



An
Coimisiún
Pleanála

Inspector's Report ACP-322797-25

Development	Solar PV development with ancillary and associated development works
Location	Cowanstown, Roosk and other townlands, County Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2560326
Applicant	Windgates Solar Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellants	Windgates Solar Limited
Observer(s)	Windgates Stud Unlimited
Date of Site Inspection	5 th November 2025
Inspector	Philip Davis

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Form 1: Pre-Screening Form

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1. Introduction

This appeal is by the applicant against the decision of the planning authority to refuse permission for a solar farm on 180 hectares for 3 stated reasons - one referring to material contravention - relating to policy on solar farms, the Appropriate Assessment and the proximity to a National Monument, the monastic complex at Taghadoo. An observer, a local stud farm, submitted a detailed observation supporting the reason for refusal.

The Commission will note that some information on the planning file has not been fully uploaded to the digital file – I have relied on some material on the Kildare County Council file for my assessment. I am satisfied that the available information is complete.

2. Site Location and Description

The appeal site is located on agricultural lands around 3-km south of Maynooth and a similar distance west of Celbridge in County Kildare. The site covers an extensive area of farmland (c.180 hectares) which includes some or all of the townlands of Cowanstown, Kealstown, Bryanstown, Dowdstown, Dongaghstown, Posseckstown, Taghadoo, Toolestown, Windgates, Rowanstown and Roosk and includes five distinct parcels of land, connected either by road or farm track.

The area is a relatively flat and low-lying part of the eastern Kildare Plain, characterised by large, intensively worked pasture and tillage lands bounded by ditches and hedgerows. There is a large ESB transformer Station (the Maynooth (Taghadoo) 220KV station) within the area, with a number of high voltage 220kV and 440kV lines extending in all directions, often over the lands subject to this appeal. The R406 Regional Road runs south from Maynooth through the area, connecting with Straffan, while the R408 runs south-west from Maynooth connecting with Prosperous – tis road runs to the west of the site. The area is otherwise served with a network of minor third class roads, with a number of third-class roads running east and west from this road.

Settlement in the area is characterised by scattered dwellings, mostly along the minor road network, with a number of large farm complexes, including a major stud farm to the east. The Taghadoo Round Tower and churchyard lies on a slightly

elevated site just to the west of the site. The area is drained by a number of minor streams and drains, generally flowing to the north, to the Rye Water, which runs north of Maynooth, eventually joining the Liffey at Leixlip.

The site consists of five major land parcels – Parcel 1 is to the west (note that it is not correctly indicated on online GIS mapping – the boundaries are marked on the application drawing), an area of irregularly shaped pasture surrounded by fields and connected to the road network to the north via a cul-de-sac road. Parcel 2 (Taghadoe) is to the north and is the largest, an irregularly shaped site of mostly arable land on the west side of the R406 and north of the busy rural road running west from the Taghadoe Crossroads. This land is intensively cultivated and bounded with ditches and generally tightly mown hedges and a small watercourse, a tributary of the Rye Water, flows through the north-western section. There are a number of residual ditches and hedges within the lands. There are two dwellings on the R406 next to the site on the northern side. Taghadoe Round Tower is approximately 200 metres from the southwestern corner of the site. The large Maynooth 220kv transformer station is south of Parcel 2 on the opposite side of the road. A 220kV power line runs over the land. A minor watercourse crosses the north-western side of this land package, draining towards Maynooth.

Two other substantial land packages (Parcel 3 and 4) are located off a minor cul de sac road which turns into a private track running west from the R406 to the south of the Taghadoe parcel in the townland of Roosk, south of the Maynooth 220kv transformer. The land drops steeply in level west of the R406 – the closest of these parcels is mixed arable/grazing land, bounded by hedges and ditches. Two 220kV power lines cross the edge of this parcel. The westernmost of these two parcels is in grazing use on relatively low lying land on a slight ridge. This parcel is accessed via a private track which terminates at a farm complex.

The fifth parcel is at Windgates, east of the R406 and south of a minor third class road. It consists of one large field in arable use, dropping slightly in levels to the south. There is a large farmhouse and complex north of the site, across the road.

3. Proposed Development

The proposed development is described as a solar PV development and an 'under the fence' transformer compound on 180 hectares of land consisting of (in summary):

- Solar PV panels laid out in arrays across the site;
- 39 no. inverter units (each c. 2.9m x 6.1m x 2.4 m)
- One control room structure
- One transformer unit and associated bund.
- Security fencing around the 'under the fence' transformer compound
- Electrical and communications cabling;
- Pole mounted security cameras
- Perimeter security fencing (2 m) high and security gates
- Upgrade of 3 no. existing site entrances
- Development of two new site entrances
- Three temporary construction compounds
- Internal access tracks; and
- All associated ancillary development, landscaping and reinstatement works.

The proposed operational lifespan is to be 40 years.

The application was accompanied by the following documents and information:

- Environmental Report (ER) (multiple appendices covering all significant environmental issues).
- Natura Impact Statement
- Pre-Planning details.
- Proposed Construction and Environmental Management Plan.
- Engineering Report
- Decommissioning Plan
- Drawings and specifications.

4. Planning Authority Decision

4.1 Decision

A notification of the decision to refuse planning permission was issued by Kildare County Council by Order dated the 25th May 2025. Three stated reasons were given. Note that Reason 2 states that it is a material contravention with regard to appropriate assessment. The reasons for refusal given are as follows:

1. *Objective EC 021 seeks to support solar farms in appropriate location in accordance with the criteria set out within Section 7.6 of the Kildare County Development Plan 2023-2029, additionally objective EC 017 seeks to support commercial scale solar project sat appropriate locations subject to a viability assessment and environmental safeguards including the protection of natural or built heritage features, biodiversity and views and prospects. Having regard to the site being productive agricultural land and the lack of information provided in relation to, biodiversity, noise, glint and glare, architectural and archaeological heritage and road safety, the proposed development does not accord with objectives EC 017, EC 021 and Section 7.6 of the Kildare County Development Plan 2023-2029.*

Therefore, if permitted, the proposed development would contravene objectives EC 017 and EC 021 and section 7.6 of the Kildare County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the lack of information within the Appropriate Assessment Screening and Natura Impact Statement in relation to breeding and wintering bird surveys which are a qualifying interest for the South Dublin Bay and the River Tolka Estuary, 004024 and North Bull Island 004006, further hydrological assessment of potential groundwater impacts of the proposed development and dust management is required. The Planning Authority is not satisfied that the proposed development would not have an impact on the qualifying interests and integrity of the European sites network. To permit the development as proposed would therefore contravene materially the*

development objectives set out in Chapter 12 of the Kildare County Development Plan 2023-2029, including objectives BI 09 and BI 010 for the conservation and preservation of European Sites and would therefore be contrary to the proper planning and sustainable development of the area.

3. *The early Christian Monastic Complex at Taghadoo, which includes a Round Tower and Church both (KD010-014 of which are National Monuments in State Care (No. 70 and 578) is located in close proximity to the application site. The Round Tower is also Protected Structure B10-10 as are the Ruined Church and Graveyard B10-03 in the Record of Protected Structures in the current County Kildare Development Plan 2023-2029 and there is a high level of known archaeology in the vicinity of the site. The Planning Authority is not satisfied that the archaeology Chapter in the Environment Report and the Visual Impact Assessment adequately or accurately considers the impact the proposed development would have on the setting and the views to and from Taghadoo Round Tower and Church and Graveyard, and the architectural heritage and archaeology of the area. To permit the development, as proposed would contravene objectives AH 021, AH 032, AH 04 and AH 05 of the Kildare County Development Plan 2023-2029 which seeks to protect views to and from such structures and ensure development is not to the detriment of the architectural and archaeological heritage of these sites and would therefore be contrary to the proper planning and sustainable development of the area.*

3.2 Planning Authority Reports

There is one Planner's report on file which informs the decision, and which is summarised as follows:

1. 1st Planner's Report dated May 2025

The application and submission are summarised.

- Notes concerns set out by the DoHGLH regarding the proximity to the Early Christian Monastic Complex at Taghadoo and the potential negative visual impacts.

- Notes that Water Services considers that more information is required regarding the potential risk to the downstream drinking water abstraction point at the Leixlip Water Treatment Plant.
- The Flood Risk Assessment is considered acceptable.
- Notes the Stage 2 NIS – three Natura 2000 site identified. Notes the comments of the Ecology Officer.
- Notes that the detailed groundwater impacts on European sites within the ZOI have not been assessed (potential impacts on the Rye Water Valley/Carton SAC, Ballynafagh Lake SAC, Ballynafagh Bog SAC).
- Lack of information on the control of dust on solar panels during the operation phase and any chemicals or water required to keep them clear.
- Notes concern about flexibility in terms of the design and siting of various elements.
- The KCC Ecologist is of the opinion that the NIS is deficient in regard to the above details and with regard to breeding and wintering birds.
- With regard to the above, it is considered that these issues cannot be addressed by way of an FI request due to the timescales involved.
- EIAR screening: No EIAR required.
- Refusal recommended for three reasons: It is considered to be contrary to objectives EC 017; EC 021 and Section 7.6 of the CDP (notwithstanding Objective EC 021).

It is recommended that permission be refused for 3 stated reasons:

- It is stated to be contrary to the criteria set out within Section 7.6 for the siting of solar farms.
- It is considered that the AA has not ruled out an impact on Natura 2000 sites, and as such is contrary to Objectives BI 09 and BI 010 of the development plan.
- It is considered that it would be contrary to objectives AH 021; AH 032; AH 04 and AH 05 with regard to the protection of the visual context of the Monastic Complex at Taghadoo.

4.2 Other Technical Reports – Kildare County Council Internal Departments

The Commission will note that not all internal reports were made available online. I have relied for my assessment on the summaries within the Planners Report.

Water Services -Report dated 7th April 2025

- No objection subject to standard conditions.

Transport, Mobility and Open Spaces Department – report dated 16th May 2025

- A full TIA for construction arrangements is necessary.
- Serious concerns outlined about the extent of cable route construction (1.7 km length) on the L5037. This has the potential for serious hazard and disruption.
- Standard requirements set out for works on the highway.
- Concerns outlined about the extent of information submitted in the Glint and Glare Report – notes a lack of clarity on temporary measures before landscaping is established.

Environmental Health Officer (30th April 2025)

No objections subject to standard conditions on construction and Glint and Glare.

- MD Engineer: Further information requested.
- Environment: Further information requested.
- Water Services: No objection subject to conditions.
- Transportation: Further information requested.
- CFO: No objection subject to conditions.
- Ecology Officer: Further information requested.
- Heritage Officer: Further information requested.

4.3 Prescribed Bodies

Inland fisheries Ireland

- The proposed development is within the catchment of the Lyreen River, with a tributary such as the Tahhadoe flowing through the site. The Lyreen is a salmonid river.

- All works should be in accordance with standard good practice.

Department of Defence

- The site is close to Casement Aerodrome. Necessary measures to mitigate these affects should be implemented (these are not specified).
- It is noted that IAC (Irish Air Corps) requirements are separate from IAA requirements.

Kildare Fire Service

No objection subject to appropriate Fire Safety Certificate.

