

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 2560326

Appeal by Windgates Solar Limited care of Malone O'Regan Environmental Services of Unit 3 Bracken Business Park, Bracken Road, Sandyford, Dublin against the decision made on the 22nd day of May, 2025 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Construction of a solar PV development and an 'under the fence' transformer compound on a circa 180 hectare site consisting of: (i) solar PV panels laid out in arrays across the site; (ii) 39 number inverter units (circa 2.9 metres (h) x circa 6.1 metres (l) and 2.4(w)); (iii) one number control room structure (five metres (h) x 15.3 metres (l) and 3.7 metres (w)); (iv) one number transformer unit (circa six metres x circa four metres) and associated bund; (v) security fencing around the 'under the fence' transformer compound (2.65 metres high); (vi) electrical and communications cabling; (vii) pole-mounted security cameras; (viii) perimeter security fencing (two metres high) and security gates; (ix) upgrade of three number existing site entrances; (x) development of two number new site entrances; (xi) three number temporary construction compounds; (xii) internal access tracks; and, (xiii) all associated ancillary development, landscaping and reinstatement works. The operational lifespan of the development will be 40 years. All at Cowanstown

Kealstown Bryanstown, Dowdstown, Donaghstown Posseckstown Taghadoe Toolestown, Windgates Rowanstown and Roosk, 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.

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 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 (updated 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 otherwise had regard to European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following policies:

European Policy/Legislation including:

- Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive); and

- Directive 2000/60/EC (Water Framework Directive).

National Policy and Guidance including:

- Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF;
- National Development Plan 2021-2030;
- the objectives and targets of the National Biodiversity Action Plan 2023-2030;
- Policy Statement on Security of Electricity Supply (November 2021);
- National Energy Security Framework (April 2022);
- National Energy and Climate Action Plan (2021-2030); and
- Electricity and Gas Networks Climate Change Sectoral Adaptation Plan 2025.

Regional and Local Planning Policy, including in particular:

- Regional Spatial and Economic Strategy for the Eastern Region (2019-2031); and
- Kildare County Development Plan 2023-2029.

In making its decision, the Commission had regard to:

- the location, nature, scale and layout of the proposed development;
- the pattern of development within the area and context of the receiving environment;
- the cultivated nature of the lands and the existing network of high hedgerows and treelines;
- the mitigation measures proposed for the construction, operation and decommissioning of the site;
- the submissions and observations on file, including those from prescribed bodies, the planning authority, and third parties;

- the separation distances between the proposed development and dwellings or other sensitive receptors, along with the adequate provision of buffer planting when required;
- the hydraulic characteristics of the site and the robust nature of the proposed development;
- the range of mitigation measures set out in the Construction and Environmental Management Report;
- the range of mitigation measures set out in the Natura Impact Statement;
- measures proposed for the construction, operation and decommissioning of the development;
- the submissions received in relation to the appeal; and
- the Inspector's report and recommendation.

Appropriate Assessment Stage 1

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that there would be no adverse effect on the South Dublin Bay and the River Tolka Estuary Special Protection Area (site code: 004024) and North Bull Island Special Protection Area (site code: 004006) and that the Rye Water Valley/Carton Special Area of Conservation (site code: 001398) 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 all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Site Rye Valley/Carton Special Area of Conservation (site code: 001398) in view of the site's 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 site's conservation objectives using the best available scientific knowledge in the field.

In completing the assessment the Commission considered, in particular, the following:

- (i) Site Specific Conservation Objectives for the European site;
- (ii) current conservation status, threats and pressures of the qualifying interest features;
- (iii) likely direct and indirect impacts arising from the proposed development both individually and in combination with other plans or projects, specifically run-off from the construction works; and
- (iv) 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 implications of the proposed development on the integrity of the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of European Site Ryle Valley/Carton Special Area of Conservation (site code: 001398) in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment Screening Determination

Having regard to:

