

---

**Planning and Development Act 2000, as amended**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 25/60148**

**Appeal** by John Nerney and by others against the decision made on the 18<sup>th</sup> day of September, 2025 by Laois County Council to grant subject to conditions a permission to Ørsted Onshore Ireland Midco Limited care of Fehily Timoney in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development consisting of a 10-year permission and a 40-year operational life for a solar farm on five number land parcels as described herein: West Parcel (A) (Morett Townland), Central West Parcel (B) (Morett and Cappakeel Townlands), Centre Parcel (C) (Morett and Cappakeel Townlands), Centre East Parcel (D) (Cappakeel Townland) and East Parcel (E) (Rossmore Townland). The total site area for the proposed development is circa 249 hectares and consists of the following: circa 1,796,838 square metres of solar photovoltaic panels on ground-mounted steel frames, 44 number hardstandings for electrical skids and storage, underground power and communication cables and ducts, circa 22,753 metres of boundary security fencing, circa 12,915 metres of new and existing internal access tracks, including two number open-span bridge crossings, associated drainage infrastructure, five number site entrances which include the

upgrading of two number access points onto the L3930, one number new access point onto the L7815 local road and two number new access points onto the L3930 local public road, five number temporary construction compounds, landscaping and biodiversity enhancement measures and all associated site services and works. Installations of internal network cable comprise trenching for an underground medium voltage electrical cable and associated joint bays and infrastructure, for a distance of approximately 7,189 metres in length along the solar farm lands, including four number horizontal directional drilling points to traverse the Dunrally Stream and the local roads L3930, L3901 and L3817, all at townlands of Morett, Killone, Cappakeel, Rossmore and Raheennahown North, County Laois. A separate planning application will be made to An Coimisiún Pleanála as part of a Strategic Infrastructure Development (SID) which will include the provision of a 110kV substation with electrical control building and ancillary electrical infrastructure, associated compound with palisade fence which is to be located in the West Parcel (A) in the townland of Morett. The substation will connect to the national grid via a LILO grid connection on site.

## **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**

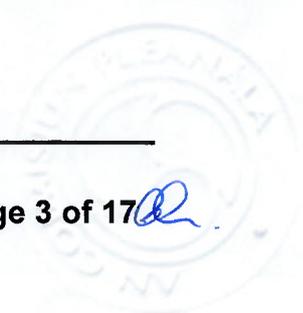
In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

**European Policy/Legislation, including of particular relevance:**

- (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (Birds Directive), which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- (b) EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) Renewable Energy Regulations 2025 (S.1. 274 of 2025),
- (c) Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning and Development Regulations 2001, as amended, and
- (d) Directive 2000/60/EC, the Water Framework Directive, and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

**National Policy and Guidance, including:**

- (a) Project Ireland 2040: National Planning Framework ("NPF"), First Revision of the NPF,
- (b) the National Development Plan 2021-2030,



- (c) the objectives and targets of the National Biodiversity Action Plan 2023-2030,
- (d) the Policy Statement on Security of Electricity Supply (November 2021),
- (e) the National Energy Security Framework (April 2022), and
- (f) the National Energy and Climate Action Plan (2021-2030).

**Regional and Local Planning Policy, including in particular:**

- (a) the Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031, and
- (b) the Laois County Development Plan 2021-2027,

and the location, nature, scale and layout of the proposed development, the pattern of development in the area and the context of the receiving environment, the range of mitigation measures set out in the Natura Impact Statement, the range of mitigation measures set out in the Environmental Considerations Report, the measures proposed for the construction, operation and decommissioning of the proposed development, as set out in the Construction and Environmental Management Plan, the submissions and observations received in relation to the planning application and the appeal, and the Inspector's report and recommendation.

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

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and, on the basis of the information considered in the Appropriate Assessment Screening, the Commission agreed with the Inspector's report and concluded that the only European Site which it is not possible to exclude that the proposed development, alone or in combination with other plans and projects, would give rise to significant effects is the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in view of the site's Conservation Objectives. Appropriate Assessment (Stage 2) is, therefore, required.

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

The Commission considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the current conservation status, threats and pressures of the qualifying interest features,
- (iii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, specifically run-off from the construction works, and

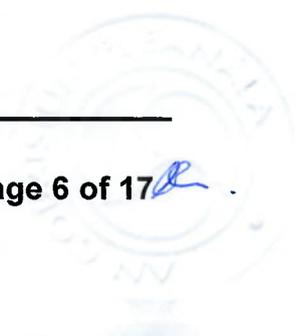
- (iv) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission 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 Commission was satisfied that the proposed development would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

#### **EIA Screening Determination:**

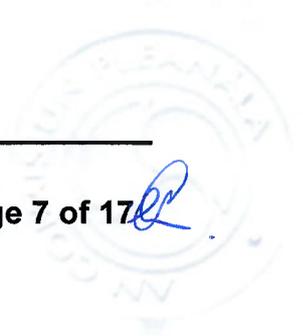
Having regard to:

- (a) the nature and scale of the proposed development, which is not itself a class of development and falls below the thresholds in respect of Class 1(a) and Class 10(dd) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the consideration of the cumulative effects of the proposed development, the subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive,
- (c) the nature of the existing site and the existing and permitted pattern of development in the surrounding area,
- (d) the location of the proposed development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended,



- (e) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (g) the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project, the Planning and Environmental Report, the Flood Risk Assessment, the Natura Impact Statement, the Construction Environmental Management Plan, and the Decommissioning Plan,

it is considered that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.