Uisce Eireann:

- Standard conditions requested.
- It is stated that there is the potential to impact on a drinking water force. Part of Parcel 3 is within the abstraction catchment for the Leixlip Water Treatment Plant. Further information requested in relation to the potential risk to the downstream drinking water abstraction point at the Leixlip Water Treatment Plant.
- The Flood Risk Assessment is considered adequate.

4.4 Third Party Observations

The planning authority received 6 no. third party submissions on the original application. The issues raised in these submissions are generally reflected in the issues raised in the observation received by the Board. A number of submissions were from local residents who raised specific issues on the potential impact on nearby dwellings.

5. Planning History

5.1 Subject Site

No records on file from the appeal site.

5.2 Other Relevant Developments within the vicinity

21/1444: Permission refused for a Synchronous Compensator development in the townlands of Windgates (just south of the existing substation (This is a device used to manage reactive power and improve voltage stability – it is part of upgrades to allow for further use of wind and solar energy)). It was refused for reasons of traffic hazard. The Board granted this on appeal – **ABP-313757-22**. This project is under construction as of the time of my site visit.

A total of 3 solar farms have been granted in the general area – **21/1256** (44 hectares in Griffinrath), **18/250 (ABP-30336-10)** for 47 hectares in Ardrass Lower and Killadoon, **23/60037** to extend the life of the latter permission, and **17/535**, permission granted for a 25 hectare solar farm in Smithstown and Roosk.

6. Policy Context

6.1 National Policy and Legislation:

6.1.1 Climate Action and Low Carbon Development Act, 2015, as amended.

This Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principal act such that Section 15(1) requires:

“(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- a) the most recent approved climate action plan,*
- b) the most recent approved national long term climate action strategy,*

- c) *the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- d) *the furtherance of the national climate objective, and*
- e) *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

“Relevant body” means a prescribed body or a public body.

6.1.2 Climate Action Plan (CAP) 2024 (“CAP24”) and 2025 (“CAP25”)

Under the Climate Action and Low Carbon Development Act, 2015, as amended, Irelands national climate objective requires the State to transition to a resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than the end of 2050. This national climate objective meets Irelands 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.

6.1.3 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.

6.1.4 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. The following Electricity and Gas Sectoral Plan is relevant to the subject proposal.

6.1.5 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.

6.1.6: 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 form 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.

6.1.7 Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF and the National Development Plan (“NDP 2021-2030)

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 form 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 2021-2030 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.

6.1.8 National Biodiversity Action Plan 2023 – 2030 (NBAP)

Ireland’s 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows, Objective 1 Adopt a whole of government, whole of society approach to biodiversity; Objective 2 Meet urgent conservation and restoration needs; Objective 3 Secure nature’s

contribution to people; Objective 4 Enhance the evidence base for action on biodiversity; Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives.

6.1.9 National Energy Security Framework (April 2022)

The Framework addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions. Theme 3 - Reducing our Dependency on Imported Fossil Fuels, focusses on three areas of work:

7.1 Reducing demand for fossil fuels.

7.2 Replacing fossil fuels with renewables, including solar energy.

7.3 Diversifying fossil fuel supplies.

Under 7.2, the statement notes that prioritising renewables is in line with the requirements of the recast Renewable Energy Directive and the EC REPowerEU action statement. The Commission has called on Member States to ensure that renewable energy generation projects are considered to be in the overriding public interest, and the interest of public safety, and the Government supports this request.

6.2 Regional Planning Policy

The Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031

Enabling and Sustaining the Rural Economy

Energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas.

RPO 4.84: Support the rural economy and initiatives in relation to diversification, agri-business, rural tourism and renewable energy so as to sustain the employment

opportunities in rural areas.

Climate Change

Climate change is a global challenge which requires a strong and coherent response at national, regional and local level. Observations show that Ireland's climate is changing in terms of sea level rise, higher average temperatures, changes in precipitation patterns, more frequent weather extremes, the spread of invasive alien species and increased risk of wildfires, for example upland gorse fires. These changes are projected to continue over the coming decades. Climate change will have diverse and wide-ranging impacts on the Eastern and Midland Region's environment, society and economic development, including managed and natural ecosystems, water resources, agriculture, food security and bioeconomy, human health and coastal zones.

National Strategic Outcome 8 is dedicated to achieving transition to a Low Carbon and Climate Resilient Society. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework noting that new energy systems and transmission grids will be necessary for a more distributed, renewable energy focused system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand.

Decarbonising the Energy Sector

The Region will need to shift from its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources, including renewable energy and secondary heat sources. Decentralised energy will be critical to the Region's energy supply and will ensure that the Region can become more self-sufficient in relation to its energy needs.

The Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and offshore, biomass, and solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives. It is necessary to establish a consistency of approach by planning

authorities, both in identifying areas suitable for renewable energy development and having regard to

potential impacts, inter alia on biodiversity, landscape and heritage.

The provision of infrastructure should be supported in order to facilitate a more distributed, renewables-focused energy generation system, harnessing both on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting sites of optimal energy production to the major sources of demand.

Energy

A secure and resilient supply of energy is critical to a well-functioning region, being relied upon for heating, cooling, and to fuel transport, power industry, and generate electricity. With projected increases in population and economic growth, the demand for energy is set to increase in the coming years.

The diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/ consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid.

The development of onshore and offshore renewable energy is critically dependent on the development of enabling infrastructure including grid facilities to bring the energy ashore and connect to major sources of energy demand. It is also necessary to ensure more geographically focused renewables investment to minimise the amount of additional grid investment required, for example through co-location of renewables and associated grid connections.

Regional Policy Objectives

RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and

timely manner subject to appropriate environmental assessment and the planning process.

RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people.

6.2 Local Planning Policy - Kildare County Development Plan 2023-2029

Section 1.8.1 of the Kildare CDP sets out the Overarching Guiding Principles, of note is

(viii) To support, facilitate and promote the sustainable development of renewable energy sources in the county.

Other policies and objectives of relevance for this application include,

Chapter 4 Resilient Economy & Job Creation

Section 4.19:

“Important areas for future development are the agri-food and horticulture sectors, both of which represent higher value-added activity than traditional agricultural enterprises. There is a need to recognise the economic value of agriculture and to protect productive agricultural land from inappropriate industrial, commercial or residential development.”

RE P12 Ensure that economic and enterprise related development is provided in a manner which facilitates a reduction in greenhouse gas emissions and accelerates the transition towards a sustainable, low carbon and circular economy. The following measures shall be supported:

- An increase in employment densities within walkable distances of communities and on public transport routes.
- Promotion of walking and cycling and use of public transport through increased

permeability and mobility management 116 measures within and outside employment areas.

- The sourcing of power from district heating and renewables including wind and solar. Additional native tree planting and landscaping on existing and proposed enterprise zones and development sites to aid with carbon sequestration, contributing to the green infrastructure network of the County and promoting quality placemaking.

RE P14 Actively promote and support the equine industry as an economic driver for Kildare.

RE O73 Ensure that climate action and sustainable development is central to economic development in the County through sustainable land use and orderly growth and a co-ordinated approach to the preparation and implementation of the Kildare County Council Climate Change Adaptation Strategy (2019-2024) and the Local Economic and Community Plan (2016-2021) and any successors thereof.

RE O78 Support and promote sustainable rural based enterprises particularly those that help in achieving climate action goals, and to move away from fossil fuels in favour of low and zero-carbon sources including renewable energy and secondary heat sources and to support the development of green technologies.

RE O89 Protect agriculture and traditional rural enterprises from haphazard and/or incompatible development.

RE O90 Promote the 'Smart Farming' initiative, the 'Kildare Climate Change Adaptation Strategy (2019)' and the 'National Climate Action Plan 2021' to farmers across Kildare to inform them of environmental sustainability and resource management, so as to reduce CO2 production on farms in accordance with the National Climate Action Plan 2021.

RE O95 Protect and nurture the environment which allows the equine industry to flourish in Co. Kildare and support the conserving and development of equine walking paths, bridle ways, tracks and trails.

TM O75 Require a Glint and Glare Assessment as part of all solar energy development proposals where there is a likelihood of impact on the national road

network. It is acknowledged in Section 5.13.6 Other Aviation Considerations at/around Aerodromes Navigational Equipment & Telecommunications that, Solar/PV Panel Arrays can give rise to glare problems for pilots and for air traffic controllers, so that any proposed arrays in the vicinity of aerodromes or helipads, or on their approaches, should be assessed within 'Glint and Glare' studies in relation to runway thresholds, flight paths, and control tower/s.

TM O95: Restrict new access onto regional roads where the 80km per hour speed limit currently applies, except in the following exceptional circumstances:

- Developments of strategic, local, regional or national importance, where there is a significant gain to the county through employment creation or other economic benefit.
- Where applicants comply with Schedule of Local Need Criteria (see Chapter 3), are proposing to build a home on their family landholding and cannot provide access onto a nearby county road. In this instance, applicants will only be permitted to maximise the potential of existing entrances. The onus will be on the applicant(s) 171 to demonstrate that there are no other accesses or suitable sites within the family landholding.
- Where it is proposed to demolish an existing dwelling and replace with a new dwelling, where there is an existing entrance onto the regional road.

Chapter 7 Energy and Communications

Solar energy is covered in Chapter 7 Energy and Communications. The Plan aims to: "Encourage and support energy and communications efficiency and to achieve a reasonable balance between responding to EU and National Policies on climate change, renewable energy and communications and enabling resources to be harnessed in a manner consistent with the proper planning and sustainable development of the county."

Section 7.6

"The Council will favour the reuse of previously developed land such as brownfield land, contaminated land or industrial land and non-productive agricultural land in

preference to productive land.”

“Larger commercial solar farms have scope for harnessing a sizable amount of solar energy while also having the greater potential for energy storage and this type of generation is supported in the Climate Action Plan 2021, Actions 102 and 104. However, the scale of these farms has the potential to affect surrounding landscapes. Cumulative impacts may also arise with farms located close to each other. Site selection is vital for potential solar farms as solar resource, topography and proximity to the grid must be considered. The Council is required to achieve a reasonable balance between responding to the Climate Emergency and adhering to overall positive Government policy on renewable energy, while also enabling the solar energy resources of the Planning Authority’s area to be harnessed in a manner that is consistent with proper planning and sustainable development. At present, there are no national planning guidelines to guide the future development of solar farm proposals. In their absence, the Council will assess the appropriateness of individual applications received considering the following:

- Site aspect, suitability, and topography*
- Biodiversity*
- Landscape character*
- Residential amenity*
- Flooding*
- Architectural/Archaeological Heritage*
- Impact on Traffic*
- Road*
- Access to the grid*
- Operations*
- Lifespan”*

Site aspect, suitability, and topography

The Council will favour the reuse of previously developed land such as brownfield land, contaminated land or industrial land and non-productive agricultural land in preference to productive land.

It is the policy of the Council to:

EC O9 Ensure that whenever possible and appropriate, community benefits are derived from all renewable energy developments in the county.

EC P5 Promote the development of solar energy infrastructure in the County.

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.

