

**Planning and Development Act 2000, as amended**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 2460295**

**APPEAL** by Ørsted Onshore Ireland Midco Limited care of Jennings O'Donovan and Partners Limited of Finisklin Business Park, Finisklin, Sligo against the decision made on the 31<sup>st</sup> of July, 2025 by Carlow County Council to refuse permission for the proposed development.

**Proposed Development:** A ten year planning permission for a renewable energy development comprising the construction of a circa 63 MW solar farm of 118.9 hectares and associated works consisting of ground mounted solar photovoltaic panels, 15 number Invertor Combiner Kiosks/Transformers and hardstands, one number Ring Main Unit, two number spare parts storage containers, provision of site access tracks and upgrading of existing tracks, underground cabling within the solar farm site, in private lands and under the L7111, L7114, L7115 local roads to connect the solar farm field parcels, and to connect the solar farm to the permitted Garreenleen Substation, three number temporary construction compounds, demolition of derelict agricultural building and disused silage storage structure, upgrading and widening works at site entrances, all ancillary development including such as an up to 2.4 metres high stock proof fence, CCTV and drainage infrastructure. This

application is seeking a ten-year permission and a 35-year operational period from the date of overall commissioning of the solar farm, all in the townlands of Rathrush, Emlicon and Bendinstown, County Carlow,

## **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**

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:**

- 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,
- the National Development Plan 2021-2030,

- the objectives and targets of the National Biodiversity Action Plan 2023-2030,
- the Policy Statement on Security of Electricity Supply (November 2021),
- the National Energy Security Framework (April 2022), and
- the National Energy and Climate Plan (2021-2030).

**Regional and Local Planning Policy**, including in particular,

- the Regional Spatial and Economic Strategy (RSES) for Southern Region 2020-2032 (RSES), and
- the Carlow County Development Plan 2022-2028.

and also having regard to:

- (a) the nature, scale and extent of the proposed development,
- (b) the pattern of development within the area and context of the receiving environment,
- (c) the measures proposed for the construction, operation and decommissioning of the development,
- (d) the range of mitigation measures set out in the Construction and Environmental Management Plan and Planning and Environmental Report,
- (e) the range of mitigation measures set out in the Ecological Impact Assessment Report,
- (f) the range of mitigation measures set out in the Natura Impact Statement,
- (g) the submissions received in relation to the appeal,
- (h) the documentation submitted with the application and the appeal, and
- (i) the Inspector's Report and recommendation,

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 Carlow County Development Plan 2022-2028 and Carlow Renewable Energy Strategy, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity, or have an unacceptable impact on the character of the landscape or cultural or archaeological heritage, would not have a significant adverse impact on ecology, would not have a significant adverse impact on water quality, 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 Commission did not consider that the proposed development constituted a material contravention of the development plan and agreed with the inspector's reasoning that the visual impacts arising from the solar farm, individually and cumulatively, would be 'slight' to 'imperceptible', on the basis that the proposed solar farm is not located proximate to designated scenic routes, is not on a steep slope or ridge such it might otherwise be conspicuous or have a disproportionate visual impact and, therefore, would not materially contravene Policy objectives LA P1, LA P2, LA P3, LA P4, LA P6 and LA P11. Furthermore, there are many statements in the development plan that support the development of renewable energy and solar farms in particular. With regard to the 'Exclusion Areas' which related to the site as indicated in Figure 7.9 of the development plan, it is noted that the planning authority did not specifically refer to these 'Exclusion Areas' as a reason for refusal, or the site's location within these areas as materially contravening the plan. The Commission considered these exclusion areas to be general and indicative only and if applied specifically would unnecessarily preclude or inhibit the sustainable development of renewable energy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1**

The Commission completed an Appropriate Assessment (AA) 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 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 00781) 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 Slaney River Valley Special Area of Conservation (Site Code 00781), for which potential to have a significant effect had been identified, 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 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: 00781) in view of the site's conservation objectives.

