

An
Coimisiún
Pleanála

Commission Order
ACP-323147-25

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: P24/60416

Appeal by Sean McGovern and by others against the decision made on the 30th day of June, 2025 by Clare County Council to grant subject to conditions a permission to Castlebank Green Energy Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of planning permission for a period of 10 years to construct and complete a Solar Energy development with a total site area of 36.70 hectares, to include the construction of PV panels mounted on metal frames, a substation, inverter substations, internal access tracks (new and upgraded), underground cabling, security fencing with CCTV cameras and access gates, a temporary construction compound and all ancillary grid infrastructure and associated works. The Solar Farm would be operational for 40 years. The proposed grid route will connect the substation at the application site to the existing grid infrastructure at Ardnacrusha Power Station via a 38kV underground cable which is 1.2 kilometres in length (320 metres of which is on the local road L3056), all within the townlands of Castlebank, Parteen, Ballykeelaun and

Drummin, Ardnacrusha, County Clare, as revised by further public notices received by the planning authority on the 6th day of May, 2025.

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

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2025 and the furtherance of the national climate objective.

In coming to its decision, the Commission had regard to the following:

- European legislation, including of particular relevance:
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
 - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and

Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025).

- Directive 2011/92/EU (The Environmental Impact Assessment Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
 - Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
- National and regional planning and related policy, including:
 - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective (NPO) 70.
 - National Development Plan 2021-2030.
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
 - Policy Statement on Security of Electricity Supply (November 2021); National Energy Security Framework (April 2022).
 - National Energy and Climate Action Plan (NECP) 2021-2030.

- Regional and local planning policy; including:
 - Regional Spatial and Economic Strategy for the Southern Region.
 - Clare County Development Plan 2023-2029.
- The nature, scale and design of the proposed development as set out in the planning application.
- The pattern of development within the area and the context of the receiving environment.
- The range of mitigation measures set out in the Natura Impact Statement.
- The range of mitigation measures set out in the Ecological Impact Assessment and the Outline Construction and Environmental Management Plan.
- The measures set out in the Biodiversity Management Plan and the Landscape and Landscape and Ecology Management Plan.
- The measures proposed for the construction, operation and decommissioning of the proposed development.
- The current status and the selection assessment process for the proposed Limerick Northern Distributor Road (LNDR).
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to

carry out the proposed development and the likely significant effects of the proposed development on European sites.

- The reports of the planning authority and the further information received from the applicant on the 17th day of April, 2025 and submissions received in response to same.
- The submissions made on the planning application to the planning authority and to the Commission in connection with the appeals.
- The report and the recommendation of the Inspector.

Appropriate Assessment Stage 1 Screening

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Planning Inspector's report and submissions on file. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lower River Shannon Special Area of Conservation (Site Code 002165) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for the site and that a Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for the Lower River Shannon Special Area of Conservation (Site Code 002165), in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (ii) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Commission 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 Site, having regard to the site's conservation objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code 002165), in view of the site's conservation objectives.

EIA Screening Determination

The Commission had regard to:

- the nature and scale of the proposed development, which is not itself a class of development and falls below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the Environmental Impact Assessment Directive,
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area,
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended,
- the guidance set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development issued by the Department of the Environment, Heritage and Local Government (2003),
- the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part

of the project - Landscape and Visual Impact Assessment, Ecological Impact Assessment, Biodiversity Management Plan, Archaeology and Architectural Heritage Impact Assessment, Flood Risk and Drainage Impact Assessment, Noise Impact Assessment, Glint and Glare Assessment, Outline Construction Environmental Management Plan, Construction Traffic Management Plan, Landscape and Ecology Management Plan and Decommissioning Statement.

The Commission considered that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an Environmental Impact Assessment report would not, therefore, be required.

Proper Planning and Sustainable Development

The Commission 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 Clare County Development Plan 2023-2029, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an of 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 significant adverse impact on water quality, 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.

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 17th day of April, 2025, 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 the commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest or clarity.

2. The proposed substation shall be set back an additional 30 metres from the north-eastern boundary of field number 6 and the access road to Castlebank House.

Reason: To safeguard the amenities of residential dwellings in the vicinity and to provide an adequate buffer zone between the substation and recorded archaeological features in the vicinity.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. 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 Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

5. 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.

6. 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.

