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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/1315**

**Appeal** by Bridget Brady care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare against the decision made on the 27<sup>th</sup> day of January, 2020 by Galway County Council to grant subject to conditions a permission to WED Renewables Limited care of MKO of Tuam Road, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A 10-year permission for development at Cloonascragh, Tuam, County Galway. The development will consist of the construction and operation of solar PV panels mounted on metal frames on a site extending to approximately 43 hectares and associated ancillary development including an electrical substation compound, control building (70 square metres), up to nine number inverter units, underground cable ducts, hardstanding area, boundary security fence, site entrance, access track, landscaping, CCTV and all associated enabling works.

## **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 location, nature and scale of the proposed development, to the provisions of the Galway County Development Plan 2015 and to national targets for renewable energy, it is considered that, subject to compliance with the conditions set out below, the proposed solar farm would not seriously injure the visual and residential amenities of the area, would not endanger public health, or the environment and would be acceptable in terms of landscape impacts and of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Stage 1**

The Board considered the Natura Impact Statement, and all other relevant submissions and carried out an appropriate assessment screening exercise and an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development and the report of the Inspector.

The Board agreed with the screening report submitted with the application and with the screening exercise carried out by the Inspector. The Board concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of a hydrological connection between the application site and the European Sites that the Levally Lough Special Area of Conservation (Site Code: 000295), the Monivea Bog Special Area of Conservation (Site Code: 002352) and the Derrinlough (Cloonkeenleananode) Bog Special Area of Conservation (Site Code: 002197) could be screened out from the further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effects on these European Sites or any other European Sites in views of the sites' conservation objectives and that a Stage 2 appropriate assessment is, therefore not, required in relation to these particular European Sites.

## **Appropriate Assessment Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the Lough Corrib Special Area of Conservation (Site Code: 000297), and the Lough Corrib Special Protection Area (Site Code: 004042) 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 the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and 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 the Lough Corrib Special Area of Conservation (Site Code: 000297), and the Lough Corrib Special Protection Area (Site Code: 004042) 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 submitted on the 23<sup>rd</sup> December of 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. 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, 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. Details of the final format and precise location of the proposed controls cabins, inverter units and solar PV Modules/Panels shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of clarity, residential amenity and protection of the environment.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

7. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards the adjoining property or the road.

**Reason:** In the interest of residential amenity.

8. 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) implement in full the mitigation measures set out in the Technical Appendix 12 Archaeology and Cultural Heritage Assessment received by the planning authority on the 23<sup>rd</sup> day of August, 2019 or as required to comply with other conditions of this permission,

- (b) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and
- (c) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall undertake an archaeological assessment of the site (including undertaking the recommended programme of pre-development 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, avoidance or 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 site and to secure the preservation and protection of any remains that may exist within the site.

9. (a) The landscaping scheme shown on the Landscape Plan (Northern Area) drawing number 17027-LP-01 and the Landscape Plan (Southern Area) drawing number 170521-LP-02 submitted to the planning authority on the 23<sup>rd</sup> day of December, 2019, shall be carried out within the first planting season following substantial completion of construction works.
- (b) Additional tree planting shall be implemented on the boundary to the extreme southwest (shared with the adjoining cut over bog) of the southern site to the east of the R347.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

10. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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, 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.

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 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.

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

**Dated this            day of            2020.**