

An
Bord
Pleanála

Board Direction
BD-016540-24
ABP-318041-23

The submissions on this file and the Inspector's report were considered at Board meetings held on 22/4/2024 and 11/06/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to national and local policies in relation to renewable energy, the scale, extent and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national and local policy, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of biodiversity and landscape impacts and in terms of traffic safety and public health and would not negatively impact on any European site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Nore and River Barrow SAC (Site Code 002162) is the only European site for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

Appropriate Assessment:

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 Sites 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 AA, 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 Site, 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 the European site in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment:

The Board noted that the proposed development, comprising a solar farm, is not a class of development for the purposes of EIA. The Board also noted and agreed with the inspector that the proposed hedgerow removal, comprising c. 120m, can be considered sub-threshold for the purpose of EIA under Class 1(a) of Part 2 (Rural Restructuring) of Schedule 2 of the Planning and Development Regulations 2001, as amended. The Board agreed with the Inspector's analysis and conclusion including the appendix to his report that, having regard to the limited nature and scale of this element of the proposed development (hedgerow removal), there is no real likelihood of significant effects on the environment arising from this element of the proposed development. The Board was satisfied that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by particulars received by the planning authority on 5th December 2022 and 30th June 2023, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. a) The permission shall be for a period of 35 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
- b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

Reason: To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

5. All of the environmental, construction, operation and decommissioning phase mitigation measures set out in the Natura Impact Statement, Ecological Appraisal Report, the Outline Construction and Environmental Management Report, the Flood Risk and Drainage Impact Assessment and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order. Where such measures require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development.

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

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

Reason: In the interest of environmental protection.

7. Prior to the commencement of development pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.

Reason: In the interest of wildlife protection.

8. Prior to the commencement of development on site, details of the structures of the security fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for prior approval to the Planning Authority. This shall be facilitated through the provision of mammal

access gates designed generally in accordance with standard guidelines for provision of mammal access (NRA 2008).

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

9. Landscaping shall be carried out in accordance with Drawing no NEO00831_Figure 1.13a entitled Landscape and Ecology Management Plan (Overall) submitted to the Planning Authority on 5th of December 2022. The developer shall plant screening vegetation as indicated in the drawings and documentation submitted not later than the planting season following commencement of construction. Planting shall be protected from construction works using protected fencing in accordance with the requirements of the planning authority. All existing hedgerows and field boundaries shall be retained except where altered or amended by conditions in this permission.

Reason: In the interest of visual amenity and to ensure the proper screening of the development from residential and other receptors.

10. Cables for the solar arrays within the site shall be located underground.

Reason: In the interests of health and safety and visual amenity.

11. a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- b) CCTV cameras shall be fixed and angled and cabled to face into the site and shall not be directed towards adjoining property or the road.
- c) The inverter stations shall be dark green in colour. The external walls of the storage containers shall be finished in a neutral colour such as light grey or off-white and the roof shall be of black slate or tiles.

Reason: In the interests of clarity, and of visual and residential amenity

12. a) Details of all sightlines and proposed access point shall be agreed in writing with the planning authority prior to the commencement of development.
- b) Details of measures to prevent roadside drainage being inhibited shall be submitted to the planning authority for written approval.

- c) A final traffic management plan and detailed construction programme shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
- d) Full details including cross sectional details of any cables traversing the public road in the vicinity of the site including the L-10232 shall be agreed in writing with the planning authority prior to the commencement of development.
- e) Details of all road strengthening works at the crossing of the L-10232 between field numbers 14 and 15 to a minimum distance of 60m both sides of the L-10232 crossing. The applicant shall be prohibited from using the L-10232 in the absence of prior agreement with the planning authority. Any road strengthening works shall be carried at the developer's expense.
- f) Prior to the commencement of development the applicant shall submit to the planning authority for written agreement details of road strengthening measures to be carried out over a distance of 100 meters both sides of the Wood-of-O Bridge. Any road strengthening works shall be carried at the developers expense.
- g) Construction traffic is prohibited from using Odlum's Bridge throughout the entire construction period.
- h) Details of the delivery route for materials on site shall be agreed in writing with the panning authority prior to the commencement of development.
- i) All public roads shall be kept free of mud, dust spillages and debris and any necessary measures including wheel wash facilities shall be put in place prior to the commencement of development.
- j) Where necessary a road opening licence shall be obtained from the planning authority.
- k) The developer shall submit details indicating the location of any passing bays along the L-10232. The location and layout of the passing bays shall be agreed in writing with the planning authority prior to the commencement of development.

l) Any damage to the public road arising from traffic associated with the proposed development shall be made good to the satisfaction of the planning authority at the developer's expense.

Reason: In the interests of traffic safety, maintaining the structural integrity of the road network and the visual amenities of the site.

13. 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, the NPWS and Inland Fisheries Ireland. 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.

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

14. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

- a) Details of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Details of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;

- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- k) 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 Construction Management Plan shall be kept for inspection by the planning authority.

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

16.a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

(i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]

(ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community

Response” as amended by ISO Recommendations R 1996 1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.

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

17. 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 -
- a) 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,
 - b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - c) 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.

18. Any ESB Poles required to be relocated to facilitate the proposed development shall be carried out in accordance with the requirements of ESB.

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

- 19 . Prior to commencement of development, the developer shall lodge with the Offaly 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

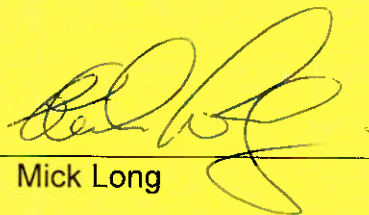
20. Prior to the commencement of development, details of the community gain proposals shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

21. The developer shall manage any glint and glare on accordance with the proposals submitted and the PV panels shall be positioned to ensure glint and glare from the proposed development does not impact on traffic safety.

Reason: In the interests of public health and traffic safety.

Board Member


Mick Long

Date: 11/06/2024