



An
Bord
Pleanála

Inspector's Report ABP-321991-25

Development	10-year permission for the construction of a solar farm and all ancillary infrastructure and associated works. A Natura Impact Statement (NIS) has been prepared in respect of this application.
Location	Townlands of Mulgeeth and Mucklon, Enfield, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2460568
Applicant(s)	Cadamstown Solar Limited.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Cadamstown Solar Limited.
Observer(s)	Michael Pope & Niamh Mallon.
Date of Site Inspection	28 th May 2025.
Inspector	Paul Kelly

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1.0 Introduction

- 1.1. Under the provisions of Section 37 of the Planning and Development Act, 2000, as amended (“PDA”), a first party appellant, Cadamstown Solar Limited (“the appellant”), has appealed the decision of Kildare County Council (“KCC”) to refuse planning permission for the construction of a solar farm and all ancillary infrastructure and associated works in the townlands of Mulgeeth and Mucklon, Enfield, Co. Kildare.
- 1.2. The Board should note that the planning application included significant further information and revised plans. The Board should ensure that it reviews the most recent plans submitted to KCC in the response to further information on 20th December 2024.

2.0 Site Location and Description

- 2.1. The subject site has an area of approx. 80.9ha and consists of 24 agricultural fields of mixed scale currently used as pastoral and arable farming. It is located in the rural townlands of Mulgeeth and Mucklon and is approx. 2.5km and 3.5km south of Johnstown Bridge and Enfield, Co. Kildare respectively.
- 2.2. The site is generally accessed from the M4 (Exit 9) to the north via Regional Road R402 to Johnstown Bridge (over a distance of approx. 1km). From Johnstown Bridge the site is accessed via local roads L1004 (over a distance of 2.3km) and L5013 (over a distance of 2km). The site is divided into two parcels, with one section to the east and accessed from ‘Site Access No.1’ off local road L5013, and the other to the west/southwest accessed from ‘Site Access No.2’ also off local road L5013. The posted speed limit on the regional and local roads includes 50km/hr and 60km/hr.
- 2.3. The site is located within a rural and agricultural environment, with gentle elevations, mature hedgerows and treelined boundaries. The site ranges between 76-90m AOD. There are several agricultural and equestrian complexes located in the general area and a fruit farm is currently located on and adjoining part of the subject site. Otherwise, there are a number of one-off rural dwellings in the vicinity of the site, a domestic scale holistic healing centre, a pre-school and Johnstown Bridge GAA club.

- 2.4. There are no mapped watercourses or water bodies within or adjoining the site and the site is located within Flood Zone C. There are no natural heritage designations within or adjoining the subject site. There are two recorded archaeological sites listed in the statutory Record of Monuments and Places ("RMP") to the immediate west of the subject site '*Ringfort-rath*' and '*Habitation Site*', which have been given 'Neo' references *NA01* and *NA02*.
- 2.5. The Board should note that the site adjoins the site of the existing Timahoe Solar Farm (ABP 305953-19) which is located to the south.

3.0 **Proposed Development**

3.1. **Development Description**

Planning permission is sought for a period of 10 years to construct and complete a solar PV energy development with a total site area of 80.9ha consisting of:

- The construction of PV panels mounted on metal frames,
- transformer stations (23 no.), GRP units (3 no.),
- internal access tracks (3.5m wide over 5,176m in length),
- perimeter fencing (2.45m in height over 8,982m in length) with CCTV cameras (52 no.) and access gates,
- Electrical cabling and ducting,
- 2 no. Temporary construction compounds,
- Widening of existing entrance, landscaping and all ancillary infrastructure and associated works.

The appropriate period sought for the proposed development is 10 years and it is requested that the operational period is for 35 years. Once commenced it is expected that the overall construction period will be 12 months. The application is accompanied by a Natura Impact Statement ("NIS").

The export capacity to the grid is estimated to be 56MW MEC.

A Grid connection will be the subject of a separate application. The applicant advises that a route has not yet been determined pending a decision on the subject

application, but the existing ESB 110 kV substations at Dunfierth (.92km N/NE) and Timahoe (3.5km SW) are noted as grid connection options.

A more detailed development description is set out in Section 3.0 of the applicants 'Planning Statement'.

3.2. Documents Supporting the Proposed Development

3.2.1. The following documents were submitted to KCC in the first instance in support of the proposed development:

- Statutory particulars (Public Notices (newspaper & site), application form, landowner consent) and application cover letter

Volume 1 -

- Planning Statement
- Decommissioning Statement
- EIA Screening Report
- Natura Impact Statement

Volume 2 –

- Site Location map(s), site layout plan(s), & plans, sections and elevations together with a schedule of drawings

Volume 3 – (*Technical Appendices*)

- Landscape and Visual Impact Assessment (Appendix 1 & 1A)
- Ecological Appraisal & Appendices 2A, 2B, 2C, 2D
- Archaeology & Architectural Heritage Impact Assessment (Appendix 3 & 3A, 3B, 3C, 3D)
- Flood Risk and Drainage Impact Assessment (Appendix 4 & 4A, 4B, 4C)
- Construction Traffic Management Plan (Appendix 5 & 5A)
- Noise Impact Assessment (Appendix 6 & 6A)
- Glint & Glare Assessment (Appendix 7 & 7A, 7B, 7C, 7D, 7E)
- Outline Construction Environmental Management Plan (Appendix 8)

3.2.2. It is noted that the following further information was submitted to KCC on 20th December 2024 (in response to a Further Information request of 13th August 2024). This included:

- A written response dated 20th December 2025, and which provided a response to each of the 17 items of further information requested,
- Appendix B – Revised Noise Impact Assessment
- Appendix C – Revised Construction Traffic Management Plan
- Appendix D – Letters of Consent.
- Appendix E – Road Safety Audit
- Appendix F – Updated Temporary Construction Compound Drawing

KCC deemed that this further information response contained ‘significant additional data’, and on the 23rd December 2024 required new public notices in accordance with Article 35(1) of the Planning and Development Regulations, 2001, as amended (“PDR”). New notices were subsequently submitted to KCC on 8th January 2025.

4.0 Planning Authority Decision

4.1. Decision

KCC decided by Chief Executive Order dated 4th February 2025 to refuse planning permission for a single reason as follows:

1. “It is considered that insufficient details have been provided as part of the planning application with respect to the provision of safe access to and from the site (L-5013 and L-1004) including but not limited to the required sightlines, proposed passing bays, drainage provision and the traffic volumes associated with the proposed development. The proposal is therefore contrary to Policy TM P7 of the Kildare County Development Plan 2023-2029 which seeks to ensure that the safety and capacity of the local road network is maintained, Section 7.6 which also requires access to the site during operational and decommissioning phases to be examined to determine if the access and corresponding road network is adequate, and the provisions of Section 15.7.5 of the Kildare County Development Plan 2023-2029 regarding Stopping Distances and Sightlines. The development of the nature and extent proposed is considered to adversely affect the capacity, safety and operational efficiency of the local road network in the vicinity of the site, would

endanger public safety by reason of a traffic hazard, and would therefore be contrary to the proper planning and sustainable development of the area.”

4.2. Planning Authority Reports

4.2.1. Planning Report No.1

The report of the Executive Planner dated 12th August 2024 opined that the applicant put forward a reasonable case in favour of the proposed development and that the scale of the development was generally acceptable. It was accepted that the site was not subject to a flood risk and would not increase the risk of flooding.

The report notes that the site is not visually sensitive, is located on agricultural lands and that there is no prohibition in the Kildare County Development Plan, 2023-2029 (“KCDP”) on the development of solar farms on agricultural lands. The local, national and international policy positively supporting renewable energy is noted, and the principle of development is considered acceptable subject to a number of matters arising from the PA assessment and the consultation response.

The report concludes with a request for further information in respect of sixteen items which can be summarised as follows: a revised Noise Impact Assessment Report including a baseline noise survey, a Traffic Management Plan, a program/schedule of works with other applications in the area, passings bays for construction traffic, warning signage for haul routes, improved sight visibility, pre and post construction road condition surveys, reinstatement works to haul route, legal interest (hedge trimming), grid connection route, silt trench locations and method statements, details of road closures and diversions, a Road Safety Audit, engagement plan and liaison arrangements with local residents and businesses, revised construction compound, car parking and wheel wash facilities, and an updated NIS responding to the aforesaid F.I. items.

An AA screening determination or AA determination was not made by the PA at this stage as a revised NIS was requested as part of the further information request. An EIAR Screening opinion determined that the proposed development did not come within the scope of Part 1 or Part 2 of Schedule 5 of the PDR and there was otherwise no individual or combination of aspects of the proposal that would trigger the requirement for an EIAR.

Further information in accordance with same was formally requested on 13th August 2024. *(Note: The Board will note that the planners report lists sixteen items of further information, but seventeen items were listed in the further information request which subsequently issued. This is explained by Item No. 5 of the planner's report being separated into Item No.5 & 6, with the subsequent F.I. items sequentially adjusted).*

4.2.2. Planning Report No.2

A response to the further information request was received on 20th December 2024. This response was deemed to be compliant, and to constitute 'significant additional data'. Accordingly, on 23rd December 2024 the applicant was requested to give notice (approved newspaper and site notice) in accordance with Article 35(1) of the PDR. Revised notices as requested by the PA were submitted by the applicant on 8th January 2025.

The second report dated 31st January 2025 sets out an assessment of the further information response. The Board will note that it refers to a further information response received on 08/01/2025, however this is the date on which the revised Article 35(1) public notices were received. The further information response was received on 20th December 2024. Notwithstanding, I am satisfied that there is no implication arising, and that the statutory periods for public notices, making of submissions and reports, and determination of the application etc are in order.

This report considers the updated Noise Impact Assessment report, the proposals for engagement and liaison with local residents and businesses, and the proposals for a revised construction compound, to be acceptable. Otherwise, the report adopts the report of the Transportation Department which finds the further information response of the applicant to be insufficient in relation to a number of roads and traffic safety related matters. In particular the PA is not satisfied that a Traffic Management Plan (TMP) or a programme/schedule of works has been submitted which would enable an assessment of cumulative effects on the road network and its carrying capacity with other applications in the area. This report is otherwise not satisfied that the applicant: has consent to construct the proposed passing bays and trim hedges; can provide visibility splays to the required standards; proposes to survey a sufficient extent of the haul route; has submitted sufficient detail in relation to traffic volumes

and abnormal loads; or has submitted sufficient details in relation to the proposed grid connection (inc. associated road closures and diversions).

The Planners report notes the applicant's position, that the further information response did not necessitate an updated NIS. The PA considers the submitted NIS to be reasonable and concludes that there will be no significant effects on any Natura 2000 designated site.

It is recommended that planning permission be refused for roads and traffic safety considerations consistent with the report of the Transportation Department.

4.3. Other Technical Reports

Original Reports:

- KCC Chief Fire Officer (09/07/2024) - No objection to the proposed development.
- KCC Water Services Department (16/07/2024) - No objection subject to 4 no. standard type conditions. (Refer to Table E for further assessment of same.)
- KCC Environmental Health Officer (23/07/2024) - No objection subject to 2 no. conditions in relation to noise and air quality. (Refer to Table E for further assessment of same.)
- KCC Environment Section (25/07/2024) - Recommends that further information be sought for a Noise Impact Assessment Report.
- KCC Maynooth Municipal District (Roads) Report (26/07/2024) - No objection subject to 8 no. standard type recommended conditions. (Refer to Table E for further assessment of same.)
- KCC Parks Section (Transport, Mobility & Open Spaces) (28/07/2024) - No objection subject to recommended conditions. (Refer to Table E for further assessment of same.)
- KCC Transport Department (02/08/2024) - Recommends that further information be sought in respect of 14 no. roads and traffic safety related considerations.

Further Information Reports:

- KCC Transport Department (21/01/2025) - Recommends refusal for 9 no. roads and traffic safety related considerations set out therein.
- KCC Environment Section (31/01/2025) - No objection subject to 8 no. recommended conditions in relation to waste, noise and surface waters. (Refer to Table E for further assessment of same.)

4.4. Prescribed Bodies

4.4.1. Department of Housing, Local Government and Heritage (“DHLGH”), Development Applications Unit – Archaeology

A report dated 26th July 2024 set out specific deficiencies with the level of assessment carried out to date in the archaeological impact assessment and geophysical survey. In consideration of this a comprehensive programme of archaeological test excavation is recommended as a condition of any grant of planning permission that may issue.

4.4.2. Uisce Éireann

In a report dated 30th July 2024 Uisce Éireann set out observations in relation to applicant’s obligations under the Water Framework, EIA and Groundwater Directive and otherwise recommended that any grant of permission include 4no. conditions in respect of the adequate provision and protection of water and wastewater facilities.

4.5. Third Party Observations

There were three submissions from third parties in respect of the planning application to KCC. These submissions are noted. Michael Pope & Niamh Mallon, who are observers to this appeal, made a submission in respect of the original application as submitted and in respect of the significant additional data submitted in response to the further information request. The issues raised in their submissions have been captured in their observation to this appeal. Peter Sweetman made a submission in respect of the original application as submitted, opining that the submitted NIS was not consistent with recent case law and legal judgements and that Appropriate Assessment was required.

5.0 Planning History

- 5.1. A review of the KCC Planning Portal and the Board's case files was carried out on 26th May 2025 to collate any recent and relevant (within 10 years) planning history for the subject site. There is no recent planning history on the subject site itself.
- 5.2. Other significant or noteworthy renewable energy developments within the general vicinity of the site are listed in Table A below:

Table A: Other significant or noteworthy renewable energy developments within the general vicinity of the site.				
Ref. No.	Name/Location	Status	Description	Note
ABP-300746-18 (SID)	Maighne Windfarm, Co. Kildare & Co. Meath	Permission Refused	47no. turbines, 1 no. electricity substation and associated works.	In part adjoining the NW boundary of the subject site. RF reasons relating to disproportionately large visual envelope, need for extensive underground cabling and significant adverse effects on long term structural integrity of road network.
ABP-306500-20 (P.A. Ref. 18/1534)	North Kildare Windfarm, Co. Kildare	Board decision to grant permission quashed by Order of the High Court.	Windfarm consisting of 12no. turbines.	Similar site to the abovementioned planning history case. In part adjoins the NW boundary of the subject site.
ABP-303249-18 (SID)	Bord na Móna Powergen Limited and ESB Wind Development Limited. Timahoe East, Co. Kildare	Approve with Conditions	110kV on site electrical substation and 110 kV overhead line grid connection.	Approx. 2.2km south of the subject site at nearest point.
ABP-305953-19 (P.A. Ref. 18/1514)	Bord na Móna Powergen Limited and ESB Wind Development Limited. Timahoe East, Co. Kildare	Grant permission with conditions	10-year permission to develop a renewable energy development (Solar Farm).	Site adjoins the subject site to the southwest.
P.A Ref. 22/1203	Coolcarrigan, Timahoe West, Co. Kildare.	Grant permission with conditions	Renewable energy development (solar)	Approx. 4.5km south of the subject site at the nearest point.

