



An  
Bord  
Pleanála

**Board Direction**  
**PL10 247616**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 26<sup>th</sup> January, 2018.

### **Appropriate Assessment Screening**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore Special Area of Conservation, Site Code 002162, and the River Nore Special Protection Area, Site Code 004233, are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the European sites in view of the sites Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically contaminated run-off during construction works.
- ii) mitigation measures which are included as part of the current proposal, and the

iii) Conservation Objectives for these European sites.

In completing the AA, the Board 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 River Barrow and River Nore SAC having regard to the site's Conservation Objectives. The Board also accepted the conclusions of the Appropriate Assessment Screening Report and Natura Impact Statement submitted by the applicant to the planning authority on 6<sup>th</sup> September 2016, as regards the Nore River SPA which is of special conservation interest for the Kingfisher, which is a qualifying feature.

The Board agreed with the conclusion of the Natura Impact Statement, which states that while there is potential for the project to have significant indirect impacts on the River Barrow and River Nore SAC and the Nore River SPA, with the implementation of the detailed mitigation measures identified in the Natura Impact Statement, the integrity of the European sites as natural habitats will not be adversely affected. The Board accepted that, with the implementation of the detailed mitigation measures identified in the Natura Impact Statement, there is no scientific doubt remaining as to the absence of potential adverse effects.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites' Conservation Objectives.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Drafting to standardise.

### **Reasons and Considerations**

Having regard to the nature of the proposed development in open countryside on lands used for intensive tillage, and the provisions of the current development plan and regional and national policy, it is considered that, subject to compliance with the conditions set out below, the proposed construction of a solar farm would not seriously injure the visual amenities of the area, the residential amenities of the village of Ballyhale, or the ecology of the area. 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 An Bord Pleanála on the 22<sup>nd</sup> November 2016, 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:** In the interest of clarity.

- 3 The permission shall be for a period of 25 years from the date of the commissioning 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.

**Reason:** To enable the planning authority to review the operation of the solar array having regard to the circumstances then prevailing and in the interest of orderly development.

- 4 Prior to commencement of development, a detailed restoration plan, providing for removal of all structures, foundations and access roads to a specific timescale shall be submitted to the planning authority for written agreement. 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, shall be dismantled and

removed from the site. The site (including all access roads) shall be restored in accordance with the said plan and all decommissioned structures shall be removed within three months of decommissioning.

**Reason:** In the interest of orderly development.

- 5 No external artificial lighting shall be installed or operated on site, unless otherwise authorised by a prior grant of planning permission.

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

- 6 Cables from the solar arrays to the inverters and substation shall be located underground.

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

- 7 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

- 8 The developer shall facilitate an archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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 noise management measures and off-site disposal of construction/demolition waste.

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

- 10 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.

11. Details of proposed fencing to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Each fencing panel shall be erected such that, for a minimum of 300 millimetres of its fencing, its bottom edge is n less than 150 millimetres from ground level.

**Reason:** in the interests of visual amenity and to allow wildlife to have access to and through the site.

12 CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the public road.

**Reason:** In the interests of the amenities of the area and property in the vicinity

13. Standard Working Hours 8am

14 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 grey or off-white; the roof shall be of black tiles/slates.

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

15 The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the Planning Authority.

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

16 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 upon 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 as well as any arrangements relating to the phasing or staging of payments 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.

17 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.

**Board Member**

**Date:** 01.02.2018

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Terry Prendergast