



An
Bord
Pleanála

Inspector's Report ABP-301778-18

Development

For a ten-year Permission to develop a solar farm on a site located in the townlands of Lissan West and Ballaghafaddy West, Clarecastle, Co. Clare. The proposed solar farm will comprise the construction and operation of solar PV arrays mounted on metal frames on a 33.1 Ha site, inclusive of a single electrical control building, onsite substation, up to 8 No. inverter units, up to 1 No. temporary construction area with ancillary facilities, boundary fencing with CCTV units, use of existing access, an access track and all associated works (inclusive of gross floor space of proposed works up to 207.6 sqm). The planning application is accompanied by an environmental report and Stage 1 Screening for Appropriate Assessment

Location

Lissan West, Ballaghafaddy West, Clarecastle, Co. Clare

Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P17/1001
Applicant(s)	Engie Developments Ireland Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	(1) John Casey (2) Patrick Callinan & Patrick Lynch. (3) Veronica Talty
Observer(s)	Maeve Halpin.
Date of Site Inspection	1 October 2018.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 33.1 hectares and is located within the rural townlands of Lissan West and Ballaghfaddy West approximately 5km to the south of the town of Ennis Co Clare and 2km southwest of Clarecastle Village. Shannon Airport lies approximately 10km to the south of the site. Lands comprising the appeal site are currently in agricultural use and are characterised by improved grassland with mature hedging and fencing. The Lissane Stream runs east west through the site and then southwards to the Fergus Estuary, connecting directly with The Lower River Shannon SAC (Site Code 002165) 1.2km downstream. The lands have been subject to extensive drainage works whereby a number of field drains skirt the perimeter of fields. There are several tree lines, primarily within the eastern part of the site and also along the southern boundary. The western and southwestern site boundary have more open hedgerows. There is an agricultural shed located adjacent to the road along the eastern boundary of the site.
- 1.2. An industrial park is located to the east through which access to the site is proposed. There is a farmyard and houses to the north with a dispersed pattern of residential development in the vicinity. The Lissan Road to the east displays a strong pattern of ribbon development and this is part of the Mid Clare Way a long-distance trail comprising a circular route of which Newmarket on Fergus is trailhead.
- 1.3. The appeal site is generally flat (stated elevation between 0.75m – 2.5m AOD) and the surrounding landscape to the south and east is low lying while the land rises to the west. The site is accessed via two possible access points, the main entrance being via private road serving the industrial park located off Local Road L-8250 and secondary access is via agricultural entrance from Lissan Road to the east.

2.0 Proposed Development

- 2.1. The proposal comprises a solar PV panel array affixed to ground mounted steel frames, 1 no substation, 8 no inverter units, underground cable and ducts, temporary construction compound, boundary fencing, deer fencing, site entrance, access track, CCRV and all associated site works. The proposal involves the provision of up to

approximately 55,636 solar PV Modules. A 10-year permission is sought to allow flexibility of delivery and the operational phase is anticipated to be 30 years.

- 2.2. The modules are ground mounted non-galvanised steel support structures/ frames fixed at an angle of 20 to 25 degrees and south facing. The panels will have a maximum height above ground of 2.95m with a clearance above ground level of approximately 1.3m. Electricity will be directed to the onsite substation via underground cabling (minimum depth of trench 60cm). It is anticipated that the array will have an installed generation capacity of up to 19MW to maximise the solar resource.
- 2.3. It is proposed to install 8 no inverter units at the site. The substation is proposed to be located at the eastern edge of the site adjacent to the industrial estate. This will contain electrical transmission infrastructure and a control room building. A timber post and rail fencing is proposed to demarcate the landowners agricultural and solar farm activities. Deer fencing is proposed around the entire site.
- 2.4. The proposed development is set out in detail in the application documents which include a number of reports including
 - Planning and Environmental Report by McCarthy Keville O Sullivan,
 - Flood Risk Assessment by Hydro Environmental Services.
 - Construction & Environmental Management Plan, McCarthy Keville O Sullivan
 - Traffic and Transport McCarthy Keville O Sullivan,
 - Archaeology and Cultural Heritage by Tobar Archaeological Services/
 - Glint and Glare Assessment by Macroworks Ltd.
 - Landscape & Visual Impact McCarthy Keville O Sullivan.
 - Appropriate Assessment Screening report by McCarthy Keville O Sullivan.
(Notably within the first party response to the grounds of appeal a Natura Impact Statement was submitted based on screening in of Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077)
- 2.5. I note that in response to a request for additional information from Clare County Council the first party submitted a landscape plan providing for additional

landscaping along the south-eastern boundary of the site. Further information was also provided in relation to the assessment of potential effects on wintering waterbirds.

3.0 Planning Authority Decision

3.1. Decision

By order dated 16th May 2018, Clare County Council issued notification of decision to grant permission for the development and this was subject to 19 conditions which included the following of particular note.

- Condition 2. Permission for a period of 10 years.
- Condition 3. All structures shall be removed not later than 30 years from the of commissioning unless permission granted for their retention for a further period.
- Decommissioning statement and restoration plan to be submitted.
- Condition 4. Development contribution €156,269.60.
- Condition 5. Special contribution towards improvement of traffic signage on the LS-8250 to facilitate the development. €1000.
- Condition 6. Bond €10,000
- Condition 7. Details of reinstatement of access road through industrial estate. Construction statement and traffic management plan. Condition survey of roads bridges and haul roads.
- Condition 8. Landscaping scheme.
- Condition 9. Maintenance of on site surface water management system.
- Condition 10. Details of water networks to the site and details of maintenance.
- Condition 11. Construction & Environmental Management Plan.
- Condition 12. Archaeological Assessment.