EC O18 Encourage and support the use of appropriately scaled solar energy in residential, commercial and industrial developments. The incorporation of solar technologies into the built fabric of existing buildings will also be encouraged where it does not materially affect the character of the structure or adjoining structures.

EC O19 Promote the development of solar energy infrastructure for on-site energy use, including solar PV and solar thermal technologies. On-site battery storage projects shall be considered subject to fire safety, environmental safeguards and the protection of natural or built heritage features, biodiversity views and prospects.

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.

EC O23 Support the installation of solar collectors and panels for the production of heat or electricity in commercial and industrial buildings in line with relevant design criteria, building regulations and technical guidance documents.

EC O24 Require the submission of a Glint and Glare Assessment as part of any solar energy development proposal where there is likely to be any impact on neighbouring uses, transportation and aviation safety.

EC O25 Require decommissioning and site rehabilitation plans (including phasing where appropriate) as part of any solar farm development application, including identification of sustainable waste management solutions for components (PV solar

arrays, steel support frames, battery storage, etc.) at end-of-life in accordance with the waste management hierarchy. The disposal of same to landfill will not generally be permitted. Notwithstanding the provisions of Section 42 of the Planning & Development Act 2000 (as amended), the Planning Authority may grant permission for more than 5 years, in appropriate circumstances.

EC O26 Only permit the removal of hedgerow where the removal of same has been clearly demonstrated, to the satisfaction of the Planning Authority, to be necessary for the development of a solar farm(s).

Chapter 9 Our Rural Economy

RD O2 Facilitate agriculture, horticulture, forestry, tourism, energy production and rural resource-based enterprise within the rural settlements and in appropriate rural locations subject to relevant development management standards.

RD O7 Support the development of renewable energy production in rural areas where appropriate.

Section 9.3:

If land is not within an identified settlement and is not otherwise zoned as part of this Plan, or any Local Area Plan, the use of such land shall be deemed to be primarily agriculture.

Chapter 11 Built and Cultural Heritage

AH O2 Manage development in a manner that protects and conserves the archaeological heritage of County Kildare, avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest and secures the preservation in-situ or by record of all sites and features of historical and archaeological interest. The Council will favour preservation in – situ in accordance with the recommendation of the Framework and Principles for the Protection of Archaeological Heritage (1999).

AH O3 Require archaeological impact assessment, surveys, test excavation and/or monitoring for planning applications in areas of archaeological importance and where a development proposal is likely to impact upon in-situ archaeological

monuments, their setting and archaeological deposits, based on recommendations of a suitably qualified archaeologist.

AH O4 Ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing and to ensure that such proposed developments are subject to an archaeological assessment prepared by a suitably qualified archaeologist. Such an assessment will seek to ensure that the development can be sited and designed in such a way as to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features and objects.

AH O5 Require the preservation of the context, amenity, visual integrity and connection of the setting of archaeological monuments. As a general principle, views to and from archaeological monuments shall not be obscured by inappropriate development. Where appropriate, archaeological visual impact assessments will be required to demonstrate the continued preservation of an archaeological monument's siting and context.

Chapter 12 Biodiversity & Green Infrastructure

BI O6 Apply the precautionary principle in relation to proposed developments in environmentally sensitive areas to ensure that all potential adverse impacts on a designated NHA or Natura 2000 Site arising from any proposed development or land use activity are avoided, remedied, or mitigated.

BI O7 Pursue insofar as possible and practical, a policy of biodiversity net gain through strategies, plans, developments, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure.

BI O9 Avoid development that would adversely affect the integrity of any Natura 2000 site and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive, to support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and protect the Natura 2000 network from any plans and projects

that are likely to have a significant effect on the coherence or integrity of a Natura 2000 site.

BI O10 Ensure an Appropriate Assessment Screening, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, Section 177A of the Planning and Development Act (2001-2022) or any superseding legislation and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.

BI O18 Require all applications for new developments to identify, protect and sensitively enhance the most important ecological features and habitats, and incorporate these into the overall open space network, keeping free from development and to provide links to the wider Green Infrastructure network as an essential part of the design process and by making 394 provision for local biodiversity (e.g. through provision of swift boxes or towers, bat roost sites, hedgehog highways², green roofs, etc.).

BI O26 Prevent, in the first instance, the removal of hedgerows to facilitate development. Where their removal is unavoidable, same must be clearly and satisfactorily demonstrated to the Planning Authority. In any event, removal shall be kept to an absolute minimum and there shall be a requirement for mitigation planting comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking to existing adjacent hedges. Ideally, native plants of a local provenance and origin should be used for any such planting. Removal of hedgerows and trees prior to submitting a planning application will be viewed negatively by the planning authority and may result in an outright refusal.

BI 027 Require the retention and appropriate management of hedgerows and to require infill or suitably sized transplanted planting where possible in order to ensure an uninterrupted green infrastructure network.

Chapter 13 Landscape, Recreation & Amenity

It is the aim of Kildare County Council to,

‘provide for the protection, management, and enhancement of the landscape of Kildare to ensure that development does not disproportionately impact on the unique landscape character areas, scenic routes or protected views; and to support the provision of high quality and accessible recreational facilities, amenities and open spaces for residents and visitors to the County, in recognition of the contribution of all forms of recreation to quality of life, personal health and wellbeing’

It is the policy of the Council to:

LR P1 Protect and enhance the county’s landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

It is an objective of the Council to:

LR 01 Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of the proposed development in the landscape will be critical considerations.

LR 03 Require all Landscape and Visual Impact Assessments of specified linear infrastructure projects to be undertaken in line with the guidance on best practice methodology of the TII publication Landscape Character Assessment (LCA) and Landscape and Visual Impact Assessment (LVIA) of Specified Infrastructure Projects (2020).

LR 04 Ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area.

LR O10 Recognise that the lowlands and the transitional area are made up of a variety of working landscapes, which are critical resources for sustaining the economic and social well-being of the county and include areas of significant landscape and ecological value, which are worthy of protection. Such landscapes include the internationally recognised landscape of Punchestown and its environs.

5.3 Natural Heritage Designations

There are no Natura 2000 sites on or in the immediate vicinity of the site. The lands drain directly to, or are otherwise in potential hydraulic continuity with a number of designated SAC and SPA's, including the Rye Water Valley/Cartron SAC and the, Ballynafagh Lake SAC, Ballynafagh Bog SAC

7. The Appeal

7.1 Grounds of Appeal

The main points made can be summarised as follows:

Reason 1 for refusal:

Biodiversity (Objective EC 017): Notes that this policy refers to the need for environmental safeguards – it is submitted that the Environmental Report comprehensively assessed all potential impacts, in addition to a range of assessments including a winter bird suitability assessment. It is noted there is no desk-based evidence to indicate that the site could be of importance to any wintering bird species (additional information attached). It is submitted that the application is fully in line with Objectives EC 017; EC 021 and Section 7.6 and as such the reason for refusal is not justified.

Noise: It is denied there was a 'lack of information' (as set out in reason 1) with regard to noise – the noise submission documents are summarised. It is stated that sufficient information was provided with the application. It is noted that the construction information provided is fully in line with published best practice. It is argued that there is no substantive change in background noise, and as such the magnitude of impact (for construction, operation and decommissioning) is negligible.

Glint and Glare: It is argued that the glint and glare report is fully in line with guidance and best practice. It is submitted that the planners report misunderstood the principles underlying glint and glare assessments, in particular with regard to the seasonal aspects (it primarily occurs in the summer months). It is stated that the two identified receptors in the report (H109 and H110 within the stud farm) have no potential for reflectance effects once existing screening was accounted for. It is submitted that there would be no nuisance impacts or hazard effects from glint and glare.

Roads: It is noted that the internal memo recommended further information. It is stated that a full TIA was included with the Environmental REport. Additional details are given for the proposed underground cabling – open cut trenching is propose only at 3 no. locations (totalling around 1700 metres) on the L5037; R406 and L50664. It is stated that the applicant is open to a condition regarding the submission of road closure and diversion root drawings and the provision of passing bays (additional drawings are included of possible locations – Figures 2-3 and 2-4 of the submission). It is argued that residual traffic issues can be dealt with by way of the measures set out in the supporting documentation.

Reason 2:

This reason for refusal references policy BI O9 and BI 10 in addition to the NIS.

It is stated that the NIS was prepared in accordance with best practice by experienced ecologists. It included a detailed assessment in relation to breeding and wintering birds and concluded that there was no pathway for disturbance or habitat degradation that would affect QI species for SPA's, and there is no functional linkage between the lands and any Dublin Bay SPA's.

It is further noted that contrary to what is stated in the Planning Report, a winter bird survey was undertaken on the 24th February 2025 and a breeding bird survey was undertaken on the 11th March 2025. These indicated that no evidence was found that the lands are of any utility for QI species.

It is further noted that a detailed hydrological assessment was undertaken to examine the potential for direct and indirect impacts on nearby European sites – these concluded that all potential impacts could be mitigated by means of standard methodologies.

It is noted that the letter from the DoHLGH on the 2nd May noted and accepted the conclusion in the NIS.

On the basis of the above, it is restated that all required surveys and analyses were carried out and there is no basis for a conclusion that there would be impacts on any QI species or designated sites.

Reason no. 3:

This reason stated that there were unacceptable impacts on the nearby monastic centre, and this is contrary to policies AH O21; AH 032; AH 04 and AH 05 of the development plan, with regard to the protection of archaeological sites.

Notes the National Monuments internal guidance document from 2016 'Framework and Principles for the Protection of Archaeological Heritage' and its recommendations for solar farms.

It is stated that the Environment Report was fully in line with recommendations in its desktop work and geophysical surveys.

It is denied that there would be any impact on the Taghadoe Round Tower and Church – either directly or indirectly in visual impacts. The applicant refers to the photomontages submitted and state that it is set well back and that existing vegetation and additional screening will protect the visual integrity and amenity value of the national monument. Additional photomontages are submitted with the appeal (Attachment H).

With regard to the comment within the Planning Report on the lack of detailed construction methodology, ACP is referred to planning drawing 1060 which sets out details for ballast foundations.

With regard to Ministerial Consent for works in the vicinity of a National Monument, it is stated that there are no physical works requiring consent proposed – the closest works are the proposed cabling under the L5037, and this will be carried out within the structure and substructure of the road.

The applicant states that they are open to a condition requiring geophysical surveys on lands not yet surveyed, followed by testing, in addition to a condition for ground disturbance monitoring by an archaeologist.

In the final part of the appeal, the applicant restates and elaborates on elements of the visual impact survey and restates that most impacts are slight and imperceptible. It is stated that the combination of early state mitigation measures and the overall context that there will be negligible to low perceived impacts.

6.3 Planning Authority Response

In a response dated 26/08/2025 the Planning authority states that it confirms its decision and refers the Commission to the Planners Report and other reports on file.

