

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Cork County**

**Planning Register Reference Number: 17/04369**

An Bord Pleanála Reference Number: ABP-300228-17

**APPEAL** by Rachel Robinson of Ashwell House, Mohera, Castlelyons, Fermoy, County Cork against the decision made on the 24<sup>th</sup> day of October, 2017 by Cork County Council to grant subject to conditions a permission to Meridiem Renewables Mohera Limited of Unit 5, Blacklyon House, Blacklion, Greystones, County Wicklow in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development of a solar PV panel array with an export capacity of 5 MW comprising approximately 19,000 photovoltaic panels on ground mounted frames within a site area of 11 hectares, four number single storey inverter/transformer stations, one number single storey DSO substation, one number single storey customer substation with one number communications pole attached, one number single storey spares building, boundary security fencing, CCTV, associated electrical cabling and ducting, alteration to existing entrance to include access gates, access track and all associated ancillary development and landscaping works on land at Mohera, Castlelyons, Fermoy, County Cork.

## **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 provisions of the Cork County Development Plan 2014, and national and regional policy in relation to renewable energy, the nature and scale of the development proposed, the suitability of the screening and topography of the site, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health or the environment, would not contribute to, or, exacerbate flooding, would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the receiving environment, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, 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 to the planning authority on the 24th day of May, 2017 and the 28th day of September, 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 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 permission shall be for a period of 25 years from the date of 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. (1) 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.

- (2) 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.

5. 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 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, and
  - (c) 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.

6. 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.

7. The landscaping scheme shown on drawing number 19, as submitted to the planning authority on the 21<sup>st</sup> day of February, 2017 shall be carried out within the first planting season following substantial completion of construction works.

In addition to the proposals in the submitted scheme, a plan of not less than 1:500 showing the location of proposed semi-mature hedgerows and trees along the boundary with Abbey Lane shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established.

**Reason:** In the interest of residential and visual amenity.

8. The extent of above ground concrete supports for PV panels shall be agreed in writing with the public authority prior to construction.

**Reason:** To control surface water runoff and protect the soil.

9. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover a period of at least five years, and shall include details of the arrangements for its implementation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

10. A pre-construction badger survey shall be carried out in accordance with the National Roads Authority Guidelines. During the construction phase, the developer shall adhere to the 'Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes', published by the National Roads Authority in 2006. In particular, there shall be no pile driving within 150 metres of an active badger sett during the breeding season (December to June) or construction works within 50 metres of such an active sett during the breeding season.

**Reason:** In the interest of wildlife protection.

11. 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.

**Reason:** In the interest of public health.

12. (1) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of permission.
- (2) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.
- (3) Cables within the site shall be located underground.
- (4) The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as light grey or off-white and the roof shall be of black slate or tiles.

**Reason:** In the interest of visual and residential amenity.

13. Prior to commencement of development, details of the structures of the security fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for prior approval to the Planning Authority. This shall be facilitated through the provision of mammal access gates designed generally in accordance with standard guidelines for provision of mammal access issued by the National Roads Authority in 2008.

**Reason:** To allow wildlife to continue to have access across the site, in the interest of biodiversity protection.

14. 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.

15. Noise levels emanating from the proposed development when measured at noise sensitive locations shall not exceed 55 dBA between 0700 and 1900 hours, and 45 dBA between 1900 and 0700 hours.

All sound measurements shall be carried out in accordance with ISO Recommendations 1996:2007: Acoustics – Description, Measurement and Assessment of Environmental Noise.

**Reason:** In the interest of residential amenities.

16. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory reinstatement of the local public road (Abbey Lane), if damaged by the transport of material to the site in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to such provision and 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 local roads.

17. 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 satisfactory reinstatement of the site.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**