- Condition 13. No external lighting.
- Condition 14. Solar Panels fixed by way of driven pile or screw pile foundations only.
- Condition 15. Cables underground.
- Condition 16. Post and rail fencing maintained such that its bottom edge is no less than 150mm from ground level.
- Condition 17. CCTV cameras directed towards the site.
- Condition 18. Permission shall not be construed as any form of consent or agreement to connection to national grid.
- Condition 19. Entrance in accordance with plans and particulars. Palisade gates replaced with paladin gates of green powder coat finish.

3.2 Planning Authority Reports

3.2.1 Planning Reports

3.2.1.1 Initial planning report notes concerns raised regarding aviation safety. Further information also required with regard to Appropriate Assessment and ecological impact assessment including wintering bird surveys. Justification test required having regard to location of the site within a flood risk zone. Proposals for screening with particular reference to dwellings to the east and route of the Mid Clare Way. Final planner's report recommends permission subject to conditions. A special contribution of €1000 recommended towards signage on Local Road.

3.2.2 Other Technical Reports

3.2.2.1 Roads Design Planning Report notes that while as this is a quiet country road, c 5.0m wide, with little traffic and sharp bends with observed speeds significantly less than the 80kph speed limit a relaxation from standard for sightline is appropriate. Proposed visibility splays adequate. Recommend a contribution to upgrade existing signage on the L8250 warning drivers of bends and the junction.

3.2.2.2 Executive Engineer Area Office recommends condition survey of roads and bridges along haul routes and arrangements for rectification of any construction damage. Agreement regarding temporary traffic management controls. Bond of €10,000.

3.3.2.3 Senior Executive Engineer Ennis Municipal District notes that the greater disturbance to public will arise from construction of cable duct for which route is unknown.

3.2.2.4 Roads Office Planning Report notes in relation for flood risk assessment the municipal district has no definite information regarding flood extents on the site. Condition recommended regarding flood mitigation. Adequate space along boundaries to ensure the maintenance of existing open drainage networks. A drainage clearance and maintenance programme for the site to be agreed. Noted that the nearest substations are at Clarehill Clarecastle (Roche) 1.85km on public roads or Clonroadmore (Rocky Road) Ennis 4.8km on public roads. Note requirement for infill hedgerow planting on the southern side of the site.

3.2.2.5 Environmental Assessment Officer's initial report recommends that all treelines and hedgerows should be maintained in situ. In line with submission of NPWS, the zone of impact has not been sufficiently addressed and screening report should be revised accordingly. Potential for indirect effects on the Special Conservation Interests of the River Shannon and River Fergus Estuaries SPA have not been sufficiently addressed either in isolation or in combination with other solar developments or any other projects within the environs of the River Shannon and River Fergus Estuaries SPA. Desk based assessment as outlined in environmental report identifies the recording of six species listed under Annex I of the EU Birds Directive plus 6 species red listed under the Birds of Conservation Concern recorded with the R37 hectad over the winter period as outlined in Table 7.7 with Table 7.6 outlining the results of the Breeding Bird Atlas data. Given the recording of such species during the winter period further surveys should have been undertaken to ascertain the usage or otherwise of the fields associated with the solar farm by wintering species for which the SPA is designated and assessment against the conservation objectives undertaken. As the assessment is based on site assessments taken in July only, it is not possible to conclude the assessment of significant effects from the analysis undertaken to date. As such further wintering bird surveys should be undertaken to inform assessment appropriately.

3.2.2.6 Report following submission of additional information indicates satisfaction that winter bird survey indicates that the site does not support important assemblages of wintering wildfowl, waders or species for which the Lower River Shannon and River Fergus SPA are designated. Information provides finding of no significant effects on the qualifying interest features and special conservation interest of the surrounding European Sites.

3.3 Prescribed Bodies

3.3.1 Submission from Safety Compliance & Environment Manager, Shannon Airport Authority DAC notes concern regarding aviation safety implications arising from the proposed installation particularly the potential effects of glint and glare for pilots on approach and take off from the main runway at Shannon. Glint and glare assessment is required.

3.3.2 Irish Aviation Authority request assessment for any glint and glare issues in relation to aviation due to proximity to Shannon Airport. Note USA Federal Aviation Administration (FAA) guidance and tool to evaluation the potential effect of Solar PV systems on aviation. FAA provide a solar glare hazard analysis tool (SGHAT) to help analyse the effect of the solar PV installation on aviation. A specialised consultant should be used to conduct a specialised glint and glare study.

3.3.3 Department Culture Heritage and the Gaeltacht notes possibility of subsurface archaeological remains. Recommend archaeological assessment, including test excavation.

3.3.4 Department Culture Heritage and the Gaeltacht in relation to nature conservation outlines concern regarding potential effects on wintering bird populations and on supporting habitat for the SPA and associated special conservation interest species. In this general area, some of the fields inland of the SPA are used by foraging birds including Whooper Swan, Lapwing, Curlew, Hen Harrier and Short Eared Owl. Extensive cover of most of the site by solar pv arrays is likely to prevent future usage by birds. Ecological assessment is inadequate in the absence winter bird surveys. In relation to screening for appropriate assessment the screening does not demonstrate basis of 15km zone of impact and there is inadequate assessment of potential impact relative to conservation objectives. The Department considers that,

at present, it cannot be excluded on the basis of objective information that the proposed development, individually or in combination with other plans or projects will have a significant effect on River Shannon and River Fergus Estuaries SPA.

Council should consider whether there are applicable measures or other measures in the Shannon Strategic Integrated Framework Plan (now part of the Clare County Development Plan) which would be applicable to this type of development and or location and or potential cumulative or in combination effects that could arise.

3.4 Third Party Observations

3.4.1 A number of third party submissions were made to the local authority from residents living in the vicinity. Objection was on grounds of flooding, glint and glare, impact on residential amenity, views and disturbance. Concerns were expressed regarding the industrialisation of the area, devaluation of property noise and traffic. A Natura Impact Statement required.

