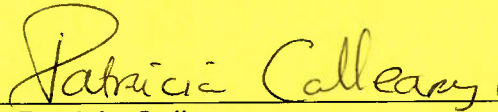
10. Prior to commencement of development, the undertaker shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security, or part thereof, to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of such agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

Determination on Costs

The Board also determined that under section 182B of the Planning and Development Act, 2000, as amended, the amount due to be reimbursed to the applicant is **€84,231**.

Board Member


Patricia Calleary

Date: 19/02/2025