				Amended design permission P.A. Ref. 23/60073 refers.
P.A Ref. 18/94	Ovidstown, Ballyvoneen, Enfield.	Grant permission with conditions	Solar PV Farm	Approx. 2.5km northeast of the subject site at the nearest point. Amended design permission P.A. Ref. 20/543 refers.
P.A. Ref. 19/888	Hortland and Knockanally, Donadea, Naas	Grant permission with conditions	Solar PV Energy Development	Approx. 2km east of the subject site at the nearest point. Amended design permission P.A. Ref. 20770 refers.
P.A. Ref. 15/1172	Coolcarrigan, Timahoe West, Co. Kildare	Grant permission with conditions	Solar PV panel array	Approx. 4.2km south of the subject site at nearest point. Extension of Duration P.A. Ref. 20/1529 refers.
ABP-302895-18	Dysart, Johnstownbridge, Co. Kildare.	IS development and IS exempted development	Whether a medium voltage grid connection for a permitted solar farm is or is not development and is or is not exempted development.	Refers to a solar farm permitted under PA.Ref.No. 16/1265. This site is approx. 1.5km northeast of the subject site at its nearest point.

5.3. Other significant (non-renewable energy) developments in the vicinity of the site.

5.3.1. **ABP-300506-17**

Date of Decision: 11th November 2020.

Permission refused to Bord na Mona Environmental Ltd for further development of the existing Drehid Waste Management Facility at Timahoe West, Co. Kildare.

Refusal reasons concerned adverse effects on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), public health and public safety by reason of a traffic hazard. This site is approx. 4km south of the subject site.

ABP-317292-23

Date of Decision: 6th June 2024

Permission granted to Bord na Móna PLC for the proposed development of an extension to the existing Drehid Waste Management Facility to provide acceptance of up to 440,000 TPA of non-hazardous waste material. Permission was granted subject to 22 no. conditions. This site is approx. 4km south of the subject site.

5.3.2. ABP-306247-19

Date of Decision 30th April 2020

Application by Bord na Móna for leave to apply for substitute consent to regularise the planning status of Bord na Móna historic peat extraction (and ancillary works) on the milled peat production bogs. The Board's decision to grant leave to apply for substitute consent was quashed by Order of the High Court on 7th May 2021. This site is approx. 3km southeast of the subject site at the nearest point.

5.3.3. ABP-306241-19

Date of Decision: 1st May 2020

Application by Bord na Móna Plc for leave to apply for substitute consent to regularise the planning status of historic peat extraction (and ancillary works) on milled peat production bogs located in Counties Offaly, Westmeath, Laois and Kildare. The Board's decision to grant leave to apply for substitute consent was quashed by Order of the High Court on 7th May 2021. This site is approx. 10km southwest of the subject site at the nearest point.

5.3.4. I otherwise note the residential development permissions within the urban fabric of Johnstown Bridge and the residential developments which are currently under construction.

6.0 Policy Context

6.1. National

At a high level, the Board should note several national level policies and guidance which will be relied upon in the assessment. These include:

6.1.1. Climate Action Plan 2024 ("CAP24") and 2025 ("CAP25")

Under the Climate Action and Low Carbon Development Act, 2015, as amended, Ireland's national climate objective requires the State to transition to a climate

resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than the end of 2050. This national climate objective meets Ireland's obligations under EU and international treaties, including the Paris Agreement (2015), the European Green Deal and the EU's objective to reduce GHG emissions by at least 51% by 2030 (compared to 2018) and achieve climate neutrality by 2050.

To meet its targets and obligations CAP 24 sets a course for Ireland to halve emissions by 2030 and reach net-zero no later than 2050. In terms of the electricity sector a 75% reduction in emissions based on 2018 levels is required by 2030 and CAP 24 provides that central to achieving this is the strategic increase in the share of renewable electricity to 80% by 2030 including ambitious targets of deploying 9GW of onshore wind, 8GW of solar power and at least 5GW from offshore wind projects.

CAP 2025 was published on 15th April, 2025. It re-affirms the previous commitment to increase the share of renewable electricity generation to 50% by 2025 and 80% by 2030 including solar targets of up to 5GWs by 2025 and 8 GWs by 2030.

6.1.2. Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024

The National long-term Climate Action Strategy, entitled Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. The Strategy provides a pathway to a whole-of-society transformation and serves as a vital link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland's National Climate Objective.

6.1.3. The National Adaptation Framework; Planning for a Climate Resilient Ireland (June 2024)

The most recent approved national adaptation framework, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 (NAF) is Ireland's second statutory National Adaptation Framework (NAF) and was published on 5th of June 2024.

The NAF and its successors do not identify specific locations or propose adaptation measures or projects in individual sectors, but sets out the context to ensure local authorities, regions and key sectors can assess the key risks and vulnerabilities of

climate change, implement climate resilience actions and ensure climate adaptation considerations are mainstreamed into all local, regional and national policy making.

The NAF identifies 13 (previously 12) priority sectors under 7 lead Departments that are required to prepare sectoral adaptation plans under the Climate Act in accordance with the Sectoral Planning Guidelines for Climate Change Adaptation which were published in 2018 and updated in 2024. The original 12 sectoral Plans prepared in 2019 and a new sectoral Plan for tourism are to be updated/prepared by end of Q3 2025.

6.1.4. Electricity and Gas Sectoral Plan 2019

The aim of the Plan is to address the risks posed by climate change to the electricity and gas networks. The plan focuses on identifying vulnerabilities such as extreme weather and changing temperature patterns and how they could affect the electricity and gas networks. Specific measures to minimise the potential negative effects of climate change are outlined including the strengthening of the grid and ensuring reliable gas supply. The Plan also seeks to exploit opportunities and the potential benefits arising from climate change adaptation such as increased energy efficiency and the development of new renewable energy sources.

6.1.5. Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF and the National Development Plan (“NDP 2018-2027)

Project Ireland 2040 is the Government’s long-term overarching strategy to make Ireland a better country for all and to build a more resilient and sustainable future. The NPF and the NDP combine to for Project Ireland 2040.

The NPF sets out to deliver a spatial strategy through a set of National Strategic Outcomes (“NSO’s”), including: ‘*Transition to a Low Carbon and Climate Resilient Society*’ which establishes a national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050. The first revision of the NPF has been approved by both Houses of the Oireachtas, following the decision of the Government to approve the final revised NPF on 8th April, 2025. The ‘First Revision’ introduces regional renewable electricity capacity allocations for each of the three Regional Assemblies to be achieved by 2030 which for the Eastern and Midland Regional Area is an additional 3,294MW, for

solar PV or 45% of the National share in 2030. This is the minimum required for solar generation to meet the 2030 emission reductions in the electricity sector.

The NDP 2018-2027 sets out the investment priorities that will underpin the implementation of the National Planning Framework, through a total investment of approx. €116 billion. It recognises that Ireland's energy system requires radical transformation in order to achieve its 2030 and 2050 targets and objectives. It recognises that investment in renewable energy sources affords Ireland an opportunity to decarbonise our energy generation, but that this must be complemented by wider measures to moderate growth in energy demand, increase energy security, diversify supply sources and facilitate more variable electricity generation on the grid.

6.1.6. National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act, 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they might affect or relate to the functions of the Board. (The impact of a development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in the Board's decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and other relevant legislation, strategy and policy where applicable).

6.2. Regional

6.2.1. Regional Spatial & Economic Strategy for the Eastern and Midland Region ("RSES") 2019-2031.

The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives (RPOs). It seeks to support the implementation of Project Ireland 2040 and the economic and climate policies of Government by providing a long-term strategic planning and investment framework for the region. It includes a Spatial Strategy, a Dublin Metropolitan Area Strategic Plan (MASP), an Economic Strategy, a Climate Action Strategy and an Investment Framework.

The RSES recognises in its Strategic Vision that a key challenge facing the region is the transition to a low carbon society, which for the RSES means five primary areas of transition are at the Core of the Strategy including: renewable energy. It sets out three ‘cross-cutting’ key principles which underpin the strategy including:

- *Climate Action – and the need to enhance climate resilience and to accelerate a transition to a low carbon society recognising the role of natural capital and ecosystem services in achieving this.*

In relation to Renewable Energy, the Strategy supports an increase in the amount of new renewable energy sources in the Region including the use of solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National and Regional policy.

6.3. Local

6.3.1. Kildare County Development Plan 2023-2029

6.3.2. The Kildare County Development Plan, 2023-2029 (“KCDP”) is the relevant plan for the subject site. There is no specific land use zoning for the site. The relevant Objectives and Policies of the KCDP are detailed in Table B below.

Table B: Relevant Policies and Objectives of the KCDP	
Climate Adaptation and Mitigation	
Policy EC P1	Reduce our carbon footprint in line with national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emission reductions.
Renewable Energy	
Policy EC P2	Promote renewable energy use generation and associated electricity grid infrastructure at appropriate locations within the built environment and open countryside to meet national objectives towards achieving a net zero carbon economy by 2050.
Objective EC O2	Adopt an informed and positive approach to renewable energy proposals, having regard to the proper planning and sustainable development of the area, including community, environmental and landscape impacts and impacts on protected or designated heritage areas / structures
Solar Energy	
Policy EC P5	Promote the development of solar energy infrastructure in the County

Objective EC O17	Support the building of integrated and commercial-scale solar projects at appropriate locations subject to a viability assessment and environmental safeguards including the protection of natural or built heritage features, biodiversity and views and prospects.
Objective EC O21	Support the provision of solar farms in appropriate locations in accordance with the criteria as set out in Section 7.6 of this Plan and environmental considerations such as the movement of qualifying interest species of European Sites. Projects shall provide mitigation and monitoring where applicable.
Rural Economy & Rural Enterprise	
Policy RD P1	Support and promote rural enterprises and encourage appropriate expansion and diversification in areas such as sustainable agriculture, forestry, peatlands, peatlands rehabilitation and sustainable peatland related tourism, food, crafts, renewable energy at suitable locations in the county, particularly where they contribute to a low carbon and resilient economy.
Sustainable Mobility & Transport	
Policy TM P7	Ensure that the safety and capacity of the local road network is maintained and improved where funding allows and to ensure that local streets and roads within the county are designed to a suitable standard to accommodate sustainable modes of transport and the future needs of the county. These roads and streets should be appropriately designed for all road users regardless of age, physical mobility, or social disadvantage
Development Management Standards	
Section 15.7.5 Stopping Distances and Sightlines	<p><i>(Inter alia)</i></p> <ul style="list-style-type: none"> • Sightline requirements are determined by the Council on a case-by-case basis. Factors including the type, speed limit and condition of the road are taken into consideration. • Where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted. • All applications for planning permission must clearly indicate the sightlines available at the proposed access.
Section 15.11.2 Solar Energy Developments	All applications for proposed solar farm developments shall have due regard to the considerations listed in Section 7.6 'Solar Energy' in Chapter 7.

6.3.3. Section 7.6 'Solar Energy' of Chapter 7 of the Plan sets out a range of issues that should be addressed in the context of solar farm developments, including site suitability, biodiversity, landscape character, residential amenity, flooding, heritage, traffic, access to the grid, operations and lifespan. This is considered in Section 8.0 of this report. The KCDP otherwise contains a range of policy objectives across a

number of topics. This includes for the protection of national and European sites and environmental receptors and is primarily set out within the Built & Cultural Heritage, Biodiversity & Green Infrastructure and the Landscape, Recreation & Amenity Chapters of the Plan. These are all noted.

6.4. Natural Heritage Designations

6.5. National or European sites generally in the vicinity of the site (<15km) are as follows:

- Royal Canal proposed Natural Heritage Area (pNHA) (Site Code: 002103). This site is located approx. 3.8km to the north.
- Donadea Wood proposed Natural Heritage Area (pNHA) (Site Code: 001391). This site is located approx. 6km to the southeast.
- Hodgestown Bog Natural Heritage Area (NHA) (Site Code: 001393). This site is located approx. 6.5km to the southeast.
- Ballina Bog proposed Natural Heritage Area (pNHA) (Site Code: 000390). This site is located approx. 7km to the northwest.
- Carbury Bog Natural Heritage Area (NHA) (Site Code: 001388). This site is located approx. 7km to the west.
- Ballynafagh Lake Special Area of Conservation (SAC) (Site Code: 001387). This site is located approx. 8km to the southeast.
- Ballynafagh Bog Special Area of Conservation (SAC) (Site Code: 000391). This site is located approx. 9km to the southeast.
- Grand Canal proposed Natural Heritage Area (pNHA) (Site Code: 002104). This site is located approx. 10km to the south.
- River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code: 002299). This site is located approx. 11km to the northwest.
- River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232). This site is located approx. 11km to the northwest.
- The Long Derries, Edenderry Special Area of Conservation (SAC) (Site Code: 000925). This site is located approx. 12km to the southwest.
- The Long Derries, Edenderry proposed Natural Heritage Area (pNHA) (Site Code: 000925). This site is located approx. 12km to the southwest.

- Molerick Bog Natural Heritage Area (NHA) (Site Code: 001582). This site is located approx. 13km to the northwest.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal was received from NEO Environmental on behalf of Cadamstown Solar Ltd against the decision made by Kildare County Council to refuse planning permission for the proposed development. The appeal includes the following:

- A Statement of Case

The Statement of Case sets out the grounds for appeal against the reason for refusal including detailed rebuttals of the traffic safety and access issues identified therein. This is summarised in Table C below.