4 Planning History

16/959 Related to part of the appeal site located adjacent to the industrial estate. Application for new agricultural haybarn along with all associated site works and services. Refused March 2017. Grounds for refusal referred to haphazard disorderly development and flood risk.

5 Policy Context

5.1 Development Plan

5.1.1 The Clare County Development Plan 2017-2023 refers.

- **CDO10.11** *“It is an objective of the Development Plan to facilitate the development of renewable energy developments in rural areas in accordance with the adopted Clare Wind Energy Strategy and Renewable Energy Strategy and the Associated SEA and NIR (and any subsequent strategies).”*

- **CDP6.17** *“It is an objective of the Development Plan to contribute to the economic development and enhanced employment opportunities in the County by: a) Facilitating the development of a self sustaining, secure, reliable and efficient renewable energy supply and storage for the county; c) Enabling the County to become a leader in the production of sustainable and renewable energy for national and international consumption through research, technology development and innovation.”*

- **CDP8.40** Development Plan Objective Renewable Energy.

“It is an objective of the Development Plan A) To encourage and favourably consider proposals for renewable energy developments and ancillary facilities in order to meet national, regional and county renewable energy targets and to facilitate a reduction in CO₂ Emissions and the promotion of a low carbon economy.....e) To strike an appropriate balance between facilitating renewable and wind energy related development and protecting the residential amenities of neighbouring properties;....g) to ensure that all proposals for renewable energy developments and ancillary facilities in the County are in full compliance with the requirements of the SEA and Habitats Directives and Objective GDP2.1”

- The Plan Contains **The Clare Renewable Energy Strategy 2017-2023** which comprises Volume 6 of the Plan. Chapter 8 deals with Solar Energy. Objective Res 8.1 Promotion of thermal solar energy and photovoltaic energy. *“It is an objective of Clare County Council to “b) facilitate the development of thermal solar and PV in suitable locations, subject to proper planning and sustainable development.....d) All proposals in relation to solar, electric or thermal technology must be screened for appropriate assessment in accordance with Articles 6(3) and 6(4) of the Habitats Directives, and where judged necessary a Natura Impact Statement shall be submitted and an Appropriate Assessment must be conducted. The AA shall include an assessment for potential impacts on Qualifying Interest Features and their associated conservation Objectives.”*

- **Res 8.2 Large Scale / Utility scale Solar Photovoltaic Panels**

“It is an objective of Clare County Council:

(b) To favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multi-purpose land use, subject to normal

planning considerations. All such applications should be accompanied by an environmental report addressing issues such as ecological impacts, impacts on the amenity of adjoining properties, glint / glare, landscape impact assessment, cable trenching, sustainable drainage systems for the management or surface water disposal on site, decommissioning and site restoration.

c) To require the preparation and assessment of all planning applications relating to solar energy in the plan area to have regard to the information, data and requirements of the Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of the Clare County Development Plan 2017-2023;

d) To require projects to be fully informed by ecological and environmental constraints at the earliest stage of project planning and any necessary assessment to be undertaken including assessments of disturbance to species, where required;

e) to require compliance with the objectives and requirements of the Habitats Directive, the Birds Directive, Water framework Directive; all other relevant EU Directives and all relevant transposing legislation.”

- **8.2.2 Factors influencing preferred locations for large scale photovoltaic installations,**

“Land Diversification, where solar farms can be developed on agricultural land, where proposals include the continued agricultural use of the site or incorporate biodiversity measures within the project;”

5.2 Natural Heritage Designations

5.2.1 The site is not within a designated site, The nearest Natura 2000 sites are

- Lower River Shannon SAC (Site Code 002165) .6km to the south east,
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) .6km southeast.
- Newhall and Edenvale Complex XAC Site Code 002091. 1km to the west.

6 The Appeal

6.1 Grounds of Appeal

6.1.1 There are three third party appeals by John M Casey, Lissane West, Patrick Callinan & Patrick Lynch, Lissane West and Tom Carew & Partners on behalf of Veronica Talty, Lissane West. The appeals raise common issues which in the interest of succinctness I have summarised as follows:

- Negative impact on family homes and established residential amenity.
- Devaluation of property.
- Impact on views. Glint and glare.
- Concerns regarding traffic volume during the construction period by maintenance traffic. Multiple entrances could result in creation of rat run.
- No designation for solar energy and absence of guidelines.
- Blight on the landscape.
- Negative impact on the countryside, landscape and wildlife.
- Location adjacent to the Mid Clare way a significant recreational amenity for the community will be severely impacted by traffic
- History of refusal on site of agricultural haybarn 16/959 on grounds of flood risk.
- No topographical survey submitted with the application and contours poorly depicted. Section drawings show the panels at 0.0m Poolbeg while control cabins at 3.75mOD.

6.2 Oral Hearing Request.

6.2.1 I note that the appeal by John M Casey included a request for an oral hearing of the case. Following deliberation on this matter, the Board decided by direction dated 13th August 2018 not to hold an oral hearing on the case as it was considered that there was sufficient written evidence on file to enable a full assessment of issues raised.