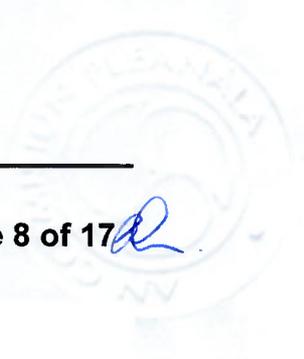
## **Proper Planning and Sustainable Development:**

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 Laois County Development Plan 2021-2027, would make a positive contribution to Ireland's renewable energy and security of energy supply requirements, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not 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, and would be acceptable in terms of traffic impacts and safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The proposed 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 29<sup>th</sup> day of July, 2025, 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 the commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

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

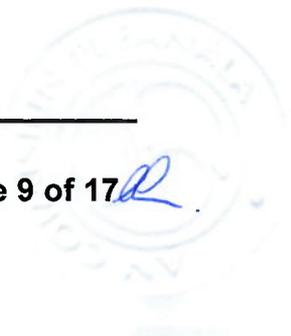


2. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

**Reason:** Having regard to the nature and extent of the proposed development, the Commission considered it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.
- (b) Prior to commencement of development, a Decommissioning Statement, including a detailed restoration plan and a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, concrete shoes, inverter/transformer stations, control building, 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/concrete shoes, 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 in the light of the circumstances then prevailing.



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

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

5. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report, the Glint and Glare Assessment Report, the Landscape and Visual Assessment Report, the Flood Risk Assessment, the Construction and Environmental Management Plan, the Archaeology, Architectural and Cultural Heritage Report, the Landscape Mitigation Plan and the Ecological Impact Assessment 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.

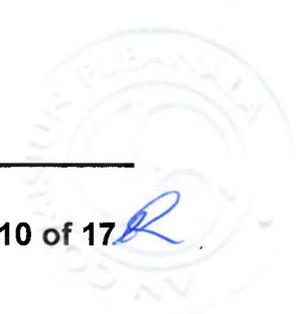
**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

6. 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.

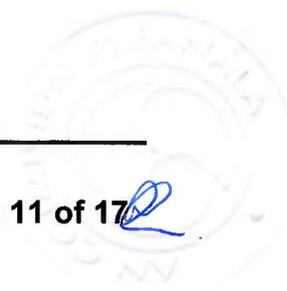
**Reason:** In the interest of clarity.

7. Site development and building works shall be carried out only during the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of residential amenity.



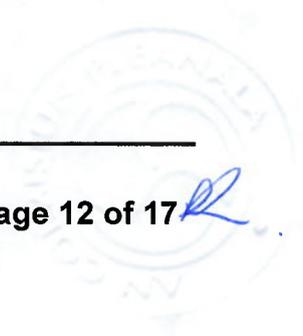
8. The construction of the proposed development shall be in accordance with the plans and particulars submitted and managed in accordance with a finalised Construction and Environmental Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including:
- (a) details of site security fencing and hoardings,
  - (b) details of on-site car parking facilities for site workers during the course of construction,
  - (c) 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,
  - (d) measures to obviate the queuing of construction traffic on the adjoining road network,
  - (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
  - (g) 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,



- (h) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (i) details of on-site re-fuelling arrangements, including use of drip trays,
- (j) details of how it is proposed to manage excavated soil,
- (k) 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
- (l) details of the community liaison officer, including how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads and/or Heavy Goods Vehicles deliveries.

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined in 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.



The Construction Environmental Management Plan (CEMP) shall be finalised and updated to include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development, as set out in the Archaeological Impact Assessment Report, and as may become relevant subsequent to the programme of pre-development Archaeological Test Excavation. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

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

9. (a) Existing field boundaries, including trees and hedgerows, shall be maintained and supplemented in accordance with the details submitted, except where removal is proposed to facilitate access to roadways and sightlines.
- (b) All proposed landscaping and planting shall take place in the first planting season following commencement of development and in accordance with the details proposed. The landscaping and screening shall be maintained at regular intervals. Any trees or hedgerows that are removed, die or become seriously damaged or diseased within five years from planting 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.

- (c) Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining dwellings as a result of the proposed development. Upon commissioning of the development, and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no such glint impact has taken place, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved.

**Reason:** In the interest of the visual amenities of the area.

10. (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) The solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.
- (d) Cables within the site shall be located underground.

**Reason:** In the interest of clarity, visual and residential amenity and in the interest of the long-term viability of agricultural land.

11. All mitigation measures in relation to archaeology and cultural heritage, as set out in the Archaeological Impact Assessment, shall be implemented in full, except as may otherwise be required in order to comply with other conditions. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

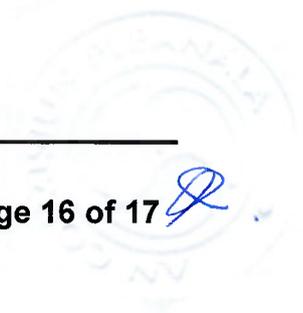
**Reason:** To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

12. 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 Coimisiún Pleanála for determination.

**Reason:** To ensure satisfactory reinstatement of the site.

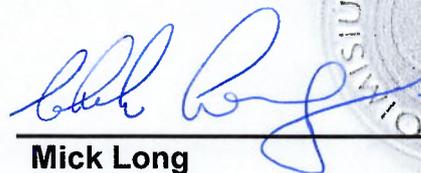
13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Coimisiún Pleanála for determination.

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



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 Coimisiún 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.



**Mick Long**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 16<sup>th</sup> day of February 2026.