

An
Bord
Pleanála

Board Direction
BD-017033-24
ABP-318915-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/07/2024.

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:

- national and regional policy objectives in relation to renewable energy,
- the provisions of Cork County Development Plan 2022 – 2028,
- the nature, scale, extent and layout of the proposed development,
- the topography of the area,
- the existing hedging and screening on the site,
- the planning history of the site, including the extant solar farm permission (ABP-303013-18)
- the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development, which constitutes modification to a permitted solar farm and associated elements including a network cable, would accord with relevant national and regional renewable energy policy objectives, would accord with the relevant

provisions of the operative Development Plan, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, the modifications and associated elements which form the proposed development would not be likely to have significant effects on the environment, or the ecology of the area, and would not give rise to increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment - Stage 1

The Board considered the Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that Cork Harbour Special Protection Area (Site Code: 004030), is a European site for which there could be a likelihood of significant effects.

Appropriate Assessment - Stage 2

The Board considered the Natura Impact Statement and carried out an appropriate assessment of the implications of the proposal for the Cork Harbour Special Protection Area (Site Code: 004030), in view of the Site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for this European Site. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential

effects of the proposed development on the aforementioned European Sites, having regard to the Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Cork Harbour Special Protection Area (Site Code: 004030), or any other European Site in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of adverse effects.

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 to the planning authority on the 31st day of October 2023, 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 25/04/2019, reference ABP-303013-18, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in the Natura Impact Statement (dated 21st March 2023), Ecological Impact Assessment (dated 21st March 2023), Arboricultural Impact Assessment and Tree Protection Plans and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out

therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

4. The developer shall submit a revised Biodiversity Management and Enhancement Plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The revised plan shall include details to address management of grazing within the site of the solar farm having regard to the need to support species rich meadows/grasslands, breeding bird species, and wintering farmland birds and waterbirds.

Reason: To protect site biodiversity.

5. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
(c) Cables within the site shall be located underground.
(d) The inverter/transformer stations shall be dark green in colour.

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

6. All road surfaces, culverts, watercourses, verges 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.

Reason: In order to ensure a satisfactory standard of development.

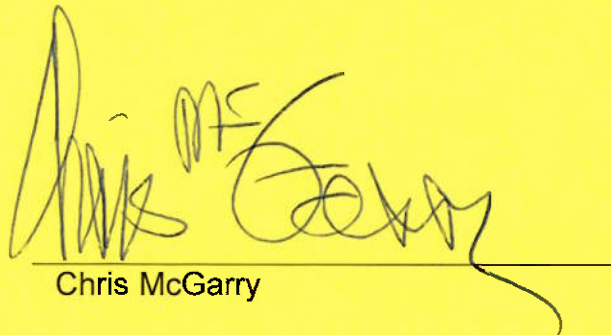
7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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

8. 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 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.

Board Member



Chris McGarry

Date: 17/07/2024