6.4 Observations

Windgate Stud Unlimited Company:

The main points made can be summarised as follows:

- The observer is a stud farm on 53 acres located directly to the south of Land parcel Zone 3.3.
- Notes that the developer has withdrawn the request for design flexibility and is now requesting the Commission assess the submitted plans and particulars. It is submitted that there are insufficient details for the Commission to make such a decision.
- It is argued that it should be subject to EIAR.
- It is argued that the planning report did not fully address the original observation (attached in annex 1 of the submission). It is argued that the applicant has not fully addressed all environmental impacts likely to arise. The submission included concerns based on an absence of detail in the submission documentations, the lack of support for such developments in the development plan, the impact on the amenities and nature of the rural area, biosecurity issue with young fousls, the potential for reflection from the panels impacting on horses, and landscape impacts. Detailed arguments were also set out on biodiversity (the Bern Convention is referred to), and possible archaeology on the lands (separate reports are attached to the submission).

- The observer submitted an ecological appraisal by Fitzgerald Ecology. This argues that the lands have potential for bat species (an activity survey was conducted on the 3rd July 2025) indicating that the lands have local importance, with the potential for a number of red and amber listed bird species. Badger presence was identified on the lands. It is submitted that additional clarification and surveys are needed to ensure adequate mitigation of any development on the bird population, in particular the Yellowhammer.
- An acoustic report from Allegro Acoustics is included. This notes that the noise monitoring location NM7 is located alongside a road and as such the baseline noise is characterised by road traffic noise. It is submitted that this monitoring location does not accurately represent the noise levels on the Windgate Stud Farm.

6.5 Further Responses

No further responses received.

EIA Screening

Form 1 (Appendix 1 to this report) sets out the pre-screening undertaken and Form 3 (Appendix 2) sets out the screening Determination undertaken which concludes as follows:

EIA Screening Determination EIAR not Required Having regard to: -

- the nature and scale of the proposed development, which of itself is not a class of development and falls below the thresholds in respect of Class 1(a) and Class 10(dd) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive;

- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised; • the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project -Environmental Report (incorporating a Landscape and visual assessment, biodiversity assessment, cultural impact assessment, flood and drainage assessment, noise assessment, glint and glare assessment), a Construction Environmental Management Plan, and an Engineering Report. It is considered that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

8. Assessment

Having examined the application details and all other documentation on file, including all of the observations and submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Cultural Heritage
- Ecology/biodiversity
- Landscape and amenities
- Glint and Glare
- Noise impacts
- Water, drainage, flooding
- Construction impacts
- Decommissioning
- Water framework Directive
- Reason for refusal 1
- Reason for refusal 2
- Reason for refusal 3
- Conclusions

Principle of Development

As set out in Section 5 of this report above the overall policy context for renewable energy (including solar power) and associated infrastructure is set by EU targets for renewables (**Directive 2018/2001/EU**) and related plans and guidance including the **REPowerEU Plan** from 2022 and the **Energy Roadmap 2050**. The **Climate Action and Low Carbon Act 2015**, as amended by Section 17 of the **Climate Action and**

Low Carbon Development (Amendment) Act 2021 sets out objectives for achieving EU and national climate goals - Irish national policy is set within the **National Planning Framework**, the **National Energy and Climate Plan 2021-2030**, the White Paper 'Ireland's Transition to a Low Carbon Energy Future 2015-2030', the **National Energy & Climate Plan 2021-2030**, the **National Renewable Energy Action Plan** (on foot of **Directive 2009/28/EC**) and the **Climate Action Plan 2025**. The latter sets clear statutory requirements for developing low carbon energy.

Regional policy is set out in **The Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031**, which notes the importance of renewable energy and associated infrastructure in relation to the rural economy (**RPO 4.84**) and addressing climate change and the transition to a low carbon and climate resilient society. Policies **RPO 7.36** states that planning authorities should follow relevant guidance in relation to sustainable energy provisions. **Policies RPO 10.19 to RPO 22** focus on the need to facilitate and strengthen energy infrastructure. On decarbonising the Energy Sector is stated that:

The Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and offshore, biomass, and solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives outlined in this Strategy

The RSES for the Eastern Region generally sets out policies to support and facilitate the implementation of national policy objectives for diversifying rural areas, enabling the decarbonisation of the electricity sector, and ensuring the development of an efficient grid network.

Kildare County Development Plan 2023-2029.

The site is in unzoned open countryside. The site or immediate area does not have any specific zoning designations.

In Chapter 7 (Energy & Communications) of the KCDP, policy EC P1 states that it is policy to:

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

In addition, the following policy objectives are relevant to solar developments:

EC02:

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.

EC03:

Support initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally and socially acceptable manner

EC 06

Require developers of proposed large scale renewable energy projects to carry out community consultation (including, but not limited to Sustainable Energy Communities, where established) in accordance with best practice and to commence the consultation at the commencement of project planning. Details of all such consultation shall accompany planning applications for proposed renewable energy developments.

Section 7.6 on Solar energy states that it is policy (EC P5) to:

Promote the development of solar energy infrastructure in the County.

Objectives include:

EC 017

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.

EC 021

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.

In this regard, Section 7.6 of the KCDP outlines standard criteria for assessing the environmental impact of solar and other renewable developments.

EC 025

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.

In addition, there are a number of other relevant policies relating to the control of development – several of which have been quoted in the three reasons for refusal (BI 09, BI 010, AH 021, AH 032, AH 04 and AH 05) – I will address these in the relevant sections below.

Discussion

There are no specific planning guidelines on solar energy, but there are a number of strong policy objectives stated in EU policy, Irish national climate law, national and regional policy, and within the KCDP to support the provision of grid scale solar energy. The KCDP qualifies its support with a range of qualifications set out in section 7.6, outlining a number of environmental standards and requirements for solar farms within the County area. These generally cover biodiversity, amenity, heritage and safety issues. The planning authority is of the view that the application has failed to provide sufficient information to address these – a view echoed by the observer to this appeal and a number of the original submissions to the planning authority. I will address the specifics of these in the relevant sections below.

In overall policy terms the proposed development is on high quality agricultural land within an unzoned area. The landscape is generally flat and open and there are many commercial operations within the area, in addition to stud farms and intensive dairy and arable operations. The land parcels are very close to a major transformer station – the Maynooth 220kV station (with a Synchronous Compensator granted permission by the ACP on appeal nearby – **ABP-313757-22**), along with a number of high-capacity overhead lines extending in all directions. The latter development is required to stabilise the grid, which is considered a technical requirement to facilitate additional renewable energy. The lands are close to two large towns, Maynooth and Celbridge.

The application is for a solar farm on 180 hectares – it is not stated in the application what the capacity of the farm would be, but it would seem likely to be in excess of 100MW. As such I would consider it a very significant addition of renewable energy to the national grid. I note that just to the west of Parcel 3, permission was granted by the planning authority for a solar farm subject to 25 no. conditions (this was appealed to the Board at the time, but this appeal was withdrawn - **ABP-301617-18**).

I would conclude from the above that there is a strong presumption with regards to all levels of policy to look favourably upon grid scale solar developments in this area, subject to normal planning and environmental considerations and the specific requirements and constraints set out in the KCDP.

Cultural Heritage

This area of Kildare has a long history of settlement, although there are relatively few obvious visible remains – the notable exception being the round tower and church with graveyard at Taghadoe – just over 200 metres from the southwestern edge of the northern land parcel (Parcel no.2). This ecclesiastical site is located on a distinct rise in a generally flat landscape. It is described in the Sites and Monuments record as:

'Taghadoe, Tech-tua [is] the site of a monastery founded by St Tua, alias Ultan the Silent: Folachtach of Tech-tua, abbot of Clonmacnoise, died in 770 AFM'. On a slight rise in otherwise open, level pasture. Geophysical survey results appear to confirm the existence of portion of an early ecclesiastical

enclosure (KD010-014001-), while upstanding remains comprise a round tower (KD010-014002-) and a graveyard (KD010-014003-) which may have early origins but is probably at least partly associated with an RC Chapel site (KD010-014004-) and a 19th century church (KD010-014005-). No visible surface traces of an earlier church survive'

There is also documentary and archaeological evidence of a wider enclosure which may have been part of the early medieval monastery. No visible remains now exist. The existing round tower is largely intact but the interior is not accessible to the public. This building is also a protected structure listed in the KCDP. The ruined church next to it was built in 1831 on the site of a much older chapel.

The five parcels of land are all intensively worked land, either currently in tillage use or in pasture/silage use. Older OS plans show that many boundary ditches have been removed in the past half century. The Sites and Monuments Record notes three features – a ringfort (KD010-171), a ring-ditch (KD010-070), and enclosure (KD010-072) and a ring-ditch KD010-67 within the lands. No visible traces of these features remain, they all seem to have been ploughed out or otherwise removed.

In its reason for refusal no.3, the planning authority makes reference to these sites and states that it is a contravention of the following policy objectives:

AH021:

Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.

AH 032:

Ensure that new development will not adversely impact on the setting of a protected structure or obscure established views of its principal elevations.

AH 04:

Ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing and to ensure that such proposed developments are subject to an archaeological assessment prepared by a suitably qualified archaeologist. Such an assessment will seek to ensure that the development can be sited and designed in such a way as to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features, objects and areas of underwater archaeological heritage

AH 05:

Require the preservation of the context, amenity, visual integrity and connection of the setting of archaeological monuments. As a general principle, views to and from archaeological monuments shall not be obscured by inappropriate development. Where appropriate, archaeological visual impact assessments will be required to demonstrate the continued preservation of an archaeological monument's siting and context.

I note that the DAU submitted specific concerns about the impact of the proposed solar farm on the setting of the Monastic site.

The Environmental Report submitted by the applicant includes a section on Cultural Heritage (Chapter 11) with an assessment of the lands and locality. The basis for this assessment is a desktop survey along with a field walk and four geophysical surveys on areas identified as having potential remains (in parcel 1, 2 and 4). Details of a previous LIDAR study are also indicated. The report also assesses some nearby buildings of value, including Taghadoe House (a protected structure), which is directly opposite the round tower.

The report concludes that a direct impacts on the Recorded Monuments can be avoided by way of a mitigation strategy to protect and preserve all *in situ*

subsurface elements by the use of surface mounted ballast foundation for the panels.

It identifies indirect impacts as primarily visual impacts on cultural heritage in the area. It concludes that existing and proposed screening will provide complete screening for all protected structures and recorded monuments in the area. It concludes that there will be no cumulative impacts arising. The report concludes:

Significant ground disturbances associated with the construction phase of the Proposed Development may be subject to monitoring by an archaeologist in accordance with national guidelines and such a requirement may form a condition of any grant of planning permission. Given the distance separating the monuments from the Site and the fact that there will be no direct or indirect impacts on any recorded monuments, it can be concluded that the effects of the Proposed Development on the cultural heritage of the area will be not significant.

In addition to the above, the applicant in its submission to ACP stated that it would accept a condition for further archaeological monitoring.

With regard to the potential remains within the site, which include possible subsurface elements of the Taghahoe monastery extending towards parcel 2, and possibly extending to within the parcel, and the four monuments on the Sites and Monuments Record, I am satisfied that the submitted documents represent a sufficient and reasonable level of investigation. No visible remains of these sites can be seen, and with all four, the lands have been repeatedly ploughed, so significant remains are unlikely. The construction details of the solar panels proposes ballast foundation on subject areas to ensure no disturbance of subsurface remains. I am satisfied that a standard condition to ensure monitoring of any foundation works by a qualified archaeologist would mitigate any potential impacts. With such a condition, I am satisfied that there would be no perceptible impact on any possible remains.

