



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: D/40/17

WHEREAS a question has arisen as to whether the installation of PV solar panels on the roof of the function room, behind the existing slate clad roof parapet of the Fernhill House Hotel, Tawnies Lower, Clonakilty, County Cork, is or is not development or is or is not exempted development.

AND WHEREAS Future Generation Solar care of The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork, requested a declaration on this question from Cork County Council, and the Council issued a declaration on the 8th day of December, 2017 stating that the matter is development and is not exempted development.

AND WHEREAS Future Generation Solar referred this declaration for review to An Bord Pleanála, on the 4th day of January, 2018.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6 of the Planning and Development Regulations 2001, as amended,
- (c) Class 56(f) of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, and
- (d) The documentation on file and the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The installation of these solar panels would involve the carrying out of works and would, therefore, constitute development under Sections 2 and 3 of the Planning and Development Act 2000, as amended;
- (b) This development would not come within the scope of Section 4 (1)(h) of the Planning and Development Act 2000, as amended, not being works for the maintenance improvement or other alteration of an existing structure, but rather the erection of new structures (the PV solar panels) onto that existing structure (that existing structure being the hotel in question). Accordingly, the issue of whether or not the solar panels would materially affect the external appearance of the building does not arise;

- (c) The development would generally be of a type that comes within the scope of Class 56(f) of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended;
- (d) However, in this instance, the development would not comply with Condition and Limitation number 1, to which Class 56(f) is subject, as the existing solar panels on the roof of the hotel have a total aperture area of 30 square metres, and the proposed area in this instance would amount to an additional 168 square metres, and the total limit set out in Condition and Limitation number 1 is 50 square metres (which is less than 50 per cent of the total roof area of the hotel). Furthermore, and based on the documentation submitted with the referral, the development would not comply with Condition and Limitation number 5, to which Class 56(f) is subject, as the solar panels are proposed to be installed less than two metres from the edge of the flat roof of the hotel. The development would not, therefore, be exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the installation of PV solar panels on the roof of the function room behind the existing slate clad roof parapet of the Fernhill House Hotel, Tawnies Lower, Clonakilty, County Cork, is development and is not exempted development.

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.

Philip Jones

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

Dated this day of 2018.