6.3 Applicant Response

6.3.1 The First Party response to the appeal is submitted by McCarthy Keville O Sullivan Ltd. and sets out to refute the grounds of appeal as follows:

- When viewed from the public road to the south, the proposed development will be seen in the context of the industrial park
- Strong policy justification for the proposed development.
- In relation to loss of private view this is not a material planning consideration.
- Landscape around the site is semi-rural in nature with a number of single dwellings and an industrial park,
- There are no scenic views and the site is not within a sensitive landscape.
- Significant landscaping measures are proposed including the planting of native hedgerows and screen planting. Native hedgerow will be maintained at a height of 2.3m while proposed trees will grow to approximately 7-15m depending on species and location.
- In relation to glint and glare the detailed assessment by Macroworks, using appropriate methodology, found levels of glare experienced to be negligible.
- In relation to traffic generation the construction phase there should be an average of 5 HGV vehicle movements per day and the increase will be negligible.
- The development will not be manned during operational phase and access will be required for maintenance purposes only.
- Formal STOP markings and signage at the junction of the Lissane road and Industrial Estate to be provided. Access points will be gated.
- Alleged impact on property values is not a material planning consideration and should be disregarded by the Board.
- Landscaping will reduce visual impact from mid-Clare way and the applicant is willing to provide an interpretation Board to explain the solar farm operation and benefits.
- In relation to flood risk, the activity is a less vulnerable development and while the majority of the site lies within coastal flood zone A defended there are also areas of the sit in fluvial and pluvial zones A and B and Pluvial Flood Zone B. Infrastructures

to be located in these areas is to be mounted on frames at an appropriate height above ground level and as such the impacts on any flooding of the proposed development infrastructure would be negligible. Through the use of raised panels, SUDS design measures appropriate spacing of infrastructure and exposure of undisturbed ground and the suitable placement of project infrastructure, the proposed development will have an imperceptible impact on flood risk elsewhere in the locality.

- Note decision by the Board 248434 sets a precedent for solar panels in flood risk zone A.
- Community consultation - A letter sent out to local residents within 1km to inform them of the intention to submit a planning application. Applicant wrote to all objectors on 8th March 2018 offering meeting to discuss concerns.
- EclA and AA Screening report conclude that impact on natural heritage is not significant.
- NIS included in appendix 3. The Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA were originally screened out on the basis of a detailed Construction Environmental Management Plan and Flood Risk Assessment. In light of ECG Ruling People over wind and Peter Sweetman v Coillte Teoranta (ECLI:EU:C:2018:244) which provided additional interpretation in relation to the implementation of Article 6 the revised assessment screens in both the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA from a precautionary point of view and considers the project in the absence of a CEMP.
- NIS includes an in combination / cumulative assessment of preferred option for grid connection. However, ESB / Eirgrid will be the ultimate arbiter in terms of the final route of grid connection.
- Topographic survey was included and used to inform siting and design and Flood risk analysis and is included in appendix 4.

6.4 Planning Authority Response

6.4.1 The response of the Planning Authority asserts that having regard to the content of the appeals, the pattern of development in the area and the policies and objectives of the Clare County Development Plan 2017-2023, and the relevant Section 28 Ministerial Guidelines, the Planning Authority considers that, subject to conditions, the proposed development would not seriously injure the visual amenities of the area, the residential amenities of the area or the ecology of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area. As such, the Planning Authority respectfully requests that An Bord Pleanála upholds the decision to grant planning permission in this instance.

6.5 Further Observations of Third Party Appellants

6.5.1 Submission by Third Party Appellant John Casey in response to the first party response to the appeal is summarised as follows:

- Developers are the only ones who stand to gain economically from the proposal.
- Low level maintenance input means that the proposal is of minimal benefit in terms of employment
- Field of view from appellant's dwelling house is not a straight line. Uninterrupted view of the countryside will be significantly altered by the proposal including screening proposal. 15m high green wall.
- Community Consultation was inadequate.
- Exception taken to comments regarding impact on property values.

6.5.2 Submission by Tom Carew & Partners on behalf of Veronica Talty is summarised as follows:

- Response to the third party appeals does not deal with appellants concerns and only serves to alarm them more. Attitude to datum and levels a case in point.

- Request the Board to consider the details of the objection and refuse permission.

6.5.3 Submission by Patrick Cullinan and Patrick Lynch.

- Question the number of jobs to be created and where recruited.
- Visual impact on view and neighbours significant also in terms of resale value of homes and land.
- Disturbance by glint and glare.
- Community consultation is inadequate.
- Swans fly over from the River Fergus to Ballyalla Lake and this is the flight pass they use directly over the site of the solar farm.
- Site used by deer.
- Concern regarding impact on land at Barntick where future intention permission for family dwelling on land.

6.6 Observer

6.6.1 Observations are submitted by Maeve Halpin, Ladybird Lane Creche Lissane West. The observer supports the third party appeals and objects on the following grounds:

- Negative impact on business and house located to the southwest of the site.
- Lack of strategic framework for solar development
- Negative visual Impact and erosion of rural character.
- Construction impacts.
- Hydrological Link to Fergus and Shannon Estuaries complex gives rise to significant risk of indirect habitat loss, fragmentation of habitat or material alteration of habitat.
Glint and Glare - Lake Effect.
- Loss of grassland feeding ground and effects of runoff /discharge of pollutants to aquatic environment.
- Significant landscape modification.

- Deterioration of water quality could have negative impact on Annex I habitats and Annex II species.
- Ecological Assessment associated with the application is inadequate and in light of the precautionary approach a Natura Impact Statement is required.

7.0 Assessment

7.1 I consider that the main issues in this case can be considered under the following broad headings:

- Policy Compliance - Principle of development
- Impact on the amenities of the area – Landscape & visual, residential & rural amenity, cultural heritage,
- Air Traffic Safety
- Ecology
- Flood Risk
- Appropriate Assessment
- Environmental Impact Assessment

7.2 Policy Compliance - Principle of Development

7.2.1 The appeal site is located on unzoned lands in rural County Clare. In terms of landscape designations, the area is within the Western Corridor Ennis to Limerick working landscape category. CDP 13.3 is the relevant objective of the Clare County Development Plan 2017-2023 which is to permit development in these areas that will

sustain economic activity and enhance social wellbeing and quality of life – subject to conformity with all other relevant provisions of the plan and the availability and protection of resources.

