



An  
Bord  
Pleanála

**Board Order  
PL 92.248089**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 16/600640**

**Appeal** by Brigid Dalton of Ballyrichard, Carrick-on-Suir, County Tipperary and by Ed Hogan and Maria Meany of Ballyrichard, Carrick-on-Suir, County Tipperary against the decision made on the 8<sup>th</sup> day of February, 2017 by Tipperary County Council to grant subject to conditions a permission to Solar Sense SPV 1 Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A 10 year permission for construction of a solar photovoltaic installation comprising up to 36,500 square metres of solar panels on ground mounted frames, six number inverters housed in three units, one number 20kV substation, security fencing, new entrance onto public road, CCTV; underground cable and ducts including cable and ducts along the public road to the entrance of the existing Deerpark substation within the townland of Deerparklodge, Carrick-on-Suir, County Tipperary and all associated ancillary development works and services. The site is located within the townlands of Ballynagrana and Deerparklodge, Carrick-on-Suir, County Tipperary. The proposed development was revised by further public notice received by the planning authority on the 7<sup>th</sup> day of December, 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**

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European Sites: Comeragh Mountains Special Area of Conservation (site code 01952), Hugginstown Fen Special Area of Conservation (site code 000404).

## **Appropriate Assessment**

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European site identified by the Inspector, that is, the Lower River Suir Special Area of Conservation (Site Code 002137). Having regard to the nature, scale and location of the development, the documentation including submissions on file, the Natura Impact Statement submitted by the applicant, and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on these two European sites in view of their conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of the Lower River Suir Special Area of Conservation (Site Code 002137) in view of the conservation objectives of the site.

## **Reasons and Considerations**

Having regard to the provisions of the South Tipperary County Development Plan 2009 as varied, including South Tipperary Landscape Character Assessment, the Tipperary Renewable Energy Strategy 2016, and the Carrick-on-Suir Town Development Plan 2013, and to the nature and scale of the development proposed, the suitability of the aspect and topography of the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities, including the residential amenities, of the area, would not detract from the visual amenities of the area and would, otherwise, 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 15<sup>th</sup> day of November, 2016, the 7<sup>th</sup> day of December, 2016, the 31<sup>st</sup> day of January, 2017 and the 1<sup>st</sup> day of February, 2017, 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:** Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. (a) 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.
- (b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific

timescale, shall be submitted to, and agreed in writing with, the planning authority.

- (c) 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. 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.

- 5. (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to the planning authority.
- (b) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

6. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) Cables within the site shall be located underground.
- (d) 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 light grey or off-white and the roof shall be of black slate or tiles.

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

7. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals shall be submitted to and agreed in writing with the planning authority. This shall be facilitated through the provision of mammal access gates every 100 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (NRA 2008).

**Reason:** To allow wildlife to continue to have access across the site.

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

**Reason:** In the interest of preventing flooding.

9. The developer 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 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 (including archaeological testing) 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.

10. 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 but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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

11. 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 on 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.



