



An
Bord
Pleanála

Board Order
ABP-321242-24

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 24/60320

Appeal by Harmony Solar Rathkeale Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork against the decision made on the 22nd day of October, 2024 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: A 10-year permission for the development of a solar farm on a site of 63.4 hectares consisting of the following: 301,000 square metres of solar photovoltaic panels on ground mounted steel frames; 10 hardstanding locations for electrical skids; new internal access tracks; underground power and communications cables and ducts; a new access from the L1219 public road; access gates; landscaping and biodiversity enhancement measures; security gates; boundary fencing and all associated ancillary development, site works and services. Installations of internal network cable to facilitate a future under-the-fence connection from an on-site transformer compound to the existing Rathkeale 110kV substation which is located adjacent to the site. The on-site transformer compound will enclose an Independent Power Producer Building of 30.8 square metres, a 110 kV transformer, an 18 metre high lightning monopole mast, and associated

ancillary development. The solar farm will be operational for 40 years at Townland of Ardgoulbeg, near Rathkeale, County Limerick.

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

In coming to its decision, the Board had regard to:

- (a) the national, regional and local policy support for developing renewable energy, including:
 - i. Project Ireland 2040 National Planning Framework (2018);
 - ii. the National Development Plan 2021-2030;
 - iii. the National Biodiversity Action Plan 2023 – 2030;
 - iv. the National Energy Security Framework (April 2022);
 - v. the National Energy and Climate Action Plan 2021-2030;
 - vi. the Regional Spatial and Economic Strategy 2019-2031 for the Southern Region; and
 - vii. the Limerick City and County Development Plan 2022-2028.

- (b) the nature, scale and extent of the proposed development,
- (c) the pattern of development within the area and context of the receiving environment,
- (d) measures proposed for the construction, operation and decommissioning of the development,
- (e) the submissions on the file, and
- (f) the documentation submitted with the application and the appeal.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Limerick City and County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an unacceptable impact on the character of the landscape or cultural or archaeological heritage, would not have a significant adverse impact on ecology, would not have a likely significant effect on any European Site either alone or in combination with other plans or projects, would be acceptable in terms of traffic impacts and safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In coming to its decision, the Board was consistent with the Climate Action Plan 2024 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

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 9th day of August, 2024 and the 25th day of September 2024, 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 to such details in writing with the planning authority prior to the 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 development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) The permission shall be for a period of 40 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 the 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 prevailing circumstances 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. Prior to the commencement of development, the developer shall submit details to the planning authority confirming the anticipated megawatt capacity and annual electricity generation of the solar farm.

Reason: In the interest of clarity.

6. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report, Ecological Impact Assessment, Construction and Environmental Management Plan, Flood Risk Assessment, Landscape and Visual Impact Assessment, Glint and Glare Assessment, Archaeological and Cultural Heritage Assessment, 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 interest of clarity and of the protection of the environment during the construction and operational phases of the development.

7. The developer shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and Inland Fisheries Ireland as required. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environment and natural heritage of the area.

8. Prior to the commencement of development on site, details of the structures of the security fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for prior approval to the planning authority. This shall be facilitated through the provision of mammal access gates designed generally in accordance with standard guidelines for the provision of mammal access (NRA 2008).

Reason: To allow wildlife to continue to have access across the site, in the interest of biodiversity protection.

9. (a) All mitigation measures in relation to archaeology, as set out in the Archaeological Impact Assessment carried out by John Cronin and Associates, submitted with the application documentation and the addendum to the Archaeological and Cultural Heritage Chapter (Chapter 11) of the Planning and Environmental Report included as part of the Request for Further Information Response, shall be implemented in full, except as may otherwise be required in order to comply with other conditions here specified.
- (b) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out an updated Archaeological Impact Assessment in advance of any site preparation works and groundworks, including site investigation, enabling/access, topsoil stripping, site clearance, and construction works.
- (c) The Archaeological Impact Assessment shall incorporate the findings of reports prepared to date (that is, an examination of all development layout/design drawings, completion of documentary/ cartographic/ photographic research) and include subsequent fieldwork, the latter to include archaeological test excavations to be

agreed following consultation with Limerick City and County Council's Executive Archaeologist.