The key issue for the DAU and the Planning Authority is the potential impact on the setting of the round tower and graveyard. The associated ruined church within the graveyard is a 19th century building but still has significant conservation value. Parcel 2 of the proposed solar farm is just over 200 metres at its closest

from the graveyard. There is a very high yew tree hedge on the northern side of the churchyard which fully screens it from areas to the north. The round tower (but not the church or other elements) are visible from Parcel 2. When viewed from within the churchyard, views are blocked towards the site, except directly to the east. As the churchyard is slightly elevated above the level of Parcel 2, some of the panels would be visible at least until the proposed extra mitigation planting was put in place.

I would conclude that there would be a slight visual intrusion when viewed from the churchyard, but I would consider it minor and short term (i.e. until screening planting matures). The proposed screening will rapidly reduce the impact to negligible levels. Given that the churchyard is next to a very busy road and active farms, I do not consider that the proposed development would significantly detract from the overall setting.

With regard to other cultural heritage features in the area, including some protected structures and attractive 19th century farm buildings, I am satisfied that existing vegetation will screen these and result in zero to negligible impacts.

I conclude therefore that subject to appropriate conditions relating to full archaeological monitoring of the site during construction, adequate planting to ensure screening, and appropriate foundation design, the proposed development would not have a significant impact on the cultural heritage of the area, and in particular, would not significantly impact upon the setting of the Recorded Monument at Taghadoe.

Ecology/biodiversity

The applicant submitted an overview of the biodiversity of the land parcels in Chapter 6 of the Environmental Report (ER), in addition to an NIS (I note that some survey information relevant to the NIS is contained in the Environmental Report only). The former was based on national guidelines and used a desk study using available resources and a site walkover on the 3rd July 2024 with an additional habitat assessment on the 27th September 2024, carried out by MOR Environmental Ecologists in addition to a winter bird survey. Additional information and clarification were submitted with the appeal.

The planning authority report claimed that the survey was inadequate, specifically with regard to overwintering birds that may be associated with an SPA. The observer has submitted a report highlighting the importance of the hedgerows and field edges, with specific focus on the Yellowhammer. The reason for refusal referenced policy objectives EC 017; EC 021 and Section 7.6 of the KCDP.

I noted from my site visit in November 2025 and from available aerial photography that the five parcels have for some time been in intensive farming use, arable for the most part. During my site visit most of the lands were ploughed and apparently seeded. The field edges were intensively managed and for the most part hedges are tightly trimmed. Most of the drains had standing water (there are some running watercourses along the edges). On visual inspection, the water was generally clear with no obvious signs of pollution or nutrient enrichment.

The ER noted with regard to wintering birds that a winter bird transect survey was undertaken on the 24th February 2025. A breeding bird survey was undertaken on 11th March 2025. Other surveys for otter, bats, badgers and other species were carried out. Three European sites were identified within 15km – the Rye Water Valley SAC, Ballnyafagh Bog SAC and Ballynafagh Lake SAC – the former being the closest, at 4km distance (downstream).

It is noted that one watercourse, the Taghadoe Stream flows north along the perimeter of Parcel 2. This stream appears to be seasonal – it flows north to the Rye Water near Maynooth.

The surveys identified no plant species under the Flora Protection Order. There is one NBDC record of a frog within 2km of the site. There are some indicators of badger activity on and around the site, including a sett. It is indicated that bats probably commute, roost and forage over the land parcels. No roosts were identified, and the trees on the boundaries are not considered suitable roosts.

38 no. bird species were recorded, including one red list Annex 1 species – golden plover. It is concluded that the site is predominantly open agricultural and that lacks shelter and cover for wintering bird species. It is considered a suboptimal habitat for foraging species. Sections of the hedgerows/treelines

could be suitable shelter for wintering birds. No confirmed breeding birds were identified. Table 6-7 sets out the full survey details.

There are no NBDC records of otter within 2 km of the site in the last 10 years. The watercourses are considered suboptimal for otter – the one watercourse running through part of the site appears to be seasonal.

Nine invasive species are known from within 2 km of the site. Other species known to be in the area include the Irish hare, the red fox and pine marten.

Section 6.7 sets out mitigation measures including standard methodology during construction works, long term protection for water quality (a 10 metre buffer between panels and the Taghadoe Stream, and 5 metres for other watercourses), protection of hedgerows and treelines, an on-site ECoW to ensure works do not impact on amphibians and bats, and a buffer zone around the identified sett if it is occupied. Vegetation clearance will take place outside the nesting bird season and measures will be undertaken to prevent the spread of invasive species. Additionally, Section 6.7.3 sets out ecological enhancement measures in line with BRE guidance on solar development – this will include the strengthening of hedgerows/ treelines, the creation of natural grassland habitat and the provision of wildlife shelters.

The report concludes that:

Based on the findings of a detailed desk-based study, a review of all the ecological information available for the Site and wider area and a field survey by MOR Environmental Ecologists, it is considered reasonable to conclude the following:

- *The overall Site itself is currently of low-moderate ecological value; • The Site is located in an area predominantly made up of agricultural grassland and arable cropland and is of low ecological value; and,*
- *The Proposed Development will not result in any significant impacts on ecological receptors identified both onsite and in the surrounding area following the implementation of appropriate mitigation measures / enhancement measures.*

Taking into account the nature of the Proposed Development and the enhancement measures to be implemented, it is considered that the Proposed Development is consistent with the National, Local and Municipal planning policies and objectives, will support the protection and enhancement of the environmental quality of the area, and will have an overall positive impact on the local biodiversity.

I note the comments made by the planning authority and their decision with regard to policy within the KCDP, in addition to the observer's submission on ecology. Notwithstanding the issues covered by the Appropriate Assessment (addressed further below), I consider that the overall development would have a positive impact on local biodiversity. The entirety of the land is either cultivated tillage land or pasture/silage meadow (improved grassland). The ditches, hedges and treelines are heavily managed and of relatively low habitat value. As you would expect in a rural area, a number of important birds and mammals may intermittently forage on the site, but it is not a core habitat for any of these species. While some disturbance during construction is to be expected, I am satisfied that the mitigation measures set out in the Environmental Report and the CEMP will mitigate satisfactorily any short term impacts, and in the longer term the additional planting and screening works will significantly improve the overall biodiversity of the lands and surrounding area.

Landscape and amenities

The site includes five large land parcels on the Kildare plain, an area characterized by its open nature and generally flat nature, although the southern parcels have distinct slopes, generally to the south. The field network consists of often very large fields with ditches and hedgerows. The dominant feature is a series of large high-capacity power lines converging at the Maynooth 220kv station.

The applicants submitted a landscape and visual assessment (LVIA) in section 9 of the ER along with visualizations, with some modifications submitted with the appeal. I have examined these visualizations, and I consider that the choice of

viewpoints is reasonable, and they are an accurate representation of the likely visual impacts. The LVIA was carried out using standard guidance and criteria.

It is noted that there are no scenic routes or views indicated in the KCDP in the vicinity of the proposed development. The largest settlements in the area are Maynooth and Celbridge, 2 km and 2.2 km away respectively. There is a modest rural population in the area, mostly farmhouses with some scattered dwellings. The main tourism feature in the area is the Taghadoo Round Tower and Church, with the Royal Canal and Greenway running 1.7km to the north. The sites can potentially be viewed from two regional roads and a number of minor third class roads. It is further noted that there are four permitted solar farms within 5km of the site, with an additional one a little further away. These are listed in Table 9-7.

Section 9.3.4 sets out mitigation and restoration measures, much of which involves allowing existing hedgerows to grow and additional perimeter and internal hedgerow planting to provide dense and consistent screening.

The LVIA concludes:

In summary, it is considered that the Proposed Development, while sizable in scale, represents a well-sited and appropriately scaled development in this robust rural context. Indeed, the perceived scale of the development will be heavily diminished, as all the proposed solar parcels will never be viewed in combination, and there will be very limited opportunities to view more than one of the proposed solar parcels at a time. Furthermore, in terms of the surrounding landscape and visual policy, it is considered that the Proposed Development is contained within a robust part of County Kildare, which is reinforced by the low landscape sensitivity in the current CDP and can well accommodate a development of this scale and nature. It is not considered that the Proposed Development conflicts with any landscape and visual policies or objectives set out in the current Kildare CDP.

I conclude that the LVIA represents a reasonable assessment of the likely impacts on the landscape. There will be some short term impacts on a small number of dwellings close to the site, but I am satisfied that the mitigation measures outlined will ensure this will not be a long term amenity or impact. The impact on the visual context of the Taghadoo Round Tower will be minimal (as

discussed in the section on cultural heritage above). Having regard to the nature of the landscape, land uses in the area, and the mitigation measures outlined, I am satisfied that the overall landscape impact of the proposed solar farm will be minimal.

Glint and Glare

Section 10 of the ER addresses Glint and Glare impacts prepared by Macro Works. It uses a software tool derived from the FAA approved SGHAT software model. The observer has raised specific concern regarding the impact of glint and glare on foals on the adjoining stud farm. I note that the IAA and DoD did not object to the proposed development on aviation grounds.

The study indicates that there are no potential impacts on large scale settlement in the area. Figures 10-4 and 10-5 identify possible residential receptors (based on terrain). Table 10-2 identifies dwellings with some potential impact. A number of dwellings were identified as being potentially impacted when all mitigation is taken into account. The study identifies these impacts as negligible to low with one dwelling as medium-low (House H106, a dwelling on the R406 near Parcel 4). The study also assesses potential impact on transport route receptors. It identifies a small number of receptor points where there is a slight, negligible impact.

The study concludes that:

From the analysis and discussions contained herein, it is considered that there will not be any significant nuisance effects from glint and glare at dwellings within the study area. It is also considered that there will not be any hazardous glint and glare effects upon road receptors resulting from the Proposed Development.

The main parts of the site are in open countryside with relatively few receptors. I am satisfied from the information provided that any impact on local dwellings and amenity would be negligible to very low. The existing hedgerows, in addition to proposed additional planting, will reduce any potential impact on transport receptors to very low to minimal.

The observer questioned the potential impact on the stud farm. From the relative location and orientation of the sites I am satisfied that any potential reflection towards the farm would be very minimal and negligible due to existing vegetation cover and while the concerns of the owner are understandable, there is no evidence submitted for considering that it would have a serious impact on the operations of that farm.

I therefore conclude that the mitigation measures set out in the application are appropriate and that glint and glare impacts on amenities or other farm/commercial activities and traffic safety will not arise to any significant degree.

Noise impacts

Chapter 8 of the Environmental Report addresses noise. It includes a desk-based assessment along with a baseline noise monitoring survey from 20th to 22nd January 2025 and 17th February 2025 in accordance with ISO 1996-2:2017. It notes that while the area is rural in nature there is significant noise from the R406, R408 and local roads, in addition to distant traffic from the M4 motorway. It is not considered to be a rural 'Quiet Area' as per the metrics issued by the EPA. Table 8-2 sets out a list of identified sensitive receptors, mostly individual dwellings and the stud operations close to parcels 1 and 3. Section 8.7.3 specifically discusses equine receptors. Section 8.9.1 assesses construction noise impacts on the receptors. Section 8.9.2 and Table 8-17 outlines operation noise predicted noise levels. Standard mitigation measures are set out for construction noise. It is concluded (8.12.2) that there would be no noise nuisance impacts from the solar farm. It is concluded that wind noise impacts will not be significant.

