

An
Bord
Pleanála

Board Direction
BD-017321-24
ABP-318685-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/08/2024.

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

In coming to its decision, the Board had regard to the following:

- (a) European, national, regional, and county level support for renewable energy development as follows:
- (b) the provisions of the Cork County Development Plan 2022-2028,
- (c) the Climate Action Plan 2024,
- (d) Project Ireland 2040 National Planning Framework,
- (e) the Regional Spatial and Economic Strategy for the Southern Region,
- (f) the nature, scale, and extent of the proposed development,
- (g) the documentation submitted with the planning application, including the Natura Impact Statement, Planning and Environmental Statement, Construction and Environment Management Plan, Electromagnetic Field Assessments/Electromagnetic Compatibility 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,

- (h) the nature of the landscape and its capacity to visually accommodate the proposed development without significant adverse effects,
- (i) mitigation measures proposed for the construction and operation of the substation,
- (j) the submissions and observations on file including those from prescribed bodies, the planning authority and other observers,
- (k) the location of the proposed development within an ecologically and visually robust landscape,
- (l) the separation distances between the proposed development and dwellings or other sensitive receptors,
- (m) the planned connection of the proposed development to the national electricity grid, and
- (n) 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 of likely significant effects of the proposed development on European Sites and,
- (o) the report of the inspector.

Appropriate Assessment: Stage 1:

The Board considered the Appropriate Assessment Screening Report and relevant submissions and concluded that the Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation (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 Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation (Site Code: 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.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the relevant 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 have a significant adverse impact on ecology, would be acceptable in terms of pedestrian and traffic safety, public health, would make a positive contribution to Ireland's renewable energy and security of energy supply requirements.

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 13-21, (facilitate, where practical and feasible, infrastructure connections to solar farms) and ET 13-14 (supporting solar farm development). With specific regard to development plan objectives S51, GI 14-13 and GI 14-14 (relating to scenic routes), RP 5-13 and GI 14-16 (protection of greenbelts) and GI 14-9 and GI 14-10 (protection of landscape), the Board considered the wording of these objectives in full by reference to the detailed evidence on file and the submissions of the planning and observers and the assessment of the Inspector. The Board determined conclusively that no material contravention of these objectives would arise as a result of the proposed development. The Board considered that these objectives (which are considered reasonable) are general in wording and broad in extent, for example the spatial expanse of the green belt, and varied in application, for example the changing contexts along which the Scenic Route S51 passes, and the acknowledged description in the development plan as to agricultural and residential characteristics of land use and the absence of a sense of remoteness as you travel the S51 route. In consequence, the Board determined that the visual form of the development, of itself and in combination with the separately proposed solar farm, can be successfully absorbed into the wider landscape and environment and that the documentation submitted with the application substantiates this conclusion. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 undertaker 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. 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 (CEMP) 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.

4. The undertaker 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.

5. 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 undertaker shall agree such details in writing with the planning authority prior to commencement of development.

Reason: In the interest of environmental protection.

6. The undertaker shall sign a connection agreement with Uisce Éireann prior to any works commencing and connecting to the Uisce Éireann network.

Uisce Éireann does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved.

Any proposals by the undertaker to build over/near or divert existing water or wastewater services subsequently occurs, the undertaker shall submit details to Uisce Éireann for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Uisce Éireann prior to a connection agreement.

All development shall be carried out in compliance with Irish Water Standards, Codes and Practices.

Reason: In the interest of environmental protection.

7. Prior to the commencement of development, details of CCTV cameras shall be submitted to the planning authority for written agreement. These shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.

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

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 Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

9. The undertaker shall comply with the transportation requirements of the planning authority for such works and services as appropriate. Prior to commencement of development, a traffic management plan for the construction stage shall be submitted to, and agreed in writing with the planning authority. The plan should also contain details of how the undertaker intends to engage with and notify the

local community in advance of the delivery of construction materials and equipment.

Reason: In the interest of traffic and pedestrian safety and the proper planning and sustainable development of the area.

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 undertaker 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 undertaker shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the undertaker 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.
- (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.

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.

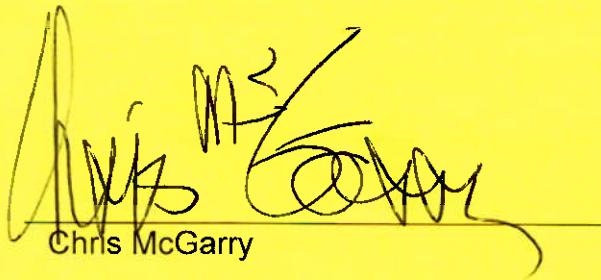
13. Prior to commencement of development, the undertaker shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement.

Reason: To ensure satisfactory reinstatement of the site.

Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€84,358**.

Board Member



Chris McGarry

Date: 27/08/2024