



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 18/6010

Appeal by Edward Myers care of Seán R. McCarthy of The Orchard, Cork Road, Fermoy, County Cork against the decision made on the 24th day of June, 2019 by Cork County Council to grant subject to conditions a permission to Amarenco Solar Kill Saint Anne Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: A five MW solar farm comprising approximately 22,200 photovoltaic panels on ground mounted frames within a site area of 8.83 hectares, two number single storey inverter/transformer stations, one number single storey delivery station, security fencing, CCTV and all associated ancillary development works, all at Kill Saint Anne North, Castlelyons, Fermoy, County Cork. The proposed development was revised by further public notices received by the planning authority on the 6th day of June, 2019, including the relocation of the entrance.

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 regional and national policy objectives in relation to renewable energy,
- the provisions of the Cork County Development Plan 2014,
- the nature, scale, extent and layout of the proposed development,
- the topography of the site,
- the existing hedging and screening on the site, and
- the pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have significant effects on the environment, or the ecology of the area 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 on the 30th day of August, 2018 and the 8th day of May, 2019 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) This 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.

- (b) 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.

- (c) 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.

- 3. 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.

4. The developer shall facilitate the archaeological monitoring of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

5. Buffer zones shall be established around -

(a) Ringfort NM CO044-010 and probable enclosure CH001 and associated geophysical anomalies H:05 and H:06 and

(b) The bivallate enclosure H:01 and H:02

as delineated in the Archaeological, Architectural and Cultural Heritage Impact Assessment report received by the planning authority on the 31st day of July, 2018 and as delineated on the Site Layout Plan (drawing number L201 Rev.D) received by the planning authority on the 8th day of May, 2019.

The buffer zones shall be delimited using appropriate temporary boundary fencing and signage until the solar panels are installed. No construction works, stockpiling of topsoil, or any development, landscaping and/or planting shall take place within the designated buffer zones. No trees or plants shall be removed from this buffer zone.

Subsequent to the completion of development, the buffer zone shall remain around the sites. Planting within these buffer zones shall be limited to shallow rooted plants and/or grass.

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. The developer shall facilitate the protection of archaeological materials or features which 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 undertake a programme of archaeological testing of the archaeological anomalies H:03 and H:07 identified in the Geophysical Survey submitted to the planning authority on the 8th day of May 2018 and on a sample area across the site where ground works are to take place. No subsurface works shall be undertaken in the absence of the archaeologist;
 - (c) where archaeological material is found to be present, submit to and agree in writing with the planning authority revised proposals for the design of the proposed development, which shall ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance;
 - (d) employ a suitably-qualified archaeologist who shall monitor all subsequent site investigations and other excavation works; and
 - (e) 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.

7. (a) All existing hedgerows (except at access track openings) shall be retained and new planting undertaken in accordance with the details set out on the Site Layout Plan (drawing number L201 Rev.D) submitted to the planning authority on the 8th day of May 2019.
- (b) 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 during the operative period of the solar farm as set out by this permission, 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 interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

8. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) Cables within the site shall be located underground.
- (d) The inverter/transformer stations shall be dark green in colour.

Reason: In the interest of clarity, and of visual and residential amenity.

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 but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic, and the off-site disposal of construction waste.

Reason: In the interests of public safety, residential amenity and protection of the environment.

10. 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. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

Reason: In the interest of environmental protection and public health.

11. (a) Sightlines shall be provided at the proposed entrance to the site in accordance with details submitted to the planning authority on the 8th day of May, 2019.
- (b) A structural assessment of the existing bridge at the junction of local road L-5790 and local road L-1517 shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic 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 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.

13. 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

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

Dated this day of 2019.