An Coimisiún Pleanála

Commission Order

PL-500771-LH-26

Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 2460805

Appeal by Briege and Barney O'Neill and others, and by Others against the decision made on the 16th day of January 2026, by Louth County Council to grant, subject to conditions, a permission to Lightsource Renewable Energy Ireland Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission sought for of a 10 year permission for a Solar PV Energy Development with associated Battery Energy Storage System (BESS) Compound with a total site area of circa 108.6 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 Power Conversion System (PCS) twin skid, BESS interface cabinets (BIC), backup generator, temporary construction compounds, tracks, boundary security fencing and security gates, CCTV, landscaping and ancillary works including a sheep pen, with a 40 year operational period.

Construction access to the development will be via an upgraded and widened access point off the R166, together with a newly created access and a widened existing access off Derrycammagh Lane (south off L51774). Operation and Maintenance of the development will be from one number existing access point off Derrycammagh Lane, south of the L51774 local road as amended by the further public notices received by the planning authority on the 19th day of November 2025 which includes, but is not limited to, the submission of a revised Natura Impact Statement, Construction Management Plan and Noise Assessment Report.

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 reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2025 and the furtherance of the national climate objective.

In coming to its decision, the Commission had regard to the following:

- European legislation, including of particular relevance:
  - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
  - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025)
  - Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.
- National and regional planning and related policy, including:
  - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the National Planning Framework First Revision 2025 and National Policy Objective 70.
  - The objectives and targets of the National Biodiversity Action Plan 2023-2030.

- Regional and local planning policy, including:
  - The Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2023.
  - Louth County Development Plan 2021-2027 (as varied), and
- other relevant national policy and guidance documents,
- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites,
- the reports of the planning authority and the further information received from the applicant on the 10th day of November 2025, and the submissions received in response to same,
- the grounds of appeal and submissions and observations supporting the appeal, and the applicant's response to same, and
- the report and the recommendation of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment, environmental impact assessment and Water Framework Directive Assessment.

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 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 Stabannan-Braganstown Special Protection Area (Site Code: 004091), Dundalk Bay Special Area of Conservation (Site Code: 000455), Dundalk Bay Special Protection Area (Site Code: 004026), and North-west Irish Sea Special Protection Area (Site Code: 004236) 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 the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on Stabannan-Braganstown Special Protection Area (Site Code: 004091), Dundalk Bay Special Area of Conservation (Site Code: 000455), Dundalk Bay Special Protection Area (Site Code: 004026), and North-west Irish Sea Special Protection Area (Site Code: 004236) in view of these sites' Conservation Objectives.

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

(i) the site-specific Conservation Objectives for the European Sites,

(ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and

(iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment Screening:

Having regard to:

(a) 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 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the consideration of the cumulative effects of the proposed development, the subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive,

(c) the nature of the existing site and the existing and permitted pattern of development in the surrounding area,

(d) 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,

(e) 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),

(f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and

(g) the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project, the Planning and Environmental Report, the Flood Risk Assessment, the Natura Impact Statement, the Construction Environmental Management Plan, and the 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.

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 10th day of November 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 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) 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 updated, 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.

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 Impact Assessment (including the Biodiversity Management Plan), the Glint and Glare Assessment, Landscape and Visual Impact Assessment, the Construction Management Plan, the Outline Construction and Environmental Management Plan and the Flood Risk and Drainage Impact Assessment, the Archaeology and Architectural Heritage Impact Assessment, that were submitted with the application and in the updated Landscape and Visual Impact Assessment, Archaeology and Architectural Heritage Impact Assessment, Ecology assessment and Ecological Appraisal, Biodiversity Management Plan and Noise Assessment, Construction Traffic Management Plan, Landscape and Ecology Plan 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 development.

6. The developer shall implement all mitigation measures necessary to ensure that there is no risk of glint and glare for residential and road receptors. The developer shall also complete a post-construction glint and glare inspection and survey from local receptors to ensure that there is no risk of glint and glare for any motorists on any of the local public roads or residences in the surrounding area. The findings of the inspection and survey shall be submitted in the form of a report to the planning authority for review following year 1, and any subsequent year if/when glint and glare issues arise.

The developer shall agree any remedial works including additional screening and/or planting, if required where glint and glare issues arise during the life of the project.

Reason: In the interests of proper planning and sustainable development of the area.

7. 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) location of the site and materials compound(s),

   (b) 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) 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 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.

The finalised Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological constraints relevant to the proposed development. 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 development and to ensure the protection of archaeology.

8. Prior to the commencement of development, the developer shall submit a Soil Management Plan which collates the soil management mitigation measures contained within the Flood Risk Assessment and the Drainage Impact Assessment and includes those additional mitigation measures included in Sections 2.31 to 2.38, inclusive of the further information response received on 10th day of November 2025.

Reason: in the interest of clarity.

9. Prior to the commencement of development, the developer shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Development 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 interests of public and residential amenity.

10. 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.

11. 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.

12. (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 reduce the 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.

13. (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.

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.

14. (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 are to be agreed in writing with the planning authority, unless otherwise 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.

15. (a) 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.

(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 to be a minimum of 15 metres from the road edge to allow a HGV to pull in if a gate is not open.

Reason: In the interest of traffic safety.

16. (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 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 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.

17. 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.

18. Prior to the 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 this development and in the interest of the proper planning and sustainable development of the area.

19. (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.

20. 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.

21. All mitigation measures in relation to archaeology as set out in the Archaeological Assessment report submitted as further information 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 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,

(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) 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,

(f) archaeological monitoring shall be informed and supplemented by licensed metal detection survey,

(g) 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),

(h) 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 Construction and Environmental Management Plan 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.

22. 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.

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.

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

Dated this 3rd day of November 2026