



Planning and Development Acts 2000 to 2019

Planning Authority: Tipperary County Council

Planning Register Reference Number: 19/600119

Appeal by Helena Fitzgerald of Loughloher, Cahir, County Tipperary against the decision made on the 26th day of July, 2019 by Tipperary County Council to grant subject to conditions a permission to Solar Sense Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The provision of three battery storage containers which are required for the operation of the previously granted solar farm in the townlands of Loughloher, Cahir, County Tipperary (register reference 16/600465). This planning application also includes an extension to the operational permission of the solar farm to be increased from 25 to 30 years. (As amended by the further public notice received by the planning authority on the 5th day of July, 2019).

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) National and local 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,
 - the Tipperary Renewable Energy Strategy 2016, in favour of the deployment of renewable energy, and
 - the South Tipperary County Development Plan 2009 (as varied) and specifically the strategic core aim relating to the facilitation of appropriately located renewable energy developments,
- (b) the scale, extent and layout of the proposed development, and
- (c) the pattern of development in the area, including the extant permission for a solar farm and associated facilities,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national and local policies, 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.

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 particulars submitted on the 23rd day of May 2019, 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. All relevant conditions attached to previous grant of permission for the solar farm on the site, An Bord Pleanála appeal reference PL92.247443/planning authority register reference 16/600465, shall be strictly adhered to.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

3. 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.

4. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details of an Accident and Emergency Action Plan which sets out the detailed procedures to be followed in the event of an accident or fire.

Reason: To ensure the protection of the environment and surrounding lands and properties in the event of an emergency at the site.

5. (a) This permission shall be for a period of 30 years from the date of the commissioning of the energy storage facility. The battery container units, transformers and all other permitted equipment and 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 all permitted equipment including the battery container units including all foundations, transformers, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

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.

6. The exterior of the proposed containers shall be finished throughout in a dark green colour. No advertising shall be erected on the exterior of the containers.

Reason: In the interest of visual amenity.

7. 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.

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.

Maria FitzGerald

Member of An Bord Pleanála

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

Dated this day of 2019.