

An
Coimisiún
Pleanála

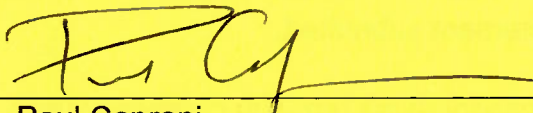
Direction
CD-020109-25
ABP-321991-25

The submissions on this file and the Inspector's report were considered at a meeting held on 01/07/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Paul Caprani

Date: 02/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and the relevant sectoral adaptation plans in particular the Electricity and Gas Sectoral Plan 2019 and

in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State), and otherwise had regard to:

- (a) the National Biodiversity Action Plan 2023-2030
- (b) national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases,
- (c) the policies set out in the Regional Spatial and Economic Strategy of the Eastern and Midland Regional Assembly,
- (d) the policies of the planning authority contained within the Kildare County Development Plan, 2023-2029,
- (e) the character of the landscape in the area of the site and in the wider area of the site,
- (f) the pattern of the existing and permitted development in the area,
- (g) the distance between the solar farm and surrounding dwellings and other sensitive receptors from the proposed development,
- (h) the Natura Impact Statement submitted,
- (i) the submissions and observations made in connection with the planning application and appeal, and
- (j) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would be likely to

have a significant effect on the River Boyne and River Blackwater Special Area of Conservation (002299) in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is, therefore, required.

Appropriate Assessment

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

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the River Boyne and River Blackwater Special Area of Conservation (002299), in view of the site's Conservation Objectives.

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 the Climate Action and Low Carbon Development Act 2015, as amended, Climate Action Plan 2024 and Climate Action Plan 2025, National Biodiversity Action Plan 2023-2020, the National Planning Framework (First Revision), the Regional Spatial and Economic Strategy of the Eastern and Midlands Region 2019-2031 and the provisions of the Kildare County Development Plan, 2023-2029. The proposed development would:

- (a) make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future,
- (b) not seriously injure the residential amenities of the area,
- (c) not adversely affect population and human health, natural heritage, biodiversity or built heritage,
- (d) not have an unduly adverse impact on the landscape, and
- (e) would be acceptable in terms of traffic safety and convenience.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars received by the planning authority on 20th day of December 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 developer shall agree such details in writing with the planning authority prior to the commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest or clarity.

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

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

3.
 - (a) The permission shall be for a period of 35 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.
 - (b) Prior to commencement of development, a Decommissioning Statement including a detailed restoration plan and a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, concrete shoes, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. The Decommissioning Statement shall be updated in accordance with condition number 17(e) of this Order.
 - (c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors/concrete shoes, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the relevant planning authority to review the operation of the solar farm in the light of the circumstances then prevailing.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

5. All of the environmental, construction and ecological mitigation measures, as set out in the Planning Statement, Outline Construction Environmental Management Plan, Glint and Glare Assessment, Construction Traffic Management Plan, Ecological Appraisal, Biodiversity Management Plan, Landscape and Visual Impact Assessment and Flood Risk and Drainage Impact Assessment, and revised Noise Impact Assessment shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order. Where such measures require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development.

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

6. 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.

- 7.. Prior to commencement of development, details of the structure of the security fence showing provision for the movement of mammals at regular intervals shall be submitted for prior approval to the planning authority.

Reason: To allow wildlife to continue to have access across the site and in the interest of biodiversity protection.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times 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.

9. (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) Cables within the site shall be located underground.
- (d) The transformers/inverters shall be dark green in colour.

Reason: In the interest of the long-term viability of this agricultural land and in order to minimise impacts on drainage patterns, clarity, visual and residential amenity.

10. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall agree such details in writing with the planning authority prior to the commencement of development.

Reason: In the interest of environmental protection.

12. All road surfaces, culverts, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to the commencement of development, a road condition survey shall be taken along the full extent of the R402, L1004 and L5013 haul route to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

13.
 - (a) A Stage 2 Road Safety Audit (RSA) in accordance with TII requirements, which shall include all site entrances and passing bays, shall be submitted to the planning authority for written agreement.
 - (b) The final details of the operational access arrangements shall be submitted to and agreed with the planning authority prior to the commencement of development. Any gates shall open inwards only.

Reason: In the interest of traffic safety.

14. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s);
 - (b) location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of HGV traffic and associated loads to the site and to avoid conflict with schools and pre-schools;
 - (f) measures to facilitate demands for VRU's and measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains or watercourses,
- (l) details of on-site re-fuelling arrangements, including use of drip trays;
- (m) details of how it is proposed to manage excavated soil; and
- (n) details of compliance with condition number 17(d) of this order
- (o) community liaison details including how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads and/or HGV deliveries.

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the NIS. A record of daily checks that the works are being undertaken shall be kept for inspection by the planning authority.

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

15. (a) The developer shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological test excavation in all areas of proposed ground disturbance and submit an updated Archaeological Impact Assessment (AIA) report for the written agreement of the planning authority, following consultation with the National Monuments Service, and in advance of any site enabling/preparation works or ground works including site investigation works, topsoil stripping, site clearance works or construction works. The AIA report shall include an archaeological impact statement and mitigation strategy.
- (b) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (archaeological excavation)

and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the Archaeologists report has been submitted to, and approval to proceed has been agreed in writing with, the planning authority.

- (c) The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work.
- (d) The Construction and Environmental Management Plan (CEMP) shall be updated to include the location of all archaeological constraints relevant to the proposed development (as set out in the Archaeological and Architectural Heritage Impact Assessment and geophysical survey reports and as may become relevant subsequent to the archaeological test excavation). 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 environment during all phases of site preparation and related construction activity.
- (e) The Decommissioning Statement shall be updated to include the location of all archaeological constraints relevant to the proposed development (as set out in the Archaeological and Architectural, Heritage Impact Assessment report and as may become relevant subsequent to the archaeological test excavation). The Decommissioning Statement shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological environment during all phases of site decommissioning and related activity.

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

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

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

Reason: To ensure satisfactory reinstatement of the site.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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