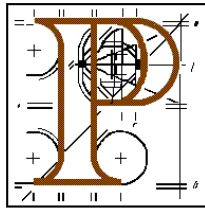


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Limerick City and County Council

Planning Register Reference Number: 17/326

An Bord Pleanála Reference Number: ABP-300457-17

APPEAL by Ballycullane Solar Farm Limited care of Wood Group of 319 Saint Vincent Street, Glasgow G2 5LP in relation to the application by Limerick City and County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 4 of its decision made on the 17th day of November, 2017.

PROPOSED DEVELOPMENT: Installation of a solar PV array consisting of approximately 13.08 hectares of solar panels on ground mounted steel frames, one number single storey delivery substation, four number single storey inverter/transformer units, drainage swales, underground cable ducts on site, temporary construction compound (including site offices, portable toilets and parking area), boundary security fence, site entrance, access tracks, CCTV and all associated site works at Ballycullane, Kilmallock, County Limerick.

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 4 and directs the said Council to AMEND condition number 4 so that it shall be as follows for the reason stated.

4. The developer shall pay to the planning authority a financial contribution of €120,000 (one hundred and twenty 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

The terms of the Limerick City and County Council Development Contribution Scheme 2017-2021 require a development contribution for renewable energy developments based upon a rate charged at €15,000 per each 1MW (Megawatt) above an installed capacity of 0.5MW (Megawatt). It is considered that the terms of the development contribution scheme have, thereby, not been properly applied with regard to the exemption for 0.5MW (Megawatt) of proposed installed capacity and the development contribution condition should be revised in this instance.

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 2018.