



An  
Bord  
Pleanála

## Inspector's Report 304925-19.

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### Development

Solar PV energy development within a site area of c. 15ha. This area was removed by condition no. 2 in previous planning reference PL2 16/246.

### Location

Clonin, Rhode, Co. Offaly.

### Planning Authority

Offaly County Council.

### Planning Authority Reg. Ref.

19/194.

### Applicant(s)

Highfield Solar Limited.

### Type of Application

Permission.

### Planning Authority Decision

Refuse.

### Type of Appeal

First Party.

### Appellant(s)

Highfield Solar Limited.

### Observer(s)

None.

### Date of Site Inspection

7<sup>th</sup> November 2019.

### Inspector

Dáire McDevitt.

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## **1.0 Site Location and Description**

- 1.1.** The site, with a stated area of 15 hectares, forms part of a larger Solar PV energy development that was granted permission under PL2 16/246 with a permitted area of c.71hectares (4 fields removed by condition). Rhode village is c. 600m east of the site. Clonin Hill is to the east, where there are 3 recorded monuments within c.300m of the eastern boundary of the site. The site is identified as fields No. 3 & 4 of 12 fields that make up the overall solar development at this location. 110kv powerlines traverse the lands to the east of the relevant area over Clonin Hill. Numerous pylons are located in the immediate vicinity. The M6 is c. 7.3km to the north
- 1.2.** Access to the site is off the R400 via the L10102 a single carriageway road, that runs along the south of Clonin House, where there is a business operating with machinery storage on site. The surface of the lane disintegrates towards the western point and is not suitable for cars.
- 1.3.** Fencing and natural boundaries form the field boundaries, the site itself forms part of the lower southern slope of Clonin Hill, with extensive tracts of bogland to the south of the site, separated from it by a wooded area.

## **2.0 Proposed Development**

- 2.1.** Permission is sought for a 10 year permission for a Solar PV energy development within a site area of c. 15ha. This area was removed by condition no. 2 in previous planning reference PL2 16/246.

No details have been provided relating to the number of panels, detail of inverter/transformer stations, fencing etc. The application is for fields 3 & 4 as submitted under PL 02 16/246.

Based on the plans and particulars submitted, the application includes

- 15ha of solar on ground mounted panels.
- 8 no. inverter/transformer station.
- Maintenance road and gate.

- Connection to the 110kv substation adjacent to the permitted solar PV energy development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

**Refuse** permission for the following reason:

*The proposed development of a solar farm located on sloping land within line of sight of Croghan Hill and from surrounding rural areas and the proposal is deemed to materially contravene objective LAO-01 of the Offaly County Development Plan which states that “It is an objective of the Council to preserve and enhance the character of the County’s landscape where, to the extent that in the opinion of Offaly County Council, the proper planning and sustainable development of the area requires.” And the proposal is therefore considered to be contrary to the proper planning and sustainable development of the Area.*

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

This formed the basis of the planning authority’s decision.

- The report include extracts of the planner’s report relating to PL2 16/246 and extracts from the Departments submission relating to same.
- The report focuses on the visual impact of the proposed development and the impact on Clonin Hill and Croghan Hill.
- The report concludes that the planner’s assessment under PL2 16/246 was correct and that refusal is recommend given the impacts of the proposed development on the landscape and in particular views from Croghan Hill.

##### **3.2.2. Other Technical Reports**

**Water Services** (5<sup>th</sup> June 2019). No objection subject to conditions.

**Edenderry Municipal District Engineer** (7<sup>th</sup> June 2019). Further information recommended relating to 1) a construction Traffic Management Plan and 2) Frequency, volume, number, gross vehicle weights and haul routes of vehicular traffic per day associated with a) the delivery process, b) construction process and c) operational process.