7. (a) The permission shall be for a period of 40 years from the date of the commissioning of the solar arrays. The solar array and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.
- (b) Prior to commencement of development, a Decommissioning Statement, including a detailed restoration plan and a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, concrete shoes, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. The Decommissioning Statement shall be in accordance with condition 15(d) of this Order and also be updated, submitted to and agreed with the planning authority prior to the commencement of decommissioning.

- (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/concrete shoes, 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 relevant planning authority to review the operation of the solar farm in light of the circumstances then prevailing.

8. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, Biodiversity Management Plan, Glint and Glare Assessment, Noise Impact Assessment, Outline Construction Environmental Management Plan, Construction Traffic Management Plan, Landscape and Ecology Management Plan and Decommissioning Statement and other particulars submitted with the application and by way of further information, 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.

9. 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.

10. During the operational phase of the proposed development the noise levels from the development shall not exceed:
- (a) 45 dB (L_Ar,T) rated sound level between the hours of 0700 to 1900,
 - (b) 40 dB (L_Ar,T) between the hours of 1900 to 2300, and
 - (c) 35 dB (L_Ar,T) between the hours of 2300 to 0700 (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the Landscape and Ecology Management Plan submitted to the planning authority on the 17th day of April, 2025. Any trees and hedging 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. Existing field boundaries shall be retained (other than those specified for removal to facilitate access throughout the development site).

Reason: In the interests of biodiversity and the visual amenities of the area.

12. (a) Prior to the commencement of development, pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.
- (b) During the construction phase, the developer shall adhere to the 'Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes' published by the National Roads Authority in 2006. In particular, there shall be no blasting or pile driving within 150 metres of an active badger sett during the breeding season (December to June) or construction works within 50 metres of such an active sett during the breeding season.
- (c) No tree, hedgerow or vegetation clearance works shall be carried out during the period of 1st March to 31st August inclusive.

Reason: In the interest of wildlife protection.

13. 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 the planning authority. 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 environmental and natural heritage of the area.

14. Prior to the commencement of development, a continuous 10 metre wide woodland buffer of indigenous species shall be planted along the site boundary with the Limerick Northern Distributor Road (LNDR) route corridor. Details to be submitted for the written agreement of the planning authority, which shall include details of the location, number and species to be planted, timescale for implementation and proposals for replacement planting during the operative period of the proposed solar farm.

Reason: To reduce the potential for glint and glare on road users and traffic safety.

15. (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 solar panels shall have driven or screw pile foundations only (save those proposed with concrete shoes), unless otherwise authorised by a separate grant of planning permission.
- (e) The transformers/inverters shall be dark green in colour.
- (f) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.

Reason: In the interests of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

16. The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan, to include a Construction Traffic 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:
- (a) location of the site and materials compound(s),
 - (b) location 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, to include 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, management of excavated soil, control of surface water run-off and control of on-site refuelling in accordance with the environmental and ecological mitigation measures set out in the Natura Impact Statement,
- (j) details of compliance with condition number 18, and
- (k) the community liaison details including how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads and/or HGV deliveries.

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the Natura Impact Statement. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

17. All road surfaces, culverts, 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 the commencement of development, a road condition survey shall be taken along the full extent of the L3056 and other local roads, to be used by the proposed development as a haul route 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 the commencement of development.

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

18. All mitigation measures in relation to archaeology and cultural heritage submitted in the Revised Archaeological Report (Appendix 4 of the additional Information submission) shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

19. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall otherwise comply with submitted Flood Risk and Drainage Impact Assessment. A surface water management plan shall be developed for the construction and the operational phases of the development to include details of the proposed access routes and drains and is to be submitted to the planning authority for approval prior to commencement of development.

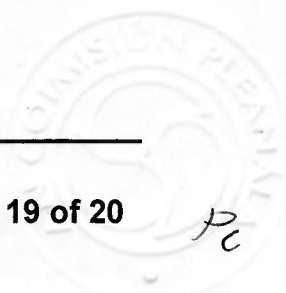
Reason: In the interests of environmental protection and flood prevention.

20. 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 upon 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 Coimisiún Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

21. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Coimisiún Pleanála for determination.

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



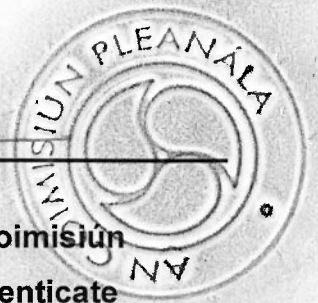
22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.



Paul Caprani

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 13th day of January 2026.