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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 19/05706**

**Appeal** by Bryan Meredith of Ballinacrusha, Cobh, County Cork and by Edmund Mansworth of Berry Hill, Cobh, County Cork against the decision made on the 28<sup>th</sup> day of August, 2019 by Cork County Council to grant subject to conditions a permission to Amarenco Solar Cobh 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 5 MW solar farm comprising approximately 22,200 photovoltaic panels on ground mounted frames within a site area of 12 hectares, two number single storey inverter/transformer stations, one number single storey delivery station, security fencing, CCTV and all associated ancillary development works at Ballynacrusha, Cobh, 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:

- (a) national and local policy in relation to the deployment of renewable energy,
- (b) the scale, extent and layout of the proposed development,
- (c) the pattern of development in the area, and
- (d) the generally good screening available to the site by means of existing hedgerows,

it is considered that, subject to compliance with the conditions set out below, the proposed solar farm would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of landscape, archaeological and ecological impacts and 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, 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. (a) All structures including foundations hereby authorised shall be removed not later than 25 years from the date of commissioning of the development, and the site reinstated unless planning permission has been granted for their retention for a further period prior to that date.

- (b) Prior to commencement of development, a detailed restoration plan, providing for the removal of the solar arrays, including all foundations, anchors, fencing and all lighting and CCTV poles, to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. 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. (a) The landscaping proposals shall be carried out within the first planting season following commencement of construction of the solar farm development. All existing hedgerows shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- (b) Upon commissioning of the development and for a period of two years following first operation, the developer shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no such glint impact has taken place on adjoining houses as a result of the development and shall provide such further mitigation measures (e.g. additional screening and/or planting) as the planning authority may specify in writing, to ensure that this is achieved.

**Reason:** To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity, and to mitigate any glint impact from the proposed development upon adjoining residential amenities.

5. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

**Reason:** In the interest of the long-term viability of this agricultural land, and in order to minimise impacts on drainage patterns.

6. Security lighting shall be angled and constructed so as to reduce, as far as possible, the light scatter over adjacent houses to east and west of the site, and to ensure that no glare is caused to adjoining residents or users of the public road in the vicinity of the site.

**Reason:** In the interests of residential amenity and traffic safety.

7. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property.

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

8. Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.

**Reason:** To allow wildlife to have access through the site.

9. (a) The developer shall be required to engage the services of a suitably qualified archaeologist to establish a buffer zone of at least 20 metres around each of the three enclosure sites (CH031, CH034 and CH035) as identified in Figure 2b of the Archaeological Assessment. During construction, the buffer zones shall be delimited using appropriate temporary boundary fencing and signage. No construction works, stockpiling of topsoil etc, or any development, or landscaping and/or planting shall take place within the designated buffer zone. No trees, plants etc shall be removed from this buffer zone. Subsequent to the completion of the development, the buffer zone shall remain around the Archaeological Monument, that is, no landscaping and/or planting shall take place within the buffer zone. Planting within this buffer zone shall be limited to shallow-rooted plants and/or grass.
- (b) The developer shall be required to engage the services of a suitably qualified archaeologist to establish a 'No-dig' zones around the Cultural heritage features revealed by geophysical survey as (CH032-CH033 and CH036-CH039) as identified in Figure 2b and 7 of the Archaeological Assessment. Only non-invasive above ground solar panel supports shall be used within these areas and no other sub-surface works shall be carried out in these areas such as cable trenches. Protective matting shall be put in place during installation to prevent machine rutting.

- (c) The developer shall be required to engage the services of a suitably qualified archaeologist to monitor under licence from the National Monuments Services of the Department of Culture, Heritage and the Gaeltacht (DCH&G) all round works associated with the access tracks and cable ducts. The removal of topsoil shall be carried out by a toothless graded bucket and under the direction of the appointed archaeologist. In the event that archaeological material is found during the course of monitoring, the archaeologist shall have work on the site immediately stopped and notify the Local Authority Archaeologist and National Monuments Services (Department of Culture, Heritage and the Gaeltacht). No further surface clearance shall take place, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Local Authority Archaeologist in regard to any necessary mitigating action (e.g. preservation in-situ, or excavation). The developer shall facilitate the archaeologist in recording any material found. The planning authority National Monuments Service (Department of Culture, Heritage and the Gaeltacht) shall be furnished with a written report describing the results of the monitoring.

**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.



10. 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 noise management measures and off-site disposal of construction waste.

**Reason:** In the interests of public safety and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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. All cables associated with the development shall be located underground. The external finishes of the electricity control unit and the power inverter unit, and of all fencing, shall be dark green in colour only.

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

13. The 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.

**Reason:** In the interests of traffic safety and orderly development.

14. (a) Noise levels emanating from the proposed development when measured at Noise Sensitive Locations shall not exceed:
- (i) 55 dBA (30 minute LAR) between 0700 hours and 1800 hours,
  - (ii) 50 dBA (30 minute LAR) between 1900 hours and 2300 hours, and
  - (iii) 45 dBA (15 minute Leq) between 2300 hours and 0700 hours.
- (b) All sound measurements shall be carried out in accordance with ISO Recommendations R 1996 – “Acoustic-Description and Measurement of Environmental Noise Levels” as amended.

**Reason:** To safeguard the amenities of the area and control noise emissions from the 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 upon cessation of the solar farm 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.

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

**Dated this            day of            2020.**