- 7.2.2 As regards national policy on renewable energy, the proposed development is in accordance with national and EU policies which seek to promote the reduction of greenhouse gases and the advancement of renewable energy resources. There are no specific national or regional planning guidelines relating to the locational aspects of Solar PV farms.
- 7.2.3 At county level the Clare County Development Plan addresses solar energy at Chapter 8 within The Clare Renewable Energy Strategy 2017-2023 (Volume 6 of the Development Plan). Objective Res 8.1 is the *“Promotion of thermal solar energy and photovoltaic energy. It is an objective of Clare County council to “b) facilitate the development of thermal solar and PV in suitable locations, subject to proper planning and sustainable development.....d) All proposals in relation to solar, electric or thermal technology must be screened for appropriate assessment in accordance with Articles 6(3) and 6(4) of the Habitats Directives, and where judged necessary a Natura Impact Statement shall be submitted and an Appropriate Assessment must be conducted. The AA shall include an assessment for potential impacts on Qualifying Interest Features and their associated conservation. Objective Res 8.2 - Large Scale / Utility scale Solar Photovoltaic Panels is the “objective of Clare County Council: (b) To favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multi-purpose land use, subject to normal planning considerations. All such applications should be accompanied by an environmental report addressing issues such as ecological impacts, impacts on the amenity of adjoining properties, glint / glare, landscape impact assessment, cable trenching, sustainable drainage systems for the management or surface water disposal on site, decommissioning and site restoration. c) To require the preparation and assessment of all planning applications relating to solar energy in the plan area to have regard to the information, data and requirements of the Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of the Clare County Development Plan 2017-2023; d) To require projects to be fully informed by ecological and environmental constraints at*

the earliest stage of project planning and any necessary assessment to be undertaken including assessments of disturbance to species, where required; e) to require compliance with the objectives and requirements of the Habitats Directive, the Birds Directive, Water framework Directive; all other relevant EU Directives and all relevant transposing legislation.” 8.2.2 Factors influencing preferred locations for large scale photovoltaic installations, “Land Diversification, where solar farms can be developed on agricultural land, where proposals include the continued agricultural use of the site or incorporate biodiversity measures within the project;”

7.2.3 On the basis of review of the foregoing local and national policy context it is evident that the provision of solar farms on suitable sites is acceptable in principle subject to normal proper planning and environmental considerations. As regards the requested 10-year duration of permission, as solar farms are likely to continue to be dependent on both financial support from the government and access agreements with ESB networks, therefore there may be significant delay in implementation the permission. On this basis I consider that a 10-year permission is reasonable within the current policy context. As regards a proposed 30-year lifetime of permission, I note that the norm in respect of solar type development is 25 years which I consider to be appropriate also in this case.

7.3 Impact on the amenities of the area – Landscape and visual, residential and rural amenity, cultural heritage,

7.3.1 The Planning and Environmental Report submitted with the application addresses the landscape and visual impact at Section 6. The designation of the site is as settled landscape and the site is considered to be of low to medium landscape value. The assessment notes that in terms of views to the site, the nature of the development with panels at limited height of less than 3m provides that visibility will be localised and visual impacts greater in close proximity to the site. There is no visibility from Clarecastle Village. ZTV map indicates theoretical visibility and demonstrates that the main area of visibility is from the local roads to the east, north and parts of the west (R479). Visual effects are represented by the five photomontages and range from no effect to low to medium. Landscape effects are considered to be low in terms of the magnitude of the change. The effect on

landscape character is considered to be localised a moderate effect while impact on landscape fabric is considered low.

7.3.2 The assessment highlights that the main area of visibility which gives rise to concerns is from a number of locations directly to the east of the site where there are numerous dwellings including those of the third-party appellants and observer. A number of houses will have likely visibility particularly from the upper storeys. In terms of design mitigation, I note that within the further information response the applicant proposes additional landscaping and hedgerow planting to address this visibility. It is proposed that hedgerows will be managed at a height of 2-3m while trees will grow to approximately 7-15m.

7.3.3 I consider that the assessment of landscape sensitivity as set out is reasonable. The site rural, however rather than scenic or naturalistic in character, the area demonstrates landscape values which are more associated with rural productivity with industrial use while rural housing is also a significant visual presence. In terms of the effect on the landscape, the proposed solar farm will not require any significant alteration to landform or landcover pattern of the site. Construction and maintenance tracks will be similar to farm tracks and storage and operations structures are modest and incongruous. I consider that while there will be a noticeable impact on landscape character due to the introduction of a new and relatively intense form of built development, given the proximity to established settlement I consider that the proposed solar farm will not conflict unduly with prevailing landscape character. Landscape mitigation will ensure amalgamation of the development within the existing landscape pattern and I consider that the visual impact of the development is not significant.

7.3.4 As regards construction impacts, notably a 32 week construction period is envisaged. Over the construction period an additional 684 HGV movements are envisaged with a maximum of 5 occurring in any one day. The busiest period on the site will be the period between weeks 15 to 25 when 40 construction staff and 5 HGVs will travel to and from the site daily. Whilst the development will result in a small localised impact on the local road network in terms of increased traffic volumes on the basis of the short-term duration and subject to mitigation in terms of a traffic

management plan I consider that there will be no significant disruption in terms of construction and roads impact. Operational traffic is negligible in terms of its impact on the road network. I note that the Council imposed by way of condition a special contribution under Section 48(2)(c) in respect of signage on the local road serving the site and I consider that this is justified.

7.3.5 As regards cultural heritage this is addressed at Section 12 of the Planning and Environmental Report prepared by Tobar Archaeological Services. It is noted that there are no cultural heritage assets (RMP, RPS, NIAH) located within site or immediate vicinity. Sixty-two RMPs are located within 2km of the proposed solar farm however many of these are levelled or have little or no surface trace. No direct impact to the cultural heritage is envisaged and mitigation is proposed by way archaeological testing in areas of significant ground disturbance. Only minor to negligible impacts on setting within the wider area were identified. I note the submission of the Department of Culture Heritage and the Gaeltacht which recommended archaeological test excavation. I consider that on the basis of the information provided, the impact of the development on cultural heritage is not significant and may be appropriately mitigated.

