

An
Coimisiún
Pleanála

Commission Order
PL-500253-CE-25

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: 2460485

Appeal by Greg Larkin and Louise Kiernan and by Others against the decision made on the 16th day of October 2025, by Clare County Council to grant, subject to conditions, a permission to Reeve Wave Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: A ten-year planning permission for a solar array. The development will consist of circa 330,000 square metres of solar panels on ground mounted frames, 13 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 R471 public road to connect solar array field parcels, security fencing, internal CCTV, access tracks (upgrade of existing and new), upgrade to one number existing agricultural field entrance and creation of two number new entrances on the R471 and one number new entrance on the L70382, two number temporary construction compounds (including site offices and welfare facilities), landscaping and all associated ancillary apparatus and development works.

The proposed development provides for minor modifications to the solar array permitted under Clare County Council reference number P22/591/An Bord Pleanála reference number ABP-316043-23. These modifications comprise the omission of one number single storey control cabin and associated electrical transformer unit, omission of solar panels and access track, and reconfiguration of internal cabling. The solar array will connect to the national grid and will have an operational lifespan of 40 years all at Coolderry, Dromintobin North, Dromintobin South, Knockbrack Lower, Knockbrack Upper, Monaskeha Oakfield and Ruanard (townlands), Ardnacrusha, County Clare as revised by the further public notices received by the planning authority on the 22nd day of August 2025 which included updated site layout plans, Archaeological Testing Report, Revised Natura Impact Statement, Bat Report, and Invasive Alien Species Management Plan, Updated Construction and Environmental Management Plan, Decommissioning and Restoration Management Plan, and Updated Environmental Impact Assessment (EIA) Screening Report, among other items.

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:

(a) 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 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.

(b) 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 70.
- The objectives and targets of the National Biodiversity Action Plan 2023-2030.

- (c) Regional and local planning policy, including:
- Regional Spatial Economic Strategy for the Southern Region.
 - Clare County Development Plan 2023-2029,
- (d) other relevant national policy and guidance documents,
- (e) the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity,
- (f) 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,
- (g) the reports of the planning authority and the further information received from the applicant on the 8th day of August 2025, and submissions received in response to same,
- (h) the submissions made on the planning application to the planning authority and to the Commission in connection with the appeals, and
- (i) the report and the recommendation of the Planning Inspector.

Appropriate Assessment: Stage 1

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that 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 Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on 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 sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

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

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. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment Screening

Having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- (b) the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm, which is not, of itself, a class for the purposes of the EIA Directive, the proposed future grid connection and permitted adjoining solar farm permitted under An Bord Pleanála reference number ABP-316043-23;
- (c) the nature of the existing site and the pattern of development in the surrounding area including the permitted adjoining solar farm permitted under An Bord Pleanála reference number ABP-316043-23;
- (d) 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 revised;
- (e) 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);

- (f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- (g) the features and measures proposed by the applicant 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 submitted (and revised where applicable) Construction and Environmental Management Plan, the Ecological Impact Assessment Report, the Landscape and Visual Impact Assessment, the Natura Impact Statement, and the Archaeological Assessment and Testing Report, Aquatic Ecology report, Invasive Alien Species Management Plan and Bat report,

it is considered that the proposed development would not be likely to have significant effects on the environment, and that an Environmental Impact Assessment Report is, therefore, not required.

Proper Planning and Sustainable Development

Having regard to the nature, scale and form of the proposed development, and to the relevant provisions of the Clare County Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to Ireland's requirements for renewable energy in accordance with national, regional and local policy. The proposed development would not have an unacceptable impact on the character of the landscape, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of public health, pedestrian and traffic safety, would not have undue impacts on surrounding land uses and would not have an unacceptable impact on ecology or on any European site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In accepting the Inspector's recommendation not to include the planning authority condition to require a 30 metre buffer from the curtilage of existing and permitted dwellings, the Commission noted and considered the comprehensive Glint and Glare Assessment, the previous An Bord Pleanála permission under reference ABP-316043-23 and the boundary and landscaping provisions and was satisfied that no unacceptable disruption to the rural character of the area would arise.

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 8th day of August 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 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. Prior to the commencement of development, the developer shall submit revised plans which shall comply with the following:

All proposed panels shall be southerly facing in orientation with a height not greater than three metres and a tilt angle of 20 degrees with an anti-reflective coating.

Reason: In the interest of clarity.

3. The period during which the development hereby permitted shall be carried out shall be ten years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Commission 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 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 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, 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. 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. All of the mitigation measures, as set out in the revised Natura Impact Statement (August 2025), shall be fully implemented.

Reason: In the interests of the protection of the European site during the construction and operational phases of the development.

7. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report (October 2024), Ecological Impact Assessment (October 2024), Noise Impact Assessment (October 2024), Glint and Glare Assessment (September 2024), Archaeological Assessment and Testing Report (October 2024 and June 2025), Invasive Alien Species Management Plan (July 2025), Bat Report (July 2025) and Aquatic Impact Assessment (May 2025) and other particulars and documentation submitted with the application, shall be fully implemented.

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

8. (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 documentation 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.

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

CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. Cables within the site shall be located underground. The inverter/transformer stations shall be dark green in colour.

Reason: In the interests of clarity, and of visual and residential amenity.

10. 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 Coimisiún 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.

11. 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 revised Natura Impact Statement (August 2025) Ecological Impact Assessment (October 2024) and 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 (October 2024).
- (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.

12. 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.

13. 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.

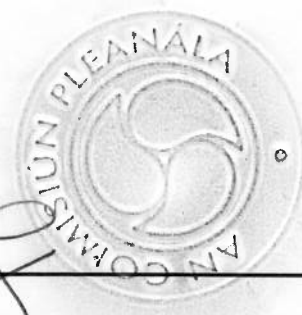
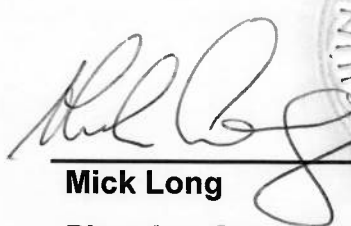
Reason: In the interests of environmental protection and public health.

14. Site development and building works shall be carried out only between the hours of 0800 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.

15. 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.



Mick Long

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 3rd day of September 2026