The study concludes:

A comprehensive noise impact assessment was undertaken by a Principal MOR Environmental Acoustician and Associate Director, who is a full member of the Institute of Acoustics ('MIOA') and a member of the AACI. The assessment included baseline noise monitoring at 11 locations, which characterised the existing noise environment as ranging from 37dB to 77dB, LAeq,T and background levels of 31dB to 65dB LA90,T for daytime period.

During the construction phase, as per any construction project, the potential exists for temporary noise nuisance during specific construction works. Due to the distance of proposed construction works from the NSRs identified and the general methods that will be involved in constructing the solar farm and ancillary infrastructure, standard noise construction noise will not breach noise limits at NSRs. Nonetheless, noise mitigation measures will be implemented during the construction stage that will be in accordance with recognised best practice guidelines for construction sites. These have been outlined in Section 8.10. Therefore, it can be concluded that noise nuisance will not likely occur during the construction of the Proposed Development. Regarding the operational phase of the Proposed Development, there will be no likely noise nuisance during the daytime and night-time operation of the Proposed Development and as such specific mitigation measures were not deemed to be warranted.

I note that the EHO for Kildare CC requested additional information in relation to the generator use for the transformer compound. Having regard to the separation distance from this compound from any sensitive receptor, I consider that this is an issue that can be dealt with by way of condition – such transformers are a mature technology with well-established noise limits – any unforeseen extra noise emissions can be addressed by way of condition.

I am satisfied that the potential noise impacts from the proposed development have been adequately assessed and will be minimal. The area, while rural in nature, is already impacted by high levels of traffic on local roads in addition to noise associated with intensive agriculture and the large level of existing electricity infrastructure. I note the issue raised by the observer questioning some of the baseline figures, but I consider that even on a worst case basis, solar farms do not result normally in high noise levels, and the transformers/inverters are sufficiently distant from any receptor that subject to standard conditions to ensure they are adequately maintained, will not result in nuisance. With regard to the nature of the area, any noise impacts from construction will be short term and can be adequately mitigated.

Water, drainage, flooding

Section 7 of the Environmental Report sets out details on hydrology, hydrogeology and flood risk. The site is located over primarily deep limestone tills, with some limestone derived gravels. There is a small area of karst limestone near the surface along the R406. For the most part, the land is covered by a substantial depth of till material. The majority of the site overlies a Locally Important Aquifer. It is considered of moderate vulnerability with one small area of high or extreme vulnerability near karst in parcel 4.

There is one watercourse, the Taghadoe Stream, a tributary of the Lyre Water, which emerges at the boundary of Parcel 5 and flows along the boundary of Parcel 2. This stream runs under a road where it is proposed to lay connecting cables – it is stated that HDD will be used for the cabling, so there will be no direct impact on the watercourse as there will be a buffer zone between it and the solar panels – this zone is to be maintained during construction. Another small stream, the Treadstown Stream, is located around 250 metres from Parcel 1. One nearby stream (at its closest 170 metres away), Posseckstown Stream, discharges to the Liffey around 3 km from the site.

The Taghadoe and other identified streams are indicated as having poor water quality status under the Water framework Directive. The Rye Water is considered to be of moderate status and is classified as ‘at risk’.

The survey also identifies a number of drainage ditches in the area. These are directly or indirectly connected to the surrounding watercourses.

There are no records of flooding on the lands. A small area adjoining Parcel 2 might be flooded in a theoretical medium probably flooding effects as identified under the CFRAM programme (Figure 7-5). The majority of the site is considered to be in Flood Zone C (i.e. low risk), with one small area of Parcel 2 as within Flood Zone B. It is concluded that no potential risks of fluvial or pluvial flooding have been identified.

It is stated that standard mitigation measures during construction will mitigate any risk during the works. For the operational phase, the majority of surfaces will be permeable. There will be just under 2,000 sqm of hardstanding for associated infrastructure – this will be directed to permeable surfaces. It is stated that

studies indicate that this type of solar PV development does not impact infiltration rates once grass is maintained under and between the panels, so no downstream impacts anticipated.

The full Water Framework Directive impacts are addressed in the forms attached to this report and the specific section. I note that Uisce Eireann indicated that there is the potential to impact on a UE Drinking Water Source with regard to Parcel 3, which is stated to be within the surface water abstraction catchment for the Leixlip Water Treatment Plant (14km upstream of the abstraction point on the River Liffey). Available information on the EPA website do not identify this area as having specific vulnerabilities or importance for water supplies. I do not consider that the construction works for a solar farm represent a threat to any aquifer given the depth of the overlying till and over the lifetime of the solar farm the potential impact on groundwater should reduce as intensive agricultural activities cease for this period. While it is open to the Commission to seek additional information to clarify this point, on the basis of available information I do not consider that there is any substantive basis for concluding that the proposed development represents any risk to public water supplies provided standard best practice measures are used for the construction works.

Material impacts (including construction and traffic)

The submitted documentation includes Section 12 of the Environmental Report, a Traffic Impact Assessment, the CEMP and additional information submitted with the appeal. Traffic impacts were not indicated in the reasons for refusal, but I note that the internal Roads Report raised a number of concerns about both traffic impacts and control, and the impacts of the proposed linking underground cables along the public road network.

The existing road network in the area mostly connects to the junction on the M4 to the north. Most materials (the panels) will come via Dublin Port and the M50. It is stated that during construction most materials will come via this road, the R406, and three local roads, the L5037, L5066 and L50664. Five separate entrances will be used. Haul routes are shown in Figures 12-2 and 12.3. The construction period is likely to last 72 weeks, with a core of 55 weeks (i.e. the

remainder of the time will be connections and commissioning). Traffic is likely to be evenly spread over this period. The predicted number of HGV deliveries is c.1500, which equates to a maximum daily delivery of 5. It is concluded that there would be no traffic congestion or other issues arising.

With regard to cabling, it is indicated that this would require consultation and agreement along with the necessary approval of the Roads Authority.

I note that the Roads Authority had some concerns about details of the submission, but all five parcels of land are well connected to the national road network. I consider it reasonable to permit the development subject to conditions on final agreement being met with the planning authority and other relevant bodies on the details of accesses and other related matters.

With regard to the cabling, this will inevitably be disruptive for road traffic, but the proximity of the Maynooth 220kV transformer ensures that the required cabling can be carried out with minimal disruption for this type of development as the lengths required are quite modest by the standard of most renewable developments. I note that it is stated that HDD (horizontal drilling) will be used for the one water crossing. In other respects, almost all the works will take place within the curtilage of the existing highway.

Decommissioning

Impacts of decommissioning works are anticipated to be similar to construction – the applicant submitted an outline Decommissioning Plan with the application. I would recommend a condition such that such works be subject to appropriate agreement with the planning authority.

Water Framework Directive

See Appendix 5 of this report for further detailed consideration. I have assessed the proposal for the 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 and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent

deterioration. I note the submission of Irish Water with regard to water quality, but I am satisfied that the works proposed do not involve any physical works that would, subject to standard controls, represent a potential impact on groundwater.

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;

- The nature of works and the surface water controls designed into the proposal, specifically the general best practice applied to construction activities and the limited extent of deep earthworks or other major changes to the underlying geology proposed.
- The minimal interference and maintenance required for the lifetime of a solar farm.
- The absence of any proposal for abstraction from or discharge to any surface or ground water bodies
- The absence of any proposal for significant hydro morphological changes to any waterbody and the provision of buffer zones between the proposed solar panels and all watercourses.

WFD screening 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.

Reason for refusal 1

Reason no. 1 for refusal given by the planning authority states as following:

Objective EC 021 seeks to support solar farms in appropriate locations in accordance with the criteria set out within Section 7.6 of the Kildare County Development Plan 2023-2029, additionally objective EC 017 seeks to support commercial scale solar project sat appropriate locations subject to a viability assessment and environmental safeguards including the protection of natural or built heritage features, biodiversity and views and prospects. Having regard to the site being productive agricultural land and the lack of information provided in relation to, biodiversity, noise, glint and glare, architectural and archaeological heritage and road safety, the proposed development does not accord with objectives EC 017, EC 021 and Section 7.6 of the Kildare County Development Plan 2023-2029.

As I have outlined above, EU, national, regional and local plan policy strongly favours renewable energy projects in principle, subject to the constraints set out by existing regulations and guidance on planning and environmental considerations. The planning authority refused on the basis that it did not consider that the application as proposed achieves the required criteria set out in Section 7.6 and EC 017 and EC 021.

EC 017: 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.

EC 021L 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.

Section 7.6 sets out standard criteria for such development.

In this regard I note that in most respects the land parcels are close to optimal for solar farm developments. The lands are open and in an area with relatively few

dwellings in close proximity; already severely ecologically degraded by intensive farming; all have existing good accesses to the main road network; and are within very close proximity to existing infrastructure, specifically the Maynooth 220KV transformer and the permitted Synchronous Compensator.

The most significant sensitivity is the proximity of the Taghadoe Round Tower, in addition to the sensitivities of stud farms in the area. There are some issues with the application as submitted, specifically with regard to the comments by the Roads Department of the local authority. I note that the applicant was not given the opportunity by way of a further information request to clarify these issues.

With regard to the site being on high quality agricultural land, I note that the Commission has not accepted this as a specific reason for refusal in the past – there is no policy objective in national, regional or local plans or guidance to refuse on the basis of a temporary (albeit lengthy) loss of agricultural land and in previous decisions, including ABP-318785-24 and others cited by the appellant in its appeal the Commission has not upheld this as a reason for refusal.

I conclude that the planning authority did not give sufficient weight to the overall national policy objectives for renewable energy. The issues raised in refusal no.1 are, in my opinion, all issues that can be addressed by way of condition. None constitute an obstacle to granting planning permission. I therefore recommend that the Commission does not uphold this reason for refusal.

Reason for refusal 2

Having regard to the lack of information within the Appropriate Assessment Screening and Natura Impact Statement in relation to breeding and wintering bird surveys which are a qualifying interest for the South Dublin Bay and the River Tolka Estuary, 004024 and North Bull Island 004006, further hydrological assessment of potential groundwater impacts of the proposed development and dust management is required. The Planning Authority is not satisfied that the proposed development would not have an impact on the qualifying interests and integrity of the European sites network. To permit the development as proposed would therefore contravene materially the development objectives set out in Chapter 12 of the Kildare County

Development Plan 2023-2029, including objectives BI 09 and BI 010 for the conservation and preservation of European Sties and would therefore be contrary to the proper planning and sustainable development of the area.

The applicants submitted a Screening and NIS with the application in addition to further ecological survey information in the Environment Report. I have addressed this in the relevant sections above and in the forms attached in the appendix to this report.