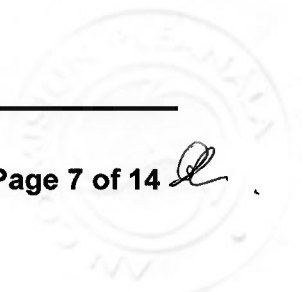
- the nature and scale of the proposed development, which is not itself a class of development and falls below the thresholds in respect of Class 1(a) and Class 10(dd) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the Environmental Impact Assessment Directive;
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- 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 revised;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised;
- the assessment of the Kildare County Council Ecologist and the commentary of the Department of Housing, Local Government and Heritage; and

- the assessment, features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise lead to significant effects on the environment, including measures identified to be provided as part of the project such as the landscape and visual impact assessment, ecological appraisal and biodiversity management plan, archaeology impact assessment, flood risk assessment/drainage impact assessment, noise impact assessment, glint and glare assessment, Construction Environmental Management Plan, and Decommissioning Plan,

it is considered that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an Environmental Impact Assessment report would not, therefore, be required.

Planning Assessment

It is considered that, subject to compliance with the conditions set out below, the proposed development on an intensively farmed agricultural site with limited ecological value, proximate to existing energy infrastructure, would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would be in accordance with European, national, and regional policies and with the provisions of the Kildare County Development Plan 2023 - 2029, in particular the renewable energy policies, would not seriously injure the visual or residential amenities of the area or the amenities 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 or hydrology, would be acceptable in terms of traffic impacts and safety and 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 application, 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 development shall be carried out and completed in accordance with the agreed particulars

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European sites.

3. The mitigation measures contained in the submitted Environmental Report and other reports submitted with the application shall be implemented unless otherwise agreed with the planning authority.

Reason: To protect the environment.

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

Reason: In the interest of clarity.

5. (a) The permission shall be for a period of 40 years from the date of the first commissioning of the solar array. All structures shall then be removed and the site reinstated unless, prior to the end of that period, planning permission has been granted for their retention for a further period.
- (b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the solar arrays and all ancillary structures, and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.
- (c) On decommissioning or if the solar farm/wind farm ceases operation for a period of more than one year, the solar farm, the solar arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site.

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 landscape restoration upon cessation of the project.

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. Prior to the commencement of development, a final landscaping plan shall be agreed with the planning authority which shall include details of the location, number and species to be planted, timescale for implementation and proposals for replacement planting during the operative period of the proposed solar farm. All trees and plants provided as landscaping and mitigation shall be native species and where practical all seeds and plants shall be sourced locally.

Reason: To protect the natural biodiversity of the area and prevent glint and glare impacts.

8. The developer shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

9. The construction of the development shall be managed in accordance with a 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) hours of operation;
 - (b) details of the site and material compounds, including areas identified for the storage of construction refuse;
 - (c) details 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 queuing of construction traffic on the adjoining road network;
 - (h) measure 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) 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;
 - (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and

- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

10. All road surfaces, culverts, watercourses, verges, underground services 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 taken 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.

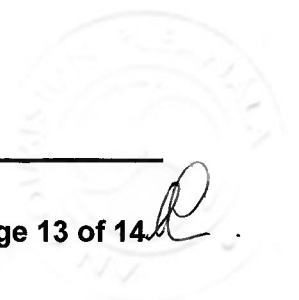
Reason: In order to ensure a satisfactory standard of development.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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;
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works; and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. Prior to the commencement of development, the developer shall lodge with Kildare County Council 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.

Reason: To ensure satisfactory reinstatement of the site.



13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities facilitating development in the area of the planning authority that is provided or intended to be provided by or on behalf of an 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.

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.

The image shows a handwritten signature in black ink over a horizontal line. To the right of the signature is a circular official seal. The seal contains the text 'AN COIMISIÚN PLEANÁLA' around the top edge and 'COMMISSION OF PLANNING AND DEVELOPMENT' around the bottom edge. In the center of the seal is a stylized logo consisting of three interlocking shapes.

Mick Long

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

Dated this *14th* day of *April* 2026.