## Conditions

1. The 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 9<sup>th</sup> 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 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. (a) The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.  
(b) The permission shall be for a period of 35 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 shall have been granted for their retention for a further period.

(c) Prior to the commencement of development, a detailed maintenance regime, and a separate 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.

On decommissioning, or if the solar farm ceases operation for a period of more than one year, the solar farm, its 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 within six months of decommissioning.

**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 and 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.

3. The developer shall ensure that all mitigation measures and commitments as set out in the Natura Impact Statement, and subsequent submission to the planning authority entitled 'Response to Inland Fisheries Ireland Submission' (dated 5<sup>th</sup> November 2024), shall be implemented in full as part of the proposed development.

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

4. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment Report, Biodiversity Enhancement and Management Plan, Water Environment Assessment, Glint and Glare Assessment, and Noise Impact Assessment, which were submitted with the application and in the updated Landscape and Visual Impact Assessment, Construction and Environmental Management Plan, and Archaeological Impact Assessment Report, 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 interest of clarity and of the protection of the environment during the construction and operational phases of the development.

5. (a) The construction of the development shall in accordance with the plans and particulars submitted and 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:
  - (i) details of site security fencing and hoardings,
  - (ii) details of on-site car parking facilities for site workers during the course of construction,
  - (iii) 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,

- (iv) measures to obviate queuing of construction traffic on the adjoining road network,
- (v) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (vi) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (vii) 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,
- (viii) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (ix) details of on-site re-fuelling arrangements, including use of drip trays,
- (x) details of how it is proposed to manage excavated soil,
- (xi) 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
- (xii) 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 Heavy Goods Vehicles 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.

(b) The Construction Environmental Management Plan (CEMP) shall be finalised and updated to include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development, as set out in Archaeological Impact assessment report and as may become relevant subsequent to the programme of pre-development 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 or cultural heritage environment during all phases of site preparation and construction activity.

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

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

**Reason:** In the interest of visual amenity.

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) 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 to roadways and sightlines.
- (b) 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. 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.

9. Prior to the commencement of development, the developer shall submit a final Invasive Species Management Plan (ISMP), which shall be carried out by a suitably qualified individual for the review of the planning authority. No works shall commence onsite until the developer has received the written agreement of the planning authority with regard to this assessment.

**Reason:** In the interests of public safety and biodiversity.

10. (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) each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level,
- (d) the solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission,
- (e) cables within the site shall be located underground, and
- (f) cables/services are 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.

11. 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.

12. (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 the 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 the commencement of development.
- (c) Prior to the commencement of construction, final details of the proposed haul route for the construction phase shall be agreed in writing with, the planning authority with the L-7113 in Rathoe village to be avoided, unless otherwise in agreed in writing.
- (d) Where any of the proposed entrances to the site are widened to facilitate access/egress by HGV's adequate drainage measures must be installed.

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

- 13 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.

14. (a) Prior to the 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 and shall otherwise comply with submitted Site Specific Flood Risk Assessment.
- (b) A Drainage Management Plan shall be developed for the construction and the operational phases of the development and include details of the proposed access routes and drains, which shall be submitted to the planning authority for approval prior to commencement of development.

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

15. (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.

**Reason:** In the interest of public safety.

16. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment, included in the application documents, 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. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest

17. Prior to the 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 Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including 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 must be submitted to the planning authority for written agreement prior to the 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.

18. Site development and building works shall be carried out only between the hours of 0800 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.

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 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.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 completion and maintenance of the development.

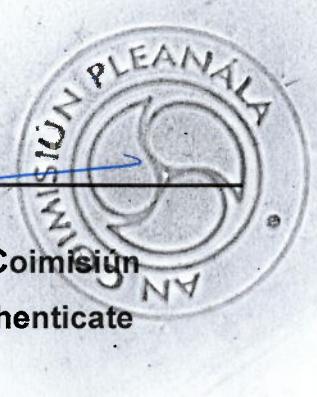
21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 7<sup>th</sup> day of January 2026