The prime reason for this reason for refusal would appear to be the understanding of the planning authority that the NIS and associated documentation did not address the issue of breeding and wintering birds associated with the QI's of the River Tolka Estuary, 004024 and North Bull Island 004006, which are some 25km to the east of the land parcels. The applicant did, in fact, submit an assessment based on a survey carried out in February 2025, which concluded that there was no evidence of such bird activity. As an open area of cultivated land, it will undoubtedly attract some species of birds, including birds listed in SPI's in the broader Leinster region for occasional foraging or roosting, but there is no evidence that it has any functional connection to the QI's of any of the Dublin Bay SPI's and there is no evidence from either the survey or existing desktop information that any of the QI species use the site for foraging or breeding. I further note that the lands have been used for a variety of uses – varying between arable and silage – so any theoretical use of the lands by birds would be opportunistic and short term, depending on the particular crop or phase of cultivation. I am satisfied that the desktop study and the survey carried out by the appellants is sufficient to demonstrate that there would be no effects on any SPA QI species. I do note the single Golden Plover was identified in the bird survey, but this is a wading species and as such open agricultural land would not be considered suitable habitat.

The reason for refusal also addresses hydrology impacts (it is implied that the concerns relate to construction, not operational elements of the proposed solar farm). The issue of potential hydrology was assessed in both the relevant sections of the ER and the NIS. The land parcels drain ultimately to an SAC and

is in hydraulic continuity, but there is no evidence that the proposed works would, if carried out according to standard best practice measures have any significant effect on the watercourses – while one watercourse runs through the northern section of Parcel 2 and another forms part of a boundary, there are no works proposed that would directly impact upon either the drains or a watercourse, and the works do not involve deep excavations that could impact upon the water table. I am satisfied that sufficient information has been provided by the appellant do address surface and ground water issues and that the information submitted is sufficient to carry out a full Appropriate Assessment.

The reason for refusal states that it is a material contravention of Chapter 12, specifically policies BI 09 and BI 010:

BI 09: Avoid development that would adversely affect the integrity of any Natura 2000 site and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive, to support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

BI 010: Ensure an Appropriate Assessment Screening, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, Section 177A of the Planning and Development Act (2001-2022) or any superseding legislation and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.

As I have outlined above and in the AA Section of this report, I consider that there would be no adverse effect on any Natura 2000 site and sufficient information

has been provided to allow a full assessment. I do not consider that any there has been any 'material' contravention of Chapter 12 or any policy objectives within that chapter. The Observer submitted a separate ecological report – I note its contents, but I do not consider that there is any objective basis to conclude that there is any substantive absence of survey information or analysis in the application documents to preclude a conclusion that there would be no adverse effects and as such the proposed development would not be counter to any policies relating to biodiversity set out in the KCDP.

With respect to S.37(2)(b) of the Act, I note that the scale of this solar farm can be considered of national importance and that the development plan clearly favours such development. As such, I conclude that it is open to the Commission to grant permission if it is so minded.

I therefore do not recommend that the Commission upholds this reason for refusal.

Reason for refusal 3.

The early Christian Monastic Complex at Taghadoo, which includes a Round Tower and Church both (KD010-014 of which are National Monuments in State Care (No. 70 and 578) is located in close proximity to the application site. The Round Tower is also Protected Structure B10-10 as are the Ruined Church and Graveyard B10-03 in the Record of Protected Structures in the current County Kildare Development Plan 2023-2029 and there is a high level of known archaeology in the vicinity of the site. The Planning Authority is not satisfied that the archaeology Chapter in the Environment Report and the Visual Impact Assessment adequately or accurately considers the impact the proposed development would have on the setting and the views to and from Taghadoo Round Tower and Church and Graveyard, and the architectural heritage and archaeology of the area. To permit the development, as proposed would contravene objectives AH 021, AH 032, AH 04 and AH 05 of the Kildare County Development Plan 2023-2029 which seeks to protect views to and from such structures an ensure development is not to the detriment of the architectural and archaeological heritage of these sites and

would therefore be contrary to the proper planning and sustainable development of the area.

Reason no.3 cites archaeology and cultural heritage as a reason for refusal.

AH 04: *Ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing and to ensure that such proposed developments are subject to an archaeological assessment prepared by a suitably qualified archaeologist. Such an assessment will seek to ensure that the development can be sited and designed in such a way as to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features, objects and areas of underwater archaeological heritage.*

AH 05: *Require the preservation of the context, amenity, visual integrity and connection of the setting of archaeological monuments. As a general principle, views to and from archaeological monuments shall not be obscured by inappropriate development. Where appropriate, archaeological visual impact assessments will be required to demonstrate the continued preservation of an archaeological monument's siting and context.*

AH 21: *Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.*

AH 32: *Ensure that new development will not adversely impact on the setting of a protected structure or obscure established views of its principal elevations.*

As outlined in the subsection on Cultural Heritage above, the site is within 200 metres of a National Monument and Protected Structure – the Taghadoe Round

Tower and Graveyard, including a ruined 19th century church, and possible remains of the early Medieval monastery in the surrounding lands. There are a number of recorded ancient monuments on the lands, including areas to be covered with solar panels, but all these have no visible remains and have been ploughed in, so little is likely to remain. Possible features associated with the former monastery extend out to the boundary of Parcel 2. The applicant has argued that existing and proposed screening will ensure that any impact on the setting of the National Monument and Protected Structure will be negligible and that any impact on archaeology can be addressed by way of foundation design (to ensure no disturbance) and a condition relating to archaeological monitoring of all works. It is also noted that while it is proposed to run a cable along the road beside the National Monument, any trenching will be into an existing road structure, so no direct impacts on archaeology can occur.

As with Reason 1 above, I do not consider that the planning authority has given sufficient weight to the strong policy presumption in favour of renewable schemes in locations where there are no fundamental overriding policy objectives to otherwise permit them. I do not consider that the potential impact on the National Monument, the Protected Structure, or the Recorded Monuments are more than low to negligible and short term, and all the significant issues relating to cultural heritage can be adequately mitigated through the measures set out in the supporting documentation and appeal, in addition to conditions ensuring a full archaeological monitoring of the works. I therefore do not recommend that the Commission upholds reason for refusal no. 3.

Concluding comments:

The application is for a 10 year planning permission on the site. It is argued in the submission documentation that this is required to allow for the time frame of permission to connect to the grid. Such a 10 year permission is consistent with other permissions granted by the Commission for solar farms, including a number in the general vicinity, so I consider this to be reasonable.

I note that while the planning authority decided to refuse permission, a number of internal and external reports on file recommend conditions. These are generally standard conditions which can be addressed by way of general conditions for

schemes of this nature. The concerns raised in the internal reports are in my opinion relatively minor in nature and can be addressed through condition, specifically relating to noise control, agreement on access and cable trenching on the public road, the specifics of the CEMP with regard to protecting water courses and habitats, and the clarification of any sensitivities with regard to the public water supply.

9. Appropriate Assessment

9.1 Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on the Rye Water Valley / Carton SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on the location of the site upstream and in hydraulic continuity with the SAC and the requirement for some mitigation measures to absolutely rule out any potential indirect effects during construction on the two species of whorl snail listed as QI species.

9.2 Appropriate Assessment

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. The forms in the Appendix to this report outline the assessment in detail.

Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on the Rye Valley /Carton SAC site code 001398. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the Rye Valley/Carton SAC in light of its conservation objectives.

Following an Appropriate Assessment, it has been determined that the proposed

development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 001398, or any other European site, in view of the sites Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

The Rye Valley/Cartron SAC is downstream of the site, and the works involved do not involve any direct excavation or other alteration to the watercourse, and standard construction measures will ensure that there is no runoff or other direct or indirect impact that could negatively effect water quality to an extent or nature that could impact on the Qualifying Interests of the SAC – i.e. petrifying springs with tufa formation, and two snail species, *Vertigo angustior* and *Vertigo moulinsiana*.

10. Recommendation

It is recommended that the Board *grant* planning permission for the proposed development for the following reasons and considerations and subject to the conditions set out below.

Reasons and Considerations

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:

European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

European Policy/Legislation including:

Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);

Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive);

Directive 2000/60/EC (Water Framework Directive)

National Policy and Guidance including:

Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF;

National Development Plan 2021-2030

The objectives and targets of the National Biodiversity Action Plan 2023-2030;

Policy Statement on Security of Electricity Supply (November 2021);

National Energy Security Framework (April 2022);

National Energy and Climate Action Plan (2021-2030);

Regional and Local Planning Policy, including in particular:

Regional Spatial and Economic Strategy for the Eastern Region (2019-2031);

Kildare County Development Plan 2023-2029;

- The location, nature, scale and layout of the proposed development,
- The pattern of development within the area and context of the receiving environment,
- The range of mitigation measures set out in the Construction and Environmental Management Report.
- The range of mitigation measures set out in the Natura Impact Statement.

- Measures proposed for the construction, operation and decommissioning of the development,
- The submissions received in relation to the appeal
- The Inspector's report and recommendation.

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 European, national, and regional renewable energy policies and with the provisions of the Kildare County Development Plan 2023-2029, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an of unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1 Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on the Rye Water Valley / Carton SAC in view of the sites conservation objectives. Appropriate Assessment is required.

Appropriate Assessment Stage 2 Conclusion

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of

the proposed development for European Site Rye Valley/Carton SAC site code 001398 in view of the site's Conservation Objectives.

The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites conservation objectives using the best available scientific knowledge in the field.

In completing the assessment the Board considered, in particular, the following

- (i) Site Specific Conservation Objectives for the European Site,
- (ii) Current conservation status, threats and pressures of the qualifying interest features
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically run-off from the construction works and,
- (iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European site Ryle Valley/Carton SAC in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

EIA Screening Determination

Having regard to: -

- the nature and scale of the proposed development, which is not itself a class of development and falls below the thresholds in respect of Class 1(a) and Class 10(dd) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive; • the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised; ACP-322423-25 Inspector's Report Page 34 of 73
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project - Landscape and visual impact assessment, Ecological appraisal and biodiversity management plan, Archaeology impact assessment, Flood risk assessment / drainage impact assessment, noise impact assessment, glint and glare assessment, Construction Environmental Management Plan, and Decommissioning Plan.

It is considered that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

The Board made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended;
- the Climate Action Plan 2024 and Climate Action Plan 2025; and otherwise had regard to European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following :

European Policy/Legislation including:

Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive); Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive); and Directive 2000/60/EC (Water Framework Directive); National Policy and Guidance including:

- (a) Project Ireland 2040: National Planning Framework (“NPF”), First Revision – April, 2025
- (b) National Development Plan 2021-2030,
- (c) the objectives and targets of the National Biodiversity Action Plan 2023-2030,
- (d) Policy Statement on Security of Electricity Supply (November 2021),
- (e) National Energy Security Framework (April 2022), and the National Energy and Climate Action Plan (2021-2030); Regional and Local Planning Policy, including in particular: Regional Spatial and Economic Strategy for the Southern Region (2020-2032) and the Kildare County Development Plan 2023-2029.

