

An  
Bord  
Pleanála

**Board Order**  
**ABP-318352-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 2260041**

**Appeal** by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 5<sup>th</sup> day of October, 2023 by Westmeath County Council to grant subject to conditions a permission to Elgin Energy Services Limited care of Neo Environmental Limited of 83-85 Bridge Street, Ballymena, County Antrim, Northern Ireland in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development consisting of permission for a period of 10 years to construct and complete a solar PV development with new access tracks, temporary construction compound and client substation and all ancillary grid infrastructure and associated works. The solar farm would be operational for 40 years. The proposed site area transverses the Westmeath County and Offaly County administrative boundaries resulting in a breakdown of areas as follows: 1.8 hectares of the total site area including the access track, temporary construction compound and client substation is located in Culleenagower, Moate, County Westmeath and the remaining 21.6 hectares for the associated solar farm is located at Lurgan, Moate, County Offaly and is subject to a concurrent application submitted to Offaly County Council. All within the townland of Culleenagower, Moate, County Westmeath.

## 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.**

## Reasons and Considerations

Having regard to:

- (a) the provisions of the Westmeath County Development Plan 2021-2027 including in particular Policy Objective CPO 10.149 supporting Ireland's renewable energy commitments by facilitating solar power, Policy Objective CPO 10.151 ensuring that proposals for solar farms consider inter alia road access and impact on road network serving the site during the construction phase, Policy Objective CPO 10.3 to support the implementation of "Spatial Planning and National Roads - Guidelines for Planning Authorities 2012", and Policy Objective 10.45 to maintain and protect the safety, capacity and efficiency of national roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in 2012,
- (b) the national and regional policy objectives in relation to renewable energy,
- (c) a key principle of "Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in 2012, that planning authorities and the National Roads Authority and other public transport bodies must work closely together to ensure that future development is guided to suitable locations,

- (d) the nature, scale, extent and layout of the proposed development encompassing inter alia the Culleenagower Farm Accommodation Overbridge (TII Structure ID WH-M06-024.00), a structure that is part of the M6 motorway on land in the ownership of Westmeath County Council,
- (e) the documentation submitted with the application and appeal, including the Natura Impact Statement, Planning Statement, Ecological Appraisal, Construction Traffic Management Plan, Outline Construction Environmental Management Plan, Glint and Glare Assessment, Landscape Visual Appraisal, Flood Risk and Drainage Impact Assessment, Assessment of Acoustic Impact, and Archaeology and Architectural Heritage Impact Assessment,
- (f) the mitigation measures proposed for the construction and operation of the proposed development,
- (g) the topography of the area,
- (h) the existing hedging and screening on the site, and
- (i) the planning history and pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with national and regional renewable energy policy objectives, would not conflict with the provisions of the operative Westmeath County Development Plan 2021-2027, would not seriously injure the 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 make a positive contribution to Ireland's renewable energy requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 5<sup>th</sup> day of April, 2023 and the 16<sup>th</sup> day of August, 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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.

3. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

**Reason:** To protect the integrity of European Sites.

4. All of the environmental, construction and ecological mitigation measures, as set out in the Planning Statement, Ecological Appraisal (including the Biodiversity Management Plan), Landscape Visual Appraisal (including the Landscape and Ecology Management Plan), Flood Risk and Drainage Impact Assessment, Construction Traffic Management Plan, Outline Construction Environmental Management Plan, Assessment of Acoustic Impact, Glint and Glare Assessment, Archaeology and Architectural Heritage 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.

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

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

6. The developer shall comply with the following requirements:
- (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 to face into the site and shall not be directed towards adjoining property or roads.
  - (c) Cables within the site shall be located underground.

- (d) All fencing, gates and exposed metalwork shall be dark green in colour. The roofs of the buildings within the substation compound shall be dark grey or black and the external walls shall be finished in neutral colours such as grey or off-white.

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

- 7. The construction of the development shall be managed in accordance with a finalised Construction and 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:
  - (a) location of the site and materials compound(s),
  - (b) location 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 bund 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,
- (k) details of on-site re-fuelling arrangements, including use of drip trays,
- (l) details of how it is proposed to manage excavated soil,
- (m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses, and
- (n) hours of construction.

The Construction and Environmental Management Plan shall be finalised following liaison with Transport Infrastructure Ireland that shall:

- (i) demonstrate consultation with the MMarC Area B Contractor, via Transport Infrastructure Ireland and the relevant road authorities,
- (ii) include detailed information on traffic management, including signage (static and VMS),
- (iii) include specific measures to avoid and mitigate impact on the Culleenagower Farm Accommodation Overbridge (TII Structure ID WH-M06-024.00), and
- (iv) demonstrate compliance with any consents or requirements of relevant road authorities applicable in the context of the Construction and Environmental Management Plan.

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the Natura Impact Statement.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of environmental protection, amenities, public health and safety.

8. (a) Construction activity shall be managed in accordance with a Construction Noise and Vibration Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan should be subject to periodic review and shall specify the construction practice, including measures for the suppression and mitigation of on-site noise and vibration.
- (b) The plan shall be developed having regard to, and all construction activity shall be undertaken in accordance with, best practise guidelines, including BS 5228-1:2009+A1:2014, Parts 1 and 2.
- (c) The mitigation measures described in the Assessment of Acoustic Impact shall be implemented in full.
- (d) Prior to the commencement of development, a plan for the phased development of the site shall be submitted to, and agreed in writing with, the planning authority which shall seek to maximise separation from site boundaries at commencement of works and move progressively across the site.

**Reason:** In order to protect the amenities of the area.



9. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

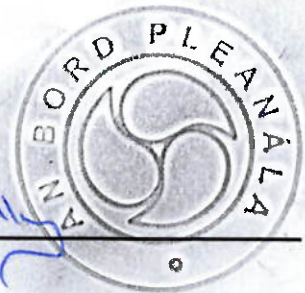
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

11. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

**Reason:** To ensure the satisfactory completion of the development.

*Eamonn James Kelly*  
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**Eamonn James Kelly**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *15<sup>th</sup>* day of *November*, 2024.