



Inspector's Report

ACP-322797-25

Addendum Report

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
Date of Site Inspection	5 th November 2025
Inspector	Philip Davis

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1. Introduction

This addendum report is prepared in response to a request by the Commission to the planning authority to upload a number of reports that were not originally on the file. The Commission requested a supplementary report on the basis of the material which was previously available on the Council website but was subsequently uploaded onto the ACP digital file after the completion of my initial report.

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 Taghadoe.

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, Donaghstown, Posseckstown, Taghadoe, Toolestown, Windgates, Rowanstown and Roosk and includes five distinct parcels of land, connected either by road or farm track.

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.

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 DoHLGH regarding the proximity to the Early Christian Monastic Complex at Taghadoe 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 no. 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.

3.1 Other Technical Reports – Kildare County Council Internal Departments

In addition to the technical reports summarised in the main report, the following reports were uploaded to the ACP website following the completion of my report. These were previously only available on the Kildare County Council website.

Kildare County Council Area office: Refers to request for FI from Roads Design Report and potential Special Contribution.

Environmental Health Officer Report:

- Recommends a full comprehensive Management Plan.
- Standard Air pollution for construction, security fencing and CCTV to be implemented, and Glint and Glare amelioration factors as set out in the submission (the Environment Report) be implemented.

Heritage Officer and Executive Ecologist:

With regard to the proximity of the Round Tower and Monastery, conditions recommended for a full archaeological study of the lands including a geophysical survey and text excavations. Recommends that no decision be made until such time as the Department has had the opportunity to evaluate the submitted information.

The Kildare County Ecologist is of the opinion that the current NIS is deficient in information, specifically with regard to the assessment of breeding and wintering birds. Also requests further hydrological assessment, dust management measures and impact on protected bird species.

Outlines concerns about the request in Section 5 of the Environment Report for flexibility in design.

Requests additional bird surveys and states that there is inadequate surveys for breeding and wintering birds.

Notes possible otter habitat on site.

Requests a pre-construction survey of all hedgerows to be removed to ensure there are no bat roosts present.

Outlines a number of issues which it is considered additional information should be requested.

4. Assessment (supplementary to my previous assessment)

In my reported dated 25th November 2025, I fully assessed the proposed development and recommended a grant of permission subject to 11 no. conditions. In that report I noted that a number of internal Kildare County Council reports had not, at the time of writing, been uploaded to the ACP file. These reports were available at the time of writing on the Kildare County Council (KCC) planning file and I had fully read all those reports before finalising my assessment and recommendation.

The key report with regard to the planning authority reasons for refusal is that provided by the Heritage Officer and Ecology Officer for the planning authority. The Heritage Officer broadly restated the concerns of the DAU and recommended that additional survey information be provided prior to any decision – I addressed this issue in the ‘cultural heritage’ section of my previous report. The Ecology Officer outlined what are claimed to be inadequacies in the survey material submitted, specifically regarding wintering wild birds associated with EU designated habitats in Dublin Bay, but also with regard to the otter, hedgerow bird species, and bat roosts.

In its appeal, the applicant responds to the key issues raised by the planning authority (including the internal reports which were also available at the time on the KCC website) which I summarised in my report. As I have outlined in the ecology section of my main report, the applicant submitted, in both the Environment Report and NIS, details of a winter bird survey were submitted as part of the application, and there were full details of possible otter presence on the site and the potential of hedgerows as habitat for bats and wild birds protected by law. As I have outlined, the lands are largely highly intensively farmed land with minimal habitat value and the submitted survey information is in line with national guidelines with respect to such surveys and were carried out by fully qualified ecologists (details provided in the relevant submitted reports). I consider that the NIS and associated Environment Report was carried out in line with guidelines and adequately addressed the questions relating to all EU habitats and associated QI species. In the internal KCC reports, few details were provided as to why it was considered that the surveys or related information submitted were inadequate – apart from those issues highlighted

in the information submitted by the applicant, there is no reason to consider that this site has any significance for QI species that were not assessed in the NIS and related documents that were submitted with the application and appeal.

The details of the concerns raised in the internal reports were fully addressed in the applicant's submission for the appeal, and I concur with the arguments set out that the comments in those internal reports, taken up in the Planners Report and given as reasons for refusal – were based on a failure to fully consider all the information submitted by the applicant, in addition to a number of apparent misunderstandings of the nature of the site and the technical details of the proposed development. I specifically note that the winter bird survey carried out on the 24th February 2025 and the breeding bird survey on the 11th March 2025 were carried out by suitably qualified ecologists and concluded that the site was not of importance for designated species of the South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA. I further note that surveys are ongoing (details are attached in section 2.1.1 of the applicants appeal and Attachment C of that appeal). I further note that, contrary to the statement within the internal reports, a detailed hydrological assessment was submitted as part of the Environment Report, and I addressed the details of this in my report and in the Water Framework Directive form attached in the appendix to that report. No detailed explanation was set out in the internal documents as to why it was considered inadequate.

With regard to the observations in the internal report about a claimed absence of information on hydrology and hydrogeology, I note that the works do not involve substantial groundwork excavations or deep piling above and beyond the relatively shallow piles required for the solar panel stands and the HDD drilling under the watercourses. I am satisfied that, having regard to existing information about the locality, this hydrological assessment (which included hydrogeology and flood risk) is correct and appropriate for the nature and scale of the proposed development and was carried out by suitably qualified specialists. I conclude that it was correct and appropriate to screen out all Natura 2000 sites apart from the Rye Water Valley/Carton SAC site code 001398.

The decision by the planning authority not to seek additional information on foot of the various requests from both internal and external consultees has resulted in a final application that lacks some detail that might be expected – although much of

these gaps in information were covered in the applicants appeal documentation. Notwithstanding this, I conclude that the information submitted is sufficient to fully assess the proposed development and to come to a final decision.

I conclude that there is no basis for concluding that there is any reasonable absence of information with regard to Natura 2000 sites or associated QI species and as such the NIS and Appropriate Assessment process is complete.

I note the comments by the Heritage Officer and the related comments by the DAU regarding the historic sites close to the site, but I conclude that this issue can satisfactorily be addressed by way of condition if the Commission decides to grant permission as I have outlined in my main report.

I note the comments on dust and noise arisings by the KCC Environmental Health Officer in the internal report that was not immediately uploaded to the ACP website. As I have outlined in my main report these are standard construction related issues that can be dealt with by way of condition.

I do not recommend any change to the conclusion of my previous report.

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and the relevant sectoral adaptation plans in particular the Electricity and Gas 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 site code 001398 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

6th March 2026