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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 18/598**

**Appeal** by Engie Developments Ireland Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C, Moneenageisha Road, Galway and by Affane Concern Community Group of Moneygorm, Cappoquin, County Waterford against the decision made on the 10<sup>th</sup> day of January 2019 by Waterford City and County Council to grant subject to conditions a permission to the said Engie Developments Ireland Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission to develop a solar farm on a site located in the townland of Poulbautia, Cappoquin, County Waterford. The proposed solar farm will comprise the construction and operation of solar PV arrays mounted on metal frames on an approximately 9.7 hectare site, inclusive of a single electrical control building, up to eight number inverter units, a temporary construction area and ancillary facilities (inclusive of gross floor space of proposed works up to 214 square metres).

## **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:

- (a) the National and Waterford county policies in relation to renewable energy, in particular,
- the National Renewable Energy Action Plan 2010,
  - the Strategy for Renewable Energy 2012-2020,
  - Ireland's Transition to a Low Carbon Energy Future 2015-2030, and
  - the Waterford City and County Council Renewable Energy Strategy 2016-2030 incorporated into the Waterford County Development Plan 2011-2017 in favour of the deployment of renewable energy,

- (b) the scale, extent and layout of the proposed development, and
- (c) the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed solar farm would be in accordance with national and local policy, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of landscape impacts and traffic safety and convenience and would not endanger human health or the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Screening for Appropriate Assessment**

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 accepted and adopted the screening assessment and conclusion carried out 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 site's 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 Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170), or any other European site, in view of the sites' 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 received by the planning authority on the 23<sup>rd</sup> day of November, 2018, 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 interests 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.
- (b) Where indicated in the plans and particulars submitted with the planning application, existing trees and hedgerows shall be maintained and supplemented with planting, to be agreed in writing with the planning authority. Where sections of the western site boundaries are undefined, new landscaping shall be planted in accordance with details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any trees or hedgerows that are removed, die or become seriously damaged or diseased during the operative period of the development authorised 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 and the protection of visual and residential amenity.

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 interests of clarity, of visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

7. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

**Reason:** In the interests of clarity and to ensure the protection of the environment.

8. Prior to the commencement of development, details of the proposed surface water drainage system shall be submitted for the written agreement of the planning authority.

**Reason:** To protect the environment and to ensure that measures are implemented to address any potential flooding arising from this development.

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.

12. The developer shall pay to the planning authority a financial contribution of €136,000 (one hundred and thirty six 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

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**