### **3.3. Prescribed Bodies**

**Department of Culture, Heritage and the Gaeltacht** (11<sup>th</sup> June 2019).

The following observations/recommendations were made:

#### Archaeology:

An archaeological assessment should be carried out to consider in detail the effects of the proposed development on the visual amenity of the monuments on Croghan Hill and Clonin Hill and the inter-visibility between the two groups.

In the course of the site inspection carried out during the course of planning reg. No. 16/246, a flint flake, possibly a blade, was found at the foot of the face of a quarried area at the western end of a ridge extending from field 2 into field 3. The presence of an archaeological object suggests that further archaeological survey is needed in fields number 3 & 4.

A systematic programme of field walking will be required, in order to assess the archaeological potential of these fields. Fields number 3 & 4 were under crop when assessed by the applicant's consultant archaeologist, in advance of the previous planning application. As the fields have been ploughed in the past, field walking for the current proposal should take place after the area has been ploughed, to facilitate a proper examination of the soil.

A report of the field walking and the consideration of the effects on visual amenity, should be presented as Further Information. Depending on the results of the assessment, revision of the site layout or further archaeological (e.g geophysical survey, excavation or archaeological monitoring) work might be required.

### Nature Conservation:

It is unclear from the supplied documents what extent of hedgerow may be affected by the proposed development. Reference is made to road widening on one of the maps. Any proposed hedge removal for road widening should be done outside of the bird nesting season and suitable compensatory hedgerow of native species replaced within the site. Detailed plans and up to date aerial photos of the existing habitats located on the site and a report of any surveys for protected mammals.

### **3.4. Third Party Observations**

None.

### **4.0 Planning History**

**PA Ref. No. PL2 16/246.** Permission for a 10 year permission for a solar PV energy development with a total site area of c. 96.6ha to include one single storey electrical substation building and associated compound, electrical transformer and inverter station modules, storage modules, solar PV panels ground mounted on support structures, access roads, fencing and all associated electrical cabling, ducting, CCTV and other ancillary infrastructure, additional landscaping as required. Permission granted in January 2017 subject to 20 conditions, resulting in a development of c.71hectares. These included:

No. 2:

*Development of a Solar Farm on fields identified as Numbers 1, 2, 3 and 4 on Figure 4.4 Drawing No. NEO00363/005/B received by the Planning Authority on 09/08/2016, is not permitted.*

*Reason: In the interest of visual amenity.*

No. 3:

*The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.*

*Reason: In the interest of clarity.*

## 5.0 Policy & Context

### 5.1. Project Ireland 2040- National Planning Framework (2018).

The National Planning Framework includes a specific Chapter, No. 9, entitled 'Realising our Sustainable Future'. It includes 14 objectives (Objectives 52 to 65) among which **Objective 55** seeks to promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

**Objective 61** seeks to facilitate landscape protection through the preparation of a National Landscape Character Map and development of guidance on local landscape character assessments, (including historic landscape characterisation) to ensure a consistent approach to landscape character assessment, particularly across planning and administrative boundaries.

### 5.2 Climate Action Plan 2019 to tackle climate breakdown (Dept. of Communications Climate Action and Environment (2019)).

The Plan identifies the nature and scale of the challenge. It outlines the current state of play across key sectors including Electricity, Transport, Built Environment, Industry and Agriculture and charts a course towards ambitious decarbonisation targets. Reflecting the central priority climate change will have in the political and administrative systems into the future, the Plan sets out governance arrangements including carbon-proofing our policies, establishment of carbon budgets, a strengthened Climate Change Advisory Council and greater accountability to the Oireachtas.

This Plan recognises that Ireland must significantly step up its commitments to tackle climate disruption. The leadership role both the Government and public bodies can play in taking early action on climate is fundamental to achieving our decarbonisation goals.

