



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305434-19

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<b>Development</b>	Construction of 5MW solar farm, 2 delivery station, security fencing, CCTV, new road access.
<b>Location</b>	Ballingaddy East , Ennistymon , Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	18717
<b>Applicant(s)</b>	Amarenco Solar Ennistymon Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Amarenco Solar Ennistymon Limited
<b>Observer(s)</b>	Toby Sachsenmaier
<b>Date of Site Inspection</b>	06th December 2019
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 11.808 hectares, is located in the townland of Ballingaddy East approximately 3km to the north of Ennistymon. The appeal site consists of 3 no. fields (Parcels 1, 2 and 3) currently in agricultural use (sheep farming). The appeal site is part of a larger agricultural land holding and is accessed over a laneway that has vehicular access onto the N67 to the east of the site. This laneway also serves 2 no. dwellings and a farmyard associated with the landholding. The appeal site is elevated relative immediately adjoining lands with a ridge running on a roughly east west access. Parcels 1 and 2 (north of the site) that make up the site falls in level northwards whereas the larger part of the site (parcel 3) falls in level in a southerly direction. There is also a fall in levels from the highest point of the site to the eastern and western boundaries. Adjoining lands are agricultural in nature. The nearest dwellings are located to the east of the site and accessed from the laneway currently serving the site. There is sporadic housing development located on the L5124, which runs to the north of the appeal site.

## 2.0 Proposed Development

- 2.1. Permission is sought for a 5 MW solar farm comprising approximately 22,000 photovoltaic panels on ground mounted frames with a site area of c. 11.8 hectares, 2 no. single-storey inverter/transformer stations, 1 no. single-storey delivery station, security fencing, CCTV, new road access on the Ballingaddy East Road (L5124) and all associated ancillary development works.
- 2.2. The layout of the solar panels on site was also revised with panels located above the 57.5m contour line removed from the field area marked parcel 1 and relocated to a field area on the site marked parcel 2, which is at a lower elevation.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on two reasons...

1. Having regard to the open, exposed and elevated nature of the site, and to the scale, nature and design of the proposed development, it is considered that the proposed solar farm would form a prominent feature in the landscape, which would be highly visible in views from a wide area including from the south and southwest of the site, and which would adversely impact on the rural character of this area. The proposed development would therefore seriously injure the visual amenities of the area and would conflict with the Development Plan objective CDP 13.2 which seeks to permit developments where it can be demonstrated that the visually prominent locations have been and the site layout avails of existing topography and vegetation. The proposed development, would therefore set an undesirable precedent for other such proposals and would be contrary to the proper planning and sustainable development of the area.

2. In absence of details to the contrary, the Planning Authority considers that the use of the L-5124 local road as the main construction access to the site would endanger public safety by reasons of traffic hazard due to the narrow width and condition of same.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planning report (01/11/18): Further information required including revised construction access proposals to avoid access onto a national route, details of proposal to upgrade the existing construction access route, details of the proposal access route to the L-5124, revised proposal to deal with concerns over visual impact, submission of a site specific glint and glare study, a site specific layout of the

construction compound and revised fencing proposal consistent with the Ecological Impact Assessment.

Planning report (16/08/19): The proposal was considered to have an unacceptable visual impact due to its scale and elevated location. It was also considered that the L-5124 is substandard in width and condition to provide access to the proposed development for the purposes of construction. Refusal was recommended based on the reasons outlined above.

### 3.2.2. Other Technical Reports

Architectural Conservation Office/Archaeologist (19/10/18): Archaeological monitoring should be carried out.

### 3.3. Prescribed Bodies

IAA (24/09/18): No observations.

Shannon Airport (03/10/18): The issue of the impact of glint and glare is noted and concerns that the assessment submitted does not reference CAA/FAA guidance documents on solar PV farms. A proper technical assessment is required in regard to impact on local flight strips and the Shannon Airport.

DOCHG Development Applications Unit (18/10/18): Mitigation measures proposed in the Ecological Impact Statement submitted should be implemented.

DOCHG Development Applications Unit (19/10/18): Condition requiring Archaeological Assessment required in the event of a grant of permission.

TII (30/10/18): The proposal was considered at variance with national policy regarding the national road network on the basis that it would be contrary to development control policy regarding frontage along national routes with alternative access to be considered. The assessment of glint and glare is inadequate.

Shannon Airport (01/07/19): No objection.

IAA (02/07/19): No observations.

TII (10/07/19): No observations

### 3.4. Third Party Observations

#### 3.4.1 Submissions were received from...

Paul Hasset,

Lucy Pettigrew,

Lahinch Golf Club,

Toby Sachsenmaier,

Willam Daly.

