



Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 17/5370

Appeal by Martin Noonan and Brigitte Schorn-Noonan of Dún Árd, Meeleen, Knockraha, County Cork and by Others against the decision made on the 20th day of November, 2017 by Cork County Council to grant subject to conditions a permission to Lightsource Renewable Energy Ireland Limited of Scottish Provident Building, 7 Donegal Square West, Belfast in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction, operation and decommissioning of photovoltaic solar farm comprising photovoltaic panels on ground mounted frames within a site of up to 48.4 hectares, to include inverter stations, one number DNO substation, customer substation, switchgear substations, field transformers, auxiliary transformers, GRP cabinets, monitoring house, single storey storage shed, battery containers, transformer containers, WC, fencing, temporary construction compound, access tracks, CCTV cameras, landscaping and all associated ancillary development works at Ballyvatta and Clash, Knockraha, Leamlara, 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.

Appropriate Assessment

The development site and the Special Areas of Conservation (Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Great Island Channel SAC (Site Code: 001055)) are not hydrologically connected. The Cork Harbour Special Protection Area is circa seven kilometres to the south. Core foraging areas of the qualifying species is less than three kilometres.

The Board adopted the Inspector's report in relation to Appropriate Assessment and concluded that the proposed development, either individually or in combination, would not be likely to have a significant effect on the above-mentioned sites or any other European sites.

Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2014 - 2020, and national and regional policy in relation to renewable energy, to the nature and scale of the development proposed, and to the suitability of the screening and topography of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not endanger human health or the environment, and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted to the planning authority on the 25th day of October, 2017 and the 8th day of November, 2018, 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 shall 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 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. (i) 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.
- (ii) 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 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.

5. Prior to commencement of any works on site by the developer, a comprehensive landscape plan which details the exact numbers and strategic locations of all trees, hedgerows and mounds throughout the site, shall be submitted to, and agreed in writing with, the planning authority. This shall include all replacement planting for any sections of hedgerow which are to be removed to provide access to the site. The landscape maintenance plan and planting schedule shall be amended accordingly and submitted in conjunction with the landscape plan.

Reason: In the interests of visual amenity and biodiversity.

6. 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 interests of public health.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, to include a Construction Traffic 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;

- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage and use of stop-go signage operators at relevant junctions, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) 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;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) 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 Management Plan shall be kept for inspection by the planning authority.

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

8. Noise levels emanating from the proposed development when measured at Noise Sensitive Locations shall not exceed 55dB(A) between 0700 and 1900 hours, and 45dB(A) between 1900 and 0700 hours.

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

Reason: In the interest of residential amenities.

9.
 - (i) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of permission.
 - (ii) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.
 - (iii) Cables within the site shall be located underground.
 - (iv) 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.

10. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals shall be submitted to, and agreed in writing with, the planning authority. This shall be facilitated through the provision of mammal access gates every 100 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (National Roads Authority 2008).

Reason: To allow wildlife to continue to have access across the site.

11. 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.

12. Details of the materials, colours and textures of all structures as well as materials to be used in the construction of the access tracks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and the environment.

13. 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.

14. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of improvement works on the local roads surrounding the development site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

15. 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.

16. 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.

Eugene Nixon

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

Dated this day of 2018.