7.2 Targets:

To meet the required level of emissions reduction, by 2030 we will:

- Reduce CO<sub>2</sub> eq. emissions from the sector by 50–55% relative to 2030 Pre-NDP projections
- Deliver an early and complete phase-out of coal- and peat-fired electricity generation
- Increase electricity generated from renewable sources to 70%, indicatively comprised of:
  - o at least 3.5 GW of offshore renewable energy
  - o up to 1.5 GW of grid-scale solar energy
  - o up to 8.2 GW total of increased onshore wind capacity
- Meet 15% of electricity demand by renewable sources contracted under Corporate PPAs.

*[\*The exact level of offshore wind, onshore wind, solar and other renewable technology will be determined by a new system of competitive auctions where the lowest cost technology will be determined, see box below.]*

## **5.2. Offaly County Development Plan 2014-2020**

The site adjoins Rhode village on ‘white lands’.

White Lands: These are lands immediately adjacent to (and generally outside of) the delineated boundary of the County’s settlements. These are largely in agricultural use, demonstrate rural characteristics and may contain some isolated development which is not zoned for a specific use at this time. The plan sets out considerations that apply to these lands.

### **Section 7.8.8 Croghan Hill.**

The Council recognises the scenic quality and recreational value of the Croghan Hill area. Croghan Hill, Raheenmore Bog (which is a designated Nature Reserve under the Wildlife Act 2000 as amended) and Cannakill Deserted Medieval Village are the main elements of the Area of High Amenity. The Council, through



its development control function will seek to preserve the scenic amenity and recreational potential of this area and to protect it from development that would damage or diminish its overall attractiveness and character. A comprehensive study of the Croghan Hill environment was published in 2011 by OCC in 2011, called 'Croghan, County Offaly' - a publication by John Feehan.

**Relevant Policies:**

**RDP-08** to support the development of renewable energy in rural areas, where it is considered appropriate i.e where it is demonstrated that such development will not result in significant environmental effects. Such development will be assessed on a case by case basis.

**RDP-09** to encourage and facilitate the development of local and community based renewable energy projects in the county, notwithstanding their suitability and additional consideration such as location, nature of use, compliance with relevant guidelines and scale, where it can be demonstrated that such proposals are feasible.

**RDP-11** to encourage expansion and employment in industries such as agriculture, horticulture, forestry, peatlands, food, crafts, tourism and energy.

**EP-01** to support national and international initiatives for limiting emissions of greenhouse gases and to encourage the development of renewable energy sources.

**EP-09** to require any applicant for energy generation facility to provide details of all transmission infrastructure associated with the development and to assess the impact of this infrastructure on both the environment and landscape as a material consideration of the planning decision.

**Landscape:**

The site is located in a Low Sensitivity Area

**Table 7.11.3** sets out a summary of the landscape and characteristics of Low Sensitivity Areas.

Characteristics:

County Offaly is largely a rural county which comprises of a predominantly flat and undulating agricultural landscape coupled with a peatland landscape. Field boundaries, particularly along roadside verges which are primarily composed of mature hedgerows typify the county's rural landscape.

Sensitivities:

- These areas in general can absorb quite effectively, appropriately designed and located development in all categories (including telecommunication masts and wind energy installations, afforestation and agricultural structures).
- Due to the rural nature of the area, development shall be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible.
- New housing proposed should respect the Council's rural housing design guidelines, coupled with conformity with development standards.

**Section 7.13 Landscape and Amenity Policies:**

**LAP – 01** landscape considerations will be an important factor in all land use policy and decision making for the county, ensuring that a pro-active view of development is undertaken whilst maintaining respect for the environment and heritage, as per the general principles of sustainable development. Further it is policy to conserve, protect, and enhance the landscape of Offaly at a number of levels.

- The value of the landscape itself, as open countryside and the associated form and character of settlements.
- The value of the landscape as a resource for economic growth in accordance with its physical and visual attributes.
- The value of the landscape and its role with habitats and species whose diversity enriches the environment.

**Section 7.14 Landscape and Amenity Objectives:**

**LAO – 01** to preserve and enhance the character of the county’s landscape where, and to the extent that in the opinion of Offaly County Council, the proper planning and sustainable development of the area requires it.

