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The submissions on this file and the Inspector's report were considered at a meeting held on 26 May 2026.

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

### **Reasons and considerations**

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

- (a) the nature, scale and extent of the proposed development,

- (b) the National Biodiversity Action Plan 2023-2030,
- (c) National policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases, including Project Ireland 2040 National Planning Framework – First Revision (2025) with particular reference to NPO 30 which seeks to deliver energy projects whilst protecting the natural landscape, the National Development Plan 2021-2030, the National Development Plan Review 2025 and the National Energy and Climate Action Plan 2021-2030,
- (d) the policies set out in the Regional Spatial and Economic Strategy of the Southern Regional Assembly, including RPO 3.5 and RPO 3.7 which seek to identify suitable sites that address landscape concerns,
- (e) the policies of the planning authority as set out in the Wicklow County Development Plan 2022-2028,
- (f) the character of the landscape of the site and the wider area,
- (g) the pattern of existing and permitted development in the area,
- (h) the distance between the proposed solar farm, surrounding dwellings and sensitive receptors,
- (i) the Natura Impact Statement,
- (j) measures proposed for the construction, operation and decommissioning of the proposed development,
- (k) the documentation submitted with the planning application and the appeal and the submissions and observations made in connection with the planning application and the appeal, and
- (l) the report and recommendation of the Inspector.

### **Appropriate Assessment: Stage 1:**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the planning application and the Inspector's report and the submissions on file. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that The Murrough Special Protection Area (Site Code: 004186) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives of the site and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the planning application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for The Murrough Special Protection Area (Site Code: 004186) for which potential to have a significant effect had been identified, in view of the site's Conservation Objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following:

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

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of The Murrough Special Protection Area (Site Code: 004186) in view of the Conservation Objectives of the site.

#### **EIA Screening Determination:**

Having regard to:

- (a) the nature and scale of the proposed development, while is not of itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, which includes a limited extent of field boundary removal (circa 50 linear metres), thereby coming within Class 1 (a) of Part 2 of Schedule 5 of the Regulations and below the threshold set out in the class,
- (b) the location of the proposed development, in a rural area, the nature of the existing site and the pattern of existing and permitted development in the surrounding area,

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

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

### **Proper Planning and Sustainable Development:**

Having regard to the nature, scale and form of the proposed development, to the relevant provisions of the Wicklow County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the character of the landscape, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of public health, pedestrian and traffic

safety, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology or on any European Site, and would make a positive contribution to Ireland's requirements for renewable energy in accordance with national, regional and local policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the plans and particulars received by The Commission on the 26<sup>th</sup> day of January 2026, 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 of clarity.

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

**Reason:** Having regard to the nature of the development, the Commission consider it appropriate to specify a period of validity of this permission in excess of five years.

3. Prior to commencement of development, the developer shall submit to the planning authority revised plans and particulars (which shall be placed on the planning file) clearly setting out:

(a) Removal of all panel arrays and associated infrastructure as shown on the submission received by The Commission on the 26/01/2026.

(b) All biodiversity enhancement measures, including fencing of all proposed buffers, including in areas where panels are to be removed for compliance with this condition.

(c) The location of any revisions to the proposed development, including foundations for arrays arising from the results of the archaeological impact assessment.

**Reason:** In the interest of clarity, protection of the landscape character, biodiversity enhancement, protection of residential amenity and protection of objects of archaeological interest.

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

**Reason:** To protect the integrity of European Sites.

5. All of the environmental, construction and ecological mitigation and enhancement measures, as set out in the Environmental Report, Construction and Environmental Management Plan, Biodiversity Management Plan and other particulars submitted with the planning application, 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.

**Reason:** In the interest of clarity and of the protection of the environment during the construction and operational phases of the proposed development.

6. The developer shall submit a post installation Glint and Glare model validation/verification report which shall confirm to the planning authority that identified risks are adequately mitigated or shall propose further mitigation measures. This reporting shall include a register of all relevant complaints. The developer shall comply with any future requirement of the planning authority in relation to additional works to mitigate glint and glare issues arising post installation.

**Reason:** In the interest of traffic safety, orderly development and the protection of residential amenity.

7. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the National Monument Service (NMS) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, and the geophysical survey of the development site. Test trenches will be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the geophysical survey results and the site drawings. The archaeologist

shall prepare a comprehensive report, including an archaeological impact statement with appropriate imagery and illustrations and mitigation strategy, to be submitted for evaluation and the written approval to the Department of Housing Local Government and Heritage and for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of buffer zones, preservation by record (archaeological excavation) or archaeological monitoring shall be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. 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. All resulting and associated archaeological costs shall be borne by the developer.

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

8. 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.

9. (a) This permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, 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.

(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, 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 planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

10. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise agreed with the planning authority, including in areas identified in the Archaeological Impact Assessment.

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

11. 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 the written agreement of the planning authority.

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

12. (a) No artificial lighting shall be installed or operated on site, unless authorised by a prior grant of planning permission.

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

(c) Cables within the site shall be located underground.

(d) The transformers/inverters shall be dark green in colour.