The issues raised can be summarised as follows...

- Adverse visual impact, adverse tourism impact, traffic impact, noise, ecology, lack of glint and glare assessment, lack of consultation, impact on nearby dwellings.

## 4.0 Planning History

No planning history on the appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Clare County Development Plan 2017-2023

**CDO10.11** “It is an objective of the Development Plan to facilitate the development of renewable energy developments in rural areas in accordance with the adopted Clare Wind Energy Strategy and Renewable Energy Strategy and the Associated SEA and NIR (and any subsequent strategies).”

**CDP6.17** “It is an objective of the Development Plan to contribute to the economic development and enhanced employment opportunities in the County by: a) Facilitating the development of a self-sustaining, secure, reliable and efficient renewable energy supply and storage for the county; c) Enabling the County to become a leader in the production of sustainable and renewable energy for national and international consumption through research, technology development and innovation.”

**CDP8.40** Development Plan Objective Renewable Energy.

“It is an objective of the Development Plan A) To encourage and favourably consider proposals for renewable energy developments and ancillary facilities in order to meet national, regional and county renewable energy targets and to facilitate a reduction in CO<sub>2</sub> Emissions and the promotion of a low carbon economy.....e) To strike an appropriate balance between facilitating renewable and wind energy related development and protecting the residential amenities of neighbouring properties;....g) to ensure that all proposals for renewable energy developments and ancillary facilities in the County are in full compliance with the requirements of the SEA and Habitats Directives and Objective CDP2.1”

- The Plan Contains **The Clare Renewable Energy Strategy 2017-2023** which comprises Volume 6 of the Plan. Chapter 8 deals with Solar Energy. Objective Res 8.1 Promotion of thermal solar energy and photovoltaic energy. “It is an objective of Clare County Council to “b) facilitate the development of thermal solar and PV in suitable locations, subject to proper planning and sustainable development.....d) All proposals in relation to solar, electric or thermal technology must be screened for appropriate assessment in accordance with Articles 6(3) and 6(4) of the Habitats Directives, and where judged necessary a Natura Impact Statement shall be submitted and an Appropriate Assessment must be conducted. The AA shall include an assessment for potential impacts on Qualifying Interest Features and their associated conservation Objectives.”

**Res 8.2 Large Scale / Utility scale Solar Photovoltaic Panels**

“It is an objective of Clare County Council:

(b) To favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multi-purpose land use, subject to normal planning considerations. All such applications should be accompanied by an environmental report addressing issues such as ecological impacts, impacts on the amenity of adjoining properties, glint / glare, landscape impact assessment, cable trenching, sustainable drainage systems for the management or surface water disposal on site, decommissioning and site restoration.

c) To require the preparation and assessment of all planning applications relating to solar energy in the plan area to have regard to the information, data and requirements of the Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of the Clare County Development Plan 2017-2023;

d) To require projects to be fully informed by ecological and environmental constraints at the earliest stage of project planning and any necessary assessment to be undertaken including assessments of disturbance to species, where required;

e) to require compliance with the objectives and requirements of the Habitats Directive, the Birds Directive, Water framework Directive; all other relevant EU Directives and all relevant transposing legislation.”

### **8.2.2 Factors influencing preferred locations for large scale photovoltaic installations,**

“Land Diversification, where solar farms can be developed on agricultural land, where proposals include the continued agricultural use of the site or incorporate biodiversity measures within the project;”

## **5.2. Natural Heritage Designations**

Innagh River Estuary SAC 0.91km from the site.

Ballyteigue (Clare) SAC 7.89km from the site.

Cliffs of Moher SPA 8.39km from the site.

Moneen Mountain SAC 9.47km from the site.

Black Head-Poulsallagh Complex SAC 9.76km from the site.

East Burren Complex SAC 11.92km from the site.

Corofin Wetlands SPA 13.31km from the site.

Carrowmore Point to Spanish Point and Islands SAC 14.53km from the site.

Mid Clare Coasts SPA 14.6km from the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by McCutcheon Halley Chartered Planning Consultants, the grounds of appeal are as follows...

