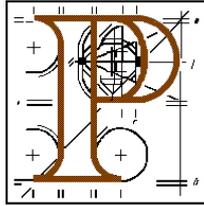


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Tipperary County

Planning Register Reference Number: 16/600465

An Bord Pleanála Reference Number: PL 92.247443

APPEAL by Solar Sense Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork in relation to the application by Tipperary County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 15 of its decision made on the 26th day of September, 2016.

PROPOSED DEVELOPMENT: A solar photovoltaic installation comprising up to 32,500 square metres of solar panels on ground mounted frames, four number inverters in two blocks, one number 20kV substation, fencing, access track, CCTV and all associated ancillary development works and services.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 15 and directs the said Council to **AMEND** condition number 15 so that it shall be as follows for the reason stated.

15. The developer shall pay to the planning authority a financial contribution of €40,000 (forty thousand euro) 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. The application of any indexation required by this condition 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.

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.

REASONS AND CONSIDERATIONS

Having regard to the nature of the subject application, which comprises the provision of a solar photovoltaic installation comprising 32,000 square metres of solar panels array to export electricity to the national grid, the Board considered that the terms of the Tipperary County Council Development Contribution Scheme 2015-2019 were correctly applied by the planning authority in basing the determination of the rate on the basis of Class 21 “The provision of a wind farm development”, this being the closest in nature to the proposed development. Furthermore, on the basis of details provided in the appeal regarding the export capacity applicable to the development being four megawatts, it is recommended that the value of the construction be amended accordingly.

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.

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

Dated this day of 2017.