



An
Bord
Pleanála

Board Order

PL 02.248710

Planning and Development Acts 2000 to 2017

Planning Authority: Cavan County Council

Planning Register Reference Number: 16/443

Appeal by Declan and Linda Sheridan of Carrick, Finea, County Cavan against the decision made on the 23rd day of May, 2017 by Cavan County Council to grant subject to conditions a permission to Elgin Energy Services Limited care of RPS Group of West Pier Business Campus, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A Solar Farm with an export capacity of approximately 4.2 MVA comprising photovoltaic panels on ground mounted frames, an enclosed single storey ESB terminal station, a single storey switchgear enclosure and storage container, four number single storey inverter stations, ducting and underground electrical cabling, perimeter fencing, 11 number mounted CCTV cameras, provision of new access from R194 (and internal access tracks) and all associated site development and landscaping works within the townland of Carrickabane, Finea, County Cavan, as amended by the further public notice received by the planning authority on the 27th day of April, 2017.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- the nature and scale of the proposed development,
- the suitability of the aspect,
- the topography of the site,
- the available screening,
- the proximity to the grid infrastructure,
- the pattern of development in the vicinity,
- the provisions of the Cavan County Development Plan 2014–2020, and
- the regional and national policy support for renewable energy including solar photovoltaics,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the landscape or the visual amenities of the area, would not seriously injure the residential amenities of property in the vicinity, would not result in an increase in flood risk or result in any significant fire risk, would be acceptable in terms of glint and glare, traffic and road safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In undertaking a screening exercise in relation to the proposed development, the Board had regard to the Appropriate Assessment screening report submitted in support of the application, the nature, scale and location of the proposed development, the distances to and potential for connectivity with European Sites, and the report of the Inspector. The Board accepted the assessment of the Inspector that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on any European site in view of those sites' conservations objectives and shared her conclusions that a Stage 2 Appropriate Assessment is not required.

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 5th day of April, 2017 and by the further plans and particulars received by An Bord Pleanála on the 17th day of July 2017, 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 five years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. 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 in the light of the circumstances then prevailing.

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. Details of materials, colours, textures and finishes to the inverter cabins, control building, customer cabin and sub-station shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity of the area.

6. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the public road.

Reason: In the interest of the amenities of the area and of property in the vicinity.

7. Cables within the site shall be located underground.

Reason: In the interest of visual amenity.

8. All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of biodiversity and the visual amenities of the area.

9. Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority. On full or partial decommissioning of the solar array, or if the solar array ceases operation for a period of more than one year, the site, including access roads, shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

Reason: To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

10. 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 –
 - (a) notify the planning authority and the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works,

- (c) provide arrangements, acceptable to the planning authority and the Department of Culture, Heritage and the Gaeltacht, for the recording and for the removal of any archaeological material which either authority considers appropriate to remove,
- (d) should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigation action (e.g. preservation in-situ, or excavation) and should facilitate the archaeologist in recording any material found, and
- (e) the planning authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

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.

11. Prior to the commencement of the development, a Stage 1/2 Road Safety Audit and a Stage 3 Road Safety Audit shall be carried out by a Transport Infrastructure Ireland approved team on completion of the development and agreed in writing with the planning authority.

Reason: In the interest of road safety.

12. 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 reinstatement of public roads that may be damaged by construction transport 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 the reinstatement of public roads that may be damaged by construction transport.

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 the satisfactory reinstatement of the site upon cessation of the project.