Table C - First Party Grounds for appeal against the reason for refusal including the specific traffic safety and access issues identified therein.	
PA Assessment	First Party Response
Ground: Sightlines at proposed entrances 1 and 2	
The report of the Transport, Mobility and Open Spaces Department (21/01/25) on the applicants further information response lists a number of concerns, including a ' <i>lack of sightlines</i> '. The report simply refers to pages 26-36 of the applicants RSA in this regard. The Planners report relies on same, without further assessment or discussion, in the recommendation that planning permission be refused.	An Automatic Traffic Count (ATC) survey established that the actual speed of traffic on the public road was significantly lower than the design speed of 80kph (at the time of the application). This was dismissed by the P.A in its assessment. Notwithstanding, the design speed of the road has now been reduced from 80 kph to 60 kph requiring a desirable standard stopping sight distance (SSD) of 90m and a minimum of 70m. The proposed visibility splays of a minimum of 70m are therefore sufficient and comply with the technical requirements of the KCDP. Third party letters of consent are provided for the achievement of the required visibility splays.
Ground: Drainage and Surfacing at the Site Access	
The report of the Transport, Mobility and Open Spaces Department (21/01/25) on the applicants further information response lists a number of concerns, including a ' <i>lack of drainage and poor surfacing</i> '. The report simply refers to pages 10-12 of the applicants RSA in this regard. The Planners report relies on same, without further assessment or discussion, in the recommendation that planning permission be refused.	It is accepted that there is some slight deformation of the road near the access points and that upgrading works will be required. This was identified as a problem in the RSA Stage 1 and it was accepted that these matters will be remediated at the detailed design stage.
Ground: Turning space for HGV's	
The report of the Transport, Mobility and Open Spaces Department (21/01/25) on the applicants further information response lists a number of concerns, including 'turning space'. The report simply refers to pages 26-36 of the applicants RSA in this regard. The Planners report relies on	There is sufficient turning space within the construction compound on site for HGV's. This is where HGV unloading will take place. This is clearly stated in the CTMP (original Technical Appendix 5; Vol.3 and updated Appendix C to F.I. response).

same, without further assessment or discussion, in the recommendation that planning permission be refused.	
Ground: Passings Bays	
<p>The report of the Transport, Mobility and Open Spaces Department (21/01/25) on the applicants further information response opines that the applicant has not provided evidence of permission to construct passings bays and that the passings bays are only located at access 1 and not distributed along the L1004 and L5013 as recommended in pg. 14 of the applicants RSA. The Planners report relies on same, without further assessment or discussion, in the recommendation that planning permission be refused.</p>	<p>The applicant undertook a topographical survey of the L1004 and L5013 to determine the width of the road and suitability for passing vehicles. The F.I. response highlights parts of the route which are below 5m in width, which consists of approx. 600m of the total 4km stretch over which the haul route travels along the L1004 and L5013. The majority of this constraint is located on the L5013. Five passings bays are proposed along the L5013, at locations which are near bends or where the road narrows. They are located on Council owned lands and third-party consent is not required. The design will be developed post consent at detailed design stage and should be dealt with by condition.</p> <p>The topographical survey is shown in Fig. 5.8: Appendix 5A of Technical Appendix 5 of the F.I. response. The passing bays are shown in Fig. 5.9: Appendix 5A of Technical Appendix 5 of the F.I. response.</p>
Ground: Traffic Volumes	
<p>The report of the Transport, Mobility and Open Spaces Department (21/01/25) on the applicants further information response opines that the R402, L004 & L5013 are too narrow with poor horizontal alignment and restricted forward visibility and SSD for the proposed HGV and LGV volumes of traffic. The report opines that the applicant has not submitted a TMP as requested and that there is no information on anticipated worst case traffic volumes. The report refers to pages 14 and 45-47 of the applicants RSA in this regard. The Planners report relies on same, without further assessment or discussion, in the recommendation that planning permission be refused.</p>	<p>The construction date of the project and of other projects in the area is not known.</p> <p>The original (Technical Appendix 5;Vol.3) and updated (Appendix C of the F.I. response) CTMP set out that over the 12-month construction period a total of 1288 HGV visits to the site will be generated equating to a peak of 20 HGV deliveries per day or 40 movements. The peak will only last for the first 3 months and will be controlled by a site manager. The operational stage will generate approx. 15LGV's per year. It is considered that this increased level of traffic, even if other solar projects are constructed concurrently in the vicinity, would not be significant. The Council require that different solar farm projects are constructed at different times, and the applicant is happy to comply with this. It is unclear therefore why the information submitted is not sufficient.</p>
Ground: Abnormal Loads, Grid Connection and Cumulative effects of traffic	
<p>The report of the Transport, Mobility and Open Spaces Department (21/01/25) on the applicants further information response lists a number of concerns, including a lack of drawings or details for the proposed grid connection, details of associated road closures and diversions and the failure to submit a program or schedule of works for this and other applications in the area to assess the cumulative effect of</p>	<p>There are no abnormal loads required for the proposed development. This is clearly stated in the original and updated CTMP. The maximum load will be an EU Max Length Articulated Vehicle of 16.5m.</p> <p>The grid connection is not a part of the application and will be the subject of a future application. The route is neither determined nor designed at this stage pending a decision on the subject application. Cumulative effects with other projects in the area are assessed in the submitted NIS.</p>

traffic. The report refers to pages 39-42 of the applicants RSA in this regard. The Planners report relies on same, without further assessment or discussion, in the recommendation that planning permission be refused.	A delivery schedule and traffic volumes have been provided as part of the original and updated CTMP. It is considered that this increased level of traffic, even if other solar projects are constructed concurrently in the vicinity, would not be significant. The Council require that different solar farm projects are constructed at different times, and the applicant is happy to comply with this. It is unclear therefore why the information submitted is not sufficient.
Ground: Pre and post-construction condition surveys	
The report of the Transport, Mobility and Open Spaces Department (21/01/25) on the applicants further information response lists a number of concerns, including that the extent of surveying proposed on the haul route is insufficient and needs to be extended to the entire haul route. The Planners report relies on same, without further assessment or discussion, in the recommendation that planning permission be refused.	It is proposed to survey the L5013 from the western access to the L1004 junction. Pre- and post-construction surveys of the entire haul route is unduly onerous as this includes regional roads where the impact of the proposed development on the carrying capacity will be negligible. The applicant is however happy to survey whatever is required but notes that this is inconsistent with other permissions across the Country, including in County Kildare and PA.Ref 16/1265 and 17/12222 in proximity to the site refer. It is considered that the pre-construction survey should be carried out as close to the commencement date as possible and would be inappropriate at this stage of the project.
Ground: Road Safety Audit	
The PA relies on the problems identified in the applicants Stage 1 RSA to support the recommendation that planning permission be refused.	The applicant states that the Stage 1 RSA was submitted in response to the F.I. request. The F.I. response included a number of measures/revised plans in response to the problems identified in the RSA. This included improved visibility splays, TTM proposals, passing bays, commitment to survey the haul route and a scope for vegetation cut back on council owned lands. The problems identified in the RSA were accepted, as was the design response. Where such matters are accepted at Stage 1 they are normally resolved at Stage 2 of the RSA process.
Ground: Policy TM P7 of the KCDP	
In its reason for refusal, the PA stated that the proposed development would be contrary to Policy TM P7 of the KCDP. This policy states that it is a policy of the Council to: <i>"Ensure that the safety and capacity of the local road network is maintained and improved where funding allows and to ensure that local streets and roads within the county are designed to a suitable standard to accommodate sustainable modes of transport and the future needs of the county. These roads and streets should be appropriately designed for all road users regardless of age, physical mobility, or social disadvantage".</i>	This policy relates to the design and maintenance of the local road network which is not within the applicant's control. Notwithstanding this various mitigation measures are proposed including, five new passing bays, trimming of vegetation on haul route and pre-and post-construction survey of the haul route, with the detailed design of these details together with visibility splays to be conducted at post consent, detailed design stage. It is maintained that this is normal and in accordance with the ISEA planning guidance document for Solar Farms, but that the PA does not accept this which is a contributing reason for refusal.

Ground: Section 7.6 of the KCDP	
<p>In its reason for refusal, the PA stated that the proposed development would be contrary to Section 7.6 of the KCDP.</p> <p>This section of the KCDP sets out a range of issues that should be addressed in the context of solar farm developments, and the PA determined that the proposed development would be contrary to the that part of the section requiring that <i>“road access to the site during operational and decommissioning phases will be examined to determine of the access and corresponding road network is adequate”</i>.</p>	<p>A delivery booking system will be put in place to prevent two HGV’s passing on site at one time. The most common interaction will be between HGVs and LGV’s and Appendix B (Fig. 5:10: Appendix 5A of Technical Appendix 5) demonstrates the current capacity of the unaltered road to allow HGV and LGV traffic to pass safely. The proposed passings bays will enhance the ability of the road for vehicle movement and will increase road safety.</p> <p>Additional mitigation will include the use of a delivery schedule, banksmen and warning signage which will be agreed with KCC in advance.</p>
Ground: Section 15.7.5 of the KCDP	
<p>This refers to the Development Management Standards of the KCDP where the PA determined that the proposed development would be contrary to the required sightlines and stopping sight distances.</p>	<p>As of the 7th February 2025 and further to the Road Traffic Act, 2024 a reduced speed limit of 60 kph applies on the local road network serving the site. Therefore, the proposed stopping sight distances and visibility splays of a minimum of 70m are in accordance with DMRB and Section 15.7.5. of the KCDP.</p>

- 7.1.1. The First Party Appeal otherwise sets out what is considered to be relevant precedent decisions, both by Local Authorities and the Board and where the local road network has been deemed suitable for solar farm construction traffic on the basis that the construction phase is temporary and short term and can be safely controlled by mitigation measures.
- 7.1.2. The First Party Appeal sets out the renewable energy and climate change needs and targets which support the proposed development and concludes that an acceptable balance is struck between the need for renewable energy production and the relevant planning and environmental consideration arising, and requests the Board overturn the decision of KCC to refuse permission for the proposed solar farm development.

7.2. Planning Authority Response

In a response dated 26th March 2025, the PA confirmed its decision and asked that the Board refer to the Planner's Report and the reports of internal department and prescribed bodies in relation to its assessment of the planning application.

7.3. Observations

There is 1 no. third party observation to this appeal from Michael Pope and Niamh Mallon. The concerns raised in this observation are detailed in Table D below:

Table D – Concerns raised in third party observation.	
Ground	Detail
Access, passing bays and traffic volumes.	It is considered that the issues raised by the observers in this regard are adequately captured in the PA reason for refusal and otherwise in the matters the subject of this appeal.
Road Safety Audit	<p>The observers are concerned that the RSA observation that traffic conditions were very light on the local roads adjacent to the site is not representative of their lived experience. Specific reference is made to a pre-school on the L1004. They are also concerned at the absence of collision statistics, poor maintenance of the existing local road network and the absence of grid connection details which are not subject to the audit.</p> <p>The observers agree that improvement of visibility at the junction of the R402 and L1004 is required and are concerned that the audit does not capture vulnerable road users on L1004 and L5013.</p> <p>The observers question responsibility for enforcement of any agreed CTMP.</p>

Renewable Energy and Climate Change Targets	The observers are concerned with the proposal to turn land that is not brownfield/contaminated/industrial or non-productive agricultural into a solar farm.
Residential Amenity	The observers are concerned in relation to noise, dust and vibration impacts particularly given the proximity of the proposed solar array (50m) to their family home.
Community Engagement	The observers are concerned that there has been no community engagement in respect of the proposed development by the applicants to date.
Cumulative impact	The observers consider that the cumulative impact of renewable energy facilities in the area exceeds that intended by the KCDP in its approach to balancing needs.

8.0 Assessment

8.1. Having examined the application and appeal documentation on file and having regard to relevant policy and guidance, it is considered that the key issue in this appeal is the reason for refusal as stated by the Planning Authority. It is also proposed to address the principle of development and other relevant planning assessment considerations, including technical matters relating to EIA, AA and WFD under the following headings:

- Principle of development
- Other relevant planning assessment considerations
- Refusal Reason No.1 - Traffic and Road Safety Considerations.
- EIA Screening
- AA Screening
- WFD Screening the need for assessment

The Board should note that the grid connection does not form a part of this application and is presently not yet determined or designed. It is not therefore assessed in this report. It will be the subject of a future consent process whereby an application may be made to the Local Authority or An Bord Pleanála under s182A of the Act whereupon screening for AA will be captured, or subject to screening the grid connection may be exempt under Class 26 of the Regulations.

8.2. Principle of development

8.2.1. The site is not located on lands with a specific designated zoning, accordingly there is no associated zoning objective. The NPF, RSES and KCDP (*EC P1*) is clear in its support for renewable energy, including solar energy, at appropriate locations and the KCDP specifically states that this includes the 'open countryside' (*EC P2*). The development is also consistent with the targets for renewable electricity generation and sectoral reduction in emissions, including for solar, set out in CAP24 and CAP25.

8.2.2. The practice of utilising agricultural lands for solar farms is an increasingly common agricultural practice as farmers and landowners diversify their business and the diversification of agriculture including renewable energy at suitable locations is supported in KCDP policy (RD-P1).

8.2.3. The PA accepted the principle of development on agricultural lands in its assessment of the application and stated that there was no development plan prohibition to the consideration of same. I am satisfied that the principle of development is acceptable subject to consideration on a case-by-case basis and demonstration that the site is an 'appropriate location' for solar farm development having regard to the proper planning and sustainable development of the area. This shall be assessed against compliance with the relevant policies and objectives, standards and requirements as set out in the KCDP and specifically Section 7.6 thereof which sets out the range of issues to be considered in the context of solar farm developments, including site suitability, biodiversity, landscape character, residential amenity, flooding, heritage, traffic, access to the grid, operations and lifespan. These matters are addressed in the following sections of my report.

