

An
Coimisiún
Pleanála

Commission Order
ACP-323427-25

Planning and Development Act 2000, as amended

Planning Authority: Carlow County Council

Planning Register Reference Number: 24/60196

Appeal by Lightsource Renewable Energy Ireland Limited care of Neo Environmental Limited against the decision made on the 24th day of July, 2025 by Carlow County Council to refuse permission for the proposed development.

Proposed Development: 10-year planning permission for a solar PV energy development with associated battery energy storage system compound with a total site area of circa 132.28 hectares, to include solar panels mounted on steel support structures, associated cabling and ducting, inverters, transformers, switchgear substations, auxiliary transformer, permanent storage containers, monitoring houses, composting toilet, BESS customer substation, battery blocks, BESS inverters and PCS (twin skid), BESS interface cabinets (BIC), backup generator, temporary construction compounds, tracks, boundary security fencing and security gates, CCTV, landscaping and ancillary works, with a 40-year operational period. It is proposed that the proposed development will be accessed from four separate access points which will include a new access created off the R726, a new entrance off Straboe Lane, a widened and improved existing entrance off Straboe Lane and use of an existing and previously consented entrance off the R418, all on lands including Straboe and Killerig, Carlow, County Carlow.

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

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 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 also had regard to:

- (a) the nature, scale and extent of the proposed development,
- (b) the National Biodiversity Action Plan 2023-2030,
- (c) 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 (NECP) 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 as set out in the Carlow County Development Plan 2022-2028,
- (f) the character of the landscape in the area of the site and in the wider vicinity of the site,
- (g) the pattern of 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 submitted with the planning application,
- (j) the measures proposed for the construction, operation and decommissioning of the proposed development,
- (k) the documentation submitted with the planning application and the appeal and the submissions and observations made in connection with the planning application,
- (l) the report of the Inspectorate Ecologist, and
- (m) 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 planning 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 Slaney River Valley Special Area of Conservation (Site Code: 000781) and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for these sites 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 planning application, the mitigation measures contained therein, the submissions and observations on file, the Inspectorate Ecologist's report and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for the European Sites for which potential to have a significant effect had been identified in view of the sites' 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:

- (a) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

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, having regard to the sites' 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 Slaney River Valley Special Area of Conservation (Site Code: 000781) or the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in view of the sites' 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, including a limited extent of field boundary removal (circa 200 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 proposed 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 and Drainage Impact Assessment,

it is 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 and residential amenities of the area, including designated views and prospects and scenic routes, would be acceptable in terms of public health, traffic safety, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology or on any European Sites, 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 proposed 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 7th 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. 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.

3. (a) This 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 updated, submitted to and agreed with the planning authority prior to 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 planning authority to review the operation of the solar farm in the light of the circumstances then prevailing.

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

Reason: To protect the integrity of European Sites.

5. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Appraisal (including the Biodiversity Management Plan), the Glint and Glare Assessment, Landscape and Visual Impact Assessment, the Construction Traffic Management Plan, the Outline Construction and Environmental Management Plan and the Flood Risk and Drainage Impact Assessment, the Archaeology and Architectural Heritage Impact Assessment, and the Air Quality Assessment, that were submitted with the application and in the updated Landscape and Visual Impact Assessment, the updated Outline Construction and Environmental Management Plan, the updated Archaeological Assessment submitted by way of further information, 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 interest of clarity and of the protection of the environment during the construction and operational phases of the proposed development.

6. The construction of the proposed 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 proposed 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 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 within specially constructed bunds to ensure that fuel spillages are fully contained, such bunds shall be roofed to exclude rainwater,
 - (j) 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) 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
- (n) 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 in 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. The finalised Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological constraints relevant to the proposed development, as set out in the Archaeological Assessment report. 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.

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

- 7. (a) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Details of fencing, including height, materials, colour and relationship to hedgerows to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (c) The electricity control unit, inverters, and fencing shall be dark green in colour or other dark colours, details of which shall be agreed with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. 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.

9. Prior to commencement of development, the developer shall submit details to the planning authority confirming the anticipated megawatt capacity and annual electricity generation of the solar farm.

Reason: In the interest of clarity.

10. (a) Existing field boundaries, including trees and hedgerow, shall be maintained and supplemented in accordance with the details submitted, except where removal is proposed to facilitate access tracks and sightlines.
- (b) Infill hedgerow planting shall comprise of native species. All proposed landscaping and planting shall take place in the first planting season following commencement of development and in accordance with the details proposed. The landscaping and screening shall be maintained at regular intervals. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting 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.

- (c) Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining dwellings as a result of the development, as per the mitigation measures as set out in the Glint and Glare Assessment. Upon commissioning of the development, and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no such glint impact has taken place, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved.

Reason: In the interest of the visual amenities of the area.

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) The solar panels shall have driven or screw pile foundations only, other than the concrete ballast solutions for areas where specific sub surface archaeological remains have been identified, unless otherwise authorised by a separate grant of planning permission.
- (d) Cables within the site shall be located underground.
- (e) No cables/services shall be permitted to run through or in the carriageway over a bridge/culvert structure and these should be directionally drilled under the river/watercourse away from the structure.

