



An
Bord
Pleanála

Board Order

PL 03.248957

Planning and Development Acts 2000 to 2017

Planning Authority: P17/348

Planning Register Reference Number: Clare County Council

Appeal by Noel McGuane of Furoor, Kilmaley, Ennis, County Clare against the decision made on the 3rd day of July, 2017 by Clare County Council to grant subject to conditions a permission to Brookfield Renewable Ireland Limited of Fifth Floor, City Quarters, Lapps Quay, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of one 100 metres temporary meteorological mast erected for up to five years for the purpose of collecting meteorological data. The meteorological mast is a lattice structure of 100 metres height that will be fixed to ground anchors by guy wires, all at Slaghbooly, County Clare.

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 Clare County Development Plan 2017-2023, including the Clare Wind Energy Strategy and Clare Renewable Energy Strategy, it is considered that, subject to compliance with the conditions set out below, the proposed temporary meteorological mast would not seriously injure the amenities of the area, would not significantly impact on the environment and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board carried out a screening exercise in relation to the potential impacts of the proposed development on European sites, and having regard to its nature and scale, to the receiving environment, to the submissions on file generally, and to the Inspector's assessment which is adopted, concluded that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European site.

Conditions

1. The 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 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. (a) This permission shall apply for a period of five years from the date of this Order. The mast structure 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) The site shall be reinstated on removal of the mast structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this permission.

Reason: In the interest of clarity having regard to the temporary duration sought.

3. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

4. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently, the developer shall inform the planning authority and the Irish Aviation Authority of the co-ordinates of the 'as constructed' position of the mast, or at any subsequent time where required by the planning authority.

Reason: In the interest of air traffic safety.

5. In the event that the proposed development causes interference with radio/television/aviation transmission, the developer shall install facilities at its own expense to rectify this prior to commissioning the meteorological mast, the details of which shall be submitted to, and agreed in writing with, the planning authority.

Reason: To prevent interference with transmission signals in the interest of protecting the amenities of the area.

6. 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 sum of €10,000 (ten thousand euro) 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.

Reason: To ensure the satisfactory reinstatement of the site.

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

Dated this day of 2018