

An
Bord
Pleanála

Board Order
ABP-316043-23

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P22/591

Appeal by Greg Larkin and others care of Michael J. Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare and by Reeve Wave Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork against the decision made on the 17th day of February, 2023 by Clare County Council to grant subject to conditions a permission to the said Reeve Wave Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 10 year planning permission for a solar array. The development will consist of circa 265,000 square metres of solar panels on ground mounted frames, eight number single storey control cabins with associated electrical transformer units and hardstand areas, two number ring main units, underground cabling within the solar array site and within the L70382 public road to connect solar array field parcels, security fencing, CCTV, access tracks (upgrade of existing and new), upgrades to four existing agricultural field entrances on the R463, L3046 and L70382 and creation of new entrance on L70382, temporary construction compound, landscaping and all associated ancillary apparatus and development works. The solar array will connect to the national grid and will have an operational lifespan of 35 years. All at Ballyglass, Coolderry, Dromintobin North, Reanabrone and Oakfield (townlands), Ardnacrusha, County Clare. Further public notices were received

(townlands), Ardnacrusha, County Clare. Further public notices were received by the planning authority on the 15th day of December, 2022.

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.

Reasons and Considerations

Having regard to:

- (a) the national and regional policy objectives in relation to renewable energy,
- (b) the provisions of the Clare County Development Plan 2023-2029,
- (c) the nature, scale, extent and layout of the proposed development,
- (d) the topography of the area,
- (e) the existing hedging and screening on the site, and
- (f) the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the operative Development Plan, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have significant effects on the environment, or the ecology of the area, would be acceptable in terms of traffic safety and convenience, would be acceptable in terms of archaeology, and would not give rise to increased risk of flooding of the site or of property in the vicinity. 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 plans and particulars submitted to the planning authority on the 7th day of December 2022, 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 interest of clarity.

2. 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.

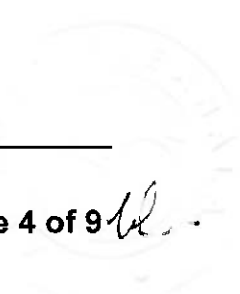
Reason: In the interest of clarity.

3. 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.

4. (a) This permission shall be for a period of 35 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 recycling of solar panels and their component parts, 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. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report (dated June 2022), the Natura Impact Statement (dated 30th November 2022), the Ecological Impact Assessment (dated November 2022) and the Aquatic Impact Assessment (dated November 2022) and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

6. (a) Existing field boundaries shall be retained (other than those specified for removal in the application documentation), notwithstanding any exemptions available and new planting shall be undertaken in accordance with the Landscape Mitigation Plan (drawing numbers LD.BLLYGLSS 3.1 and 3.2) submitted with the application.
- (b) All landscaping shall be completed in accordance with the details received to the written satisfaction of the planning authority. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out 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 interests 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.

Reason: In the interests of clarity, and of visual and 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) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works,
- (b) investigate areas of archaeological potential by means of geophysical survey and, depending on the findings, carry out test excavations if deemed necessary following consultation with the National Monuments Services Section of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media,
- (c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and
- (d) submit a report to the planning authority, containing the results of the archaeological investigations and assessment.

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

9. The construction of the development shall be managed in accordance with an updated Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall contain:
- (a) All mitigation and control measures outlined in the Natura Impact Statement (November 2022), the Ecological Impact Assessment (dated November 2022) and the Aquatic Impact Assessment (dated November 2022) and other particulars submitted with the application.
 - (b) Details of all archaeological or cultural heritage constraints as may be identified during pre-development archaeological testing and monitoring.
 - (c) Details in relation to site access and traffic management in accordance with the details submitted with the Site Access and Drainage Report (dated November 2022).
 - (d) Provide details of intended construction practice for the development, including noise management measures, and on-site management and off-site disposal of construction/demolition waste.
 - (e) Details of the appointed Ecological Clerk of Works.

Reason: In the interests of public safety and residential amenity.

10. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey on local roads which form part of the identified access route for the site shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.


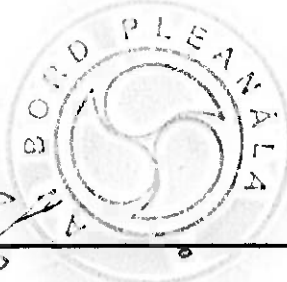
Reason: In the interests of environmental protection and public health.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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.

Mick Long

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

Dated this 21st day of November 2023.