

An
Coimisiún
Pleanála

Commission Order
ABP-322347-25

Planning and Development Act 2000, as amended

Planning Authority: Carlow County Council

Planning Register Reference Number: 2460043

Appeal by Ballyloo Solar Farm Limited care of HW Planning of 6 Joyce House, Barrack House, Barrack Square, Ballincollig, Cork against the decision made on the 25th day of March, 2025 by Carlow County Council to refuse permission for the proposed development.

Proposed Development: A solar farm with a total area of 192 hectares. The solar farm will consist of solar panels on ground mounted frames, 30 number single storey electrical inverter/transformer stations, four number single storey spare parts containers, four number Ring Main units, eight number weather stations, underground electrical ducting and cabling within the development site, private lands and within the L3051, L3052 and L3050 public roads to connect solar farm field parcels, security fencing, CCTV, access tracks, two number stream deck crossings and one number horizontal directional drill, temporary construction compounds, landscaping and all associated ancillary development and drainage works. Construction and operational access will be via four number entrances from the L3051, L3052 and L350. The operational lifespan of the solar farm will be 40 years and planning permission is required for this duration, all in the townlands of Ballybar Upper, Ballyloo, Ballyryan,

Garryhundon and Linkardstown, in County Carlow, as amended by the further public notices received by the planning authority on the 29th day of January, 2025 as follows: revised site layout and landscape mitigation plans including the removal of all development from within Parcel 4, alterations to the solar farm layout in Parcels 1, 2 and 3 following archaeological investigations (including the use of non-invasive solar panel mounting systems in specified locations), and alteration to underground interconnector cabling. Updated or revised reports include Archaeological, Architectural and Heritage Impact Assessment, a Landscape Manage and Maintenance Schedule, Construction Environmental Management Plan, Decommissioning and Restoration Plan and other related technical updates.

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.

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 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 nature, scale and extent of the proposed development,
- (b) the National Biodiversity Action Plan 2023-2030,
- (c) the 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), 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,
- (e) the policies of the planning authority contained within the Carlow County Development Plan, 2022-2028,
- (f) the character of the landscape in the area of the site and in the wider area of the site,
- (g) the pattern of the existing and permitted development in the area,
- (h) the distance between the solar farm and surrounding dwellings and other sensitive receptors from the proposed development,
- (i) the Natura Impact Statement,
- (j) Measures proposed for the construction, operation and decommissioning of the development,
- (k) the documentation submitted with the application and the appeal and the submissions and observations made in connection with the planning application, and
- (l) the report of the Planning 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 application and the Planning Inspector's report and submissions on file.

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the River Barrow and River Nore Special Area of Conservation (Site Code 002162) 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 for 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 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 River Barrow and River Nore Special Area of Conservation (Site Code 002162), 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 River Barrow and River Nore Special Area of Conservation (Site Code 002162), in view of the site's conservation objectives.

EIA Screening Determination

Having regard to –

- (a) the nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, includes a limited extent of field boundary removal (47 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, which is designated as a 'Solar Opportunity Area' in the Carlow County Development Plan 2022-2028, the nature of the existing site and the pattern of existing and permitted development in the surrounding area,
- (c) the location of the 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 Natura Impact Statement and Flood Risk Assessment,

the Commission considered 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

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 or on cultural heritage, would not seriously injure the visual or residential amenities of the area including designated views and prospects and scenic routes, would be acceptable in terms of public health 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 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 the 29th day of January 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 or clarity.

2. The grant of planning permission shall exclude the 11.6 hectares of land, referred to in the documentation as Parcel 4.

Reason: In the interests of clarity

3. 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 considers 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 arrays. 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 in accordance with condition number 17 (g) of this Order and shall be submitted to, and agreed with, the planning authority prior to the commencement of decommissioning.
- (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.

5. The mitigation measures contained in the submitted Natura Impact Statement (NIS), 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 Ecological Impact Assessment Report, Biodiversity Management Plan, Glint and Glare Assessment, Noise Impact Assessment, Site Access and Drainage Reports that were submitted with the application and in the updated Landscape and Visual Impact Assessment, Construction and Environmental Management Plan, Archaeological, Architectural and Cultural Heritage Assessment Report, Noise Technical Note and the Decommissioning and Site Restoration Plan submitted by way of further information, revised landscape plans and other plans and particulars submitted with the application, shall be implemented in full 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 interests of clarity and of 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. 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.

9. 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.

10. (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.

11. 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) 15 min and 60 dB LAfmax, 15 min 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.

12. 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.

13. 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 L3050, L3051 and L3052 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.

14. Upon completion of the installation of the panels and in advance of the commencement of operations at the development, an operational glint and glare assessment shall be carried out and submitted for the written agreement of the planning authority to confirm compliance with the conclusions of the assessment contained in the Glint and Glare Assessment. Where necessary, additional mitigation measures shall be undertaken to achieve compliance in this regard, to be agreed in writing with the planning authority.

Reason: To mitigation any potential post-construction impacts on adjacent lands, property and public road network.

15. Details of the construction and operational access arrangements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development including the nature of the surface finishes at and near the connections of site access tracks to public roads. Any gates shall open inwards only and shall be located a minimum of 10 metres from the roadside edge.

Reason: In the interest of traffic safety.

16. The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan, 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) the location of the site and materials compound(s),
 - (b) the 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 abnormal loads to the site,
 - (f) 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) the 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) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
 - (k) details of on-site re-fuelling arrangements, including use of drip trays,
 - (l) details of how it is proposed to manage excavated soil,

- (m) the 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, and
- (o) the 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 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.

- 17. (a) The developer shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to carry out a predevelopment geophysical survey (phase 2) on all accessible areas not previously surveyed and to carry out archaeological test excavation in all areas of proposed ground disturbance and archaeological potential identified in the geophysical survey. Then 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 Archaeological Impact Assessment (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, a Suitably qualified archaeologist to monitor site works, to ensure the preservation and recording of any surviving archaeological remains and to ensure appropriate mitigation.
- (c) 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.
- (d) 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.
- (e) 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.

- (f) Exclusion Zones at all Recorded Monuments and No Dig Buffer Zones at areas of sub-surface archaeology identified through geophysical survey or test excavation, to be fenced off for the duration of the development and decommissioning phases.
- (g) 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.

- 18. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall otherwise comply with submitted Site Specific Flood Risk Assessment and the Site Access and Drainage Report. A drainage management plan shall be developed for the construction and the operational phases of the development to include details of the proposed access routes and drains and is to be submitted to the planning authority for approval prior to commencement of development.

Reason: In the interests of environmental protection and flood prevention.

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.

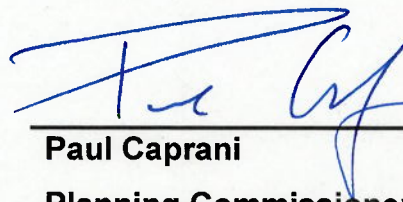
Reason: in the interest of traffic safety and the proper planning and sustainable development of the area.

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 satisfactory reinstatement of the site.

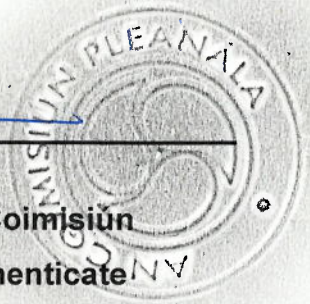
21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Paul Caprani

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 5th day of September 2025.