8.3. Site Suitability

8.3.1. Having regard to the preceding section, which determines the principle of development to be acceptable, to the conclusions of the subsequent sections of my report in relation to the range of issues to be considered under Section 7.6 criteria of the KCDP and to the conclusions of my AA Determination (Appendix 4), EIA Preliminary Examination (Appendix 2) and WFD Screening (Appendix 5) it is considered that the suitability of the site for solar farm development has been robustly assessed and confirmed.

8.4. Biodiversity

- 8.4.1. Please refer to Sections 9.0, 10.0 and 11.0 of this report and associated Appendices 2, 3 and 4 which determine that the proposed development presents no real likelihood of significant effects on the environment, that adverse effects on the integrity of the River Boyne and River Blackwater SAC (002299) can be excluded and that the proposed development will not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives.
- 8.4.2. This section concerns general biodiversity and in particular the potential for impacts on habitats and species which are not qualifying interests of European Sites. The site itself does not have any specific natural heritage designations. The nearest is the Royal Canal proposed Natural Heritage Area (pNHA) (Site Code: 002103) located approx. 3.8km to the north but the site is not connected to same and there is no other NHA of relevance due to a lack of any source-pathway receptor. No protected flora species were identified on site during walkover surveys. Biodiversity was not a concern raised in the assessment of the planning application, including the submissions and statutory reports.
- 8.4.3. An Ecological Appraisal (Vol.2) ("EA") was submitted with the application. The EA noted two active badger setts within the subject site, together with other field signs made by commuting badger. Pre-construction badger surveys are proposed together exposed excavations will either be covered or provided with a means of escape to prevent wildlife becoming trapped. Mammal gates on fencing will also ensure no barrier or disturbance effects or other significant effects. A Biodiversity Management Plan (BMP) is submitted as an Appendix to the EA and it is submitted that this will result in an increase in food for foraging badger from the creation of invertebrate rich habitat resulting in a long-term net benefit. The site was assessed as having low suitability for bats, with a single tree identified as having low roosting potential and trees and hedgerow otherwise offering commuting pathways and foraging opportunities for bat species. It is considered that the agricultural grassland and tilled land composition of the site offer sub-optimal foraging habitat for bat species due to the limited number of prey species present and the minor loss of habitat (estimated at 3.14% of the total site area) will not result in a significant reduction in foraging habitat for bats. As minimal tree and hedgerow removal is proposed, together with a 5m buffer around hedgerows and trees (depending on crown diameter) and a 2m

buffer from field drains, it is considered that there will be no significant negative impacts on bat species. With the installation of bat boxes and planting of additional hedgerows it is considered that the flora and fauna of the site will increase, including prey for foraging bats, resulting in a nett benefit for bats. Two bird species of medium conservation concern (Robin and Starling) and one species of high conservation concern (Meadow Pipit) were observed during the walk over survey. The development will occur on land that is of low ecological value and subject to an existing level of disturbance from current agricultural activities, however where works are to occur during the breeding season then pre-commencement breeding bird surveys is proposed. Post construction it is again considered that the measures outlined in the BMP will support local bird species with bird boxes, sowing of a species-rich meadow and the creation of invertebrate rich habitats providing a suitable food source for many bird species there will be no significant negative effects and a long-term nett benefit.

- 8.4.4. The habitats of the site are assessed as having low ecological value with limited potential to support wildlife given their current use as agricultural grassland and tilled land. In addition, very limited habitat loss will only occur as a result of the development from structures such as access tracks, cable trenches, hardstanding areas for transformers and GRP units and piling for panels. This is calculated at 3.14% of the application site area and as the panels will otherwise be raised off the ground much of the site will be accessible for plant growth. It is considered that with the wildlife enhancement measures set out in the BMP (Appendix 2D), habitat loss will not be significant with potential for net beneficial gains for local biodiversity.
- 8.4.5. I accept that the use of this site by any species is limited given its existing agricultural use. I consider that the site is not environmentally sensitive and has capacity to absorb the proposed development subject to standard and best practice construction and operational measures. I note that certain sections of hedgerow and 1 no. tree will be removed, primarily to provide access, visibility splays and cabling, but this is not considered to be significant and on the basis of the mitigation proposed, including in the BMP, will not have a significant adverse impact on any species. Construction in proximity to drainage ditches has the potential for water pollution/contamination impacts, but I note that in-stream works are not proposed,

buffer zones will be in place and the potential for impacts from runoff of pollutants and sediments is satisfactorily mitigated.

- 8.4.6. I consider that adequate detail has been provided on the biodiversity of the site and that it has been prepared by competent persons in accordance with relevant guidelines. Given the location of the site in an area characterised by agricultural grassland and tilled land and the integral design measures, standard best practice measures (Table 2-13 of the EA) and mitigation measures (Table 2-14 of the EA), including the BMP, I am satisfied that significant impacts will not arise on biodiversity and that the impacts on the ecology of the site and wider area would be acceptable.

8.5. *Landscape Character*

- 8.5.1. Landscape was not a concern raised in the assessment of the planning application, including the submissions and statutory reports. The PA accepted that the subject and host environment was not located within a visually sensitive landscape and that there were no visual amenity or scenic designations in the KCDP impacted by the proposed development.
- 8.5.2. A Landscape and Visual Impact Assessment ("LVIA") (Technical Appendix 1) was submitted with the application. The LVIA finds that during the construction phase there may be temporary adverse landscape and visual effects as a result of the visibility of construction activities such as cranes and the movement of construction vehicles, but this will be experienced in the vicinity of the application site and will not be visible beyond 500m. In terms of landscape effects at operational stage it is considered that the proposed development will lead to a change of character within the confines of the site (agricultural to industrial) and in the immediate surroundings where views are possible, however the magnitude of change is assessed as low and the resulting significance slight. It is considered that indirect change will occur outside the development site, predominantly from elevated areas to the north and northeast and within an approx. radius of 500m. However, it is considered that screening provided by field boundary vegetation reduces opportunities for views and the magnitude of change is assessed as low and significance to be slight adverse.
- 8.5.3. In terms of visual effects at operational stage it is considered that the highest visual effects will be experienced within an approx. 250m radius and from locations with open or partial views. However, areas experiencing visibility have been found to be

extremely limited given the level of existing vegetation screening and therefore views are often glimpsed or fleeting in nature. The magnitude of visual change (including on local residents) is assessed as either negligible, very low or low and the significance as not significant or slight adverse. From a cumulative perspective the potential for effects (assessed from ten viewpoints) was found to be limited and hindered by distance, localised variations in topography and screening by natural and built elements across the landscape. There may be partial, intermittent views but successive views of more than one solar farm will not occur with sequential views limited to those travelling along the regional and local roads.

- 8.5.4. I am satisfied that the proposed solar farm will not become a prominent feature in the landscape, will have no skyline impact and will be visually screened and contained within existing field boundaries. It is reasonably set back from public roadways and residential properties and the impacts will not be significant owing to the existing mature hedgerows and treelines, the low-lying nature of the lands and the landscape mitigations proposed. Whilst several other solar farms are existing and permitted, adjoining and in proximity to the site, cumulative landscape and visual impacts are unlikely when considering landscape fabric, topography, screening and distance. The conclusions of the LVIA are considered reasonable and qualified with both computer generated ZTV mapping and an assessment of viewshed reference points with photomontages and it is considered unlikely that significant landscape and visual impacts will arise.

8.6. Residential Amenity (including Noise and Glint & Glare)

- 8.6.1. Residential amenity was not a concern raised by the PA in its assessment of the planning application. A third party has raised a residential amenity concern in the context of noise in the observation to this appeal. The Statutory reports to this appeal did not raise noise related concerns and recommended standard conditions for noise control.
- 8.6.2. A Noise Impact Assessment ("NIA") (Technical Appendix 6) was submitted with the application. The NIA states that solar panels themselves do not generate noise with the main noise source being transformers. The proposed development will be in operation during daylight hours, however during the summer months this will include operation during the nighttime hours of 4am to 7am. Noise levels will vary, reaching

their peak when the solar farm is generating at its maximum usually after noon each day. For the purposes of the NIA continuous operation at peak level is assumed for both daytime and night-time hours as a worst-case scenario. Predicted specific sound levels at 35no. receptors (residential properties) are detailed in Table 6-4 of the NIA and an illustrative sound footprint is provided in Fig.6.1 of Appendix 6A. The predicted sound (rating) level is compared with an adopted background noise level of 35dB which is typical of a rural night-time setting. The results are set out in Table 6-5 of the NIA and show no predicted exceedance of the baseline noise level (35dB) with the levels at each receptor below the Night Noise Guideline value of 40dB set out in the WHO Night-time guidelines. The impact is therefore predicted as negligible. A simulation of noise associated with the proposed development was produced using SoundPlan modelling software to predict noise levels for the purpose of undertaking an ISO9613-2 assessment. An assessment of the acoustic impact was undertaken in accordance with BS 4142:2014+A1:2019.

- 8.6.3. The conclusions of the NIA are considered reasonable, and I note that the Environment Section of KCC had no objection to same on review of the further information response. A condition to manage operational noise at appropriate levels is recommended. During the construction phase there will be routine construction related pollution and nuisance generated with the potential to cause nuisance and impact on the amenities of nearby dwellings. These impacts will be temporary and short-term and will be controlled as part the standard and best practice construction measures as well as the specific mitigation measures set out in the OCEMP. A condition to manage construction noise is also recommended.
- 8.6.4. A Glint & Glare Assessment (“GIA”)(Technical Appendix 7) was submitted with the application. No concerns in relation to glint & glare were raised in the assessment of the planning application or in the submissions or statutory reports received. The GIA considered potential impacts on ground-based receptors such as roads and residential dwellings. Impacts on rail and aviation were scoped out. A 1km survey area around the application site was considered for ground-based receptors, with 58 residential receptors (inc. 4 no. residential areas) and 33 road receptors. Of these 11 no. residential receptors, (inc. one residential area) and 7 no. road receptors were scoped out as they were within no reflection zones. The GIA states that the solar panels will face south, inclined at 15 degrees with the maximum height above ground

level of 2.8m used to determine the potential for glint & glare. Geometric analysis for 47 no. residential receptors (inc. three residential areas) and 26 no. road receptors was carried out. The locations of the residential and road receptors is shown in Fig 7.1 and 7.2 of Appendix 7A. The GIA concludes that:

Residential Receptors

- Solar reflections are possible at 16 of the 47 receptors in a 'bald earth' scenario, with impacts 'high' at 6 no. receptors (inc. one residential area), 'low' at 10 no. and 'none' at the remaining 31 receptors;
- When actual visibility was factored in (screening etc) impacts were reduced to 'high' at 2no. receptors (inc. one residential area), 'low' at 4 no. and none at all remaining receptors (41 no.);
- Once mitigation measures were considered, impacts remained 'low' at one receptor and reduced to none at all other residential receptors.

Road Receptors

- Solar reflections are possible at 18 of the 26 road receptors in a 'bald earth' scenario, with impacts 'high' at 11 receptors, 'low' at seven receptors and 'none' at the remaining eight receptors;
- When actual visibility was factored in (screening etc) impacts remained 'high' at one receptor and were reduced to 'none' at all remaining receptors;
- Once mitigation measures were considered, impacts were reduced to 'none' at all road receptors.

Visibility assessment evidence is presented in Appendix 7D. The GIA recommends mitigation to screen the 'high' impact at residential receptors 6 and 8 and road receptor 4. Mitigation is also included to screen the 'low' impact at residential receptors 2, 4, 5 and 7. Mitigation includes native hedgerows to be planted/infilled along the eastern boundary of Field 16, the western boundary of Field 22, a northern section of the western boundary of Field 24 and an eastern section of the northwest boundary of Field 18 and maintained to a height of at least 3m as detailed in Fig.3: Volume 2 Landscape and Ecological Management Plan (LEMP). With mitigation no significant effects are predicted.

- 8.6.5. I note that there is currently no regulation or guidance as to acceptable levels of glint and glare effects at receptors in Ireland. The applicant's consultant has had regard to UK policy including Civil Aviation Authority (CAA) interim guidance on 'Solar Photovoltaic Systems' and US Federal Aviation Administration Policy and reports. I have considered the GIA submitted by the applicant and the methodology applied

and consider it to be a reasonable and persuasive approach. I am satisfied that potential effects can be mitigated to 'low' and 'none' at all receptors and that the mitigation measures are practical and reasonable. Overall, I am satisfied that significant impacts from glint and glare are unlikely.

8.7. *Flooding*

- 8.7.1. Flooding was not a concern raised in the assessment of the planning application, including the submissions and statutory reports. A Flood Risk and Drainage Impact Assessment ("FRA" & "DIA") (Technical Appendix 4) was submitted with the application. The FRA/DIA concludes that Solar Panels, fencing, CCTV and tracks can all be considered as 'water compatible' development, that the other electrical infrastructure is classed as 'essential infrastructure', and that the site is located entirely within Flood Zone C. It is concluded that a number of locations within the site are subject to risk of pluvial flooding from surface water to a maximum depth of 0.5m. As the solar panels will be located 0.8m above ground level, only water compatible development will be located in these areas. Otherwise, the drainage measures proposed including soakaways, channels and infiltration drains will provide a storage volume of approx. 80.4m³ which is greater than the volume of additional runoff which will be generated by the proposed development. The FRA and DIA concludes that the proposed development will not increase flood risk away from the application site during construction, operation and decommissioning phases.
- 8.7.2. The proposed development is located within Flood Zone C and there is no risk of fluvial or coastal flooding. I am satisfied that pluvial flooding or ponding can be managed through the proposed drainage plan including SuDS. On the basis of the information provided by the applicant, relevant mapping and data from the OPW together with the nature and characteristics of the site and design of the proposed development, I am satisfied that the conclusion of the FRA and DIA is reasonable.
- #### 8.8. *Heritage (excluding natural heritage)*
- 8.8.1. Heritage was not a concern raised by the PA in the assessment of the planning application, however the statutory report received from the Department of Housing, Local Government and Heritage (DHLGH) raised some concerns in relation to archaeology.