- The appellants outline national policies which are supportive of renewable energy projects and note that the County Development Plan is also supportive of energy provision through renewable sources.
- The appeal site is located in a 'Settled Landscape' for the purposes of landscape character which can facilitate a wide range of developments and uses. It is noted a Landscape and Visual Impact Assessment was submitted and demonstrates that the visual impact of the proposal in the surrounding area is imperceptible to slight. The proposal was revised in response to further information to remove arrays located above the 57.5m contour and relocate such to a more sheltered part of the site. It is considered that the prominence of the site is overstated in the planning assessment and the proposal would have an acceptable visual impact at this location.
- It is noted that the original proposal was for construction access from the existing entrance off the N67 and in response to further information an alternative entrance off the L-5124. The appellant noted that the use of the entrance off the N67 would have no significant traffic impact due to the temporary nature of the construction period. The Council Engineer's assessment for the L-5124 was not for refusal despite highlighting



deficiencies with the route and the appellants' considers any issues such as improvements required to the road could have been dealt with by way of further information.

- It is noted that the access is only 660m from the N67 and is of sufficient width to facilitate construction traffic. It is also noted that a condition could be applied requiring a contribution towards the upgrade of the surface of the road. The appellants notes that permission has been granted for a number of dwellings that would use the road for construction access. It is noted that the construction phase is over a short period and that the operational period has a very low traffic impact. It is considered that construction management can deal with traffic movements without any adverse impact.

## 6.2. **Planning Authority Response**

### 6.3.1 Response by Clare County Council.

- The Planning Authority reiterates their concern regarding the visual impact of the proposed development.
- The Planning Authority reiterate their concerns regarding traffic safety, however do note that this issue could be addressed by way of additional road survey/analysis and in the event of grant of permission a condition should be applied in this regard.

## 6.3. **Observations**

### 6.4.1 An observation was submitted by Toby Sachsenmaier, Ballingaddy East, Ennistymon, Co. Clare.

- The observer refutes the grounds of appeal submitted and notes that the proposal was refused on the basis of its overall visual impact and its location on a prominent and elevated site with a lack of screening. The appellants refer to a number of An Bord Pleanála decisions regarding solar developments refused on visual/landscape character grounds. The observer notes that the LVIA did not have adequate consideration of viewpoints from other locations such as Lahinch Golf Course and the R478 scenic route. The

observer also outlines concerns regarding the view of the underside of the panels angled away from existing residential properties at Ballingaddy East.

- The observer notes that the revised access arrangement off the L-5124 are inadequate with the junction of the L-5124 and the N67 inadequate in layout and the L-5124 being inadequate in width and alignment to cater for the level of construction traffic that would be generated. The observer notes the proposal would constitute a traffic hazard.
- The observer highlights the importance of tourism to the area and notes that the proposed development would be detrimental to such. The observer highlights the proximity of the matchmaking museum (opposite side of the L-5124) to the entrance to the appeal site.

## 7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Visual amenity/landscape character.

Traffic impact.

Adjoining Amenities.

Ecology.

Appropriate Assessment.

7.2. Visual amenity/landscape character:

7.2.1 The appeal site consists of a three fields accessed from a laneway with vehicular access off the N67 to the east of the site. Permission was refused on the basis that the proposal is on an open, exposed and elevated site, and the proposed development would form a prominent feature in the landscape, which would be highly visible in views from a wider area including from the south and southwest of the site, and which would adversely impact on the rural character of this area and be contrary Development Plan policy. For the purposes of landscape character the appeal site is located within a 'Settled Landscape'. The appeal site is an undulating

landscape with the appeal site being an elevated ridge line running east to west. In response to a further information request and issues raised regarding visual impact, the proposal was revised with the layout of the solar panels on site was also revised with panels located above the 57.5m contour line removed from the field area marked parcel one and relocated to a field area on the site marked parcel 2, which is at lower elevation.

7.2.2 The applicant submitted a Landscape Visual Impact Assessment (LVIA), which includes an assessment of visual impact of the proposal from 11 locations (photomontages included) in the surrounding area including the road adjoining the site (the N67 and L-5124), from the nearest settlement (Ennistymon), from the R478, which is a designated scenic route located to the south west of the site. The LVIA concludes that the visual impact of the proposal is imperceptible from 6 of 11 viewpoints (1, 4, 5, 8, 9 and 10), and slight from the remainder of the view points (2, 3, 6, 7 and 11).

7.2.3 The site does cover a large area and the proposed development and does entail a visual change to the character of the landscape. Notwithstanding such the solar panels themselves are low profile structures and the proposals entail retention of existing hedgerow boundaries and additional planting. I am satisfied with the scope and conclusions of the visual impact assessment submitted by the applicant (including further information). I would consider that there will be localised views of the proposed development from the immediate vicinity of the site including from the N67 and the L-5124. I would consider that such views would be acceptable having regard to the low profile nature of the structures proposed, existing trees and vegetation and landscaping proposals. I would consider that taken in conjunction with the low profile scale of structures proposed, the alterations made to the site layout and the distance from the site, the proposal would not have a significant visual impact from any designated scenic routes (including the R478), any protected views or prospects of features of significance (Lahinch Golf Club) or any feature of architectural/cultural heritage significance (Cliffs of Moher, etc.) in the wider area around the site. Having regard to such and given the localised nature of the visual

impact, which would not be unacceptable in the context of the adjoining local road and from existing dwellings in the vicinity, I would consider that the overall visual impact of the development would be acceptable. In this regard I would consider that the proposal is satisfactory in regards to visual impact and landscape character.