**Reason:** In the interest of clarity and of visual and residential amenity.

13. The construction of the proposed development shall be managed in accordance with a finalised Construction and Environmental 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 proposed development, including:

(a) Fencing of proposed buffer zones to exclude all construction machinery other than that required for works licenced by the Office of Public Works or agreed in writing prior to commencement of development with the National Parks and Wildlife Service and/or the planning authority, as appropriate.

(b) The location of the site and materials compound(s).

- (c) The location of areas for construction site offices and staff facilities.
- (d) Details of site security fencing and hoardings.
- (e) Details of on-site car parking facilities for site workers during the course of construction.
- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (g) Measures to obviate the queuing of construction traffic on the adjoining road network.
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) 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.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Details of on-site re-fuelling arrangements, including use of drip trays.
- (m) Details of how it is proposed to manage excavated soil.
- (n) Details and methodology for cover vegetation establishment in fields under tillage prior to development in accordance with the biodiversity management plan.
- (o) Details of revised hedgerow and riparian planting confining species to those indigenous to the area.

- (p) Details of vegetation control alternatives to chemical herbicides proposed.
- (q) Means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- (r) Hours of construction.

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

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

14. (a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be agreed in writing with the planning authority prior to commencement of development. This plan shall be subject to periodic review and shall specify the construction practice, including measures for the suppression and mitigation of on-site noise and vibration.

(b) The plan shall be fully developed and all construction activity shall be undertaken in accordance with best practise guidelines, including BS 5228-1:2009+A1:2014, parts 1 and 2.

(c) The mitigation measures described in the Noise Assessment Report and the Traffic and Transport Assessment shall be implemented in full.

(d) Prior to commencement of development, a plan for the phased development of the site shall be submitted to, and agreed in writing with, the planning authority which shall seek to maximise separation from site boundaries at commencement of works and move progressively across the site.

**Reason:** In order to protect the amenities of the area.

15. All road surfaces, culverts, watercourses, 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 at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out 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 commencement of development.

**Reason:** In the interest of traffic safety, orderly development and the protection of public infrastructure.

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 satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site.

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

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

**Note:** the Commission noted the revisions to the scheme as set out by the inspector in recommended condition no.3 attached to his report. Having considered the totality of the documentation submitted, including the submissions made by the planning authority, observers and the first party, the Commission concluded that on the facts of the case, and by reference to the relevant policies and landscape category applicable to the subject site, as set out in the development plan, that the proposed development (incorporating the proposed amendments offered at appeal stage) would not exceed the assimilative capacity

of the landscape to absorb this form of development and would be appropriate in its form and layout.

Specifically, the Commission noted and assessed the evidence put forward by the applicant, and agreed with the applicant's conclusion that *'the amended layout removes the most conspicuous fields of panels, noticeably reducing the proportion of the overall solar array that is visible. It also restores an agricultural transition to the forested upper slopes and confines the solar array to lower ground that is more substantially screened by both existing and proposed vegetation'*. The amended detail and accompanying documentation at appeal has demonstrated the basis for selecting the areas removed and is considered appropriate and precise in its detail such that it is relevant to reaching a final determination on the case.

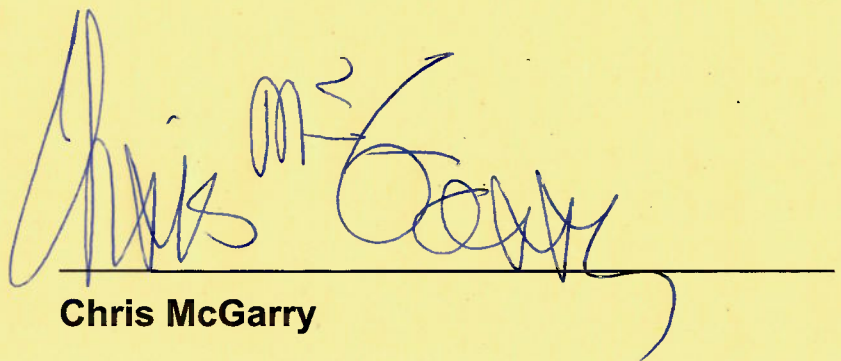
Furthermore and in any case, the Commission considered that the fact of visibility of the proposed scheme including significant visibility at certain locations, does not constitute an issue whereby further reductions in the overall quantum of solar arrays would be warranted (as recommended by the inspector by means of condition 3). This consideration is founded on the detailed drawings and photomontage presented within the application and appeal, and also on the relevant provisions of the Wicklow County Development Plan 2022-2028 which include specific and clear support for solar energy projects. In addition, the associated landscape category within which the subject site is located would not be materially impacted by the scale and form of the proposed development as amended.

In reaching this conclusion the Commission noted and acknowledged the commentary of the inspector that the amendment proposed by the applicant would

go some way to address the landscape impact. On consideration of the facts and evidence presented, the Commission considered that the amended scheme would not just address any perceived landscape impact but would constitute a wholly appropriate form and scale of development at this location by reference to landscape impact and would be in accordance with the proper planning and sustainable development of the area.

Finally in reaching this determination the Commission performed its functions 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.

**Planning Commissioner:**



**Chris McGarry**

**Date:**

**27<sup>th</sup> day of May 2026**