

An
Bord
Pleanála

Board Order ABP-311391-21

Planning and Development Acts, 2000 to 2021

Planning Authority: Kildare County Council

(Associated application reference number: ABP-303249-18)

REQUEST received by An Bord Pleanála on the 14th day of September, 2021 from Bord Na Móna Powergen Limited care of MKO Planning and Environmental Consultants, Tuam Road, Galway under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as the proposed Timahoe solar farm substation at Timahoe East, Derrinturn, County Kildare which was the subject of an approval under An Bord Pleanála reference number ABP-303249-18.

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by Order dated the 29th day of July, 2020.

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

AND WHEREAS the proposed alterations are described as follows:

- Development of a telecommunications tower measuring 36 metres high, a fenced compound, access road and associated service road and all associated works,
- The removal of condition number four of the approval under An Bord Pleanála reference number ABP-303249-18, and

- The amendment of condition number 9, so that it shall be as follows, for the reason set out under.

9. Prior to commencement of development a landscaping scheme, including a timetable for implementation, shall be submitted to and agreed in writing with the planning authority. 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 by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alterations would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would not result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, the Board hereby alters the above-mentioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 14th day of September, 2021 for the reasons and considerations 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.

REASONS AND CONSIDERATIONS

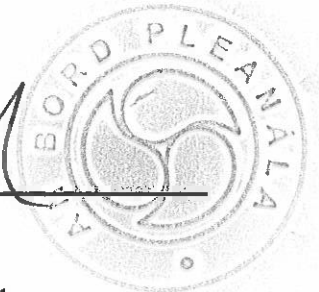
In deciding to make the proposed alterations, the Board had regard to the following:

- (i) the nature and scale of the grid connection and electrical substation approved by An Bord Pleanála under reference number ABP-303249-18,
- (ii) the examination of the environmental impact, including in relation to European Sites, carried out in the course of that application,
- (iii) the limited nature and scale of the proposed alterations, when considered in relation to the overall approved development,
- (iv) the absence of any new or additional environmental concerns of a material nature (including in relation to European Sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's Inspector, which is adopted,

it is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, the Board hereby makes the said alterations including the re-wording of condition number 9 and the removal of condition number 4.



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



Dated this *28th* day of *February* 2022.