Having regard to the following:-

- (a) the location, nature, scale and layout of the proposed development,
- (b) the pattern of development in the area and context of the receiving environment,
- (c) the cultivated nature of the lands and the existing network of high hedgerows and treelines,
- (d) the mitigation measures proposed for the construction, operation and decommissioning of the site,
- (e) the submissions and observations on file, including those from prescribed bodies, the planning authority, and third parties,
- (f) the separation distances between the proposed development and dwellings or other sensitive receptors, along with the adequate provision of buffer planting when required,

(g) the hydraulic characteristics of the site and the robust nature of the proposed development,

(h) measures proposed for the construction, operation and decommissioning of the development,

(i) the submissions received in relation to the appeal, and

(j) the Inspector's report and recommendation,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Kildare County Development Plan 2023-2029, would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, would not have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

- The development shall be carried out and completed in accordance
1. with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars

Reason: In the interest of clarity.

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

Reason: In the interest of clarity.

- The permission shall be for a period of 40 years from the date of the
3. commissioning of the solar array. The solar array and related ancillary structures shall be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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, 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: In the interest of clarity.

- 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.
- 4.

Reason: In the interest of clarity.

- All trees and plants provided as landscaping and mitigation shall be native species and where practical all seeds and plants shall be sourced locally.
- 5.

Reason: To protect the natural biodiversity of the area.

- The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.
- 6.

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

7. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including:

- Details of the site and material compounds, including areas identified for the storage of construction refuse;
- Details of areas for construction site offices and staff facilities;
- Details of site security fencing and hoardings;
- Details of on-site car parking facilities for site workers during the course of construction;
- Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- Measures to obviate queuing of construction traffic on the adjoining road network:
- Measure to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels'
- The containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

- A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

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

- All road surfaces, culverts, watercourses, verges, underground services and public lands shall be protected during construction, and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall;

Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

10 Prior to the commencement of development, the developer shall lodge with Kildare County Council a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

11 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities facilitating development the area of the planning authority that is provided or intended to be provided by or on behalf of an authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer 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.

Philip Davis
Senior Planning Inspector

25th November 2025

Form 1 - EIA Pre-Screening

Case Reference	
Proposed Development Summary	10 year permission for a solar farm on c.180 hectares
Development Address	Bryanstown, Cowanstown, Donaghstown, Dowdestown, Kealstown, Posseckstown, Roosk, Rowastown, Taghadoe, Toolestown and Windgates, 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?	<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. Discuss with ADP.	State the Class here
<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.	Part 2- Class 1 (a) 'restructuring of rural land holdings'- Negligible length of field boundary removal for entrance. Class 10 (dd) All private roads which would exceed 2000 metres in length. Use of existing agricultural access tracks.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	State the Class and state the relevant 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) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2
AA Screening Determination
Screening for Appropriate Assessment
Screening Determination

Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	<p>The proposed development is described as a solar PV development and an ‘under the fence’ transformer compound on 180 hectares of land consisting of arable and pasture fields. Full description in the report above.</p>
Brief description of development characteristics and potential impact mechanisms	<p>Extensive solar farm with ancillary infrastructure (including underground cable connections) on 180 hectares on five parcels of land – all the land is intensively cultivated arable and pasture. The solar farm is to connect with the nearby Maynooth 220kv transformer station.</p> <p>The site is on generally high quality agricultural land, with a long history of tillage. Most historic land boundaries have been grubbed out and a number of possible recorded ancient monuments have long been ploughed out. Hedges are low and generally heavily trimmed. One watercourse running north to Maynooth crosses part of one site. There is standing water in some of the ditches. The Taghadoe Round Tower is around 200 metres from the closest site.</p>
Screening report	<p>Y</p>
Natura Impact Statement	<p>Y</p>
Relevant submissions	<p>The planning authority refused for reason of a failure to demonstrate that there would not be adverse effects on SPA’s in Dublin Bay.</p> <p>The Observer argued that the application did not fully address existing ecology on the lands.</p>

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Rye Water Valley / Carton SAC, site code 001398	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	4km	A tributary of the Rye runs through the north-western part of parcel 2, and forms part of the boundary of another parcel.	Y
Ballynafagh Bog SAC, site code 000391	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	10km	No ecological connections due to distance and lack of hydraulic connection.	N
Ballynafagh Lake SAC, site code 001387	Alkaline fens [7230] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Euphydryas aurinia (Marsh Fritillary) [1065]	10km	No ecological connections due to distance and lack of hydraulic connection.	N

<p>South Dublin Bay SAC 000210</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>25 km</p>	<p>No ecological connection due to attenuation distance.</p>	<p>N</p>
<p>North Dublin Bay SAC, site code 000206</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p>	<p>28 km</p>	<p>No ecological connection due to attenuation distance.</p>	

	Petalophyllum ralfsii (Petalwort) [1395]			
South Dublin Bay and River Tolka Estuary, site code 004024	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	25 km	No evidence of relevant wintering foraging or breeding on the site or in the vicinity.	N

<p>North Bull Island SPA site code 004006</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p>	<p>28 km</p>	<p>No evidence of any of the QI species feeding or wintering on the sites or the vicinity.</p>	<p>N</p>
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	Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999]			
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
Qualifying interests				
	Impacts	Effects		
Rye Water Valley/Cartron SAC, site code 001398 Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	Direct: None Indirect: Decrease in water quality due to potential pollution and run-off during the construction phase.	Due to the absence of petrifying springs on the site and the indirect hydraulic continuity, any effect is highly unlikely – it is 10,2km downstream. Water mitigation measures will however be necessary, so this habitat has been screened in. The Whorl Snail was not identified on-site and the habitat is not considered suitable, but should potential construction pollution take place, some deterioration of water quality and hence habitat could take place, so this is screened in. Similarly with the Desmoulin's Whorl Snail.		
Y	Likelihood of significant effects from proposed development (alone): Y/N			

	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*</p>
<p>I note that the planning authority considered that the North Bull Island and River Tolka SPA's should be screened in, but I do not concur with this. They erroneously stated that there was no information regarding overwintering of QI birds on site – the applicants did carry out a survey and desk top study and could find no evidence of any of the birds using the site (this information was contained in the Environmental Report (Chapter 6), but not directly referred to in the Screening). As the lands are 25 km inland from these estuarine SPA's, I am satisfied that they can be screened out.</p>	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>	
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on the Rye Water Valley/Carton SAC, site code 001398 from effects associated with construction run-off.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p>	

Appendix 3: Appropriate Assessment

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 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 development of a solar farm in view of the re conservation objectives of the Rye Water Valley/Carlton SAC site code 001398 based on sc information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Malone O'Regan Environmental
- Site surveys carried out by Malone O'Regan Environmental
- The National Biodiversity data Centre database.
- EPA Maps website on watercourses.

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

Submissions/observations

The submissions did not specifically refer to the Rye Water SAC, but the planning report and its reports refer to the lack of information on overwintering birds – however, a site survey on overwintering birds was carried out as part of the overall development, just not specifically referred to in the original Screening. Submissions on the original application and the observation appeal refer to general ecological and water pollution issues, but do not address the specific possible effects on the EU habitat.

Rye Water / Carton Valley

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

- (i) Water quality degradation during construction leading to effects on the two QI species.**

See Table 6.1 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
<i>Petrifying springs/tufa formation</i>	Restore favourable conservation condition	Possible indirect effects by way of water pollution during construction	Application of best practice pollution control measures Application of industry standard controls,
<i>Vertigo angustior</i>	To restore the favourable conservation condition	Deterioration of water quality and hence habitat in the event of pollution during construction.	CEMP, Supervision by ECOW, standard controls on storage of materials and fuels. Use of HDD to cross the watercourse (cable laying)

<i>Vertigo moulinsiana</i>	To restore the favourable conservation condition	Deterioration of water quality and hence habitat in the event of pollution during construction.		
<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 the appointment of an Environmental Clerk of Works to ensure there is no interference with the existing watercourses and the establishment of a buffer zone and the use of HDD for the one watercourse crossing required.</p>				
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives:</p> <p>(i) Water quality degradation due to run-off or dust</p> <p>Mitigation measures and conditions</p> <p>As set out in Sections 7.1.1.1 and 7.1.1.2: Application of best practice pollution control measures Application of industry standard controls, CEMP, Supervision by ECOW, standard controls on storage of materials and fuels. Use of HDD to cross the watercourse (cable laying)</p>				
<p>In-combination effects</p> <p>I am satisfied that in-combination effects has been assessed adequately in the NIS. [The applicant has demonstrated satisfactorily that no significant residual effects will remain</p>				

post the application of mitigation measures and there is therefore 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 European sites 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.. 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. There are a number of permitted developments in the area, but I am satisfied that there is no potential for in-combination effects.

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 Rye Water / Carton Valley SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix 4

Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP-322797-25	Townland, address	Windgates, County Kildare
Description of project	180ha solar farm with ancillary works.		
Brief site description, relevant to WFD Screening,	Site consists of five parcels of intensively cultivated farmland south of Maynooth. It overlies deep deposits of till – one watercourse, a tributary of the Rye Water, flows along the boundary edge of two of the parcels.		
Proposed surface water details	Discharge to soakaways – no specific provision for solar panels.		

Proposed water supply source & available capacity		None				
Proposed wastewater treatment system & available capacity, other issues		Temporary for construction only.				
Others?		Not applicable				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	0m	Lyreen_010	Poor	At risk	Agriculture and septic tanks	Forms the boundary of two parcels of the overall site.

River Waterbody	0m	Liffey_140	Good	Not at risk	Hydromorphology, Agriculture	A tributary arises just to the south-east of one parcel.	
Groundwater waterbody	Underlying site	IE-EA_G_008	Good	Review	None identified	Free draining soil conditions.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Lyreen_010	Run-off during construction.	None	General construction management/HDD drilling	No	Screened out
2.	Surface	Liffey_140	None	None	None	No	Screened out

3.	Ground	IE-EA_G_008	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
	Surface	Lyreen_010	None	None	None	No	Screened out
	Surface	Liffey_140	None	None	None	No	Screened out
	Ground	IE-EA_G_008	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
	Surface	Lyreen_010	None	None	None	No	Screened out
	Surface	Liffey_140	None	None	None	No	Screened out
	Ground	IE-EA_G_008	None	None	None	No	Screened out
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Surface Water							
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u>	<u>Objective 2:Surface Water</u>	<u>Objective 3:Surface Water</u>	<u>Objective 4: Surface Water</u>	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a		
	Water	Protect, enhance and restore all bodies of surface water	Protect and enhance all artificial and heavily modified bodies of water	Progressively reduce pollution from priority substances and cease or			

	Prevent deterioration of the status of all bodies of surface water	with aim of achieving good status	with aim of achieving good ecological potential and good surface water chemical status	phase out emission, discharges and losses of priority substances	development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Development Activity 1 General construction	Standard best practice mitigation to prevent water or dust arisings. Use of HDD for river crossing	Provision of buffer zones.	General best practice construction.	Change of land use from intensive agriculture to solar farm – less active use of the land, ploughing. Additionally, allowing for natural regeneration and strengthening of vegetation.	No
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3: Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1	N/A	N/A	N/A	N/A
Development Activity 2	N/A	N/A	N/A	N/A