



An
Bord
Pleanála

Board Direction
BD-000785-18
ABP-300652-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 26th 2018.

The Board decided, as set out in the following Order, that the installation of PV solar panels on the roof of the function room, behind the existing slate clad roof parapet, of the Fernhill House Hotel, Tawnies Lower, Clonakilty, Co. Cork, is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the installation of PV solar panels on the roof of the function room, behind the existing slate clad roof parapet, of the Fernhill House Hotel, Tawnies Lower, Clonakilty, Co. Cork is or is not development or is or is not exempted development.

AND WHEREAS Future Generation Solar, c/o The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork, requested a declaration on this question from Cork County Council, and the Council issued a declaration on the 8th day of December 2017 stating that the matter is development and is not exempted development.

AND WHEREAS Future Generation Solar referred this declaration for review to An Bord Pleanála, on the 4th day of January 2018.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6 of the Planning and Development Regulations 2001, as amended,
- (c) Class 56 (f) of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, and
- (d) The documentation on file and the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The installation of these solar panels would involve the carrying out of works and would therefore constitute development under Sections 2 and 3 of the Planning and Development Act 2000, as amended;
- (b) This development would not come within the scope of Section 4 (1)(h) of the Planning and Development Act 2000, as amended, not being works for the maintenance improvement of other alteration of an existing structure, but rather the erection of new structures (the PV solar panels) onto that existing structure (that existing structure being the hotel in question). Accordingly, the issue of whether or not the solar panels would materially affect the external appearance of the building does not arise;
- (c) The development would generally be of a type that comes within the scope of Class 56(f) of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended;

(d) However, in this instance, the development would not comply with Condition and Limitation number 1, to which Class 56(f) is subject, as the existing solar panels on the roof of the hotel have a total aperture area of 30 square metres, and the proposed area in this instance would amount to an additional 168 sq metres, and the total limit set out in Condition and Limitation number 1 is 50 square metres (which is less than 50% of the total roof area of the hotel). Furthermore, and based on the documentation submitted with the referral, the development would not comply with Condition and Limitation number 5, to which Class 56(f) is subject, as the solar panels are proposed to be installed less than 2 metres from the edge of the flat roof of the hotel. The development would not, therefore, be exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the installation of PV solar panels on the roof of the function room, behind the existing slate clad roof parapet, of the Fernhill House Hotel, Tawnies Lower, Clonakilty, Co. Cork, is development and is not exempted development.

Board Member

Philip Jones

Date:

27th July 2018