7.3.6 As regards the issue of glint and glare this is addressed within Chapter 13. The study undertaken by Macro Works Ltd provides an assessment of potential reflectance periods for dwellings and road receptors within a 1km radius of the site. The study concludes that there will not be any significant nuisance or hazard reflectance effects experienced at surrounding receptors as a result of the proposed development. I consider that the conclusions presented are reasonable with regard to the effects of glint and glare whereby it is determined that the impact on road receptors and residential receptors would be negligible and will not result in any significant nuisance or hazard.

7.4 Air Traffic Safety.

7.4.1 The issue of air traffic safety and potential impact on Shannon Airport located 10km to the south of the site was one of the items raised in the Council's request for additional information. This arose further to the submissions of the Safety and

Environment Manager Shannon of Airport Authority DAC and the Irish Aviation Authority requesting that an assessment for glint and glare issues be carried out by a specialist consultant. The Planning and Environmental Report submitted with the application includes an assessment of Glint and Glare Effects at Aviation receptors compiled by Macroworks. The assessment uses the Solar Glare Hazard Analysis Tool (SGHAT) produced by Sandia National Laboratories in the US and endorsed by the Federal Aviation Authority (FAA) and is the accepted industry standard by aviation authorities internationally when considering glint and glare effects upon aviation related receptors. The conclusion of the analysis is that there is no potential for glare at the air traffic control tower or runway approaches to Shannon Airport. On the basis of the information provided, I consider that it has been demonstrated that the proposed development would not have an adverse impact on air traffic safety and is acceptable in this regard.

7.5 Ecology

- 7.5.1 The ecological impact assessment of the development is addressed in chapter 7. I consider that the report provides an appropriate level of detail with regard to the ecological impact of the proposed development. There are no habitats listed under Annex I of the EU Habitats Directive within the site boundary. No floral species listed under the habitats directive flora protection order or red list species were recorded on the site. In general, the development impacts on lands which have been subject to reasonably intensive agricultural development. The habitats of highest values i.e. hedgerows, tree lines and drains will be largely retained and measures are included to strengthen and protect the hedgerows. In general, I consider that the conclusions with regard to the impact on habitats is well reasoned and is acceptable.
- 7.5.2 As regard impact on fauna, the potential impact on birds, bats and terrestrial mammals is considered in detail. The most ecologically significant fauna recorded at the site were bat species. Following request for additional information wintering waterbirds survey report submitted by McCarthy Keville O Sullivan found that the site does not support important assemblages of wintering wildfowl, waders or species for which the Lower River Shannon and River Fergus Estuaries SPA are designated. The construction period will result in some disturbance to faunal species. However,

such works are similar to agricultural activity in terms of disturbance. Measures to avoid significant impact to aquatic receptors particularly the Lissane Stream within the site will be provided in accordance with best practice. The implementation of such measures will avoid potential for impairment of water quality due to sediment ingress or other pollutants. As regards disruption to faunal spaces through lack of access to foraging habitat by commuting mammals, best practice measures by way of mammal friendly fencing will be provided along the perimeter of the site.

- 7.5.3 Having considered the application documents in detail I consider that the impact on ecology does not present as a barrier to development of a solar farm on the site. Overall, I consider that the proposed development will not have a significant adverse impact on ecology on site or in the general area.

7.6 Flood Risk

- 7.6.1 On the issue of flood risk I note the updated flood risk assessment compiled by Hydro Environmental submitted in response to the request for additional information. The assessment by reference to OPW Preliminary Flood Risk Assessment Maps (PFRA) notes that the site is located within the indicative 200-year coastal flood zone - flood zone A reflecting the flat, low lying topography and close proximity to the River Fergus Estuary. As regards fluvial, an area within indicative 100-year flood zone A runs through the site adjacent to the Lissane stream with an area in Flood Zone B. Discrete areas of the site are also indicating pluvial flood zones. The assessment provides details of CFRAM (Catchment Flood Risk and Management) maps completed for the lands to the east of the site which indicate a significantly reduced coastal flood extent relative to PFRA mapping. Lands to the west of the Fergus Estuary are mapped as defended area and the coastal flood extent is restricted to the bank of the estuary. Given that the application site is further removed from the Fergus Estuary than the CFRAM study area it is reasonable to conclude that the defended area continues west to the application site reducing risk of tidal flood flows. CFRAM fluvial mapping also reduces flood zone A extent for the watercourse.
- 7.6.2 The assessment further outlines the site-specific flood risk assessment based on detailed walkover survey. The primary potential source of flooding identified is

pluvial and the primary pathway would be ponding of rainwater during a significant rainfall event and fluvial flooding along the northern boundary. The assessment notes that the development is a 'less vulnerable development. And sets out detailed design measures. It is noted that the location above ground level ensures that in the event of a flood scenario the presence of the solar panels does not obstruct the flow of flood water or displace flood capacity bar the negligible impacts of the frame support legs. Potential for increasing flood risk or flood levels elsewhere by displacing flood water is considered to be negligible to none. Through use of raised panels, SUDS design measures, appropriate spacing of infrastructure and exposure of undisturbed ground and suitable placement of project infrastructure, the development is predicted to have an imperceptible risk on flood risk elsewhere in the locality. Residual flood risk associated with potential fluvial and pluvial flooding of the site can be managed by way of standard drainage mitigation and appropriate solar panel design height. No highly vulnerable / sensitive components of the development are located within flood zone A. The nature of the photovoltaic panels means that they are resistant to negative potential effects of flood events. Having regard to the information available on file, I am satisfied that the potential impact of the development in terms of flooding have been established and that the type of development proposed is appropriate. I do not consider that the proposed development will exacerbate the risk of flooding in the area.

