



An
Bord
Pleanála

Board Order
ABP-312834-22

Planning and Development Acts 2000 to 2021

Planning Authority: Laois County Council

Planning Register Reference Number: 21/827

Appeal by Lyonara Cold Store Limited care of Enerpower of Unit 24, Waterford Business Park, County Waterford in relation to the application by Laois County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 6 of its decision made on the 1st day of February, 2022.

Proposed Development: Erect 4,945.00 m² or 949.95 kWp of photovoltaic panels on the roofs of building, with all associates site works at Clonminam Industrial Estate, Portlaoise, County Laois.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 6 and directs the said Council to REMOVE condition number 6 and the reasons therefor.

Reasons and Considerations

It is considered that the terms of the Laois County Council Development Contribution Scheme 2017-2023 have not been properly applied in respect of the proposed development, in that the proposed development does not fall within a category of development set out in the scheme. The Board noted the category of development for 'solar energy' that is contained within the scheme. However, having regard to the specific nature of the proposed development in this instance, providing photovoltaic panels on the roofs of the building on site, which would solely serve to supplement the existing premises energy with a renewable (solar) energy source and where there is no energy proposed to be exported off-site, the Board considered that the proposed development would not reasonably be of a type such that it would fall within this category of development.



In deciding not to accept the Inspector's recommendation to amend condition number 6, the Board noted the analysis and recommendation of the Inspector that the scheme should be applied based on electricity output, however, having regard to the specific nature of the proposed development, providing photovoltaic panels on the roofs of the building on site, which would solely serve to supplement the existing premises energy with a renewable (solar) energy source and where there is no energy proposed to be exported off-site, the Board considered instead that the proposed development would not reasonably be of a type such that it would fall within this category of development.



John Connolly

Member of An Bord Pleanála

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

Dated this *15th* day of *August* 2022.