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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 21/123**

**Appeal** by the Treascan/Clondoolusk Concerned Residents care of Sinead Maher of Treascan, Portarlinton, County Offaly against the decision made on the 5<sup>th</sup> day of May, 2021 by Offaly County Council to grant subject to conditions a permission to Elgin Energy Services Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Blanchardstown, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development of a solar farm on a total site area of 86.7 hectares (ha), consisting of photovoltaic panels on ground mounted steel frames with associated cabling and ducting; 40 number single storey inverter stations; four number steel storage containers; perimeter fencing; security gates; permeable gravel access track; 36 number on-site pole mounted CCTV cameras circa three metres in height; two number temporary construction compound/material storage area; two number temporary construction stage Moby Dick type wheelwash systems (with overhead settlement tank); and all associated ancillary development services and works. Permission is sought for the proposed solar farm for a period of 10 years with an operational period of 40 years, all within the townlands Trascaun and Clondoolusk, County Offaly.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to

- national and regional policy objectives in relation to renewable energy,
- the provisions of the Offaly County Development Plan 2014,
- the nature, scale, extent and layout of the proposed development,
- the topography of the area,
- the existing hedging and screening on the site,

- the pattern of development in the area, and
- the report of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have significant effects on the environment, or the ecology of the area, would be acceptable in terms of traffic safety and convenience, and would not give rise to increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment: Stage 1:**

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an Appropriate Assessment screening exercise and an Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) is the only European Site in respect of which the proposed development has the potential to have a significant effect.



## **Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the afore-mentioned European Site in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the afore-mentioned European Sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, 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 adverse effects.

## Conditions

1. The development shall be carried out and completed in accordance 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 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. 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.

4. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Considerations Report and the Natura Impact Statement 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.

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

5. (a) This 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, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.
- (c) 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:** 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.

6. (a) No 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 to face into the site and shall not be directed towards adjoining property or the road.
- (c) Cables within the site shall be located underground.
- (d) The inverter stations shall be dark green in colour.

**Reason:** In the interest of clarity, and of visual and residential amenity.

7. (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the Landscape Mitigation Plan – Sheets 1.1 and 1.2 submitted with the application.
- (b) Details of all landscaping shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

8. Prior to commencement of development, details of the structures of the security fence showing provision for the movement of mammals shall be submitted to and agreed in writing with the planning authority. This shall be facilitated through the provision of mammal access gates every 100 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (National Roads Authority 2008).

**Reason:** To allow wildlife to continue to have access across the site.

9. The construction of the development shall be managed in accordance with a Construction 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 but not limited to, noise and dust management measures, surface water management proposals, the management of construction traffic, and the off-site disposal of construction waste.

**Reason:** In the interests of public safety, residential amenity and protection of the environment.

A circular stamp with the text 'AN BORD PLEANÁLA' around the perimeter. Overlaid on the stamp is a handwritten signature in blue ink that appears to read 'C.M.S.'.



10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

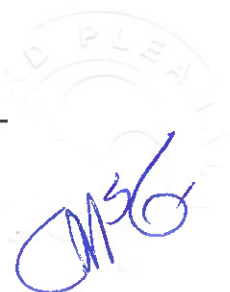
**Reason:** In the interest of environmental protection and public health.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays and 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 residential amenities of property in the vicinity.

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority an Invasive Species Management Plan.

**Reason:** In the interest of the protection of the ecology of the area.

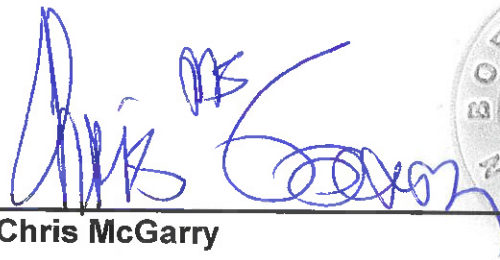


13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled 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.

14. 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 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.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this 4<sup>th</sup> day of October 2021.**