### 7.3 Traffic Impact:

7.3.1 The initial proposal entailed using an existing access from the N67 to the east of the site for construction access. This access and associated laneway currently serve 2 no. dwellings, a farmyard and the agricultural landholding from which the appeal site is taken from. Concerns were raised regarding intensification of use an existing access serving a National Secondary Route with a submission by the TII noting policy along National Routes. In response to the further information the operational access proposed off a lower category county road (the L-5124) to the north of the site is to be used for construction also. The L-5124 forms a junction with the N67 to the north east of the site. Permission was refused on the basis that, the Planning Authority considers that the use of the L-5124 local road as the main construction access to the site would endanger public safety by reasons of traffic hazard due to the narrow width and overall condition of same.

7.3.2 The construction period of the proposed development is anticipated to be approximately 3 months in three different phases. The construction management plan indicates a total vehicular movements of 118 over the three month period (large articulated vehicles). It is noted that staff movements will vary throughout the construction period with an estimated 18 no daily staff movements at peak construction periods. It is proposed to manage construction traffic through road signage, road cleaning/wheelwash facilities, co-ordination of deliveries and access control with a Construction and Demolition Management Plan to be implemented. Operational traffic levels are minimal due to the mainly passive nature of the proposed development and will be for purposes of maintenance. The L-5124 is a lower category county road with a width of approximately 2.5-3m. It is proposed to create a new entrance to site approximately 660m to the west of the junction of the N67 and the L-5124. I would consider that having regard to the temporary nature of

the construction period and subject to adequate construction management, the use of the L-5124 for construction access would be acceptable in the context of traffic safety and orderly development. I would consider that it may be appropriate to apply a special contribution or a bond to ensure that adequate maintenance, upgrade or repair of the L-5124 be carried out. I would consider that subject to the provision of a condition in this regard and a condition requiring a detailed construction management plan to be agreed with the Planning Authority, the proposed development would be acceptable in the context of traffic safety and convenience. I would note adequate sightlines are available at the proposed vehicular entrance point and that the level of operational traffic would have little impact on the existing road network due to the mainly passive nature of the development post construction.

#### 7.4 Adjoining Amenity:

7.4.1 In certain conditions when the sun is low light can be reflected from the solar panels to ground based receptors and this is known as glint and glare. The applicant has included a glint and glare study (submitted by way of further information). The study notes the panels are south facing and are fixed so they will not track the sun. The study includes identifying a study area and modelling to determine potential impact. The study identifies the potential receptors (existing dwellings in the vicinity of the site, road receptors and aviation receptors) and determines the magnitude of impact of glint and glare based on a scale of impacts. The magnitude of effect on the majority dwelling receptors is identified as being 'none' with 'medium-low' impact in the case of one dwelling and 'very low' impact in the case of 3 dwellings. In the case of road receptors the impact on the majority of locations assessed is 'none' with some impact on two road locations, however such is assessed as unlikely to be significant or hazardous. It is noted that impact on aviation receptors is acceptable and passes the relevant tests. The study notes that the existing factors such as topography and intervening vegetation would reduce impact of glint and glare and that the proposal would have no significant or adverse impact in terms of glint and glare.

7.4.2 Glint only occurs when the sun is shining. In general, a fixed receptor will be subjected to glint once per day over two periods per year either side of the summer solstice. The proposed panels are fixed and will not track the sun. It is noted that the panels are south facing where views of the development are well screened with existing vegetation and proposed additional planting. Solar panels are designed to absorb light to generate electricity and not reflect it and much less reflective than other sources of solar reflection. It is noted that solar reflection is unlikely to be observable from the roads surrounding site and there are few dwellings that may be affected by such. The applicant has provided some information regarding potential impact of the development in regards solar reflection. The impact of glint can be mitigated by the provision solar panels that are very dark in colour as they are designed to absorb light rather than reflect light and the surface may be further treated with anti-reflective coating to scatter any reflected light rather than cause specular reflections and it is possible that conditions could be applied in this regard. In addition, I would note that vegetation would mitigate against any glint impacts and in general I noted, from a visual observation from the subject site, that looking southwards from the site that existing vegetation and topography between it and properties further south would potentially screen any impacts of glint. The panels are orientated southwards and the nearest dwellings are located to the north and northeast. Overall I would consider that given the low potential occurrence of glint from the proposed development and the nature of the landscape that the proposed development would not have any significant impacts on the surrounding area in relation to glint and glare.

