

An
Coimisiún
Pleanála

Commission Order
ABP-320662-24

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 23/61143

Appeal by Harmony Solar Galway Limited care of Gravis Planning of 41 Baggot Street Lower, Dublin against the decision made on the 25th day of July, 2024 by Galway County Council to refuse permission.

Proposed Development: 10-year permission for the development of a solar farm on a site of 125 hectares consisting of 570,952 square metres of solar photovoltaic panels on ground-mounted steel frames, 18 hardstanding locations, with each containing three number electrical skids (each hardstanding location will be surrounded by a palisade fence and gates), underground power and communications cables and ducts, including cabling along the L-8560, L-4506, L-4505 & R347 public roads, four joint bays, new internal access tracks, a new access from the R347 public road, upgrade to existing access points along the L-4505 and R347 public roads, access gates, landscaping and biodiversity enhancement measures, security gates, boundary fencing and all associated ancillary development, site works and services, all at Cloghboley - Carrowgarraff North, County Galway, as revised by the further public notices received by the planning authority on the 31st day of May, 2025. The solar farm will be operational for 40 years.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, 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, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

European Policy/Legislation, including of particular relevance:

- (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- (b) EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2003/294 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) Renewable Energy Regulations 2025 (S.I. 274 of 2025),

- (c) Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended, and
- (d) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

National Policy and Guidance including:

- (a) Project Ireland 2040: National Planning Framework ("NPF"), First Revision of the NPF,
- (b) the National Development Plan 2021-2030,
- (c) the objectives and targets of the National Biodiversity Action Plan 2023-2030,
- (d) the Policy Statement on Security of Electricity Supply (November 2021),
- (e) the National Energy Security Framework (April 2022), and
- (f) the National Energy and Climate Action Plan (2021-2030).

Regional and Local Planning Policy, including in particular:

- (a) the Regional Spatial and Economic Strategy for the Northern and Western Region (2020-2032),
- (b) the Galway County Development Plan 2022-2028,
- (c) the location, nature, scale and layout of the proposed development,
- (d) the pattern of development in the area and the context of the receiving environment,
- (e) the range of mitigation measures set out in the Natura Impact Statement (received by the planning authority on the 24th day of September, 2023 and as amended in the submission received by the planning authority on the 17th day of May, 2024),
- (f) the range of mitigation measures set out in the Environmental Considerations Report,
- (g) the measures proposed for the construction, operation and decommissioning of the proposed development as set out in the Construction and Environmental Management Plan,
- (h) the submissions and observations received in relation to the planning application and the appeal, and

- (i) the Inspector's report and recommendation.

Appropriate Assessment: Stage 1:

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Kiltiernan Turlough Special Area of Conservation (Site Code: 001285), the Lough Fingall Complex Special Area of Conservation (Site Code: 000606), the Inner Galway Bay Special Protection Area (Site Code: 004031), the Coole-Garryland Special Protection Area (Site Code: 004107), the Rahasane Turlough Special Protection Area (Site Code: 004089), the Cregganna Marsh Special Protection Area (Site Code: 004142), the Lough Cutra Special Protection Area (Site Code: 004056) and the Lough Rea Special Protection Area (Site Code: 004134) are the European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement (received by the planning authority on the 24th day of September, 2023 and as amended in the submission received by the planning authority on the 17th day of May, 2024), and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Kiltiernan Turlough Special Area of Conservation (Site Code: 001285), the Lough Fingall Complex Special Area of Conservation (Site Code: 000606), the Inner Galway Bay Special Protection Area (Site Code: 004031), the Coole-Garryland Special Protection Area (Site Code: 004107), the Rahasane Turlough Special Protection Area (Site Code: 004089), the Cregganna Marsh Special Protection Area (Site Code: 004142), the Lough Cutra Special Protection Area (Site Code: 004056) and the Lough Rea Special Protection Area (Site Code:

004134) in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

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

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 Sites.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 and regional renewable energy policies and with the provisions of the Galway County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety, and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. 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 application, as amended by the further plans and particulars received by the planning authority on the 17th day of May, 2024 and by An Coimisiún Pleanála on the 17th day of June, 2025, 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. All solar panels shall be omitted from Field Number 30 within the Northern Parcel as shown on Site Layout Map 6 of 13 (Sheet Number 06087084_ACM_DR_PL_SF_009 (Rev P4) refers) and Site Layout Map 7 of 13 (Sheet Number 06087084_ACM_DR_PL_SF_010 (Rev P4) refers) as received by the planning authority on the 24th day of September, 2023. The proposed hedgerow mitigation measure within Field Number 30 shall be retained and implemented as proposed.

Reason: In the interest of clarity and to protect residential amenity.

3. 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 Commission considered it appropriate to specify a period of validity of this permission in excess of five years.

4. (a) The 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 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 numbers 16, 17 and 18 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 planning authority to review the operation of the solar farm in the light of the circumstances then prevailing.

5. The mitigation measures contained in the submitted Natura Impact Statement received by the planning authority on the 17th day of May, 2024 shall be implemented in full.

Reason: To protect the integrity of European Sites.

6. All of the environmental, construction and ecological mitigation measures, as set out in the Environmental Considerations Report, Construction and Environmental Management Plan, Glint and Glare Assessment, Construction and Traffic Management Plan, Biodiversity Management Plan, Landscape Mitigation Plan, Bird and Bat Fatality Monitoring Plan, Archaeological Test (Excavations) Report and Construction Noise 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 commencement of development.

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

7. 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.

8. (a) Prior to commencement of development, pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and, where required, the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.
- (b) Prior to commencement of development, the precise methodology for the exclusion of badger(s) from sett BS2 and for the removal of this sett shall be submitted to the planning authority for written agreement. Exclusion and removal works shall only proceed in accordance with the agreed methodology.
- (c) No tree, hedgerow or vegetation clearance works shall be carried during the period of 1st March to 31st August inclusive.