- 8.8.2. An Archaeology & Architectural Heritage Impact Assessment (“AAHIA”) (Technical Appendix 3) was submitted with the application. The AAHIA identified two RMP sites recorded near to the application site that could be impacted by the proposed development, namely ‘*Ringfort-rath*’ (NA21) and ‘*Habitation Site*’ (NA20). These sites originally lay within the site boundary but were excluded by design. Otherwise, no archaeological features of significance were identified, and no direct impacts are anticipated. The application site is considered to have moderate potential for sub-surface early Medieval/Medieval remains and a low potential for sub-surface Prehistoric remains. The AAHIA recommends partial geophysical survey together with an archaeological programme of works including a more intense trial trenching programme where geophysical survey was not possible. Indirect effects on surrounding heritage assets has been assessed as low in a worst-case scenario.
- 8.8.3. The DHLGH takes issue with the content and format of the AAHIA report submitted and considers that the assessment methodology is inadequate resulting in unqualified conclusions which are considered to be inappropriate. The DHLGH opines that the AAHIA does not provide a detailed historical and archaeological background to the subject site and its wider landscape setting, did not review the NMI topographical files and did not follow up to date guidelines in relation to solar farm development (ISEA best practice guidance document (November 2023)). The DHLGH is of the view that the proposed development on the periphery of the Bog of Allen is indicative of heightened potential for the presence of sub-surface archaeological remains. Notwithstanding these misgivings the DHLGH recommends a comprehensive programme of archaeological test excavation be included as a condition of any grant of planning permission in accordance with the national policy document *Framework and Principles for the Protection of Archaeological Heritage* (1999) and Sample conditions C.3 and C.5 as set out in OPR Practice Note *PN03: Planning Conditions* (October 2022).
- 8.8.4. Given the proximity to 2 no. known RMP sites, to the archaeological potential of the wider area, and to the scale of the proposed development it is considered that the report of the DHLGH is reasonable and that a condition as recommended should be attached in the event the Board is minded to grant planning permission. It is considered unlikely, subject to the recommended condition, that significant impacts

would arise on archaeology. There are no other built heritage considerations arising in relation to the proposed development.

8.9. Traffic and Refusal Reason No.1

- 8.9.1. The PA's reason for refusal concerned roads and traffic safety related considerations and was framed on the basis that insufficient details had been submitted as part of the application in respect of sightlines, passing bays, drainage provision and the traffic volumes associated with the development. On this basis the PA considered that the proposed development was contrary to Policy TM P7 of the KCDP which seeks to maintain the safety of the local road network, Section 7.6 of the KCDP which requires that the safety of access and the corresponding road network is determined, and Section 15.7.5. of the KCDP which sets out the Development Management Standards for sightlines and stopping sight distances.
- 8.9.2. In this first instance I note that the Planners report relies on the report of the Transport Department in recommending that planning permission be refused without further assessment or examination of the issues raised. The Transport Department itself relies on the Stage 1 Road Safety Audit submitted by the applicant without regard to the fact that the problems identified by the Stage 1 Audit include recommended solutions to be addressed at Stage 2 of the RSA process which were accepted by the Design Team. In addition, the revised plans submitted by the applicant as part of the further information request, which addresses some of the issues raised in the RSA, do not appear to have been taken into full account.
- 8.9.3. In relation to the matter of sightlines, it is important to first establish that there has been a material change in the posted speed limit on the local road which serves the proposed entrances to the solar farm since the Stage 1 RSA was carried out and the application determined by the PA. From the 7th of February 2025 the speed limit on many rural local roads was reduced from 80 kph to 60 kph, with this change brought into effect by the Road Traffic Act, 2024. This includes local roads L1004 and L5013 which serve the subject site. In accordance with TT DN-GEO-03060 the required visibility splays for an access onto this category of road is a desirable minimum of 90m in both directions. The applicant submitted revised plans as part of the further information request and included within the Updated Construction Traffic Management Plan (Appendix C received 20/12/24) which demonstrate 90m visibility

splays to standard in each direction at site entrance No.1. Accordingly, I am satisfied that visibility splays can be provided to standard at Site Entrance No.1 having regard to the change in the posted speed limit to 60 kph. At site entrance No.2 the applicant has detailed visibility splays of 120m and in excess of the required standards to the left (or north) on exit. To the right (or east) on exit, visibility splays of 70m are indicated, which are below the required standard (of 90m). TT DN-GEO-03031 (Rural Road Link Design) enables some flexibility to be applied to desirable minimum standards where a road may not become unsafe where these values are reduced. This is termed relaxation. Relaxations vary for different road types, and for this category of road a relaxation of two steps below the desirable minimum standard is permissible, with step 1 being a relaxation to 70m and step 2 being a relaxation to 50m. Accordingly the proposed visibility splay to the right on exit (east) at site entrance No.2 is within the first relaxation step. Relaxations are at the discretion of the designer and in this regard the applicant has proposed in their further information response that the one step relaxation to 70m is suitable on the basis that the 85th percentile speed on L5013 at site entrance No.2 was established as 38.7kph in the ATC surveys undertaken and the maximum speed surveyed was 48kph, which equates to a requirement of 70m. On this basis the designer deems the single relaxation on the visibility splay to the right (east) on exit from site entrance no.2 to be suitable. The applicant further submits that the most significant traffic movements will occur during construction, and these will be managed by temporary traffic management (TTM) measures set out in the CTMP including the scheduling of deliveries and the operation of banksmen to control access and egress from the site. At operational stage the development will only generate very limited traffic for maintenance purposes only which the applicant's further information response quantifies as between 10-15 LGV movements per year, and which the applicant considers negligible. On this basis the designer argues that a one-step relaxation in the visibility standard is fully justified.

- 8.9.4. Having inspected the subject site and reviewed the submitted drawings (including the further information response), I am satisfied that the access arrangement designs can achieve sight line visibility requirements in accordance with the TII guidelines, TII Geometric Design of Junctions (DN-GEO-03060) and the relaxations permissible within TII Rural Road Link Design (DN-GEO-03031). To achieve this a

small amount of hedgerow removal is required. I am of the view that the proposed development will not generate significant traffic volumes during the construction phase, with impacts controlled as part of the CTMP and OCCEMP. At operational stage there will be very limited operational access required for maintenance purposes only consisting of 10-15 LGV per year. I am in agreement with the applicant that this is negligible. Conditions will be attached which require the minimum sightlines, a Stage 2 RSA and final CTMP and CCEMP to be agreed prior to the commencement of development. Specifically, I am satisfied that a single step relaxation in the single visibility splay to the east at site entrance No.2 is acceptable on the basis of the 85th percentile speed on the local road at this location as evidenced by ATC survey, the light traffic levels evidenced by the ATC survey, the control of construction traffic by TTM measures and the very limited operational stage traffic.

- 8.9.5. In relation to the matter of passing bays, I note that the applicant undertook a topographical survey of the L1004 and L5013 to determine the width of the road and suitability for passing vehicles. This survey is detailed in the updated CTMP and shown in Figure 5.8 of Appendix A of Technical Appendix 5. The applicant submits that approx. 600m of this local road route is under 5m in width and cannot safely facilitate passing vehicles, with the majority along L5013. In response to this the applicant proposes 5 no. passing bays along the L5013 and these are detailed on Figure 5.9 of Appendix 5A of Technical Appendix 5. I note that the Transport Department was not satisfied with the spacing of these passing bays, considering that they only served site entrance no.1, nor that the applicant had consent for same. Having inspected the relevant particulars and inspected the subject site I am satisfied that the proposed passing bays are located on roadside verges and are therefore within the existing road/fence line. I am also satisfied that they are appropriately located at 'pinch points' on the local road and consisting of 3 no. locations on approach to site entrance no.1 and 2 no. on approach to site entrance no.2, are appropriately located to serve the traffic movements associated with both entrances. I would point out that the passing bays are not designed to technical standard and consist more of passing areas or road widening at bends and narrow locations. Nevertheless, I am satisfied that they will facilitate safe passing and are proportionate for the scale and nature of development proposed, when the control of

construction traffic by CTMP and the very limited operational traffic is considered. In this regard I would point out that the issue of 'safe passing movements' only arises in the context of HGV's at construction stage. This is a temporary and short-term period which will be controlled by TTM measures and in this regard the passing areas are sufficient. I do not consider that the more onerous requirement for formal passings bays to technical standards is necessary or proportionate given the likely landowner consent complications and additional biodiversity considerations, in addition to the negligible operational stage traffic. I am of the view that an issue of third-party consent does not arise, given the location of the passing areas within the roadline.

8.9.6. In relation to the concerns of the PA in relation to surface water drainage, I note that this arises from existing ponding at the road edge at the location of entrance No.2. I am satisfied that this does not constitute a reason for refusal on its own and can be satisfactorily addressed by the construction of the new entrance arrangements including arrangements for the collection and discharge of surface waters. This matter shall be addressed by condition.

8.9.7. In relation to the concerns of the PA regarding the volume of traffic associated with the proposed development, I am satisfied that the applicant has quantified same in the updated CTMP consisting of a total of 1288 HGV visits to the site and a peak of 20 deliveries per day (40 movements). In this regard the construction period is temporary and short term, consisting of 12 months and with the period in relation to peak traffic movements expected to be the first 3 months. Having regard to my assessment of sightlines, and passing bays as set out above, and to the TTM proposals for the management of HGV traffic including a delivery booking system and operation of banksmen, I am satisfied that no significant impacts will arise as a result of the volume of traffic associated with the proposed development at construction stage and that the traffic volumes (15 LGVs per year) at operational stage are negligible. In relation to cumulative impacts, I consider it unlikely that construction traffic from any of the other solar permitted solar farms in the area will use the local road network accessing the site. In any event those developments will also be controlled by respective TTM proposals and therefore significant adverse cumulative effects are unlikely to occur. Use of the wider regional and M4 network does not present any concerns.

8.9.8. Having regard to my conclusions in the preceding sections 8.9.1 to 8.9.7 (inc) I consider that the proposed development would be acceptable from a roads and traffic safety perspective and would not be contrary to policy TM P7, or the Development Management Standards set out in Section 15.7.5, of the KCDP.

8.10. Access to the Grid

8.10.1. As stated above at Section 8.1, the grid connection does not form a part of this application. It is not yet designed or determined and will be the subject of a future consent process. It does not therefore form a part of this assessment. KCDP. The applicant advises in the application particulars that the existing ESB 110 kV substations at Dunferth (.92km N/NE) and Timahoe (3.5km SW) are noted as grid connection options. It is considered that this is sufficient to meet the requirements of Section 7.6 of the KCDP in the circumstances of this case.

8.11. Operations and lifespan.

8.11.1. The application has sought permission for a 35-year operational period which I consider reasonable for a development of this scale, and which is usually necessary for funding reasons. The applicant has not sought a permanent permission and in this regard should the Board grant permission for the proposal a temporary permission is considered appropriate with requirement for a restoration plan. In conclusion a 35-year operational life is considered acceptable.

8.12. Community Engagement and Enforcement

8.12.1. I see no evidence on file of any prior community engagement in respect of the proposed development. This was raised as a concern by the third party observer to the appeal. Notwithstanding this the application has been advertised as required by planning legislation including the submission of significant further information and the observers have engaged with the process at all stages. I do not consider however that this is a material deficit which would warrant a refusal of permission. I note that this was specifically raised by the PA at further information stage and in response the applicant proposes to appoint a community liaison representative as a point of contact to update the local community during construction stage of the project. This was deemed acceptable by the PA. I recommend that community liaison arrangements during the construction phase are confirmed with the planning authority as a part of the final CEMP and CTMP.

8.12.2. Responsibility for enforcement was raised by the third-party observer to the appeal.

The enforcement of a planning permission and the terms and conditions to which it is subject is a matter for the planning authority. The Board does not have enforcement powers under the PDA.

8.13. Road Safety Audit

8.13.1. There are a number of matters raised in the road safety audit which require to be addressed in this assessment, and which are additional to the reasons for refusal set out by the PA, albeit the PA's roads and traffic safety reasons were not exclusive. In relation to the absence of Road Safety Authority collision records, a concern raised by the third-party observer, I do not consider this to be a significant deficit in the assessment of the proposed development. The submitted ATC survey data established that traffic levels are low/light, historic collision data was obtained and informed the assessment and the Audit Team concluded that there would be no significant increase in risks along the haul route during operational phase, with Temporary Traffic Management (TTM) measures required during construction. In relation to the concerns identified regarding the existing drainage and surface condition I am satisfied that this matter can be addressed by condition.

8.13.2. In relation to the concerns identified in relation to traffic volumes and cumulative impact, I note that the RSA did not have access to information on traffic volumes. This is considered in my report, and I am satisfied that volumes at operational stage are negligible and at construction stage can be controlled by TTM. I do recommend however that the TTM also consider the traffic associated with both schools and pre-schools in the area and recommend that this be included by condition. I also note the concerns that are identified with the haul route including substandard road design, limited forward visibility and stopping sight distances and narrow cross sections and that the RSA finds that these risks exist to all road users at present and will continue to do so regardless of whether the proposed development proceeds or not. In my view this is the responsibility of the Roads Authority, and as acknowledged in the RSA, should be reviewed in the context of network safety management procedures. This is not within the control of the applicant. In my opinion the negligible operational traffic does not present a concern in this regard, and at construction stage I am satisfied that the proposed TTM together with passings bays and operation of banksmen will provide adequate traffic safety controls during this temporary period.