7.4.3 In relation to impact on adjoining amenities through noise and general disturbance, I would note that the operational activity is passive in nature and noise impact is not likely to be significant due in part to the nature of the use and the degree of separation of the proposed panels and the nearest dwellings. I would consider that the construction impact of the proposal could adequately be dealt with through construction management and would recommend appropriate conditions regarding such in the event of a grant of permission.

7.5. Ecology:

7.5.1 An Ecological Impact Assessment was submitted. I am satisfied that such is of sufficient scope and detail to assess the overall ecological impact. The appeal site is agricultural lands (sheep farming) with the boundaries defined by trees and hedgerows. The appeal site is not of significant ecological value or subject to any special designations. The nature of the proposal is such that it includes a number of mitigation measures including retention of existing hedgerows in some cases and additional planting as well as measures to ensure minimal disturbance of existing flora and fauna. The passive nature of the operational phase would mean the site would have minimal impact on flora and fauna.

7.6 Appropriate Assessment:

7.6.1 The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that “any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in light of its conservation objectives. In light of the conclusion of the assessment of the implications for the site, and subject to the provisions of paragraph 4, the competent national authorities shall agree to a plan or project only after they have ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

7.6.2 An Appropriate Assessment Screening Report was submitted with the application. This report identified 9 Natura 2000 sites within 15km of the appeal site. It is noted that no part of the site is within a designated site. The only site with any linkages to the appeal site is the Innagh River Estuary SAC (Site Code 000036) 0.91km from the site. The existing access road to the site crosses a stream that drains into the Innagh River Estuary SAC. The proposed access route to the north will also traverse a stream that drains into the Innagh River Estuary SAC. The conservation objectives are identified as...

Salicornia and other annuals colonising mud and sand [1310]

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

It is noted that the only potential impact is at the construction phase through discharges or contamination of surface water due to the fact that the access roads cross streams draining into the designated site. The proposal will entail culverting the stream to facilitate the new access track to the north. A number of measures are to be implemented to prevent contamination of surface water including surface water drainage measures and construction management. The screening report notes that the proposed development on the appeal site itself would have no direct, indirect or in combination effects on any Natura 2000 sites. It is concluded that a Stage 2 Appropriate Assessment is not required.

7.6.3 I would consider that there is sufficient information in the screening report submitted to reach a screening determination. The appeal site has linkages with only one designated site, the Innagh River Estuary SAC (Site Code 000036) 0.91km from the site due to two streams draining into the site traversing the existing access road to the east and the location of the new access track to the north. The proposal entails culverting the stream to the north. I am satisfied that adequate construction management measures including surface water drainage management are sufficient to ensure no discharges or contamination of surface water and subsequent reduction in the conservation status of the qualifying interest of the designated site. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Innagh River Estuary SAC (Site Code 000036), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.



## 8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to:

- the nature and scale of the proposed development,
- the suitability of the topography of the site,
- the pattern of development in the vicinity,
- the provisions of the Clare County Development Plan 2017-2023, and
- to regional and national policy objectives in relation to renewable energy,

it is considered that, subject to compliance with the conditions set out below, the proposed development would have acceptable impacts on visual amenity, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would not create a risk of flooding or of environmental pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the Appropriate Assessment Screening Report submitted with the application, the report of the Inspector, the nature, scale and location of the proposed development (including the indicative grid connection route), and the separation distances to European Sites, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have significant effects on European Sites in view of their conservation objectives. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

## 10.0 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 submitted on the 18<sup>th</sup> day of June, 2019, 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 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 considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. (a) All structures including foundations hereby authorised shall be removed not later than 25 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.

4. 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.

5. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

**Reason:** To protect the environment.

6. (1) Existing field boundaries shall be retained, and new planting undertaken in accordance with the plans submitted to the planning authority on the 18<sup>th</sup> day of June, 2019.

(2) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow 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.

**Reason:** In the interest of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

7. (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.

(f) The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as light grey or off-white and the roof shall be of black tiles.

**Reason:** In the interests 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.

8. 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 pre-development testing at the site. 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.

9. 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.

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

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

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

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 Bord Pleanála for determination.

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

13. 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 the 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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Colin McBride  
Planning Inspector

23<sup>rd</sup> December 2019