An Bord Pleanála

Application Form for Permission / Approval in respect of a Strategic Infrastructure Development

1.

Please specify the statutory provision under which your application is being made:	Section 182A of the Planning and Development Act (as amended)

2. Applicant:

Name of Applicant:	Ballyloo Solar Farm Limited
Address:	Ballyloo Solar Farm Limited, Commerical House, Millbank Business Park, Lucan, Dublin, K78 X5W6
Telephone No:	Please contact agent as required.
Email Address (if any):	-

3. Where Applicant is a company (registered under the Companies Acts):

Name(s) of company director(s):	André Fernon, Richard Twohig
Registered Address (of company)	Ballyloo Solar Farm Limited, Commerical House, Millbank Business Park, Lucan, Dublin, Ireland, K78 X5W6
Company Registration No.	. 751306
Telephone No.	Please contact agent as required.
Email Address (if any)	-

4. Person / Agent acting on behalf of the Applicant (if any):

Name:	Conor Frehill c/o HW Planning
Address:	HW Planning 5 Joyce House, Barrack Square, Ballincollig, Cork. P31 KP84
Telephone No.	021 487 3250
Mobile No. (if any)	-
Email address (if any)	info@hwplanning.ie

Should all correspondence be sent to the above address? (Please tick appropriate box) (Please note that if the answer is "No", all correspondence will be sent to the Applicant's address)
Yes: [✓] No:[ ]

Contact Name and Contact Details (Phone number) for arranging entry on site if required / appropriate: Conor Frehill - +353 (0)21 487 3250

5. Person responsible for preparation of Drawings and Plans:

Name:	(1) Richard Barker, (2) Mark McCarthy
Firm / Company:	(1) Macroworks, (2) Terra Solar Developments
Address:	(1) Macro Works, Ground Floor, Hibernia House, Cherrywood Business Park, Loughlinstown, Dublin 18, Ireland. (2) Terra Solar, NovaUCD, Belfield Dublin 4. Ireland.
Telephone No:	Contact agent as required.
Mobile No:	-
Email Address (if any):	(1) info@macroworks.ie (2) mmccarthy@terrasolar.ie
Details all plans / drawings submitted – title of drawings / plans, scale and no. of copies submitted. This can be submitted as a separate schedule with the application form. Schedule of all application documentation and drawings enclosed.	

6. Site:

Site Address / Location of the Proposed Development (as may best identify the land or structure in question)	Ballyloo, Castletown, Graiguenaspiddoge, Kellistown East, Kellistown West, Kilballyhue, Knockbower, Leagh Or Ballybeg, Linkardstown and Moyle Big (townlands), County Carlow
Ordnance Survey Map Ref No. (and the Grid Reference where available)	**ITM X, Y:** 674291, 670050 **OSI 1:2,500 Series:** 4473-D; 4472-A, B, C
Where available, please provide the application site boundary, as shown in the submitted plans / drawings, as an ESRI shapefile in the Irish Transverse Mercator (ITM IRENET95) co-ordinate reference system. Alternatively, a CAD file in .dwg format, with all geometry referenced to ITM, may be provided.	
Area of site to which the application relates in hectares	11.6 ha
Site zoning in current Development Plan for the area:	n/a - un-zoned agricultural land.
Existing use of the site & proposed use of the site:	**Existing:** Agriculture (substation lands and short section of underground cable grid connection), Public Road (long section of underground cable grid connection). **Proposed:** Electricity Substation and Grid Connection for permitted solar farms
Name of the Planning Authority(s) in whose functional area the site is situated:	Carlow County Council

7. Legal Interest of Applicant in respect of the site the subject of the application:

Please tick appropriate box to show applicant's legal interest in the land or structure:	Owner	Occupier
	Other ✓	

Where legal interest is "Other", please expand further on your interest in the land or structure.
Lessee of lands
If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation.
Patrick Regan, Ballyloo, Nurney, Co. Carlow / Daniel Aughney, Kellistown East, Kellistown, Co. Carlow. For cabling under public roads, Article 22(2)(g)(ii) of the Planning Regulations applies - confirmation letter enclosed.
Does the applicant own or have a beneficial interest in adjoining, abutting or adjacent lands? If so, identify the lands and state the interest.
Yes - please refer to enclosed mapping and letters of consent. Applicant is a lessee of these lands.

