

An
Coimisiún
Pleanála

Commission Order
PL-501476-LD-26

Planning and Development Act 2000, as amended

Planning Authority: Longford County Council

Planning Register Reference Number: 2560265

Appeal by Tommy Doyle and by Others against the decision made on the 13th day of May 2026 by Longford County Council to grant, subject to conditions, a permission to BNRG Ballymahon Limited in accordance with plans and particulars lodged with the said Council.

Decision

GRANT permission (subject to conditions) for solar farm and energy storage compound with a total area of circa 111.1 hectares. The proposed solar farm development spans a total site area measuring circa 94.18 hectares. The export capacity to the grid is estimated to be up to 80 MW. The development will consist of a solar farm comprising of: Installation of approximately 700,000 square metres of solar PV panel arrays, to include approximately 355,000 square metres of ground mounted panels supported by steel frame structures, and the remaining area as solar array row spacing. Installation of approximately 18 MV stations. Installation of underground cabling and ducting, comprising approximately 1.8 kilometres along the R397 and L5527 public roads. Provision of temporary site compounds, welfare facilities, and

pole-mounted CCTV cameras for site monitoring and secure materials storage areas. Construction of circa 3,800 metres internal access tracks throughout the site. Construction and operational access via two existing entrances on the R397 and L5527 roads. Landscaping and biodiversity enhancement measures. The proposed development will also include drainage and all ancillary development works and apparatus necessary to facilitate the proposed development in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for an energy storage compound consisting of 56 number containerised energy storage modules and associated plant and equipment and erection of approximately 550 metres of security fencing around the Battery Energy Storage System (BESS) compound for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2025 and the furtherance of the national climate objective.

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

- (a) European legislation, including of particular relevance:
 - (i) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
 - (ii) EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which

European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025)

- (iii) 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 Regulations as amended.
 - (iv) 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.
- (b) National and regional planning and related policy, including:
- (i) National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective 70.
 - (ii) The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- (c) Regional and Local planning policy, including:
- (i) Regional Spatial Economic Strategy for the Southern Region 2019-31; and
 - (ii) Longford County Development Plan 2021-2027.
- (d) Other relevant national policy and guidance documents;
- (e) the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity;
- (f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites;

- (g) the reports of the planning authority and the further information received from the applicant on the 1st day of April 2026 and submissions received in response to same;
- (h) the submissions made on the planning application to the planning authority; and
- (i) the report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Lough Ree Special Area of Conservation (Site Code 000440) and the Lough Ree Special Protection Area (Site Code 001398) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Lough Ree Special Area of Conservation (Site Code 000440) and the Lough Ree Special Protection Area (Site Code 001398), in view of the sites' 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 conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission 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 aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Commission 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 Sites in view of their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

EIA Screening Determination

Having regard to-

- (a) the nature and scale of the proposed development, which is not a class of development set out in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 as amended;
- (b) the location of the proposed development;
- (c) the nature of the existing site and the pattern of development in the surrounding area;
- (d) the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- (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 and 7A of the Planning and Development Regulations 2001, as revised, and;
- (g) the features and measures proposed by the Applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement and Flood Risk Assessment (and related Further Information submissions) and other Ecological related reports on file,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore required.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, National, Regional and local planning and related policy, would be consistent with the provision of the Climate Action Plan 2024 and the Climate Action Plan 2025 and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. The proposed development would not seriously injure the visual and residential amenities of the area, would not have an unacceptable impact on the character of the landscape or on cultural heritage, would not create a traffic hazard or endanger public safety, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology, biodiversity or on any European Site and would not lead to an increased risk of flooding within the site or adjoining lands. 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 1st day of April 2024, 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 Battery Energy Storage System, compound, fencing and ancillary structures shall be omitted entirely from the permitted development. Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity, public safety and of the protection of the environment.

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

Reason: In the interest of clarity.

4. (a) The permission shall be for a period of forty years from the date of the commissioning to decommissioning 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, 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 over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

5. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

6. All of the environmental, construction, operational and ecological mitigation measures, suggestions and recommendations, as set out in the documentation submitted with the application and all other particulars submitted with the application including at further information stage, 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 interests of clarity and of the protection of the environment during the construction and operational phases of the development.

7. The applicant/developer shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

8. 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.

