



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 17/05799

Appeal by Fiddane Solar Action Group care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork against the decision made on the 26th day of January, 2018 by Cork County Council to grant subject to conditions a permission to IGP Solar 8 Limited care of Entrust Planning and Environmental of Main Street, Kilcolgan, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development of a 67.8 hectare Solar PV Farm. The proposed solar farm will consist of the installation of a 30 year operation and subsequent decommissioning of a series of ground mounted solar photovoltaic (PV) panels, mounted on steel support structures 2.1 metres in height, together with 1 single storey ESB control room, 14 electrical transformation enclosures, underground cabling, CCTV poles and cameras, deer type security fencing, site entrance, hardstanding area, landscaping along part of the northern site boundary and other associated development works, for the purpose of generating renewable energy electricity, all at Fiddane, Ballyhea, 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 regional policy objectives in relation to renewable energy,
- (b) the provisions of the Cork County Development Plan 2014,
- (c) the nature, scale, extent and layout of the proposed development,
- (d) the topography of the site
- (e) the existing hedging and screening on the site,
- (f) the pattern of development in the vicinity,
- (g) the Natura impact statement submitted, and
- (h) the report of the Inspector,

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.

Appropriate Assessment Screening

The Board considered the amended Screening for Appropriate Assessment, the Natura impact statement and associated documentation submitted with the application and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European site in respect of which the proposed development has the potential to have a significant effect is Blackwater River (Cork/Waterford) Special Area of Conservation (site code 002170).

Appropriate Assessment

The Board considered the Natura impact statement and associated documentation submitted, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for European Site, Blackwater River (Cork/Waterford) Special Area of Conservation (site code 002170) in view of the site's conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, including the grid connection proposed under planning Reg. Ref: 19/6817 and the solar farm proposed under planning Reg. Ref: 20/4041,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

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 15th day of November 2017, the 22nd day of December 2017 and by the further plans and particulars received by An Bord Pleanála on the 3rd day of April 2018 and on the 12th day of November, 2020, 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. The applicant shall comply with the mitigation measures contained in the Natura Impact Statement received by An Bord Pleanála on the 12th day of November, 2020.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

3. 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.

4. (1) The permission shall be for a period of 30 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.

- (2) 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.
- (3) 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.

5. 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.

6. (1) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the Landscape Layout drawing number LA 001 REV 04 submitted to the planning authority on the 15th day of November, 2017.

- (2) 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 amenities of dwellings in the vicinity.

7. (1) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (2) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (3) Cables within the site shall be located underground.
- (4) 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 interests of clarity, and of visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

8. A revised layout of the construction compound delineating the buildings to be retained, car parking provision, location of wheel wash and location of stockpiles shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and to ensure a proper standard of development.

9. Prior to commencement of development, details of the structures of the security fence showing provision for the movement of mammals shall be submitted for prior approval to 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.

10. 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.

11. Buffer zones shall be established around:
- (a) Ringfort CO007-001 (buffer zone A) as shown on Figure 1, and
 - (b) Zones A – G as outlined in Zones of Exclusion on Figures 9, 12 – 16
- in the Archaeological Impact Assessment Report received by the planning authority on the 15th day of November, 2017.

The buffer zones shall be delimited using appropriate temporary boundary fencing and signage. A site layout showing the location of the buffer zones supported by photographic evidence shall be submitted for the written agreement of the planning authority prior to commencement of development. No constructions works, stockpiling of topsoil, or any development, landscaping and/or planting shall take place within the designated buffer zone. No trees or plants shall be removed from this buffer zone.

Subsequent to the completion of development, the buffer zone shall remain around the Recorded Monument CO007-001. Planting within this buffer zone 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.

12. Buffer zones shall be established around features T1, T2, T12, T13, T18, T23 and T33 as outlined in Figures 1 – 7, 12-13, and 16 in the Archaeological Impact Assessment report received by the planning authority on the 15th day of November, 2017.

The buffer zones shall be delimited using appropriate temporary boundary fencing and signage until the solar panels are installed. No ground works shall take place in the designated buffer zones. A site layout plan showing the location of the buffer zone supported by photographic evidence shall be submitted for the written agreement of the planning authority prior to commencement of development.

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.

13. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), generally in accordance with that received by An Bord Pleanála on the 12th day of November 2020, 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, a structural assessment and monitoring programme of the haul route and the off-site disposal of construction waste.

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

14. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security as may be acceptable to the planning authority to secure the provision and satisfactory reinstatement of the local public road, if damaged by the transport of material to the site in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

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 the satisfactory reinstatement of local roads.

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.

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

Dated this day of 2021.