8. Site History:

Details regarding site history (if known):
Has the site in question ever, to your knowledge, been flooded? Yes: [ ] No: [✓] If yes, please give details e.g. year, extent: Are you aware of previous uses of the site e.g. dumping or quarrying? Yes: [✓] No:[ ] If yes, please give details: Agriculture and Public Road Traffic

Are you aware of any valid planning applications previously made in respect of this land / structure?

Yes: [✓] No: [ ]

If yes, please state planning register reference number(s) of same if known and details of applications

Reg. Ref. No:	Nature of Proposed Development	Nature of Final Decision of Application Grant of Refusal by Planning Authority / An Bord Pleanála
Carlow Co Co Ref: 24/60043	Solar farm.	Permission was granted by An Coimisiún Pleanála on 05.09.2025
Carlow Co Co Ref: 24/60205	Solar farm.	Permission was granted by Carlow County Council on 27.05.2025
Carlow Co Co Ref: 25/60137	Solar farm.	Permission was granted by Carlow County Council on 31.10.2025
Carlow Co Co Ref: 24/60410	The replacement ("restringing") of the existing overhead line circuit conductor wires with a new higher capacity conductor and other associated works to transmission network	Permission was granted by Carlow County Council on 09.07/2025
An Coimiusun Pleanala Ref: ABP 322690	Electrical Substation / Grid Connection	Live Application

If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then any required site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development regulations 2001 as amended. Notices erected in yellow per requirements.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development?

Yes: [ ] No:[✓]

If yes please specify

An Bord Pleanála Reference No.: _____

9. Description of the Proposed Development:

Brief description of nature and extent of development	Ballyloo Solar Farm Limited gives notice that it proposes to seek the approval of An Coimisiún Pleanála for a period of 10 years for development at Ballyloo, Castletown, Graiguenaspiddoge, Kellistown East, Kellistown West, Kilballyhue, Knockbower, Leagh Or Ballybeg, Linkardstown and Moyle Big (townlands), County Carlow. The proposed development comprises of: 1)A 220kV Air Insulated Switchgear (AIS) or Gas Insulated Switchgear (GIS) electricity substation or a 110kV AIS electricity substation, including two control buildings, associated electrical structures and apparatus, lightning protection, telecom pole, perimeter security fencing, security lighting, water and drainage infrastructure, temporary construction compound to connect to and serve solar farms; 2) Associated grid connection between the proposed substation and the existing 110/220kV Kellis substation comprising 220kV or 110kV underground electricity cables (reflecting final substation option) of c.8.9 km or c. 8.65 km in length to be provided in an excavated trench including associated fibre cable and ducting, and all associated site development and reinstatement works. Two options are proposed after the first c.8.3 km of underground grid connection and for the final c.0.35 – 0.6 km of the underground cable grid connection route comprising (i) cabling in the L30535 public road, or (ii) cabling in private agricultural land; 3) Temporary construction and permanent operational access to the substation from the L3050, vehicular entrance and access track from this public road; 4) All ancillary site development, excavation, construction, landscaping and reinstatement works; 5) The development subject to this application forms part of grid connection and access arrangements which will facilitate the connection of the permitted Ballyloo Solar Farm (Carlow County Council Reference 24/60043 / An Coimisiún Pleanála Reference ABP-322347-25), permitted Park Solar Farm (Carlow County Council Reference 24/60205), and proposed Ballybannon Solar Farm (Carlow County Council Reference 25/60137) to the national electricity grid via the existing 110/220kV Kellis substation. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development. The NIS includes consideration of the permitted Ballyloo and Park Solar Farms and the proposed Ballybannon Solar Farm which are located in County Carlow.

10. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and a breakdown of the gross floor area of each class of development:

Class of Development:	Gross Floor Area in m²
n/a	n/a

11. Where the application relates to a building or buildings:

Gross floor space of any existing buildings(s) in m^2	0
Gross floor space of proposed works in m^2	Substation Buildings - Option A = 480m2 Substation Buildings - Option B = 480m2 Substation Building - Option C = 1,813m2
Gross floor space of work to be retained in m^2 (if appropriate)	0
Gross floor space of any demolition in m^2 (if appropriate)	0

12. In the case of residential development please provide breakdown of residential mix:

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4 + Bed	Total
Houses							n/a
Apartments							n/a

Number of car-parking spaces to be provided	Existing:	Proposed:	Total: n/a

13. Social Housing:

Please tick appropriate box:	Yes	No
Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?		✓

If the answer to the above question is "yes" and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act.

If the answer to the above question is "yes" but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).

If the answer to the above question is "no" by virtue of section 96 (13) of the Planning and Development Act 2000, details indicating the basis on which section 96 (13) is considered to apply to the development should be submitted.

14. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use (or previous use where retention permission is sought)
Agriculture and Public Road
Proposed use (or use it is proposed to retain)
Electricity Substation and Grid Connection for connection of the permitted Ballyloo Solar Farm (Carlow County Council Reference 24/60043 / An Coimisiún Pleanála Reference ABP-322347-25), permitted Park Solar Farm (Carlow County Council Reference 24/60205), and proposed Ballybannon Solar Farm (Carlow County Council Reference 25/60137)
Nature and extent of any such proposed use (or use it is proposed to retain).
Electricity Substation and Grid Connection for connection of the permitted Ballyloo Solar Farm (Carlow County Council Reference 24/60043 / An Coimisiún Pleanála Reference ABP-322347-25), permitted Park Solar Farm (Carlow County Council Reference 24/60205), and proposed Ballybannon Solar Farm (Carlow County Council Reference 25/60137)

15. Development Details:

Please tick appropriate box:	If answer is yes please give details	YES	NO
Does the proposed development involve the demolition of a Protected Structure(s), in whole or in part?			✓
Does the proposed development consist of work to a protected structure and / or its curtilage or proposed protected structure and / or its curtilage?			✓
Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?			✓
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994.		✓	
Does the application relate to work within or close to a European Site or a Natural Heritage Area?			✓
Does the development require the preparation of a Natura Impact Statement?		✓	
Does the proposed development require the preparation of an Environmental Impact Assessment Report?			✓
Do you consider that the proposed development is likely to have significant effects on the environment in a transboundary state?			✓
Does the application relate to a development which comprises or is for the purpose of an activity requiring an integrated pollution prevention and control license			✓
Does the application relate to a development which comprises or is for the purpose of an activity requiring a waste license?			✓
Do the Major Accident Regulations apply to the proposed development?			✓
Does the application relate to a development in a Strategic Development Zone?			✓
Does the proposed development involve the demolition of any habitable house?			✓

16. Services:

Proposed Source of Water Supply:
Existing connection: [ ] New Connection: [ ] Public Mains: [ ] Group Water Scheme: [ ] Private Well:[✓] Other [ ] (please specify): _____ Name of Group Water Scheme (where applicable): _____
Proposed Wastewater Management / Treatment:
Existing: [ ] New:[ ] Public Sewer: [ ] Conventional septic tank system: [ ] Other on site treatment system: [✓] Please Specify: 5m3 holding tank for removal off site by licensed contractor as per EirGrid specifications. _____
Proposed Surface Water Disposal:
Public Sewer / Drain:[ ] Soakpit:[ ] Watercourse: [ ] Other: [✓] Please specify: Surface water drainage infrastructure is indicated on drawings BYLOO- DR-056; BYLOO-DR-057, and; BYLOO-DR-058