- (d) The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works.
- (e) Where archaeological remains are identified, the developer shall implement appropriate mitigation measures, which may include redesigning the development to allow for preservation in situ, establishing buffer zones and/or work exclusion zones, conducting preservation by record (archaeological excavation) and/or undertaking archaeological monitoring. The Archaeological Impact Assessment shall incorporate all necessary measures to ensure the preservation and/or recording of archaeological remains.
- (f) The developer shall comply with any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Services of the Department of Housing, Local Government and Heritage (DHLGH).
- (g) Following the completion of all archaeological works on-site and any necessary post-excavation analysis, a final archaeological report detailing the results of all investigative works and/or monitoring shall be submitted to the planning authority and the National Monuments Service. All associated archaeological costs shall be borne by the developer.
- (h) The Construction Environmental Management Plan (CEMP) shall be updated to incorporate the location of all archaeological and

cultural heritage constraints relevant to the proposed development, as identified in the Archaeological Impact Assessment. The CEMP shall clearly outline all anticipated archaeological impacts, both direct and indirect, and detail the mitigation measures to be implemented to protect archaeological and cultural heritage resources during all phases of site preparation and construction.

- (i) Any Decommissioning and/or Restoration Plans shall be updated to include the location of all archaeological and cultural heritage constraints relevant to the proposed development and its subsequent decommissioning, as identified in the Archaeological Impact Assessment. The plan shall clearly set out all likely archaeological impacts, both direct and indirect, and specify the mitigation measures to be applied to safeguard archaeological and cultural heritage resources throughout all phases of site decommissioning and restoration.

Reason: To ensure the continued preservation either in situ or by record of sites, features or other objects of archaeological interest.

- 10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall agree such details in writing with the planning authority prior to commencement of development.

Reason: In the interest of environmental protection.

11. (a) No artificial lighting shall be installed or operated on site unless authorised by a separate 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 unless otherwise agreed with the planning authority.
- (d) The control units of the transformer compound and all fencing shall be dark green in colour unless otherwise agreed upon with the planning authority prior to the commencement of development.

Reason: In the interests of clarity and of visual and residential amenities.

12. Landscaping shall be carried out in accordance with the Landscape and Visual Impact Assessment report, Landscape Mitigation Plan and associated drawings (dated February 2024), received by the planning authority on the 11th day of April 2024. The developer shall plant screening vegetation as indicated in the drawings and documentation submitted not later than the planting season following the commencement of construction. Planting shall be protected from construction works using protected fencing in accordance with the requirements of the planning authority. All existing hedgerows and field boundaries shall be retained except where altered or amended by conditions in this permission.

Reason: In the interest of visual amenity and to ensure the proper screening of the development from residential and other receptors.

13. Cables from the solar arrays within the site shall be located underground.

Reason: In the interests of health and safety and visual amenity.

14. 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 or 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 amenities of property in the vicinity.

15. Prior to the commencement of any works on site, the applicant shall complete all works at the proposed new access to achieve the required sightlines.

Reason: In the interest of traffic safety.

16. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, including a Construction Traffic Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall provide details of the intended construction practice for the development, including:

- (a) Details of the site and materials compound(s), including area(s) identified for the storage of construction refuse;
- (b) Details of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;

- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, including proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

17. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
 - (ii) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.

The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the amenities of property in the vicinity of the site.

18. Prior to the 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.

19. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory reinstatement of public roads that may be damaged by construction transport, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 the reinstatement of public roads that may be damaged by construction traffic.

20. 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 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. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board



Dated this *27th* day of *March*, 2025