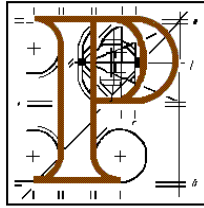


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Kildare County Council**

**Planning Register Reference Number: 17/707**

An Bord Pleanála Reference Number: ABP-300389-17

**Appeal** by Denis and Geraldine Egan of Pollardstown, Curragh, County Kildare and by others against the decision made on the 15<sup>th</sup> day of November, 2017 by Kildare County Council to grant subject to conditions a permission to Power Capital Renewable Energy Limited care of IMG Planning Limited of 75 Fitzwilliam Lane, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A ten year permission for the construction of an up to five Mega Watts p Solar PV farm, with a maximum export capacity of four Mega Watts comprising approximately 18,000 number photovoltaic panels on ground mounted frames within a site area of 6.08 hectares and associated ancillary development including four number transformer stations, four number auxiliary transformer stations, four number inverters, one number client side substation on the eastern side of the landholding to the east of the area of the photovoltaic panels, one number single storey storage building, one number single storey communications building, one number single storey DNO building, three number CCTV security cameras mounted on four metre high poles and perimeter security fencing (two metres high), the construction of a site access from the adjoining L7032 road to the east and the construction of a hardcore access road between the area of the photovoltaic panels and the site access, all in the townland of Pollardstown, The Curragh, County Kildare.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to:

- regional and national policy objectives in relation to renewable energy,
- the provisions of the Kildare County Development Plan 2017-2023,
- the nature, scale, extent and layout of the proposed development,
- the topography of the site,
- the existing hedging and screening on the site, and
- the pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed construction of a solar PV farm would not seriously injure the visual or residential amenities of the area, would not impact negatively on the agriculture/equine sector in the area, would not be likely to have significant effects on the environment, or the ecology of the area and 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.

## **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 carried out 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 the potential likely 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 the Pollardstown Fen Special Area of Conservation (Site Code 000396), or any other European site, in view of the site's conservation objectives.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5<sup>th</sup> day of September, 2017 and the 19<sup>th</sup> day of October 2017, 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 commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission shall be for a period of five years from the date of this Order.

**Reason:** In the interest of clarity.

3. No works shall commence without the submission for the written approval of the planning authority of final details for the chosen solar panels.

**Reason:** In the interest of clarity.

4. The proposed earthen berm on the western boundary of the site shall be constructed, and planted with a hedgerow of native species, prior to commissioning of any part of the solar PV array.

**Reason:** In the interest of visual amenity.

5.
  - (a) The permission shall be for a period of 25 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, substation, 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.

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. (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to the planning authority on the 16<sup>th</sup> day of June, 2017.
- (b) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season with trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

8. (a) No external 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 inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as light grey or off-white and the roof shall be of black slate or tiles.

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

9. (a) Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals shall be submitted for prior written approval to the planning authority. This shall be facilitated through the provision of mammal access gates every 100 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (National Roads Authority 2008).
- (b) A pre-construction survey shall be carried out to establish the location of any badger setts within the solar PV array fields. The proposed deer fencing shall be set back a minimum of 10 metres from any identified badger setts located within hedgerows

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

10. The proposed new access to the site shall be constructed to the requirements of the planning authority. The L7032 shall be resurfaced, at the developer's expense, for a distance of 20 metres on either side of the new entrance.

**Reason:** In the interest of traffic safety.

11. The construction of the development shall be managed in accordance with a Construction 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 but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

**Reason:** In the interests of public safety, residential amenity and protection of the environment.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site (including archaeological testing) and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

13. 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.

14. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2018**