Reason: In the interests of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, to minimise impacts on drainage patterns and surface water quality, and in the interest of long-term viability of agricultural land.

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.

Reason: In the interest of environmental protection.

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.
- (b) Prior to commencement of construction, a road condition survey shall be taken along the full extent of the construction haul route to provide a basis for future reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Prior to commencement of construction, final details of the proposed haul route for the construction phase shall be agreed in writing with the planning authority.
- (d) Where any of the proposed entrances to the site are widened to facilitate access/egress by HGV's, adequate drainage measures shall be installed.

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

14. (a) Details of the construction and operational access arrangements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, including the nature of the surface finishes at and near the connections of site access tracks to public roads.
- (b) Any gates shall open inwards only and shall be located a minimum of 10 metres from the roadside edge. Access gates at access points 1 and 2 shall be a minimum of 15 metres from the road edge to allow a HGV to pull in if the gate is not open.

Reason: In the interest of traffic safety.

15. (a) Prior to commencement of construction, the developer shall comply with the requirements of the planning authority for drainage arrangements, including the attenuation and disposal of surface water. Such works and services shall otherwise comply with the submitted Flood Risk and Drainage Impact Assessment.
- (b) A Drainage Management Plan shall be developed for the construction and the operational phases of the development and shall include details of the proposed access routes and drains, which shall be submitted to the planning authority for agreement prior to commencement of development.

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

16. 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 these limits 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.

17. Prior to commencement of construction, the developer shall:
- (a) agree a programme of noise monitoring to confirm that construction works, particularly pile driving, are within specified limits, and
 - (b) agree a plan for noise monitoring test locations suitable for the variable work locations.

Reason: In the interests of the amenities of the area and of environmental sustainability, to maintain effective control of the development and in the interest of the proper planning and sustainable development of the area.

18. (a) Access for fire brigade vehicles shall comply with the requirements of the Chief Fire Officer.
- (b) Water supplies for firefighting purposes shall comply with the requirements of the Chief Fire Officer.
- (c) All mitigation measures/recommendations as set out in the 'Fire Risk Management Plan' and as set out in the 'Verification and Compliance Report' shall be implemented in full.

Reason: In the interest of public safety.

19. Prior to commencement of development, the developer shall satisfy the requirements of Uisce Éireann in relation to their requirements for working in the vicinity of Uisce Éireann assets.

Reason: In the interest of protecting the public water infrastructure at this location.

20. All mitigation measures in relation to archaeology as set out in the Archaeological Assessment report shall be implemented in full, except as may otherwise be required in order to comply with the below conditions relating to the protection of the archaeological heritage. In this regard, the developer shall retain/engage a suitably qualified Archaeologist (licensed as required under the National Monuments Act) to:
- (a) Consult with the planning authority and the National Monuments Service of the Department of Housing with regard to the specifications to be utilised for the construction of 'floating' access roads where required in areas of identified sub-surface archaeology (as specified in Section 4.2 of the Archaeological Assessment report).
 - (b) Advise on, supervise and monitor the construction and maintenance of non-invasive 'floating' access roads where such are required.
 - (c) Advise on, supervise and monitor the installation of above-ground, non-invasive concrete ballast solutions for solar panels and above-ground cable troughs or suspended cable solutions for cable arrays in areas where specific sub-surface archaeological remains have been identified. Such works shall be restricted to being carried out in suitable weather conditions as specified in the Archaeological Assessment report (Section 4.2).
 - (d) Advise on, supervise and monitor the installation of appropriate works exclusion zone/s utilising appropriate fencing (heras type or similar) at specific areas of sub-surface archaeology as set out in the Archaeological Assessment report (Section 4.2). No movement or storage of plant, machinery, equipment and sundries shall be permitted within the works exclusion zone/s for the duration of construction and decommissioning related activities.

- (e) Advise on suitable alternative locations for inverter stations, as specified in the Archaeological Assessment report.
- (f) Carry out Archaeological Monitoring of all groundworks required for construction of the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the Archaeologist without his/her express consent.
- (g) Archaeological Monitoring shall be informed and supplemented by a licensed metal detection survey.
- (h) 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 National Monuments Service of the Department regarding appropriate mitigation (preservation in situ/excavation).
- (i) 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 National Monuments Service of the Department, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer. All site personnel shall be apprised of the locations and sensitivities of the sub-surface archaeological features identified within the development site. This shall be done through the appropriate dissemination of the CEMP and

Archaeological Assessment report and through pre-commencement and regular on-site toolbox talks.

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

21. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

22. 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 shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

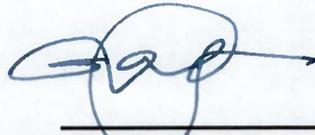
Reason: In order to safeguard the residential amenities of property in the vicinity.

23. 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.

24. 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.



Emer Maughan

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this **23rd** day of **March** 2026.