



An
Bord
Pleanála

Board Direction
BD-016548-24
ABP-318340-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/06/2024.

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.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) The Governments Climate Action Plan 2023;
- (b) The Governments Project Ireland 2040 National Planning Framework;
- (c) The Regional Spatial and Economic Strategy for the Southern Assembly;
- (d) The Clare County Council Development Plan 2023-2029.
- (e) The nature, scale, and extent of the proposed development.
- (f) Documentation submitted with the proposed application, as well as any submissions and observations from the planning authority.
- (g) The separation distances between the proposed development and dwellings or other sensitive receptors.
- (h) The permitted solar farm development (register reference number: 22586).
- (i) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the

proposed development and the absence of any likely significant effects of the proposed development on European Sites.

Appropriate Assessment: Stage 1:

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, zoning of the site, the Screening for Appropriate Assessment and Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have an adverse effect on any European Site in view of the conservation objectives of such sites, other than River Shannon and River Fergus Estuaries Special Protection Areas (Site Code: 004077), Lower River Shannon Special Area of Conservation (Site Code: 002165), the Old Domestic Building (Keevagh) Special Area of Conservation (Site Code: 002010) and Poulmagordon Cave (Quin) Special Area of Conservation (Site Code: 000064), which were European Sites where the likelihood of adverse effects could not be ruled out.

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an appropriate assessment of the implications of the proposed development on River Shannon and River Fergus Estuaries Special Protection Areas (Site Code: 004077), Lower River Shannon Special Area of Conservation (Site Code: 002165), the Old Domestic Building (Keevagh) Special Area of Conservation (Site Code: 002010) and Poulmagordon Cave (Quin) Special Area of Conservation (Site Code: 000064), in view of those

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 appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European Sites,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on water quality and disturbance of QI/SCI species,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, 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 aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction phase, and protection measures to limit disturbance to species during construction phase.

Proper Planning and Sustainable Development

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and related policy, it would not have an unacceptable impact on the landscape or ecology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic

safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 undertaker shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement such matters shall be referred to An Bord Pleanála.

Reason: In the interest of clarity.

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

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, Ecological Impact Assessment, and Construction and Environmental Management Plan submitted with this application, shall be carried out in full.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The construction and decommissioning of the development shall be managed in accordance with a Construction and Environmental Management Plan, including Construction Stage Traffic Management Plan (CTMP) (securing mitigation set out in section 5.87 of the application stage CTMP), with details

to be consistent with those approved as part of associated application register reference number 22/586, and which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) The appointment of a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project.
- (b) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and a site-specific water management plan providing details of measures to in accordance with the submitted Natura Impact Statement;
- (c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (d) Details of site security fencing and hoardings;
- (e) Details of on-site car parking facilities for site workers during the course of construction;
- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (g) Measures to obviate queuing of construction traffic on the adjoining road network;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) Details of pre and post construction surveys to be carried out over the roads, bridge and culverts, from the Ballyhannon South junction to the east of the site, along the entirety of the L-4172 to its junction with the L-7144 local roads and of any culvert, including monitoring during works. Including details of arrangements for rectification of any construction damage. All to be undertaken at the undertakers expense;

- (k) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

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

5. The site shall be landscaped (and earthworks carried out) in accordance with the details submitted with the application, with works to be consistent with the associated Biodiversity Management Plan prepared for associated application register reference number 22/586, unless otherwise agreed in writing with, the planning authority prior to commencement of development or as otherwise stipulated by conditions. The site shall be landscaped with suitable native Irish trees and hedges. Existing boundary screening shall be retained in full (unless otherwise detailed for removal in plans submitted with the application) and shall be suitably strengthened with native hedge species indigenous to the area. 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.

6. The undertaker shall facilitate the 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 undertaker 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 undertaker 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.

Board Member



Chris McGarry

Date: 11/06/2024