17. Notices:

Details of public newspaper notice – paper(s) and date of publication	
The Irish Times- 5th November 2025 The Independent - 5th November 2025 Copy of page(s) of relevant newspaper enclosed Yes: [✓] No:[ ]	
Details of site notice, if any, - location and date of erection	
Copy of site notice enclosed Yes: [✓] No:[ ]	Please refer to site location maps for location of site notices. **Date of Erection:** 05/11/2025
Details of other forms of public notification, if appropriate e.g. website	
Website Address: www.ballyloosubstation.ie	

18. Pre-application Consultation:

Date(s) of statutory pre-application consultations with An Bord Pleanála
Schedule of any other pre application consultations –name of person / body and date of consultation to be provided as appropriate and also details of any general public consultations i.e. methods, dates, venues etc. This can be submitted as a separate schedule with the application form. Enclosed: Yes: [✓] No:[ ] Schedule of prescribed bodies to whom notification of the making of the application has been sent and a sample copy of such notification. Enclosed: Yes: [✓] No:[ ]

19. Confirmation Notice:

Copy of Confirmation Notice
Attach a copy of the confirmation notice in relation to the EIA Portal where an EIAR accompanies the application. **N/A**

20. Application Fee:

Fee Payable	€100,000 (Fee paid to An Coimisiún Pleanála by EFT on 30/10/2025)

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and that the application documents being deposited at the planning authority offices, and any other location specified by the Board in pre application consultations, including a website (if any) will be identical to the application documents being deposited with the Board.

Signed: (Applicant or Agent as appropriate)	
Date:	05/11/2025

General Guidance Note:

The range and format of material required to be compiled / submitted with any application in respect of a proposed strategic infrastructure development shall generally accord with the requirements for a planning application as set out in the Planning and Development Regulations, 2001 to 2018 and those Regulations should therefore be consulted prior to submission of any application.

September 2018

An Coimisiún Pleanála

Direction
CD-020207-25
ABP-321855-25

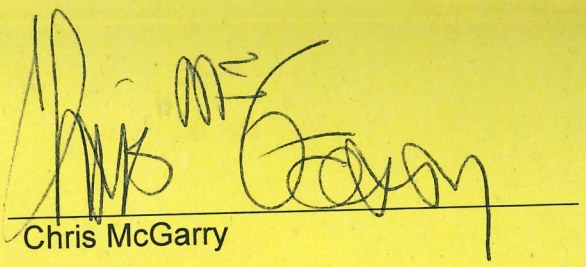
The submissions on file and the inspector's report were considered at a Commission Meeting held on 14/07/2025.

The Commission determined that the prospective applicant be informed that the proposed development falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should therefore be made directly to the Board.

The applicant shall be advised that the application documentation should be forwarded to the following the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act:

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Carlow County Council
- Commission for the Regulation of Utilities
- Transport Infrastructure Ireland
- Uisce Éireann
- Inland Fisheries Ireland
- Office of Public Works
- An Taisce
- Heritage Council

- An Chomhairle Ealaíon
- Fáilte Ireland
- Health Service Executive

Planning Commissioner: 

Chris McGarry

Date: 14/07/2025

Our Case Number: ABP-321855-25

An Coimisiún Pleanála

Ballyloo Solar Farm Limited
c/o Terra Solar Development
NovaUCD
Belfield
Dublin 4

Date: 22 July 2025

Re: Proposed tail fed substation with associated grid connection to connect to exsisiting 220/110kV Kellis Substation located in the townlands of Ballyloo, Linkardstown, Kilballyhue, Graiguenspiddoge, Castletown, Moyle Big, Kellistown West & Kellistown East, County Carlow.
located in the townlands of Ballyloo, Linkardstown, Kilballyhue, Graiguenspiddoge, Castletown, Moyle Big, Kellistown West & Kellistown East, County Carlow.

Dear Sir / Madam,

Please be advised that following consultations under section 182E of the Planning and Development Act 2000, as amended, the Commission hereby serves notice that it is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act 2000, as amended. Accordingly, the Commission has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Coimisiún Pleanála under section 182A(1) of the Act.

