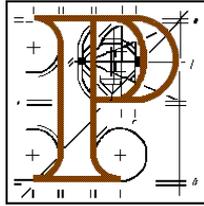


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Clare County**

**Planning Register Reference Number: P16/368**

An Bord Pleanála Reference Number: PL 03.247632

**APPEAL** by Laurence and Síobhán Boyce of Moyhill, Cratloe, County Clare against the decision made on the 28<sup>th</sup> day of October, 2016 by Clare County Council to grant subject to conditions a permission to Terra Solar Limited care of McCarthy Keville O'Sullivan Limited of Block 2, G.F.S.C, Moneenageisha Road, Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** A ten year permission for the development of a solar PV panel array consisting of up to 29,225.37 square metres of solar panels on ground mounted steel frames, one number substation, three number inverter cabins, underground cable ducts, a temporary site compound area and ancillary facilities, boundary security fencing, site landscaping, a site entrance and access track, CCTV and all associated site works in the townland of Ballymorris, County Clare, as amended by the further public notice received by the planning authority on the 3rd day of October, 2016.

## **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 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 or 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.

In reaching its decision, the Board noted and concurred with the Inspector's view that an Environmental Impact Assessment was not required in respect of this development, and that the development would not be likely to have a significant effect on the environment. The Board also noted the Inspector's analysis under the heading of Appropriate Assessment, and agreed with the Inspector that, having regard to the separation distance between the subject site and the nearest European sites in particular the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) and the Lower River Shannon Special Area of Conservation (Site Code 002165) and the Board concluded that on the basis of the information available that the application for consent for proposed development, either individually or in combination with other plans or projects, would not be likely to have significant effects on these European sites in view of the site's conservation objectives. The Board, therefore, adopted the Inspector's conclusions in relation to these two matters.

## 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 23<sup>rd</sup> day of September, 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 the 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 a maximum of 10 years from the final grant of planning permission.

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

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, fencing and all lighting and CCTV poles 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. (a) The landscaping proposals shall be carried out within the first planting season following commencement of construction of the solar PV array. All existing hedgerows (except at the proposed new entrance) shall be retained. 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.
- (b) Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining houses as a result of the development. Upon commissioning of the development and for a period of two years following first operation, the developer shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no such glint impact has taken place, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved.

**Reason:** To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity, and to mitigate any glint impact from the proposed development upon adjoining residential amenities.

5. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate 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 and surface water quality.

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 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 access arrangements, times of deliveries to the site, noise management measures and off-site disposal of construction waste. The plan shall also include a construction method statement to ensure the avoidance of impacts on badgers.

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

8. 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.

9. All cables associated with the development shall be located underground. Prior to the commencement of development, details of the external finishes of the electricity sub-station and the power inverter units, and of all fencing, shall be submitted for the written agreement of the planning authority.

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

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. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interests of traffic safety and orderly development.

11. 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.

12. 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.

13. 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 the value of €10,000 (ten thousand euro), to secure the satisfactory reinstatement of public roads in the vicinity of the site 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 public roads in the vicinity of the site on completion of the proposed development.

14. 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.

15. The developer shall pay to the planning authority a financial contribution of €42,000 (forty two 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 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.

---

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

**Dated this                      day of                      2017.**