



An
Bord
Pleanála

Inspector's Report PL07.248509

Development	Solar Farm
Location	Longford, Ballycrissane, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	16/1500
Applicant(s)	HTS Source Renewables Partners Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Vs Contributions Only
Appellant(s)	HTS Source Renewables Partners Ltd.
Observer(s)	None
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The site is located to the south-east of Co. Galway, approximately 7.8km to the north of Portumna, within the townland of Longford, which is to the north-east of Ballcrissane. The subject site is 11.78 hectares contained within a wider landholding of 55.54 hectares.

2.0 Proposed Development

- 2.1. Solar Farm

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission with conditions. A condition of note, and the subject of this appeal, is Condition No. 19 which requires a development contribution of €50,000 in accordance with the council's development contribution scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Following receipt of further information, the planning officer recommended a grant of permission.

3.2.2. Other Technical Reports

Roads and Transportation– no objection subject to conditions

Conservation – no objection

3.3. Prescribed Bodies

- 3.3.1. An Taisce - National and Regional Strategy is required for solar array development
Council should ensure optimum site suitability
- 3.3.2. Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs – No objection subject to conditions

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Planning History**

4.1.1. I am not aware of any relevant recent planning history on the appeal site or in the surrounding area.

4.2. **Development Plan**

4.2.1. The site is governed by the policies and provisions contained in the Galway County Development Plan 2015-2021.

4.2.2. Galway County Council Development Contribution Scheme 2016
Part 2 details the charges for Industrial and Commercial development.

4.3. **Natural Heritage Designations**

4.3.1. None

5.0 **The Appeal**

5.1. **Grounds of Appeal**

5.1.1. The grounds of appeal are as follows:

- Planning Authority's calculation is based erroneously on a charge of €10,000 per megawatt and that this basis of calculation is drawn from the charge applicable to wind farm developments.
- Recently adopted Galway County Development Contributions Scheme has no provision to charge for Solar Farm/Solar Energy Development
- Imposition of a 'Wind Farm' Development Contribution is incorrect, unlawful and contrary to the provisions of the Scheme.

5.2. **Planning Authority Response**

5.2.1. None

5.3. **Observations**

5.3.1. None

5.4. **Further Responses**

5.4.1. None

6.0 **Assessment**

6.1. **Nature of Appeal**

6.1.1. This is an appeal in relation to the application of a development contribution only. The Board will not determine the application as if it was made to it in the first instance and will only determine the matters under appeal.

6.1.2. An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of a Development Contribution Scheme has not been properly applied in respect of any condition laid down by the planning authority. In this appeal the issue to be considered is whether the terms of the Scheme have been properly applied.

6.2. **Application of Development Contribution Scheme**

6.2.1. The issue in this appeal relates to whether the terms of the current Galway County Development Contribution Scheme 2016, adopted on the 29th February 2016, have been properly applied.

6.2.2. The Galway County Council Development Contribution Scheme 2016 does not make any reference to Solar Farms or Solar Generating Development, nor does it refer to a wider category of renewable energy development. It makes reference to Wind Farm development which are charged at the following rates:

- A charge of €10,000 per megawatt capacity shall apply.

- A charge of €4,000 per megawatt capacity shall apply to community based/local wind farms
- Wind turbines up to 0.5 megawatts are exempt of development contributions.

6.2.3. These rates have been applied by the LPA in this instance. However, I do not consider that the Galway County Council Development Contribution Scheme 2016 allows for charging contributions for Solar Farm developments and as such I do not consider the terms of the Development Contribution Scheme have been properly applied.

7.0 Recommendation

7.1. To direct the said Council to delete Condition 19.

8.0 Reasons and Considerations

8.1.1. Having regard to the provisions of the Galway County Development Contribution Scheme 2016, the Board concluded that the terms of the scheme had not been properly applied by the planning authority in respect of condition number 19 as attached to the planning authority notification of decision to grant planning permission. In these circumstances, the Board consider that no contribution applies and that the said condition should be deleted.

Rónán O'Connor
Planning Inspector

7th September 2017