Please also be informed that the Commission considers that the pre-application consultation process in respect of this proposed development is now closed.

The following is a list of prescribed bodies to be notified of the application for the proposed development.

1. Minister for Housing, Local Government and Heritage
2. Minister for the Environment, Climate and Communications
3. Carlow County Council
4. Commission for the Regulation of Utilities
5. Transport Infrastructure Ireland
6. Uisce Éireann
7. Inland Fisheries Ireland
8. Office of Public Works

Teil	**Tel**	(01) 858 8100
Glao Áitiúil	**LoCall**	1800 275 175
Facs	**Fax**	(01) 872 2684
Láithreán Gréasáin	**Website**	www.pleanala.ie
Ríomhphost	**Email**	communications@pleanala.ie

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D01 V902

64 Marlborough Street
Dublin 1
D01 V902

...faisce
...eritage Council
...An Chomhairle Ealaíon
...Fáilte Ireland
...13. Health Service Executive

Further notifications should also be made where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Commission will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

In accordance with the fees payable to the Commission and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As a meeting was not required / only one meeting was required in this case, a refund of 3,500 will be sent to you in due course.

The following contains information in relation to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Judicial review of An Coimisiún Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Commission decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Commission.

The validity of a decision taken by the Commission may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Commission. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a

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espondent or notice party where relief is obtained to the extent that the action or omission of the espondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

If you have any queries in the meantime, please contact the undersigned officer of the Commission or email sids@pleanala.ie quoting the above mentioned An Coimisiún Pleanála reference number in any correspondence with the Commission.

Yours faithfully,

PP DC

Lauren Murphy
Executive Officer
Direct Line: 01-8737275

VC11A

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An Coimisiún Pleanála

Direction
CD-020209-25
ABP-321858-25

The submissions on file and the inspector's report were considered at a Commission Meeting held on 14/07/2025.

The Commission determined that the prospective applicant should be notified of its Opinion in respect of flexibility under section 182(G) of the Planning and Development Act, 2000, as amended, in accordance with the Draft Opinion as set out in the inspector's report.

Planning Commissioner: Chris McGarry

Date: 14/07/2025

An Coimisiún Pleanála

An Coimisiún Pleanála Opinion on Flexibility

(1) Request for meeting	
Request under section 182F of the Act:	Request for Design Flexibility in relation to a proposed tail fed substation and associated grid connection to connect to the existing 220/110kV Kellis Substation.
Request reference Number:	ABP-321858-25
Name of the requestor/ prospective applicant:	Ballyloo Solar Farm Limited
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Located in the townlands of Ballyloo, Linkardstown, Kilballyhue, Graiguenspiddoge, Castletown, Moyle Big, Kellistown West and Kellistown East, County Carlow.
Nature and extent of the proposed development.	Proposed tail fed substation with associated grid connection comprising of underground cabling to connect into the existing 220/110kV Kellis Substation.
Date of receipt of the request:	10th February 2025
Opinion Reference Number:	ABP-321858-25
Date of Opinion:	18th day of July 2025

(2) Was the following Information included where relevant, with the Flexibility Meeting Request under section 182F of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

Information	Enclosed with Request		
(a) A site location map sufficient to identify the land on which the proposed development would be situated.	Yes: [X]	No: [ ]	
(b) A brief description of the nature and purpose of the proposed development and of its possible effects on the environment.	Yes: [X]	No: [ ]	
(c) A draft layout plan of the proposed development.	Yes: [X]	No: [ ]	
(d) A description of the details, or groups of details, of the proposed development that, owing to the circumstances set out in (e) below, are unlikely to be confirmed at the time of the proposed application.	Yes: [X]	No: [ ]	
(e) A description of the circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided, before the prospective applicant has confirmed the details referred to in (d) above.	Yes: [X]	No: [ ]	
(f) An undertaking to provide with the proposed application, either - i. two or more options, in respect of each detail or group of details referred to in (d) above containing information on the basis of which the proposed application may be made and decided, ii. parameters within which each detail referred to in paragraph (d) above will fall and on the	Yes: [X]	No: [ ]	

basis of which the proposed application may be made and decided, or iii. a combination of (i) and (ii).			
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: [ ]	No: [ ]	N/A: [X]
(h) The appropriate fee.	Yes: [ ]	No: [ ]	N/A: [X]