9. Prior to the commencement of development pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.

Reason: In the interest of wildlife protection.

10. The developer shall comply with the transportation and roads requirements of the planning authority. Prior to commencement of development, a finalised transport management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

11. A finalised Landscape Mitigation and Biodiversity Plan to include biodiversity enhancement measures for the application site and in accordance with the plan already submitted, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall thereafter be managed in accordance with the agreed plans. These plans shall cover a period of at least five years and shall include for all other mitigation including the arrangements for implementation of same. Landscape planting shall utilise native species of local origin, reflecting those species naturally occurring in the locality.

Reason: To ensure the preservation and protection of flora and fauna within the site and provide for the satisfactory future maintenance of this development in the interest of visual amenity.

12. Before construction commences on site, details of the structure of the security fence showing provision for the movement of mammals at regular intervals shall be submitted for prior approval to the planning authority.

Reason: To allow wildlife to continue to have access across the site and in the interest of biodiversity protection.

13. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service (NMS) as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation (preservation in-situ/excavation). The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the NMS, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the NMS shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

14. Site development and building works shall be carried out only between the hours of 0800 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 will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

15. (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 solar panels shall have driven or screw pile foundations only (save those proposed with concrete shoes), unless otherwise authorised by a separate grant of planning permission; and
- (e) the transformers/ inverters shall be dark green in colour.

Reason: In the interest of the long-term viability of this agricultural land and in order to minimise impacts on drainage patterns, clarity, visual and residential amenity.

16. The construction of the development shall be managed in accordance with a Construction 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 development, including:
- (a) the location of the site and materials compound(s);
 - (b) the 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) the 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;

- (j) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (k) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains or watercourses;
- (l) details of on-site re-fuelling arrangements, including use of drip trays;
and
- (m) details of how it is proposed to manage excavated soil;

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the NIS. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

17. During the operational phase of the proposed development the noise level shall not exceed the predicted levels as set out in the Noise Assessment Report dated 20th day of March 2026, received by the planning authority on 1st day of April 2026. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

18. (a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be 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 Environmental Noise Assessment Report and the Traffic Management Plan 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.

19. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall otherwise comply with submitted Site Specific Flood Risk assessment and associated documentation. A drainage management plan shall be developed for the construction and the operational phases of the development to include details of the proposed access routes and drains and is to be submitted to the planning authority for approval prior to commencement of development.

Reason: In the interests of environmental protection and flood prevention.

20. 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.

21. 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.

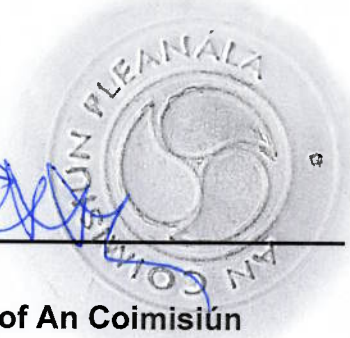
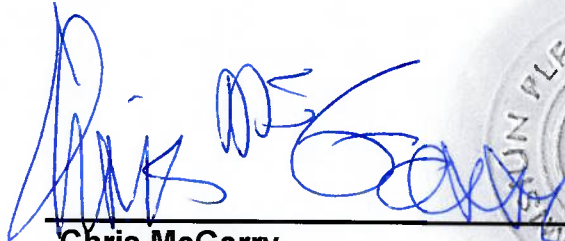
22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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

Reasons and Considerations (2)

On the basis of the information submitted with the application and appeal, the Commission is not satisfied that it can be demonstrated with certainty that the proposed Battery Energy Storage System (BESS) development has sufficiently incorporated adequate measures for emergency planning, firefighting, including provision of available storage for water and for management of contaminated water in the event that a significant fire event and including the need for a controlled burn and subsequent implications for drainage. In the interests of public safety and having regard to Water Framework Directive concerns, it is determined that such deficiencies within the application and appeal documentation, cannot be addressed through planning conditions. In this regard the proposed BESS development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the recommendation of the inspector to recommend a grant of permission, the Commission in fact agreed fully with his recommendation which included the omission of the Battery Energy Storage System element of the overall scheme by condition. However the Commission determined that this omitted element should be specifically described as a refusal of permission, to enable a clear understanding of the reasoning behind this omission, to form part of the statutory Order.



Chris McGarry

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this  day of  2026