**Section 7.12.1** refers to Views and Prospects.

Table 7.11.5. Views/Prospects of Special Amenity Value or Special Interest.

<b>Map Ref.</b>	<b>View from</b>	<b>View to</b>
V07	Road No. L-01018 in the townlands of Cannakill and Croghan Demesne	Slieve Bloom Mountains.
V08	Townlands of Barnan, Kilduff, Old Croghan, Croghan Demesne, Down.	Cloghan Hill and Boglands
V09	Townlands of Grovesend and Coole.	South to boglands.

### **Map 7.8 Protected Views**

#### **Recorded Monuments:**

Monument No. 23. **National Monument in State Ownership No. 532.**

In pasture on top of Clonin Hill with extensive views of the surrounding countryside. Impressive view of burial mound (OF010-004001-) on top of Croghan Hill 4.5km to W. **Smaller ring-barrow (OF011-001002-)** now levelled located c. 20 metres to NW. Circular flat topped mound (diam. 46.6m; H 2.5m - 0.5m) enclosed by inner fosse (Wth 2m) with external bank (Wth 5.3m; H 0.3m) intersected by stone wall/field boundary at W. Natural rock outcrop with decorated surface known locally as a **mass-rock (OF011-001001-)** protrudes from the surface of the fosse at SW.

### **5.3 Natural Heritage Designations**

The site does not lie within or in the immediate vicinity of a designated site. The nearest relevant sites are:

Raheenmore Bog SAC (site code 000582) is c. 7km southwest of the site.

Black Castle Bog NHA (site code 000570) is c. 5.5km northeast of the site.

## **5.4 EIA Screening**

5.4.1 Under the Planning and Development Regulations 2001 (as amended), current government and EU guidance, the Planning Authority must screen the proposed development for Environmental Impact Assessment (EIA) and decide if the planning application for the proposed development does or does not require the preparation of an Environmental Impact Assessment Report (EIAR).

5.4.2 The current requirements for EIA are outlined in Part X of the Planning and Development Act 2000, as amended and Part 10 of the Planning and Development Regulations as amended. The prescribed classes of development and thresholds that trigger a mandatory EIS are set out in schedule 5 of the Planning and Development Regulations 2001, as amended. The proposed development does not fall into a class of development contained in Schedule 5, Parts 1 or 2 and therefore the requirements for an EIA can be screened out.

## **6.0 The Appeal**

A first party appeal has been lodged which seeks to address the planning authority's reason for refusal.

### **6.1. Grounds of Appeal**

The grounds of appeal refer to numerous studies and national policies in support of the delivery of renewable energy.

The grounds of appeal are summarised as follows:

- The reason for refusal refers to views of the site from Croghan Hill and the surrounding rural areas. The history file and planners report noted that 'the view from Croghan Hill in an easterly direction towards Clonin Hill is not one of the listed protected views'

- An extract from Table 7.11.5 is included, the relevant views are V07, V08 and V09. V08 is located such that neither the permitted or proposed solar farm would be visible due to intervening landform, in particular Croghan Hill. V07 & V09 are in a southeasterly and southwesterly direction, i.e away from the proposed solar farm. The view from Croghan Hill east towards Clonin Hill and the proposed solar farm is not included as a Protected View.
- The site is located in an area classified as having ‘low sensitivity’ to development. Furthermore in the context of development, the surrounding area includes (existing and permitted):
  - Large expanses of heavily worked bogland.
  - An existing 110kv substation immediately adjacent to the solar farm site.
  - A number of 110kv powerlines and pylons, including on Clonin Hill itself.
  - A industrial peaking plant adjacent to the solar farm development site.
  - A consented windfarm immediately north of Clonin Hill.
  - The consented solar farm development.
- The Board is referred to ‘viewpoint 11 photomontage: Top of Croghan Hill after year 0 with field 2 removed’, where additional detail illustrating these wider landscape items was included.
- Photographs submitted of the overhead 110kv lines that traverse Clonin Hill.
- Photographs submitted showing the view from Clonin Hill westwards towards Croghan Hill showing the powerlines with the pylons out of shot.
- The applicant argues that the re-inclusion of fields No. 3 & 4, would not result in such an increase to the footprint of the solar farm development at this location that would have a significant impact on the County’s Landscape Character as suggested in the reason for refusal.