At a meeting held on the 14th day of July 2025 the Commission considered the report of the Inspector, the documents submitted as part of the pre-application consultation under section 182F of the Planning and Development Act 2000, as amended on design flexibility.

In this regard an opinion on design flexibility shall issue to the prospective applicant as set out below:

(3) Opinion of the Commission under section 182G of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.	
Information	**Details/ Circumstances**
a) The details, or groups of details, of the proposed development that may be confirmed after the proposed application has been made and decided.	1. Substation Design 110kV or 220kV, AIS Switchgear or GIS Switchgear 2. Underground Cable Connection (Two voltage design options 110kV/220kV and two design route options for the final 400 metre section).
b) The circumstances relating to the proposed development that indicate that it is appropriate that the	Recognition of the need to install project infrastructure efficiently within the context of specified parameters and options

proposed application be made and decided before the prospective applicant has confirmed the details referred to in paragraph (a) above.	whose potential impacts will be set out and fully assessed within any future application documentation.

For each detail, or groups of details, referred to in paragraph 3(a) above, the proposed application shall, in addition to any other requirement imposed by or under the Planning and Development Act 2000, as amended, be accompanied by the information referred to in the undertaking submitted with the flexibility meeting request under section, 182F(2)(f) of the Planning and Development Act 2000, as amended.

The proposed application must be consistent with the opinion provided in accordance with section 182G of the Act.

Chris McGarry
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 18th day of July 2025

Our Case Number: ABP-321858-25

An Coimisiún Pleanála

Ballyloo Solar Farm Limited
c/o Terra Solar Development
NovaUCD
Belfield
Dublin 4

Date: 22 July 2025

Re: Proposed Design Flexibility Opinion on ABP-321855-25 for proposed development of tail fed substation and associated grid connection located in the townlands of Ballyloo, Linkardstown, Kilballyhue, Graiguenspiddoge, Castletown, Moyle Big, Kellistown West and Kellistown East, County Carlow.
located in the townlands of Ballyloo, Linkardstown, Kilballyhue, Graiguenspiddoge, Castletown, Moyle Big, Kellistown West and Kellistown East, County Carlow.

Dear Sir / Madam,

I have been asked by An Coimisiún Pleanála to refer to the above-mentioned proposed development.

Please be advised that following consultations under section 37CC of the Planning and Development Act 2000, as amended, the Commission has formed an opinion on design flexibility.

A copy of the opinion is enclosed.

Please note that the Commission's opinion on design flexibility will not be available for public inspection until an application is made to it under section 37E of the Act. Information in relation to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act 2000, as amended, is also enclosed.

If you have any queries in the meantime, please contact the undersigned officer of the Commission or email sids@pleanala.ie quoting the above mentioned An Coimisiún Pleanála reference number in any correspondence with the Commission.

Yours faithfully,

PP DC

Lauren Murphy
Executive Officer
Direct Line: 01-8737275

VO03

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Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) the applicant has a sufficient interest in the matter which is the subject of the application or, in cases involving environmental impact assessment, is a body complying with specified criteria.

Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

(a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—

(i) any decision or purported decision made or purportedly made,

(ii) any action taken or purportedly taken,

(iii) any failure to take any action, pursuant to a statutory provision that gives effect to

(I) a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
(II) the SEA Directive 2001/42/EC, or
(III) a provision of the IPPC Directive 2008/1/EC which Article 16 of that Directive applies, or
(IV) Article 6(3) or 6(4) of the Habitats Directive; or

(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant to the extent that the applicant succeeds in obtaining relief against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.