

An
Bord
Pleanála

Board Direction
BD-017224-24
ABP-317994-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/08/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- (i) European, national, regional, and county level support for renewable energy development as follows:
- (ii) The provisions of the Cork County Development Plan 2022-28
- (iii) The Climate Action Plan 2024
- (iv) The Project Ireland 2040 National Planning Framework,
- (v) The Regional Spatial and Economic Strategy for the Southern Region
- (vi) The nature, scale, and extent of the proposed development,
- (vii) The documentation submitted with the planning application, including the Natura Impact Statement, Planning and Environmental Statement, Construction and Environment Management Plan, EMF/EMC Impact Assessment report,; Noise Impact Analysis Report; Site Access Report, Archaeological, Architectural & Cultural Heritage Impact Assessment Report, Decommissioning & Restoration Plan; Electrical Infrastructure – Construction Methodology, Glint and Glare Assessment; and Landscape and Visual Impact Assessment.

- (viii) the nature of the landscape and its capacity to visually accommodate the proposed development without significant adverse effects,
- (ix) mitigation measures proposed for the construction, operation, and decommissioning of the site, and
- (x) the submissions and observations on file including those from prescribed bodies, the planning authority and other third parties.
- (xi) the location of the proposed development within an ecologically and visually robust landscape,
- (xii) the separation distances between the proposed development and dwellings or other sensitive receptors,
- (xiii) the planned connection of the proposed development to the national electricity grid,
- (xiv) 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 absence likely significant effects of the proposed development on European Sites.

It is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would be consistent with the provisions of the Cork County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an of unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not be likely to have significant effects on the environment or the ecology of the area, would be acceptable in terms of traffic safety, public health and would make a positive contribution to Ireland's renewable energy requirements.

Appropriate Assessment Screening

The Board considered the Appropriate Assessment Screening Report and relevant submissions and concluded that the Cork Harbour Special Protection Area Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058) are the only European Sites in respect of which the proposed development

has the potential to have a significant effect and must, therefore, be subject to Appropriate Assessment.

Appropriate Assessment Stage 2.

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058), in view of these sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In carrying out the Appropriate Assessment, the Board considered, in particular, the following:

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

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the report of the Inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Conclusions on Proper Planning and Sustainable Development

The Board considered that the proposed development would be in accordance with Development Plan Objectives ET 13-1 (contribute to sustainable delivery of a diverse and secure energy supply), ET 13-14 (supporting solar farm development), RP 5-12 (maintaining a Green Belt for Metropolitan Cork to prevent urban sprawl), RP 5-13 (appropriate land uses within the Green Belt) and RP 5-17 (strategic development within the Green Belt). Regarding specific Development Plan Objectives S51, GI 14-13 and GI 14-14 (relating to scenic routes), and GI 14-9, GI 14-10 and GI 14-16 (protection of landscape), the Board considered that the proposed solar farm

development can be successfully absorbed into the wider landscape and environment and that the documentation submitted with the application substantiates this conclusion. The Board were of the view that no material contravention of the Cork County Development Plan 2022-28 would arise as a result of the proposed development and that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. (a) The permission shall be for a period of 40 years from the date of the commissioning to final decommissioning of the solar array. The solar array and related ancillary structures shall 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 removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, 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.

4. 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.

5. The mitigation measures identified in the Natura Impact Statement, which was submitted with the application, shall be implemented in full. The Planning and Environmental Statement, the Construction and Environmental Management Plan and landscaping plans shall fully incorporate the mitigation measures contained in the Natural Impact Statement. The Planning and Environmental Statement, the CEMP and related plans shall then be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of clarity and the proper planning and sustainable development of the area, and to ensure the protection of the European sites.

6. The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall agree such details in writing with the planning authority prior to commencement of development.

Reason: In the interest of environmental protection.

8. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (i) Details of the site and material compounds, including areas identified for the storage of construction refuse;
 - (ii) Details of areas for construction site offices and staff facilities;
 - (iii) Details of site security fencing and hoardings;
 - (iv) Details of on-site car parking facilities for site workers during the course of construction;
 - (v) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (vi) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (vii) Measure to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (viii) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (ix) The containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (x) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - (xi) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

9. All road surfaces, culverts, watercourses, verges, underground services 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 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.

10. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

- (i) An LAeqT value of 55 dB(A) during the period of 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
- (ii) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

All sound measurements shall be carried out in accordance with ISO Recommendation 1996-2007: Acoustics – Description and Measure of Environmental Noise.

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

11. Prior to the commencement of development, the developer shall agree with the planning authority a protocol for the monitoring of noise from electrical apparatus within the sites. This protocol shall include provision for the shielding or removal of any such apparatus in the event of the exceedance of agreed noise limits as perceived at identified receptors.

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

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall;

- (i) 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,
- (ii) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (iii) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
- (iv) 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 site and to secure the preservation and protection of any remains that may exist within the site.

13. Prior to the 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 on 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 facilitating development in the area of the planning authority that is provided or intended to be provided by or on behalf of an 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 Bord 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.

Board Member



Stewart Logan

Date: 22/08/2024