- Furthermore, the re-inclusion of these fields would increase the generating capacity of the solar farm and in turn increase its contribution towards Ireland's 2030 targets.
- Due to the proposed connection method i.e to the existing 110kv station adjacent to the consented portion of the site, the development requires to be of a scale that would make this connection viable. By removing the two fields to which this appeal refers, and considering that allocation of subsidy under the RESS will be by way of competitive auctions, the viability of the overall development has been jeopardised.

## **6.2. Planning Authority Response**

The Planning Authority respectfully request that the Board support its decision in this instance.

## **6.3. Observations**

None.

## **6.4. Prescribed Bodies.**

The file was referred to:

- Department of Communications, Climate Action and Environment.
- Commission for Regulation and Utilities.
- An Taisce.
- An Chomhairle Ealaín

No responses received.

## **7.0 Assessment**

7.0.1 The principle of a solar farm was assessed by the planning authority under PL2/16/246. Permission was granted subject to condition No. 2:

*Development of a Solar Farm on fields identified as Numbers 1, 2, 3 and 4 on Figure 4.4 Drawing No. NEO00363/005/B received by the Planning Authority on 09/08/2016, is not permitted.*

*Reason: In the interest of visual amenity.*

- 7.0.2 The current application before the Board is an attempt by the applicant to address the reasoning behind condition no 2 attached to PL 02 16/246 and facilitate the use of fields identified as No. 3 & 4 (c.15ha) for solar PV energy development.
- 7.0.3 I do not propose to assess the application from first principles as it refers to fields No. 3 & 4 that formed part of PL2 16/246 (permitted 71 hectare solar development) and not a standalone application. Given the context of the site and the interconnectivity between the current proposal and the permitted development I consider it reasonable in this instance to consider and reference documentation and reports submitted under PL2 16/246. A copy of PL2 16/246 is attached to the file.
- 7.0.4 The issue of Appropriate Assessment shall also be addressed. The grounds of appeal seek to address the planning authority's reason for refusal and are as follows:
- Consideration of Material Contravention of the Development Plan.
  - Visual Impact.
  - Appropriate Assessment.

## **7.1. Consideration of Material Contravention of the Development Plan**

- 7.1.1. The decision of the Planning Authority states that the development (if permitted) would materially contravene objective LAO-01 of the Offaly County Development Plan which states that "It is an objective of the Council to preserve and enhance the character of the County's landscape where, to the extent that in the opinion of Offaly County Council, the proper planning and sustainable development of the area requires.'

7.1.2. In this context, if the Board are minded to grant permission for the proposed development, Section 37(2) of the Planning and Development Act 2000 must be considered. Section 37(2) requires that if the Planning Authority have decided to refuse permission on the grounds that a proposed development materially contravenes the Development plan, the Board may only grant permission in certain circumstances. However, I do not share the view to the Planning Authority that the development would materially contravene the Development Plan for the area. The objective referenced in the reasons for refusal is a general objective rather than an objective which specifically relates to the appeal site. Accordingly, I do not consider that the proposed development, if permitted, would materially contravene the applicable development plan and Section 37(2) of the Act requires no further consideration.

## **7.2 Visual Impact**

7.2.1 Permission was refused for the proposed development, located on sloping land within line of sight of Croghan Hill and from surrounding rural areas on the grounds that proposal was deemed to materially contravene objective LAO-01 of the current Offaly County Development Plan.