Reason: In the interest of wildlife protection.

9. Prior to commencement of development, precise details of the structure, materials, colour and finish of the perimeter security fence, including 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.

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

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

12. 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.

13. (a) 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 commencement of development, a road condition survey shall be undertaken along the full extent of the R347 and R458 construction 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 commencement of development.
- (b) The full extent of the L8650 and L4506, and the L4505 (from the junction with the R347 to the entrance to the northern parcel of the site) shall be resurfaced in accordance with details to be agreed with the planning authority prior to commencement of development. The details to be agreed shall include the specification of the resurfacing works and the timing of the works to be carried out which shall be in accordance with the requirements of the planning authority.

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

14. (a) A Stage 2 Road Safety Audit (RSA) in accordance with Transport Infrastructure Ireland 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 in writing with, the planning authority prior to commencement of development. Any gates shall open inwards only.

Reason: In the interest of traffic safety.

15. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), to include a Construction Traffic Management Plan (CTMP), 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) The location of the site and materials compound(s).
 - (b) The location of areas for the 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 the 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, management of excavated soil, control of surface water run-off and control of on-site refuelling in accordance with the ecological and environmental mitigation measures set out in the Natura Impact Statement.
- (j) Off-site disposal of construction/demolition waste.
- (k) Details of compliance with condition numbers 16, 17, and 18 of this Order.
- (l) 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 in the Natura Impact Statement. 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.

16. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Testing Report shall be implemented in full, except as maybe otherwise be required in order to comply with the conditions hereunder in relation to archaeological heritage. The developer shall retain/engage a suitably qualified Archaeologist to advise on and implement appropriate archaeological mitigation strategies in advance of and during construction works, as follows:

- (a) In advance of commencement of development, the appointed Archaeologist shall advise on and supervise the installation of appropriate works exclusion zones at all sites/monuments listed in the statutory Record of Monuments and Places (RMP), Sites and Monuments Record (SMR) and all areas of subsurface archaeology identified during the targeted archaeological test excavation within the development lands. The use of appropriate non-intrusive fencing (heras type or similar) shall be necessary to demarcate the works exclusions zones. No movement or storage of plant, machinery, equipment, spoils or sundries shall be permitted within these zones for the duration of all construction related activity:
- (b) In advance of commencement of development, the appointed Archaeologist shall carry out a second phase of pre-construction archaeological test excavation in all remaining areas of proposed ground disturbance within the development site, including, but not limited to, construction compounds, substation/inverter station locations, hard-standing/lay down areas, access tracks and drainage location and cable array locations. Such works shall be carried out under licence from the National Monuments Service, Department of Housing, Local Government and Heritage.

- (c) The Archaeological Test Excavation shall be informed and supplemented by a licensed metal detection survey.
- (d) In advance of commencement of development, the developer shall facilitate the Archaeologist in carrying out a Boundary Survey within the proposed development site. The Archaeologist shall record the historic vernacular field boundary walls and townland boundaries at all locations proposed for removal during construction within the development site.
- (e) Following completion of the archaeological works, the developer shall submit an updated archaeological impact assessment report for the written agreement of the planning authority following consultation with the Department of Housing, Local Government and Heritage, in advance of any site preparation works or ground works, including site investigation works, topsoil stripping, site clearance works and construction works. The report shall include an updated archaeological impact statement and mitigation strategy based on the findings of the Phase 2 excavation.
- (f) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (archaeological excavation) and/or monitoring shall be required.
- (g) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the developer. No site enabling/preparation works or construction works shall be carried out on site until the Archaeologist's report has been submitted to, and written approval to proceed has been received from, the planning authority.

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

17. Based on the findings of the Phase 2 Archaeological Test Excavation, and following consultation with the planning authority and the Department of Housing, Local Government and Heritage, the appointed Archaeologist shall carry out a programme of archaeological monitoring of remaining ground works required during construction. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (a) Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the planning authority, in consultation with the Department of Housing, Local Government and Heritage, regarding appropriate mitigation (preservation in situ/excavation).
 - (b) The archaeological monitoring shall be informed and supplemented by a licensed metal detection survey.
 - (c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with 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.

18. (a) The Archaeologist shall monitor and record the removal of sections of townland boundaries and, where appropriate (based on the findings of the Boundary Survey), other historic field boundaries during the construction stage.
- (b) Following completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation. All resulting and associated archaeological costs shall be borne by the developer.
- (c) A final Construction and Environmental Management Plan (CEMP) shall incorporate the findings of the Phase 1 and Phase 2 archaeological works. The CEMP shall include the location of any and all archaeological constraints relevant to the proposed development, as set out in the Archaeological Test Excavation Report (Phase 1) and as may become relevant subsequent to Phase 2 archaeological works. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and present all mitigation measures to be employed to protect the archaeological environment during all phases of site preparation, construction activity and decommissioning.
- (d) All site personnel shall be appraised of the locations and sensitivities of the statutorily protected Recorded Monuments and sub-surface archaeological features identified within the development site. This shall be done through the appropriate dissemination of the CEMP and pre-commencement and regular tool-box talks.

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

19. 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 Coimisiún Pleanála for determination.

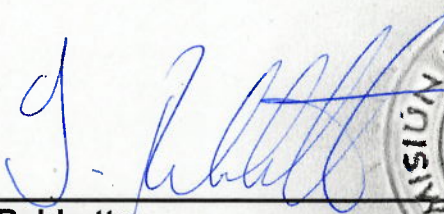
Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

20. 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

21. 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.


Tom Rabbette

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 21st day of Oct, 2025.