



An
Bord
Pleanála

Board Order
PL 92.249060

Planning and Development Acts 2000 to 2017

Planning Authority: Tipperary County Council

Planning Register Reference Number: 16/600917

Appeal by Derrymore Solar Farm – Concern Group care of Michael J. Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 17th day of July, 2017 by Tipperary County Council to grant subject to conditions a permission to IGP Solar 8 Limited care of Entrust Limited of Carraig, Old Lucan Road, Ballydowd, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The erection of a 58.11 hectare Solar PV Farm consisting of the installation of a 30 year operation and subsequent decommissioning of a series of ground mounted solar photovoltaic PV panels, mounted on steel support structures three metres in height, together with one number single storey ESB control room, 25 number electrical transformation enclosures, underground cabling, CCTV poles and cameras, deer type security fencing, wooden fence along part of the M7 Motorway, wooden fence placed along the western site boundary, site entrance and access roads, including landscaping along the western and south eastern site boundaries, and other associated development works, for the purpose of generating renewable energy electricity. The proposed solar farm will have a capacity of 25 Mega Watts, all at Leonards Bog, The Sheehys, Derrymore, Roscrea, County Tipperary, as amended by the revised public notice received by the planning authority on the 25th day of May, 2017 as follows: changes in the design (including reduction in the number of transformation enclosures, re-orientation of panels,

screening berm with additional planting, removal of wooden fence along south western site boundary), landscaping, biodiversity, glint and glare, restoration and decommissioning, transport and access, photomontage and ecology changes.

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 North Tipperary Development Plan for the area including the Tipperary Renewable Energy Strategy 2016, and to regional and national policy, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety on the M7 Motorway, would not negatively impact upon the ecology or cultural heritage of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Slieve Bloom Mountains Special Protection Area (Site Code 004160), the Slieve Bloom Mountains Special Area of Conservation (Site Code 000412), the River Nore Special Protection Area (Site Code 004233), the Coolrain Bog Special Area of Conservation (Site Code 002332) and the River Barrow and River Nore Special Area of Conservation (Site Code 002162) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all relevant submissions and carried out an appropriate assessment of the impacts of the proposed development on the aforementioned European Sites in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular,

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for these European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the site's conservation objectives.

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 25th day of May 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Proposed Acoustic Barrier shall be installed as per drawings Type_01_001_Acoustic Barrier, and General Site Layout Plan 005 submitted to the planning authority on the 10th day of October, 2017.

Reason: In the interest of traffic safety.

3. Details for the provision of managed public access to the site on the completion of the works shall be submitted to the planning authority prior to the activation of the solar farm.

Reason: In the interests of clarity.

4. (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.

5. Within one month of the completion of construction, the access route to be used for construction shall be permanently closed and restored to its original condition, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interest of clarity.

6. (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 on the 25th day of May, 2017.
- (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 within five years from planting, 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 amenities of dwellings in the vicinity.

7. (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, visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

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

Reason: In the interest of clarity, visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

9. Prior to commencement of development, details of the structures of the security fence showing provision for the movement of mammals shall be submitted for prior approval to 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 (National Roads Authority 2008).

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

10. 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.

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 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 environmental protection, amenities and public health and safety.

12. 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 the satisfactory reinstatement of the site.

13. 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.