- 8.13.3. In relation to the problems identified with the geometry of the access points and visibility at Site Access No.1 and 2, I note that the RSA was prepared without regard to the increased visibility splays provided by the applicant in the further information response and without regard to the reduced posted speed limit of 60kph. As set out above in my assessment, I am satisfied that the proposed visibility splays are acceptable, subject to the one step relaxation in the visibility splay to the east at site entrance No.2 and I note that the RSA raised this option of a relaxation below the desirable minimum value as a consideration. Otherwise, I am of the view that the concerns raised in relation to the HGV swept path analysis (and turning movements on the wrong side of the carriageway) and the restricted forward SSD arise only in the context of the construction phase and will be satisfactorily controlled and mitigated by the TTM including use of banksmen.
- 8.13.4. The problem in relation to the substation access and absence of grid connection details is outside the scope of this application. As detailed in my assessment, the grid connection route is not yet determined or designed and will be dealt with by a future consent process at which stage any traffic safety related matters will be addressed. I am of the view that the issues raised with the internal tracks and compounds are not a public safety matter and can be resolved within the generous extents of the site and controlled by the Stage 2 RSA process.
- 8.13.5. The RSA raises concerns with visibility issues at public road junctions on the haul route, lighting, signing and lining generally on the public roads. It is my view that this is an existing situation and is not the responsibility of the applicant but the Roads Authority which should be addressed as part of routine asset management of the local road network. In relation to VRU's, a concern raised by the third-party observer to the appeal, it is considered that demands on the local road network are likely to be limited, with potential for safety risks primarily at construction. In this regard the applicant shall be required to have regard to same in the TTM to be agreed as part of the final CEMP.
- 8.13.6. Overall, I am satisfied that the problems raised in the RSA have an acceptable design response, and that all matters including passing bays, geometry of entrances, provision of visibility splays and drainage arrangements can be resolved by Condition and ensured within the RSA Stage 2 process. In this regard recommended Conditions No. 13, 14, 15 and 16 refer.

8.13.7. Having regard to the aforesaid assessment against the criteria set out in Section 7.6 of the KCDP for the consideration of solar energy developments, I am satisfied that the proposed development is compliant with same, would not be contrary to the said section of the KCDP and is in accordance with the proper planning and sustainable development of the area.

8.14. Conditions

Whilst the decision of the PA in this case was to refuse planning permission, it is noted that both the internal and statutory reports included recommended conditions in the event that planning permission was granted. These conditions are set out in Table E below, together with information on their inclusion or exclusion in the recommended schedule of conditions to this report.

In this table I also address whether the mitigation proposed by the applicant is considered sufficient or if additional measures are required by condition.

Table E: Consideration of Conditions	
Report: DHLGH Development Applications Unit	
Recommended Conditions	Included/Excluded in Schedule of Conditions
Pe-development archaeological test excavation and updated AIA	<i>Environmental Condition</i> All Included. Condition No. 3.b, 16.n & 17 refers. <i>The requirements of the DAU recommended conditions exceed the archaeological mitigation proposed by the applicant. This arises from DAU concerns with the level of assessment carried out in the AAHIA to date. It is therefore recommended that the condition of the DAU is attached in the event that permission is granted.</i>
Avoidance, preservation in situ, preservation by record and/or monitoring.	
Final Archaeological Report.	
Updated CEMP to include all archaeological constraints and associated mitigation measures.	
Updated decommissioning statement to include archaeological constraints and mitigation measures.	
Report: Uisce Éireann	
Recommended Conditions	Included/Excluded in Schedule of Conditions
Pre-connection agreement in respect of public water connection.	Excluded. A connection to public water is not proposed at the subject site. The applicant proposes to use tankered water to supply the welfare facilities.
No over build of public infrastructure.	Excluded. No such risks were identified. It is considered that Condition No.13 is sufficient.
No impact of public drinking water sources and/or abstraction sources/infrastructure.	Excluded.

	No such risks were identified. It is considered that Condition No.13 is sufficient.
Compliance with UE codes of practice.	Excluded. Connection to UE services is not proposed.
Report: KCC Environment Section	
Recommended Conditions	Included/Excluded in Schedule of Conditions
Preparation of a Construction and Demolition Resource Waste Management Plan (RWMP)	Excluded. Waste arising in the circumstances of the proposed development is limited. It is considered that the arrangements for the management of waste as set out in the OCEMP are acceptable. This is otherwise sufficiently captured by Condition 16.j.
Control of noise at construction stage.	Excluded as proposed. This is captured by model condition No.12.
Control of noise at operational stage	Included. Operational level noise shall be controlled in accordance with model condition No. 11.
Control of noise and dust by best practicable means.	Included. This is captured by Condition No.11, 12 and 16.g & h.
Discharge of surface water from car parks through petrol/oil interceptor.	Excluded. The car parks are not hardstanding areas, but temporary with permeable surfaces. Direct discharge to water features is not proposed. It is otherwise sufficiently captured by Condition No.16.i k & l.
Pre-commencement Construction Phase Surface Water Management Plan	Excluded as proposed. The application included sufficient details in the FRA and DIA. This is otherwise sufficiently captured by Condition No.13.
Discharge of silt laden waters under Section 4 of the LG (Water Pollution) Act, 1977	Excluded. It is not proposed to discharge silt laden waters or soiled waters direct to water features.
Comprehensive decommissioning plan.	Included. A final decommissioning statement including a restoration plan is required by Condition No.3
Report: Maynooth Municipal District (Roads)	
Recommended Conditions	Included/Excluded in Schedule of Conditions
The development shall not impair surface water drainage from the public road.	Included. Condition No. 13 & 14 refers.
All surface water shall be disposed of on-site.	Included. Condition No.13 refers.
Applicant shall be responsible for the proper design, construction and maintenance of surface water arrangements.	Excluded. Considered unnecessary. Sufficient detail has been provided in this regard by the applicant in the FRA, DIA and

	OCEMP. This is otherwise sufficiently captured by Condition No.13.
Haul routes shall be as per CEMP submitted.	Excluded. Specific condition unnecessary.
Pre-condition surveys of R402, L004 and L5013.	Included. It is agreed that the pre-and post-construction surveys should include the full extent of the regional and local roads as also recommended by the RSA. This is captured by Condition No.14
No spoil or dirt on public road.	Included. This is captured by Condition No.14 & 16. g.
Visibility splays shall be maintained.	Included. Condition No. 15 refers.
Applicant responsible for relocating services/utilities.	Included. Condition No. 14 refers.
Report: KCC Parks Section	
Recommended Conditions	Included/Excluded in the Schedule of Conditions
Retention of a qualified landscape architect and implementation of a comprehensive landscape design rationale and landscape proposal, with a scaled masterplan and hard and soft landscaping.	Excluded. It is considered that this condition is of a standard nature suited to alternative development types. The reference to 'front and rear gardens' is noted. It is considered that it is disproportionate and unduly onerous relative to the nature of the development proposed. I am satisfied that the LEMP and BMP proposed by the applicant are sufficient in this regard.
Retention of an Arborist, preparation of an Arboricultural Assessment report, tree survey plan, tree survey schedule, Arboricultural Impact Assessment, Tree constraints plan, tree protection plan, method statement, etc.	Excluded. It is considered that this condition is disproportionate and unduly onerous relative to the nature of the development proposed. There are no protected tree features within this site, and it is not a sylvan environment but rather agricultural grassland and tilled land. Minor hedgerow removal and 1 no. tree is proposed, and the physical footprint of the development otherwise impacts 3.14% of the site area. This condition is not considered reasonable, and I am satisfied that the LEMP and BMP proposed by the applicant are sufficient in this regard.
Retention of an Ecologist to supervise construction works. Measures to avoid wildlife getting trapped and allow travel across the site.	Excluded. I am satisfied that there is an absence of significant biodiversity and ecological constraints at the subject necessitating supervision by an Ecologist. I am satisfied that supervision by a dedicated site manager as proposed by the applicant is satisfactory given the standard and practical nature of the measures proposed. The applicant proposes mitigation measures to avoid the trapping of wildlife and to prevent disturbance or barriers to connectivity and these are considered acceptable.
Report: KCC EHO	
Recommended Conditions	Included/Excluded in the Schedule of Conditions

Implementation of a CEMP to control construction and demolition impacts	Included. A final CEMP shall be required to be agreed by Condition. (Condition 16 refers.)
Restriction on Construction hours	Included. Condition No.9 refers.
Air quality measures to prevent dust and pollution	Excluded. The best practice construction measures set out in the OCEMP are satisfactory. This is otherwise captured by Condition No.16 requiring a final CEMP to be agreed.
Report: KCC Water Services	
Recommended Conditions	Included/Excluded in the Schedule of Conditions
Discharge of surface water to surface water system and foul/soiled water to the foul system.	Excluded. There is no mains storm system at this location. There is no mains foul system at this location and no wastewater discharge is proposed.
Standard Roadside drainage	Included. Condition No.13 refers.
Surface water drainage shall be designed and constructed in compliance with SuDS	Excluded. The surface water drainage system proposed, as detailed in the FRA and DIA is based on SuDS principles and considered to be satisfactory. This is otherwise sufficiently captured by Condition No. 13.
Surface water shall not cause a flood risk	Excluded. The FRA and DIA has satisfactorily demonstrated that the proposed development will increase a flood risk away from the site and that the drainage management arrangements provide for adequate storage and attenuation.

8.15. Haul Route (Pre- and post-construction survey)

8.15.1. Having regard to the fact that there is little to no variance in the width and condition of the local road network serving the site (L1004 & L5013) I see no basis on which to limit the pre-and post-construction survey of the haul route to any lesser section thereof. I am of the view that the need for a survey applies equally to the full extent of the haul route on the local road network. I am also of the view that the survey should be extended to include the R402 given that it is a relatively short distance and includes an urban environment with a number of traffic calming and active travel measures together with street furniture and other such road apparatus which is subject to a potential risk of damage or degradation as a result of the movement of HGV vehicles associated with the construction phase. Accordingly, I am in agreement with the Transport Department and the RSA that the survey should include the full extent of the local and regional road haul route and that this be addressed by condition in the event that permission is granted. The Board should

note that the applicant has confirmed a willingness to accept such a requirement by condition.

8.16. Road Safety Audit (Stage 2)

8.16.1. In the event that the Board is minded to grant planning permission, it is also necessary to require that a Stage 2 Road Safety Audit is carried out and submitted for the written agreement of the Planning Authority so as to ensure that the solutions to the problems identified at Stage 1 and as accepted by the Design Team, are resolved at the detailed design stage. A condition is attached to this effect.

8.17. Otherwise, I am satisfied that the advisory matters raised by Uisce Éireann in their statutory report have been addressed in the planning and environmental sections of this report.

9.0 EIA Screening

9.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

10.0 AA Screening

10.1. Screening Determination

Finding of likely significant effects

10.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the River Boyne and River Blackwater SAC (002299) European Site in view of the sites conservation objectives and a qualifying interest feature (Otter) of the site. It is therefore determined that Appropriate

Assessment (Stage 2) [under Section 177V of the Planning and Development Act, 2000, as amended] of the proposed development is required.

10.3. Appropriate Assessment Conclusion: Integrity Test

10.4. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC (002299) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

10.5. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the River Boyne and River Blackwater SAC (002299) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

10.6. My conclusion is based on the following:

- Detailed assessment of construction, operational and decommissioning impacts.
- The respective site-specific conservation objectives, targets and attributes, QI's and SCI's of the respective European Site as detailed and assessed in my Stage 2 AA as appended to this report (Appendix 4).
- The proposed development will not affect the attainment of conservation objectives for the River Boyne and River Blackwater SAC (002299) or prevent the maintenance of favourable conservation condition for Otter.
- Effectiveness of mitigation measures proposed including aquatic buffer zones, mammal gates, biosecurity measures, escape from excavations, pre-commencement surveys, pollution prevention measures, noise and vibration measures, dust control measures, a drainage management plan inc. monitoring and emergency spill response, clean water diversion and silt control which are primarily captured in the OCEMP and will be under the supervision of a dedicated site manager.

11.0 Screening the need for Water Framework Directive (WFD) Assessment

11.1. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment. (Appendix 5 refers).

12.0 Recommendation

12.1. I recommend that permission for the development be granted subject to conditions.

13.0 Reasons and Considerations

13.1. The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and the relevant sectoral adaptation plans in particular the Electricity and Gas Sectoral Plan 2019 and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State), and otherwise had regard to:

- (a) the National Biodiversity Action Plan 2023-2030
- (b) National policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases,
- (c) the policies set out in the Regional Spatial and Economic Strategy of the Eastern and Midlands Regional Assembly,
- (d) the policies of the planning authority contained within the Kildare County Development Plan, 2023-2029,

- (e) the character of the landscape in the area of the site and in the wider area of the site,
- (f) the pattern of the existing and permitted development in the area,
- (g) The distance between the solar farm and surrounding dwellings and other sensitive receptors from the proposed development,
- (h) The Natura Impact Statement submitted,
- (i) The submissions and observations made in connection with the planning application,
- (j) The report of the Inspector.

Appropriate Assessment - Stage 1

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following European site in respect of which the proposed development has the potential to have a significant effect is River Boyne and River Blackwater SAC (002299).

Appropriate Assessment – Stage 2

The Board 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 Board completed an appropriate assessment of the implications of the proposed development for the European site for which potential to have a significant effect had been identified, in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board 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 Sites.

In completing the Appropriate Assessment, the Board 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 site's Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the sites' Conservation Objectives.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Climate Action and Low Carbon Development Act 2015 (as amended), CAP24 and CAP25, National Biodiversity Action Plan 2023-2020, the National Planning Framework (First Revision), the Regional Spatial and Economic Strategy of the Eastern and Midlands Region 2019-2031 and the provisions of the Kildare County Development Plan, 2023-2029. It would:

- make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future,
- not seriously injure the residential amenities of the area,
- not adversely affect population & human health, natural heritage, biodiversity or built heritage,
- not have an unduly adverse impact on the landscape, and
- would be acceptable in terms of traffic safety and convenience.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

14.0 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 information and revised plans received by the planning authority on 20th day of December 2024, 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 ten years from the date of this Order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered 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 35 years from the date of the commissioning of the solar array. 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 in accordance with Condition No.17(e) of this Order.

(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 Planning Statement, Construction and Environmental Management Plan, Glint and Glare Assessment, Construction and Traffic Management Plan, Ecological Appraisal, Biodiversity Management Plan, Landscape and Environmental Management Plan and Flood Risk and Drainage Impact Assessment shall be implemented 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. Where such measures 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.

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

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 pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the

site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.

Reason: In the interest of wildlife protection.

8. Before construction commences on site, details of the structure of the security fence showing provision for the movement of mammals at regular intervals shall be submitted for prior approval to the planning authority.

Reason: To allow wildlife to continue to have access across the site and in the interest of biodiversity protection.

9. Site development and building works shall be carried out only between the hours of 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 will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

(c) Cables within the site shall be located underground.

(d) The transformers/ inverters shall be dark green in colour.

