



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/04664

Appeal by Marie-Anne and John Cotter of 10 Coolmore Gardens, Shanbally, Ringaskiddy, County Cork against the decision made on the 9th day of August, 2018 by Cork County Council to grant subject to conditions a permission to ENGIE Developments Ireland Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: A battery storage facility within a site area of approximately 0.72 hectares. The batteries will be housed in eight number metal containers with external air conditioning units, each container will have a gross floor area of approximately 41.8 square metres. Permission is also sought for eight number inverter stations, one number on-site substation, one number 38kv transformer, underground cables and ducts, a new entrance to the public road, boundary security fence, new internal access track, security lighting, CCTV cameras and all ancillary services and works. Planning permission is sought for period of 10 years, all at Shanbally, north of Shanbally Mews Road, near Ringaskiddy, 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 policy objectives for climate change adaptation and the electricity network in the Cork County Development Plan 2014-2020, to the location, nature and scale of the proposed development and to the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience and impact on the environment. 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 the 23rd day of July, 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 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. This permission shall be for a period of 25 years from the date of commissioning of the battery facility. De-commissioning of the battery facility and the removal of all structures from the site shall occur within the said 25-year period, unless a further planning permission for its longer duration on site is granted.

Reason: To enable the planning authority to review the operation of the proposed development in the light of the circumstances then prevailing.

4. The landscaping scheme shown on drawing number P1361-0700-0001 revision A, as submitted to the planning authority on the 23rd day of July, 2018 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

5. Prior to the commencement of development, a survey shall be undertaken, during the relevant optimal period of the year for the same, to identify the presence and species of any Pennyroyal Plants within the site. This survey and any recommendations arising from it shall be submitted to the planning authority.

Reason: In the interest of ecology.

6. The Schedule of Measures set out in the Outline of Invasive Species Management Plan for the site submitted as Appendix 2 to the applicant's Planning and Environmental Report shall be fully implemented.

Reason: In order to protect the environment.

7. Prior to commencement of development, the sightlines to the east and to the west of the proposed entrance shown on drawing number 1506-003 shall be provided and, thereafter, no structure or vegetation over one metre in height shall be placed in or allowed to grow within these sightlines.

Reason: In the interest of road safety.

8. HGV traffic movements to and from the site shall only be undertaken via that portion of the local road to the east of the proposed entrance to the site.

Reason: In the interests of good traffic management and road safety.

9. 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:

- (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, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (h) 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;
- (i) Off-site disposal of construction waste and details of how it is proposed to manage excavated soil;
- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and
- (k) 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 interests of amenities, public health and safety.

10. Construction traffic in attendance at the site shall be managed in accordance with 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, amongst other things, specify details of advance warning signs with respect to the proposed site entrance.

Reason: In the interests of good traffic management and road safety.

11. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive locations, shall not exceed:-
 - (i) 55 dB(A) (30-minute LAR) during the period 0700 to 1900 hours.
 - (ii) 50 dB(A) (30-minute LAR) during the period 1900 to 2300 hours.
 - (iii) 45dB(A) (15-minute Leq) during the period 2300 to 0700 hours.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendations 1996-2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

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

Dated this day of 2019.