7.7. Appropriate Assessment.

7.7.1 The obligation to undertake appropriate assessment derives from Article 6(3) and 6(4) of the Habitats Directive. Essentially it involves a case by case examination for a Natura 2000 site and its conservation objectives and consideration of whether a plan or project, alone or in combination with other plans or projects, will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures to avoid reduce or offset negative effect. The determination must be carried out before a decision is made or consent given for the proposed plan or project, Consent can only be given after having determined that the proposed development would not adversely affect the integrity of a European Site in view of its conservation objectives.

- 7.7.2 The initial screening report and planning application was submitted with a screening for appropriate assessment which screened out the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA on the basis that a detailed construction environmental management plan (CEMP) had been prepared for the proposal along with a flood risk assessment both of which influenced the design and layout of the project to avoid impact on the receiving environment. However further to ECJ Ruling C323/ 17 delivered on 12th April 2018, which found that mitigation measures should not be taken into account when screening for any significant effects on SAC / SPA, the first party submitted a Natura Impact Statement to address this matter.
- 7.7.3 The Natura Impact Statement, dated 4th July 2018 is prepared by McCarthy Keville O Sullivan and includes, as appendix 3, an updated Screening Report. The report examined the likely effects of the proposed development both alone and in combination with other projects on the conservation objectives of Natura 2000 sites within the zone of likely influence (within 15km) and considers whether any possible impacts on conservation objectives of any Natura 2000 sites can be characterised as significant.
- 7.7.4 In terms of Step 1 of Stage 1 Screening, the European sites which could potentially be affected using the Source-Pathway-Receptor model are identified at Table 3.1 within the screening document. The Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) were the only sites identified within the likely zone of impact. Other Natura 2000 sites (seventeen in total) within the 15km radius were screened out on the basis of there being no pathway for effect within the contexts of the sites' conservation objectives.
- 7.7.5 Step 2 and 3. The Natura 2000 Sites screened in for assessment and relevant Conservation Objectives and potential likely and significant effects are set out as follows:

Site Name & distance	Qualifying Interests	Conservation Objectives	Potential Likely Significant Effect
<p>Lower River Shannon SAC (Site Code 0021650.) 6km to the southeast of the site</p>	<p>1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water) 1110 Sandbanks which are slightly covered by sea water all the time 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1150 *Coastal lagoons 1160 Large shallow inlets and bays 1170 Reefs 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 <i>Salicornia</i> and other annuals colonizing mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) 1349 Bottlenose Dolphin <i>Tursiops truncatus</i> 1355 Otter <i>Lutra lutra</i> 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation 6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) 91E0 *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p>	<p>Version 1.0 7 August 2012</p> <p>To Maintain / restore favourable conservation condition</p>	<p>No hydrological connection to Cloon catchment.</p> <p>Taking a precautionary approach potential pathways for indirect effects on surface water dependent estuarine and coastal qualifying interests in the form of deterioration of surface water quality resulting from pollution associated with construction operation and decommissioning.</p> <p>No pathways for effect with regard to terrestrial lagoon habitats.</p>

<p>River Shannon & River Fergus Estuaries SPA (Site Code 004077) 0.6km to the southeast of the site</p>	<p>A017 Cormorant <i>Phalacrocorax carbo</i> breeding + wintering A038 Whooper Swan <i>Cygnus cygnus</i> wintering A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> wintering A048 Shelduck <i>Tadorna tadorna</i> wintering A050 Wigeon <i>Anas penelope</i> wintering A052 Teal <i>Anas crecca</i> wintering A054 Pintail <i>Anas acuta</i> wintering A056 Shoveler <i>Anas clypeata</i> wintering A062 Scaup <i>Aythya marila</i> wintering A137 Ringed Plover <i>Charadrius hiaticula</i> wintering A140 Golden Plover <i>Pluvialis apricaria</i> wintering A141 Grey Plover <i>Pluvialis squatarola</i> wintering A142 Lapwing <i>Vanellus vanellus</i> wintering A143 Knot <i>Calidris canutus</i> wintering A149 Dunlin <i>Calidris alpina</i> wintering A156 Black-tailed Godwit <i>Limosa limosa</i> wintering A157 Bar-tailed Godwit <i>Limosa lapponica</i> wintering A160 Curlew <i>Numenius arquata</i> wintering A162 Redshank <i>Tringa totanus</i> wintering A164 Greenshank <i>Tringa nebularia</i> wintering A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> wintering A999 Wetlands</p>	<p>Version 1 17th September 2012 To Maintain / restore favourable conservation condition</p>	<p>There is potential for SCI species for which the SPA has been designated to occur within the site boundary. Potential for indirect effect as result of disturbance / displacement on the SCI species outside the European Site.</p> <p>Construction and decommissioning phases have the potential to impact on water quality within the SPA given hydrological connection via Lissane Stream.</p>
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7.7.6 Step 3. Likely and Significant Effects direct or indirect of the project on the European Sites solely within the context of the sites conservation objectives.

7.7.6.1 The potential impacts with reference to the Natura 2000 sites' conservation objectives at various stages of the process include emissions to surface and

ground water, run off, silt laden run off, hydrocarbon and other pollutants, fuels, construction materials to watercourses, loss of habitat for fauna, avoidance and disturbance.

7.7.6.2 No direct impacts are predicated on any Natura 2000 sites. In the scenario of a large release of suspended sediment or fuel spillage in the Lissane Stream there is potential for significant indirect impacts downstream to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

7.7.6.3 Indirect impact on the River Shannon and River Fergus Estuaries SPA as a result of potential for disturbance / displacement where special conservation interest species occur outside the boundary of the European site. However, based on survey work, no wintering bird species were recorded using the site therefore potential for significant impact on wintering bird species can be discounted.