7.2.2 The premise of the planning authority's reason for refusal relates to the visual impact of the proposed development given the context of the site and its location within a sensitive landscape. The principle of a solar farm was considered acceptable at this general location in 2017 subject to the omission of 4 fields for reasons relating to visual amenity given their proximity to Clonin Hill and visibility from the surrounding area and Croghan Hill in particular.

7.2.3 The crux of the issue appears to be the planning authority's concerns that the development of fields No. 3 & 4 would have a negative impact on the views of Croghan Hill from the Clonin Hill and vice versa due to the inter-visibility of the two recorded monuments. I have examined the current Offaly County Development Plan and I note that these views are not included in the list of views and prospects contained in Table 7.11.5.

7.2.4 The planners report references the Department of Culture, Heritage & the Gaeltacht submission on the previous application (PL2 16/246) which raised



concerns and requested the omission of field no. 2 of said application. It also raised issue with the visibility of field No. 3 when viewed from the western approach to Rhode Village.

7.2.5 The Departments submission on the current application notes that an archaeological assessment should be carried out, to consider in detail the effects of the proposed development on the visual amenity of the monuments on Croghan Hill and Clonin Hill and the indivisibility between the two groups. And as an archaeological object was found during investigations carried out under PL.02/16/246 at the western edge of a ridge that extends from field 2 into field 3, therefore, further archaeological survey is needed in field 3&4. I note the issues raised by the DCHG, however I consider, given the nature of the development and works required, this matter can be dealt with by condition if the Board considers granting permission. With regard to nature conservation, the hedgerows are to be retained within the site.

7.2.6 With regard to the inter-visibility between the two sites, I draw the Boards attention to the Planning authority's grant of permission for c71 hectare solar farm in 2017, which the current proposal forms part of. The application site is located in an area identified as one of 'low sensitivity' for development in the current Offaly County Development Plan. The surrounding area has large expanses of heavily worked out bogland, a 110kv substation, a number of 110kv powerlines and pylons, an industrial plant adjacent to the site, permission for a wind farm to the north of Clonin Hill and an extant permission for a 71 hectare solar farm, of which the current proposal would be part of.

7.2.7 I have inspected the site and surrounding area and I acknowledge that the proposed development would be sited on sloping land within line of sight of Croghan Hill and intermittently from surrounding rural areas at lower levels. However, in my opinion the inclusion of the application site (fields 3 and 4 as identified in the documentation on file) would have a marginal increase in the footprint and visual impact of the overall solar PV energy development when viewed from the surrounding area. Field 3 & 4 are located on the western lower slope of Clonin Hill and benefit from existing screening by the wooded area to the west, furthermore I consider that with appropriate landscaping and boundary

treatment the impact is further reduced as fields 3 & 4 are on lower section of the sloping landscape.

7.2.8 Having inspected the site and surrounding area and having reviewed the viewpoint photographs and photomontages submitted with the current application and PL2 16/246, I consider that the visual impact of the proposed development on sensitive receptors will be limited due to the site topography, the extensive hedgerows and tree planting and the separation distances from roads and residential dwellings. The visual impact will be most pronounced upon installation of the panel arrays, but will be mitigated by additional planting, albeit that this will take a number of years to become established and provide effective screening. I consider that the greatest potential visual impact arises along the southwestern approach to Rhode village. The existing and proposed planting allied with the containment of the development within existing field boundaries will serve to mitigate the impact.

7.2.9 On balance I am of the view that the proposal for a 15 hectare solar PV energy development as part of a permitted c 71 hectare development which results in an overall solar development of c.86hectares at this location. And given the nature, scale and height of the solar ground mounted panels, that the proposal would contribute the patchwork appearance of the landscape arising from the varied uses within the immediate vicinity ranging from Rhode Village and its built environment, worked bogland, agricultural lands, etc. Furthermore the views referred to by the Planning Authority do not lie with the corridor of any designated protected views in the current County Development Plan and the impact of 15 hectares in the context of c.71 hectares that are permitted is minimal. I am satisfied that the landscape can absorb the proposal as part of a larger permitted development and would not have a significant impact on the character of the landscape or the cultural and archaeological heritage of the area.

