

An
Coimisiún
Pleanála

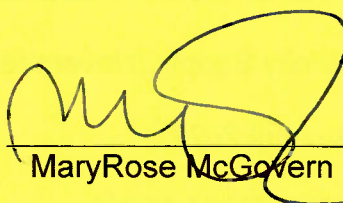
Direction
CD-020122-25
ABP-322004-25

The submissions on this file and the Inspector's report were considered at a meeting held on 03/07/2025.

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

Planning

Commissioner:


MaryRose McGovern

Date: 03/07/2025

DRAFT WORDING FOR ORDER

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 the Climate Action Plan 2025, national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans, the furtherance of the national climate objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State);

And in coming to its decision, the Board had regard to the following:

(a) 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, 1st Revision (2025);
- National Development Plan (2021-2030);
- The objectives and targets of the National Biodiversity Action Plan 2023-2030;
- Long-term Strategy on Greenhouse Gas Emissions Reduction (2024);
- 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 and Midlands Region (2019-2031);
- Offaly County Development Plan 2021-2027;

(b) The location, nature, scale and layout of the proposed development,

(c) The pattern of development within the area and context of the receiving environment,

(d) the measures proposed in the Planning and Environmental Considerations Report of November 2024, for the construction and operation of the development,

(e) The submissions received in relation to the appeal,

(f) The Inspector's report and recommendation.

Reasons and Considerations

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 Offaly County Development Plan 2021-2027, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or 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.

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, it is concluded that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Ferbane Bog SAC (site code 000575), Moyclare Bog SAC (site code 000581), River Shannon Callows SAC (000216) or Middle Shannon Callows SPA (004096), in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.</p> <p>Reason: To clarify the plans and particulars for which permission is granted.</p>
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2.	<p>Construction operations including HGV movements to and from the site shall be restricted to between 07.00 to 19.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
3.	<p>The construction of the development shall be managed in accordance with a Construction Environmental 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:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of soils and construction waste; (b) Location of areas for construction site offices/welfare facilities, and details of water supply and disposal of foul water for same; (c) Details of on-site car parking and turning facilities for haulage vehicles and site workers during the course of construction; (d) Details of the timing and routing of construction traffic including any abnormal loads (if required) to and from the construction site and associated directional signage. Routing of haulage traffic shall avoid local roads, where possible, and take account of weight/height restrictions of bridges; (e) Construction traffic management plan; (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites';

	<p>(h) Measures to protect groundwater and surface waters.</p> <p>(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;</p> <p>(j) Details of how it is proposed to manage excavated soil and off-site disposal of construction/demolition waste/spoil;</p> <p>(k) Measures to prevent the spread of hazardous invasive species and pathogens including ensuring all plant and machinery used during the works are thoroughly cleaned and washed before delivery to the site.</p> <p>(l) Emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of amenities, public health and safety and environmental protection.</p>
4.	<p>All surface water run-off generated by the site shall be attenuated and catered for within the site in accordance with submitted plans and particulars and best practice. Discharge rates shall be limited to greenfield runoff or as required by the planning authority. Only clean, uncontaminated storm water shall be discharged to the surface water attenuation system and the Silver River.</p> <p>Reason: In the interest of public health and water quality.</p>
5.	<p>All fencing shall be of a colour consistent with the finish to existing fencing and the external walls of the IPP buildings shall be finished in a neutral colour such as light grey or off-white; the roof shall be of black tiles/slates.</p> <p>Reason: In the interest of the visual amenity of the area.</p>
6.	<p>(a) Provisions for public lighting within the development shall be appropriately designed LED lighting.</p> <p>(b) Cables, pipelines and ducts within the site shall be laid underground unless otherwise agreed with the planning authority.</p> <p>Reason: In the interest of visual amenity of the area.</p>

7.	<p>The installation of the precast concrete wall head and associated pipe and the reinstatement works of the riverbank shall be in accordance with the Inland Fisheries Ireland Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016).</p> <p>Reason: In the interests of fishery, biodiversity and water quality protection.</p>
8.	<p>The developer shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
9.	<p>(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:</p> <ul style="list-style-type: none"> (i) An LAeqT value of 55 dB(A) during the period 0800 to 20.00 hours. (ii) An LAeqT value of 45 dB(A) during the period 20.00 to 08.00 hours. <p>(b) Audible tonal or impulsive components should be minimised at any noise sensitive location.</p> <p>(c) 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.</p> <p>Reason: To protect the amenities of property in the vicinity of the site</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

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