Reason: In the interest of the long-term viability of this agricultural land and in order to minimise impacts on drainage patterns, clarity, visual and residential amenity.

11. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit

shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

12. (a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be agreed in writing with the planning authority prior to the commencement of development. This plan should be subject to periodic review and shall specify the construction practice, including measures for the suppression and mitigation of on-site noise and vibration.

(b) The plan shall be developed having regard to, and all construction activity shall be undertaken in accordance with, best practise guidelines, including BS 5228-1:2009+A1:2014, parts 1 & 2.

(c) The mitigation measures described in the Noise Impact Assessment Report and the Construction Traffic Management Plan shall be implemented in full.

Reason: In order to protect the amenities of the area.

13. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall agree such details in writing with the planning authority prior to the commencement of development.

Reason: In the interests of environmental protection.

14. All road surfaces, culverts, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to the commencement of development, a road condition survey shall be taken along the full extent of the R402, L1004 and L5013 haul route to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

15. (a) A Stage 2 Road Safety Audit (RSA) in accordance with TII requirements, which shall include all site entrances and passing bays, shall be submitted to the planning authority for written agreement.
- (b) The final details of the operational access arrangements shall be submitted to and agreed with the planning authority prior to the commencement of development. Any gates shall open inwards only.

Reason: In the interests of traffic safety.

16. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), 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 HGV traffic and associated loads to the site and to avoid conflict with schools and pre-schools;
- f) measures to facilitate demands for VRU's and 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) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains or watercourses,
- l) details of on-site re-fuelling arrangements, including use of drip trays;
- m) details of how it is proposed to manage excavated soil; and
- n) details of compliance with Condition No.17(d) of this order
- o) 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 NIS. A record of daily checks that the works are being undertaken shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection, amenities, public health and safety.

17. (a) The developer shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological test excavation in all areas of proposed ground disturbance and submit an updated Archaeological Impact Assessment (AIA) report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage, and in advance of any site enabling/preparation works or ground works including site investigation works, topsoil stripping, site clearance works or construction works. The AIA report shall include an archaeological impact statement and mitigation strategy.
- (b) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements

specified by the planning authority, following consultation with the Department, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the Archaeologists report has been submitted to, and approval to proceed has been agreed in writing with, the planning authority.

(c) The planning authority and the Department shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work.

(d) The Construction and Environmental Management Plan (CEMP) shall be updated to include the location of all archaeological constraints relevant to the proposed development (as set out in the AAHIA and geophysical survey reports and as may become relevant subsequent to the archaeological test excavation). The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological environment during all phases of site preparation and related construction activity.

(e) The Decommissioning Statement shall be updated to include the location of all archaeological constraints relevant to the proposed development (as set out in the AAHIA report and as may become relevant subsequent to the archaeological test excavation). The Decommissioning Statement shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological environment during all phases of site decommissioning and related activity.

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

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning

authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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 Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

20. 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 Bord 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Paul Kelly
Senior Planning Inspector

06th June 2025

Appendix 1 (Form 1) - EIA Pre-Screening

Case Reference	ABP-321991-25
Proposed Development Summary	<p>Planning permission is sought for a period of 10 years to construct and complete a solar PV energy development with a total site area of 80.9ha consisting of:</p> <ul style="list-style-type: none"> • The construction of PV panels mounted on metal frames, • transformer stations, GRP units, • internal access tracks, • perimeter fencing with CCTV cameras and access gates, • Electrical cabling and ducting, • Temporary construction compounds, • Widening of existing entrance, landscaping and all ancillary infrastructure and associated works.
Development Address	Townlands of Mulgeeth and Mucklon, Enfield, Co. Kildare
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	<p>The development of a solar farm is not a specified class of development in Part 1 or Part 2 of Schedule 5 of the Regulations. In particular I note the 2020 High Court Judgement in Sweetman -v- An Bord Pleanala and others [2019 No. 33 J.R.] which confirms this position. In the interests of completeness, the assessment of the proposed solar farm development in relation to the following classes of Part 2 of Schedule 5 of the Regulations is as follows:</p> <ul style="list-style-type: none"> ▪ Schedule 5, Part 2, Class 1 (a) Rural Restructuring. This includes: <i>“Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment)(Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-countering is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares”.</i> <p>The proposed solar farm development will involve some minor hedgerow removal to facilitate cable laying and</p>

	<p>access but significantly below the 4km threshold. This will not involve the amalgamation, enlargement or restructuring of existing fields. Re-contouring is not proposed as a part of the development. It is considered that the development does come within the scope of this class on the basis that it involves the removal of field boundary hedgerow but that it is subthreshold. Accordingly, an EIA preliminary Examination is required.</p> <ul style="list-style-type: none"> ▪ Schedule 5, Part 2, Class 10 (dd) All private roads. It is not considered that the private internal access tracks proposed as a part of the development constitute a private road. In this regard I would note that the Board has previously determined that these are tracks and not roads in respect of solar farm developments and do not fall under this Class. (ABP-301028-18, 302681-18 and PL 17.248146 refer).
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2 (Form 2) - EIA Preliminary Examination

Case Reference	ABP-321991-25
Proposed Development Summary	<p>Planning permission is sought for a period of 10 years to construct and complete a solar PV energy development with a total site area of 80.9ha consisting of:</p> <ul style="list-style-type: none"> • The construction of PV panels mounted on metal frames, • transformer stations, GRP units, • internal access tracks, • perimeter fencing with CCTV cameras and access gates, • Electrical cabling and ducting, • Temporary construction compounds, • Widening of existing entrance, landscaping and all ancillary infrastructure and associated works.
Development Address	Townlands of Mulgeeth and Mucklon, Enfield, Co. Kildare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The element of the project which consists of the removal of hedgerow is limited to that required for the provision of visibility splays, access between fields and cabling. It will not result in the enlargement or amalgamation of fields nor the restructuring of lands.</p> <p>The hedgerow removal required for the achievement of visibility splays is 37.4m and 58.3m and the hedgerow removal required for the other elements of the project is quantified as 494m² which is a very minor area of the subject site which has an overall area of 80.9ha.</p> <p>The substantive pattern of hedgerow at the site will be retained and the field pattern will be maintained. Hedgerow which will be lost, will be replanted at a set back position and/or augmented by additional planting set out in the BMP which will result in enhanced hedgerow provision versus the status quo.</p>
Location of development	Briefly comment on the location of the development, having regard to the criteria listed

<p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The location of the development is not considered to be environmentally sensitive. It consists of agricultural grassland, tilled land, mature hedgerows and treelines which are abundant in the wider environment. It is not located within or in proximity to any National or European designated sites and the Appropriate Assessment Determination (Appendix 4) to this report has determined that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of a European Site (River Boyne and River Blackwater SAC (002299)) in view of its Conservation Objectives. It is located in a rural area, which is not densely populated and where agriculture type activities are the main land use(s). The location of the site is not visually sensitive and is not subject to any visual amenity or scenic designations. There are no archaeological sites within the application site, however the area is deemed to be of archaeological potential, and I am satisfied that this matter can be satisfactorily addressed by an appropriate pre-commencement condition.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the minor characteristics of the proposed development and to the general absence of constraints and/or sensitivity indicators at the location of the site, it is considered that the limited removal of hedgerow associated with the project has no potential for effects including significant effects.</p>
<p style="text-align: center;">Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

Appendix 3: AA Screening Determination Template

Test for likely significant effects (ABP 321991-25)

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case File: ABP 321991-25	
Brief description of project	<p>Normal Planning Appeal</p> <p>10-year permission for the construction of a solar farm and all ancillary infrastructure and associated works.</p> <p>See Section 3.0 of Inspectors Report.</p>
Brief description of development site characteristics and potential impact mechanisms	
Screening report	Yes. Prepared by Neo Environmental Ltd
Natura Impact Statement	Yes. Prepared by Neo Environmental Ltd.
Relevant submissions	<p>A single observation to the appeal has been received which raises issues in relation to the consideration of cumulative impacts with other significant developments in the area, including renewable energy development (solar & wind).</p> <p>A submission was not received from the DHLGH in respect of nature conservation.</p>
Additional information:	
N/A.	
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>It is noted that the applicant's stage 1 AA Screening report included consideration of the Ballynafagh Lake SAC (001387), Ballynafagh Bog SAC (000391), River Boyne and River Blackwater SAC (002299), the Long Derries, Edenderry SAC (000925) and the River Boyne and River Blackater SPA (004232). These sites were identified using NWPS databases and EPA interactive maps and based on a potential 'Zone of Influence' for the project following a 'Source-Pathway-Receptor' model. These sites range from 8km to 12km from the subject site and there are no other designated European sites in closer proximity to the subject site.</p> <p>It is considered that this is a particularly conservative approach, based on an abundance of caution, but in the interests of completeness of reporting I have also carried these sites forward for Stage 1 AA Screening.</p>	

European Site (code)	Qualifying interests	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Ballynafagh Lake SAC (001387)	<ul style="list-style-type: none"> Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) [1016] Marsh Fritillary (<i>Euphydryas aurinia</i>) [1065] Alkaline fens [7230] <p>https://www.npws.ie/protected-sites/sac/001387 NPWS December 2021</p>	8km to the southeast.	None.	No.
Ballynafagh Bog SAC (000391)	<ul style="list-style-type: none"> Active raised bogs* [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] <p>* Priority habitat under the Habitats Directive.</p> <p>https://www.npws.ie/protected-sites/sac/000391 NPWS November 2015.</p>	9km to the southeast.	None.	No.
River Boyne and River Blackwater SAC (002299)	<ul style="list-style-type: none"> River Lamprey (<i>Lampetra fluviatilis</i>) [1099] Salmon (<i>Salmo salar</i>) [1106] Otter (<i>Lutra lutra</i>) [1355] Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]* <p>* Priority habitat under the Habitats Directive.</p> <p>https://www.npws.ie/protected-sites/sac/002299 NPWS December 2021</p>	11km to the northwest.	<p>No direct connections.</p> <p>Weak ecological connection as the site is within the potential wider foraging range of otter.</p>	Yes.
The Long Derries, Edenderry SAC (000925)	<ul style="list-style-type: none"> Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) [6210] 	12km to the southwest.	None.	No.

	<p>* Priority habitat under the Habitats Directive.</p> <p>https://www.npws.ie/protected-sites/sac/000925</p> <p>NPWS November 2021</p>			
River Boyne and River Blackwater SPA (004232)	<p>■ Kingfisher (<i>Alcedo atthis</i>) [A229]</p> <p>https://www.npws.ie/protected-sites/spa/004232</p> <p>NPWS July 2024</p>	11km to the northwest.	<p>No direct connections.</p> <p>Weak ornithological connection as the site contains favourable habitat for foraging Kingfisher in the form of drainage ditches.</p>	Yes.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The Solar Farm site is not located in close proximity to a designated European Site, with those in closest proximity to the site ranging from 8km to 12km as identified in Step 2 above. The applicant's Stage 1 AA Screening report establishes that there is no direct hydrological connectivity between the subject site and these sites due to a lack of connectivity between the drainage ditches within the site to local streams. EPA mapping and an inspection of the site supports this position, with no mapped water features within, adjoining or adjacent to the subject site. The applicant's Stage 1 AA Screening Report therefore concludes that there is no potential for impacts on the QI habitats of the Ballynafagh Bog SAC, Ballynafagh Lake SAC and The Long Derries, Edenderry SAC as there is no pathway for connectivity.

Otter (*Lutra lutra*) is an SSCI of the River Boyne and River Blackwater SAC and the species is highly mobile. The applicants Stage 1 AA Screening report establishes that the site is within the wider foraging range of otter and that notwithstanding the absence of hydrological connectivity the species has potential to commute to the site via the Royal Canal, other tributaries of the river Blackwater and land.

Kingfisher (*Alcedo atthis*) is an SSCI of the River Boyne and River Blackwater SPA. The applicants Stage 1 AA Screening Report establishes that the site contains favourable habitat for foraging Kingfisher in the form of drainage ditches and that therefore there is potential for ornithological connectivity between the SPA and the application site.

Potential impacts generated by construction, operation and decommissioning of the Solar Farm include habitat loss through contamination/pollution of surface and/or ground waters and disturbance of connected mobile species.

Sources of impact and likely significant effects are detailed in the Table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects

<p>River Boyne and River Blackwater SAC (002299)</p> <p>River Lamprey (<i>Lampetra Fluviatilis</i>) [1099], Salmon (<i>Salmo salar</i>) [1106], Otter (<i>Lutra lutra</i>) [1355], Alkaline fens [7230], Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]*</p> <p>* Priority habitat under the Habitats Directive.</p>	<p>Direct:</p> <p>There will be no direct impacts on the two QI habitats of this site. 'Alluvial Forests' are located over 30km from the application site and 'Alkaline Fen' are over 10km from the application site. Therefore, there will be no direct loss of these habitats as a result of the development.</p> <p>There will be no direct loss of aquatic habitats as a result of the proposed development and therefore there is no potential for direct impacts on the SSCI River Lamprey or Salmon as a result of the development.</p> <p>Otter are highly mobile with large territories between 2km and 40km and can travel on land while foraging. Direct loss of Otter habitat will be minimal and will not result in habitat fragmentation. There is potential for direct construction phase impacts with exposed excavations accidentally trapping commuting otters, enclosed fencing preventing free movement across the site. Pollution/Contamination of drainage ditches could also directly affect Otter by undermining water quality and the conservation objectives for the species or resulting in habitat degradation.</p> <p>Indirect:</p> <p>There will be no indirect impacts on the QI habitats of this site as a result of pollution or contamination given the absence of a pathway for contamination or from disturbance given the significant separation distance(s).</p> <p>There will be no indirect impacts on the SSCI River Lamprey and Salmon species of this site as there is not pathway or hydrological connection for pollution/contamination impacts.</p> <p>There is potential for indirect construction phase impacts on Otter via pollution/contamination of drainage ditches and disturbance.</p>	<p>There is potential for direct and indirect effects on Otter via habitat loss/fragmentation, disturbance and pollution resulting in a deterioration in water quality and/or habitat degradation.</p>
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	Likelihood of significant effects from proposed development (alone): Yes.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/a	
	Impacts	Effects
River Boyne and River Blackwater SPA (004232) Kingfisher (<i>Alcedo atthis</i>) [A229]	Direct: None. Indirect: None. The applicants AA Screening Report identified a possible ornithological connection with the SSCI Kingfisher. However, the site is significantly outside the foraging range for this species ¹ and there is otherwise no direct or indirect connections or pathways for effects having regard to the source-pathway-receptor model. I am satisfied that this site can be screened out and that there is no ecological justification for further consideration of this site.	None.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the screening report, site visit, review of conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the River Boyne and River Blackwater SAC (002299).		
I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC, specifically having regard to the stated attributes and targets, when considered on their own in relation to pollution related pressures, habitat loss or degradation and disturbance on Otter.		
An appropriate assessment is required on the basis of the possible effects of the project alone.		