### **7.3 Appropriate Assessment**

7.3.1 The closest designated Natura 2000 is Raheenmore Bog SAC (site code 000582) which is c. 7km southwest of the application site.

7.3.2 There is no record on file of the Planning Authority's appropriate assessment screening report.

7.3.3 The site neither lies in or near a Natura 2000 site. The nearest such sites are at a considerable distance and there are no direct connections between them and the development site. Having regard to the nature of the development and the proximity to the nearest Natura 2000 site. I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not subject to appropriate assessment.

## **8.0 Recommendation**

I recommend that permission be granted for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature, scale and extent of the proposed development, the planning history of the site, national and local policy, the location of the site in an identified low sensitivity area for development. The proposed development, subject to compliance with the conditions set out below would not have an unacceptable impact on the character of the landscape or on the cultural or archaeological heritage, would not seriously injure the visual amenities of the area, would not have an unacceptable ecological impact and would make a positive contribution to Ireland's requirements for renewable energy, be in accordance with The National Planning Framework and the policies and objectives set out in the Offaly County Development Plan 2014-2020. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. Apart from any departures specifically authorised by this permission, the development shall be carried out in accordance with the terms and conditions of the permission granted on the 27th January, 2017 under Planning Register Reference number PL2 16/246 and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

2. 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

3. 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 considers it appropriate to specify a period of validity of this permission in excess of five years.

4. (a) All structures including foundations hereby authorised shall be removed not later than 30 years from the date of commissioning of the development, and the site reinstated unless planning permission has been granted for their retention for a further period prior to that date.

(b) Prior to commencement of development, a detailed restoration plan, 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. 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.

5. 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.

6. (a) Prior to the commencement of development a detailed landscaping plan shall be submitted for the written agreement of the planning authority, this shall include details of boundary treatment and proposals to augment existing boundaries.

(b) The landscaping proposals shall be carried out within the first planting season following commencement of construction of the solar PV array. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

- (c) Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining houses as a result of the development. Upon commissioning of the development and for a period of two years following first operation, the developer 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.
- (d) The construction compound shall be removed at the end of the construction phase and the resultant area covered with topsoil and reseeded.

**Reason:** To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity, and to mitigate any glint impact from the proposed development upon adjoining residential amenities.

- 7. The inverter/transformer stations and all fencing shall be dark green in colour. The external walls of the proposed substations shall be finished in a neutral colour such as light grey or off-white; the roof shall be of black tiles/slates.

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

- 8. (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) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
- (d) The solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

(e) Cables within the site shall be located underground.

**Reason:** In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

9. 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 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 amenities of property in the vicinity.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) Engage the services of a suitably qualified archaeologist (licenced under the National Monuments Acts 1930-2004) to carry out a systematic programme of field walking, in order to assess the archaeological potential of these fields and pre-development testing at the site to include the potential archaeological geophysical anomalies identified together with areas where topsoil is to be stripped. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist is required to notify the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work

- (c) The archaeologist shall carry out any relevant documentary research and may excavate trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- (d) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and the Department of Culture, Heritage and the Gaeltacht.
- (e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Culture, Heritage and the Gaeltacht will advise the Developer with regard to these matters.
- (f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Culture, Heritage and the Gaeltacht.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in situ or by record) and protection of any archaeological remains that may exist within the site.

11. 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, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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



12. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

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 that may be damaged by construction transport 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 the reinstatement of public roads that may be damaged by construction transport.

14. 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.

15. 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.

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Dáire McDevitt  
Planning Inspector

20<sup>th</sup> December 2019