7.7.7 Step 4. Potential likely and significant effects (direct or indirect) of the project in combination with other plans or projects on the European sites solely within the context of the sites conservation objectives.

7.7.7.1 Cumulative effects are considered with regard to other plans and projects and grid connection (preferred route is to substation near Aughandayaud Bridge in Ennis). In the absence of mitigation the potential for water quality impacts to the potential or significant cumulative effects cannot be discounted.

7.7.8 Step 5 Evaluation of potential effects identified using the source pathway receptor model.

7.7.8.1 No direct impacts on European Sites are predicted. Potential for indirect impact however cannot be excluded and the identified pathway for potential impact on European Sites are associated with the potential for water pollution and water quality impacts.

7.7.9 Step 6 Determine whether or not likely significant effects, either individually or in combination with other plans or projects on the European Sites can be reasonably ruled out on the basis of objective scientific information

7.7.9.1 On the basis of the identified pathways for potential impacts in respect of the River Shannon SAC and River Shannon and River Fergus Estuaries SPA having regard to the hydrological connection from the site, significant effects cannot be ruled out. The NIS considers activities the various stages of the development (Construction, operation, maintenance and decommissioning). In the scenario of a large release of suspended sediment to the Lissane stream during construction works, there is potential for significant indirect impacts downstream. Indirect impact via water quality on the key species and habitats for which the sites have been designated. Reduction in water quality and habitat availability could affect population levels of qualifying interest species.

7.7.9.2 In terms of the evaluation of potential effects of the projects on the conservation objectives of the sites taking account of mitigation, the mitigation measures include the provision of a buffer zone adjacent to the Lissane Stream and field drains, interceptor drains, collector drains, check dam stilling ponds level spreader and silt fencing and silt bags. A crossing is required over the Lissane Stream however no instream works will be permitted and a small clear span bridge or inverted U culvert is proposed for this crossing, Best practice guidelines and codes of practice will be implemented at various stages.

7.7.9.3 On the basis of the detailed mitigation measures for protection of water quality in the proposed drainage design and site management programme in addition to the nature of the qualifying interests and hydraulic distance, significant impacts on downstream habitats and species are unlikely. It is thus concluded that the project would not affect the integrity of the Lower River Shannon SAC and the River

Shannon and River Fergus Estuaries SPA either individually or in combination with other plans or projects.

7.7.9.4 Having considered the submitted report, I am satisfied that the methodology used in the NIS report is clearly explained and information sources set out. I consider that the level of information provided allows the Board as the competent authority to assess the impact of the proposed development on the integrity of the adjacent Natura 2000 sites. Having regard to the mitigation measures proposed. I consider that the conclusion that the proposed development will not adversely impact the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA is reasonably supported. On the basis of the details provided I consider that it has been demonstrated that the cumulative impact of the development will not have adverse effect on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA in light of their conservation objectives and that subject to the mitigation measures as proposed the project will not adversely affect the integrity and conservation status of any Natura 2000 sites.

7.8 Requirement for Environmental Impact Assessment

7.8.1 Photovoltaic solar farms are not listed as a specific use category under Schedule 5 of the 2001 Regulations as amended and therefore EIA is not mandatory. In considering the criteria for determining whether a development would or would not be likely to have significant effects on the environment, I consider that having regard to the characteristics of the proposed development and the location of the development and the characteristics of potential impacts, the proposed development is not likely to have significant effects on the environment and therefore EIA is not required.

7.8.2 I note in relation to the submitted documentation the application includes a planning and Environment Report as supplemented by additional information which addresses the key planning and environmental considerations for the proposed development

having regard to the receiving environment and the characteristics of the proposed development.

8.0 Recommendation

I recommend that planning permission should be granted, for the reasons and considerations as set out below.

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 on the 11th day of April 2018 and by the further plans and particulars received by An Bord Pleanála on the 5th day of July 2018 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 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, and the permission shall be for a period of 25 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.

Reason: To enable the planning authority to review the operation of the solar array having regard to the circumstances then prevailing and in the interest of orderly development.

3. Prior to commencement of development, a detailed restoration plan, providing for removal of all structures, foundations and access roads to a specific timescale shall be submitted to the planning authority for written agreement. 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, shall be dismantled and removed from the site. The site (including all access roads) shall be restored in accordance with the said plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: In the interest of orderly development.

4. No works shall commence without the submission for the approval of the planning authority final details for the chosen solar panels.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity and residential amenity.

6. Cables from the solar arrays to the inverters and substation shall be located underground.

Reason: In the interest of visual amenity.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All landscaping, including augmentation of existing boundary trees, shall be planted to the written satisfaction of the planning authority prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants 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 including hedgerows shall be retained.

Reason: In the interest of residential and visual amenity.

8. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals shall be submitted for prior approval to the Planning Authority. This shall be facilitated through the provision of mammal access gates every 100m along the perimeter fence and in accordance with standard guidelines for provision of mammal access (NRA 2008).

Reason: To allow wildlife to continue to have access across the site.

9. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority details for a SUDS drainage management system, including swales and ponds if necessary to ensure that stormwater runoff from the site does not exceed that for normal grassed agricultural lands.

Reason: In the interest of preventing flooding.

10. The developer shall facilitate an 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) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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.

11. The construction of the development shall be managed in accordance with a Construction 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 noise management measures and off-site disposal of construction/demolition waste.

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

12. 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.

13. 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 Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

14. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

15. The developer shall pay the sum of €1,000 (One thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the Planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of

signage on the LS-8250 local secondary road. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this consideration shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Bríd Maxwell
Planning Inspector

28th November 2018