¹ Typically 1km but can extend 3-5km – RSPB (2019) Kingfisher: Breeding, feeding and territory.

Screening Determination**Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the objective information provided by the applicant and considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the River Boyne and River Blackwater SAC (002299) European Site in view of the sites conservation objectives and a qualifying interest feature (Otter) of the site.

It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act, 2000, as amended] of the proposed development is required.

Inspector: _____ **Date:** _____

Appendix 4: Appropriate Assessment (AA) and AA Determination

ABP 321991-25

Appropriate Assessment (ABP 321991-25)

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed solar farm development in view of the relevant conservation objectives of the River Boyne and River Blackwater SAC (002299) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by NEO Environmental Ltd
- The Ecological Appraisal (& Appendices) prepared by NEO Environmental Ltd
- The Planning Statement and Environmental Impact Assessment Screening Report prepared by NEO Environmental Ltd.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

Department of Housing, Heritage and Local Government

- No observations made on nature conservation.

Public Observations

- Issues raised in the course of the appeal by third parties concern consideration of cumulative impacts particularly with regards to the already operational Hortland Solar Farm, Timahoe North Solar Farm and Drehid Landfill/gas-to-energy facility together with a proposed application for 11 industrial wind turbines in the area.

Decision of Planning Authority

- The decision of the Planning Authority did not include any environmental, ecological or

Nature conservation concerns. In its assessment the PA noted that the applicants NIS was reviewed by the Environment Department who did not raise any concerns. The PA noted and accepted the conclusion of the submitted NIS that there would be no significant effects on any Natura 2000 designated sites. The PA otherwise did not consider the proposed development to come within a Class of development for the purposes of EIA.

River Boyne and River Blackwater SAC (002299)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Habitat Loss and/or degradation (Otter)**
- (ii) Water quality degradation (Otter)**
- (iii) Disturbance of mobile species (Otter)**

See Section 1.64 to 1.86 (inc) of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
<p>Otter (<i>Lutra lutra</i>) [1355]</p>	<p>To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in River Boyne and River Blackwater SAC.</p> <p><i>No significant decline in distribution, no significant decline in extent of terrestrial habitat, freshwater habitat (river or lake), couching sites and holts or fish biomass available, and no significant increase in barriers to connectivity.</i></p>	<p>Habitat loss/degradation, water quality degradation (pollution/contamination), disturbance.</p>	<p>Standard Design and Best Practice Measures include: limited ground disturbance, SuDS, silt traps, control of cement/concrete wash waters, control of hydrocarbons and refuelling processes and off-site disposal of effluent.</p> <p>Mitigation measures include: aquatic buffer zones, mammal gates, biosecurity measures, escape from excavations, pre-commencement surveys, pollution prevention measures, noise and vibration measures, dust control measures, a drainage management plan inc. monitoring and emergency</p>

			spill response, clean water diversion and silt control.	
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note those relating to no significant decline in distribution, terrestrial habitat, couching sites or holts, fish biomass available and no significant increase in barriers to connectivity (Otter (<i>Lutra Lutra</i>))</p> <p>No other QIs were excluded other than those screened out at Step 3 of Stage 1 AA Screening (Appendix 3 refers).</p>				
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Habitat Loss/Degradation</p> <p>No Otter activity was observed within or directly adjacent to the application site during survey work and no holts, resting places or other field signs were identified. However, records were identified in the desk study and Otter are a highly mobile species with large territories between 2km and 40km when foraging for food, including land travel. The subject site includes habitat which could be utilised by commuting Otter (drainage ditches and grassland) and therefore the proposed development could result in habitat loss or fragmentation. This has the potential to undermine the respective SSCO attribute and target in relation to distribution and terrestrial habitat.</p> <p>Mitigation Measures and Conditions</p> <p>It is considered that given the sub-optimal condition of drainage ditches and the absence of other optimal habitats within the site that it is highly unlikely that otter use the lands for foraging. The solar farm has a relatively minor footprint with panels mounted on piles and designed to prevent biodiversity loss, with the implementation of a Biodiversity Management Plan ensuring no loss of habitat. Therefore, it is considered that the proposed development will not result in the loss or fragmentation of habitat which supports this species. There will be no impact on habitat within the designated European Site itself.</p> <p>Given the absence of signs of Otter in the site surveys carried out and the significant distance of the application site from the associated European Site, which is far in excess of the commuting and foraging distances and the terrestrial buffers identified for Otter and habitats in the respective SSCO, I am satisfied that the attributes required to maintain the favourable status of Otter will not be adversely affected.</p> <p>(ii) Water quality degradation</p> <p>It is considered that activities during the construction phase of the development could have a significant impact on Otter populations via pollution from contaminated waters potentially entering the aquatic system resulting in the degradation of drainage ditches which may support commuting Otter. This has the potential to undermine the respective SSCO attribute and target in relation to the decline of couching sites and holts, fish biomass available and/or distribution.</p>				

Mitigation measures and conditions

The measures embedded in the design of the project and in the proposed mitigation measures are focused on the control of potential contamination and pollution and the protection of the local environment, terrestrial and aquatic habitats. Measures Include:

- An Outline Construction Environmental Management Plan (OCEMP) which includes measures for the control of silt and bentonite, silt traps at drainage ditches and 2m buffer zones from field drains and 5m buffer from hedgerows.
- Storage of plant and equipment within dedicated hard standings in the construction compound with use of drip trays,
- Regular inspection of plant and equipment, use of biodegradable hydraulic oil and use of spill kits,
- Storage of diesel fuel in a bunded diesel bowser, refuelling in designated handstand areas,
- Safe storage of chemicals with COSHH Datasheet
- Disposal of effluent (from welfare facilities) via licensed contractor,
- Toolbox talks for staff,
- Wheelwash facilities, without cleaning additives, draining to site compound temporary drainage,
- Loads and stockpiles will be covered as required or if left for extended periods,
- Implementation of a Drainage Management Plan, including an Emergency Spill or pollution response and a SuDS (as detailed in Fig. 4.4, Appendix 4A of Technical Appendix 4) and including:
 - Direction of hardstanding runoff to a swale on the lowest boundary of construction compounds,
 - Multiple soakaway channels/infiltration drains on downward slopes near to drainage ditches/watercourses within the site. These will have an overall combined length of 1,608m, implemented during the first construction phase and planted with vegetation to protect against soil erosion and will be maintained throughout the life of the project,
 - Retention of grass cover and/or reinstatement to maximise bio-retention,
 - Tracks will be unpaved with temporary swales used to collect runoff which will be discharged to ground via percolation areas where required with frequent checks of dams formed from gravels,
 - Up-gradient cut-off ditches and water diversion measures to intercept and divert clean waters with silt traps, gravel, sandbags, anchored straw bales or silt fencing at discharge points as required to prevent erosion at the outlet and aid dispersion,
 - Removal of artificial materials (silt fencing, straw bales, sandbags etc) on completion of works.
- Environmental monitoring by Site Manager in accordance with the Environmental Monitoring Program (summarised in Table 1-3 of the NIS).

Given the absence of signs of Otter in the site surveys carried out and the significant distance of the application site from the associated European Site, which is far in excess of the commuting and foraging distances identified for Otter in the respective SSCO, I consider the risks of adverse effects to be extremely low and based on an abundance of caution. I am satisfied that the preventative measures which are aimed at interrupting any potential pathway for contamination or pollution are targeted at the protection of habitats within the site which might support Otter and that

by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented and that the attributes required to maintain the favourable status of Otter will not be adversely affected.

Mitigation Measures related to water quality are captured in condition No's 4, 5 and 16 of the Inspectors Report.

(iii) Disturbance of mobile species

It is also considered that activities during the construction phase of the development could have a significant impact on Otter populations by causing disturbance via commuting otters accidentally trapped in exposed excavations and enclosed fencing preventing free movement across the site. This has potential to undermine the respective SSCO attribute and target in relation to barriers to connectivity and/or distribution.

Mitigation measures and conditions

Excavations will either not be left exposed and will be securely covered or a suitable means of escape will be provided at the end of each day, such as a ramp, to prevent accidental trapping of Otter and undue distress. Security fencing will not result in enclosure and will include either a 10cm gap at the base or mammal gates to allow the free movement of otter throughout the site and prevent a barrier to connectivity and disturbance effects. A pre-commencement survey will also be undertaken 48 hours prior to the commencement of construction by a suitably experienced ecologist to ensure there are no disturbance or displacement effects to Otter.

Given the absence of signs of Otter in the site surveys carried out and the significant distance of the application site from the associated European Site, which is far in excess of the commuting and foraging distances identified for Otter in the respective SSCO, I consider the risks of adverse disturbance or displacement effects to be extremely low and based on an abundance of caution. I am satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to maintain the favourable condition for Otter will not be adversely affected. Mitigation measures are captured in Planning Condition No. 4, 5, 7, 8 and 16 of the Inspectors Report.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The plans and projects considered in the assessment of in-combination effects are listed in Section 1.132 to 1.171 including the projects within 5km of the proposed development site and listed in Table 1-9. This includes residential developments, the proposed Solar Farms at Timahoe East (ABP 305953-19), Timahoe West (PA Ref. 22/1203), Ovidstown (PA Ref. 18/94), Hortland (PA Ref. 19/888), Coolcarrigan (PA Ref. 15/1172), Dysart (PA Ref. 16/1265) and 110kV Infrastructure at Timahoe East (ABP 303249-18). I note that the AA Screening Determination in respect of 15/1172, 16/1265, 18/94 and 22/1203 determined that significant adverse effects on a Natura 2000 site could be excluded and that an NIS for Stage 2 AA was not required. In respect of 19/888 it was determined that

there will be no significant effects on Natura 2000 sites having regard to the precautionary best practice and mitigation measures contained within the NIS. In respect of ABP 303249-18 the Board concluded that the proposed development would not adversely affect the integrity of the River Boyne and River Blackwater SAC (002299) or the River Boyne and River Blackwater SPA (004232) or any other European site in view of the sites conservation objectives. In respect of ABP 305953-19 the Board was satisfied that the proposed development would not adversely affect the integrity of the Ballynafagh Lake Special Area of Conservation (Site Code: 001387), the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) or any other European Site in view of the sites' Conservation Objectives. Having regard to same, and on the basis that the applicant has demonstrated in the subject NIS that there will be no significant residual effects post application of the mitigation measures proposed in respect of this development, I am satisfied that there is no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Boyne and River Blackwater SAC (002299) considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water, pollution and contaminants and to prevent disturbance or barrier effects. Pre-commencement surveys and Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the River Boyne and River Blackwater SAC (002299). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC (002299) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the River Boyne and River Blackwater SAC (002299) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction, operational and decommissioning impacts.
- The respective site-specific conservation objectives, targets and attributes, QI's and SCI's of the respective European Site as detailed and assessed in my Stage 2 AA as appended to this report (Appendix 4).
- The proposed development will not affect the attainment of conservation objectives for the River Boyne and River Blackwater SAC (002299) or prevent the maintenance of favourable conservation condition for Otter.
- Effectiveness of mitigation measures proposed including aquatic buffer zones, mammal gates, biosecurity measures, escape from excavations, pre-commencement surveys, pollution prevention measures, noise and vibration measures, dust control measures, a drainage management plan inc. monitoring and emergency spill response, clean water diversion and silt control which are primarily captured in the OCEMP and will be under the supervision of a dedicated Site Manager.

Inspector: _____ **Date:** _____

Appendix 5: Screening the need for Water Framework Directive Assessment

ABP 321991-25

Appendix 5: Screening the need for Water Framework Directive Assessment Determination.

ABP 321991-25

The subject site is located in rural County Kildare. It has an area of approx. 80.9ha and consists of 24 agricultural fields of mixed scale currently used as pastoral and arable farming. It is located in the rural townlands of Mulgeeth and Mucklon and is approx. 2.5km and 3.5km south of Johnstown Bridge and Enfield, Co. Kildare respectively (as the crow flies). The nearest waterbodies are the Mulgeeth watercourse approx. 1.1km southwest of the site, the Fear English River approx. 2km southwest of the site and the River Blackwater approx. 3km east of the site. There are no mapped water features within or adjoining the subject site. The application site is within the Blackwater (Longwood) sub catchment 'SC_010' and the Blackwater (Longwood)_020 river sub basin. Please refer to Section 2.0 of my Inspectors report for more locational detail as necessary.

Planning permission is sought for a period of 10 years to construct and complete a solar PV energy development with a total site area of 80.9ha consisting of:

- The construction of PV panels mounted on metal frames,
- transformer stations (23 no.), GRP units (3 no.),
- internal access tracks (3.5m wide over 5,176m in length),
- perimeter fencing (2.45m in height over 8,982m in length) with CCTV cameras (52 no.) and access gates,
- Electrical cabling and ducting,
- 2 no. Temporary construction compounds,
- Widening of existing entrance, landscaping and all ancillary infrastructure and associated works.

Please refer to Section 3.0 of my Inspectors report for more locational detail as necessary.

No water deterioration concerns were raised in the planning appeal or in the assessment of the application by the planning authority, including the observations and submissions received.

I have assessed the proposed Solar Farm and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of the works, having a small physical footprint (3.14% of the site area) and allowing for the retention of agricultural grassland.
- Location and distance of the subject site from nearest Water bodies and lack of hydrological connections as identified in the NIS and Stage 2 AA determination having regard to the source-pathway-receptor model.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

Inspector: _____ **Date:** _____