

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Waterford City and County

Planning Register Reference Number: 16/126

An Bord Pleanála Reference Number: PL 93.246902

APPEAL by Dennis and Catherine Butcher of Knockalahara, Cappoquin, County Waterford against the decision made on the 5th day of July, 2016 by Waterford City and County Council to grant subject to conditions a permission to Highfield Solar Limited care of Highfield Energy Services Limited of Design Studio 7, Old Castle View, Kilgobbin Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: A ten year permission for the construction of a Solar PV Energy development within a total area of up to 28.8 hectares, to include one single storey electrical substation building and associated compound, electrical transformer/inverter station modules, solar PV panels ground mounted on steel support structures, access roads, fencing and associated electrical cabling, ducting and ancillary infrastructure at Drumroe, Cappoquin, County Waterford.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current development plan for the area including the Waterford City and County Renewable Energy Strategy 2016-2030 and to the 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 area 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 submitted on the 4th day of April, 2016 and the 13th day of June, 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. No works shall commence without the submission for the approval of the planning authority final details for the chosen solar panels.

Reason: In the interest of clarity.

3. A landscaped area shall be provided at the south east corner of the site in a roughly triangular area measuring 30 metres northward from the point shown as the South East corner of the perimeter fence and 30 metres westward from the point shown as the South East corner of the perimeter fence. It shall be planted with native forest trees and shrubs and trees shall grow to a minimum height of 3.5 metres. Details of this planting shall be submitted to the planning authority for agreement in advance of development.

Reason: In the interests of residential and visual amenity.

4. (a) All structures including foundations hereby authorised shall be removed not later than 25 years from the date of commencement of the development, and the site shall be 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 removal of 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: To enable the planning authority to consider the subject to the development over the stated time period, to enable the planning authority to review the operation of the solar farm having regard to the circumstances then prevailing, and 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. 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 interest of residential amenity and traffic safety.

7. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a prior grant of planning permission.

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

8. All boundaries of the area identified for solar panels shall be bounded by a continuous hedgerow (except at permitted site accesses) consisting of native trees and hedging plants with species chosen that will grow to a minimum of 3.5 metres in height. Newly planted hedgerows shall be at least 3 metres in depth.

Reason: In the interest of provide adequate screening to protect the rural amenities of the area.

9. All landscaping shall take place in the first planting season upon commencement of development and shall be in accordance with the scheme as submitted to the planning authority by way of further information. 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.

Reason: In the interest of amenities of this rural area.

10. Prior to the commencement of development, the developer shall submit for the agreement of the planning authority, details for a SUDS drainage management system, including ponds and swales if necessary, to ensure that stormwater runoff does not exceed that normal for grassed agricultural lands.

Reason: In the interest of preventing flooding.

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

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

12. 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 residential amenities of property in the vicinity.

13. Cables from the solar arrays to the compound shall be located underground.

Reason: In the interest of visual amenity.

14. 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.

15. 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) 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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.