

An  
Bord  
Pleanála

## Board Order ABP-308979-20

### Planning and Development Acts, 2000 to 2020

#### Planning Authority: Cork County Council

**Application** for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 18<sup>th</sup> day of December, 2020 by Terra Solar II Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork.

**Proposed development:** Approval for a period of 10 years for development comprising of a 110kV four-bay C-type electricity substation (with 33kV customer compound) (including two control buildings, lightning protection, perimeter security fencing, security lighting, drainage infrastructure, temporary construction compound) to connect to and serve a solar farm; associated loop-in infrastructure to tie into an existing 110kV overhead transmission line including underground 110kV cabling and two number new end masts with 110kV line diversion cabling; vehicular entrance and access track from public road; ancillary site development and landscaping works, including formation of berms within area of permitted solar farm (under register reference number 18/6769) at Lysaghtstown, Middleton, County Cork.

## **Decision**

**APPROVE** the proposed development under section 182A of the Planning and Development Act, 2000, as amended, for the following reasons and considerations and subject to the conditions set out below, and

**DETERMINE** under section 182B of the Planning and Development Act, 2000, as amended, the sum to be paid by the undertaker in respect of costs associated with the application, as set out in the Schedule of Costs 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**

In coming to its decision, the Board had regard to the following:

- **European legislation**, including of particular relevance:
  - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (Birds Directive), which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
  - The EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.

- **National and regional planning and related policy**, including:
  - The National Planning Framework.
  - The Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012.
- **Regional and local level policy**, including:
  - The Regional Spatial Economic Strategy for the Southern Region.
- **Local planning policy**, including:
  - The Cork County Development Plan 2014-2020.
  - Other relevant guidance documents.

and

- the nature, scale and design of the proposed development and the pattern of development in the vicinity, including the permitted solar farm developments within the vicinity of the proposed development site,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment screening.

## **Appropriate Assessment:**

### Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation (Site Code: 001058) are the European Sites for which there is a likelihood of significant effects.

### Stage 2:

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation (Site Code: 001058), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

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

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically upon the Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation (Site Code: 001058),
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the Conservation Objectives for these European Sites.

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 integrity of the aforementioned European Sites, having regard to the sites' 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 Sites, in view of the sites' Conservation Objectives.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area, would be in accordance with national, regional and local policy, would be acceptable in terms of traffic safety and convenience, and in respect of its likely effects on the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The period during which the proposed 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. All mitigation and monitoring measures identified in the Natura impact statement shall be implemented in full as part of the proposed development.

**Reason:** In the interest of development control, public information and clarity.

4. All of the environmental, construction and ecological mitigation measures set out in the Ecological Impact Assessment and the Planning and Environmental Report, and other particulars submitted with the application, shall be implemented by the undertaker in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

5. Trees shall be examined prior to felling to determine the presence of bat roosts. Any works shall be in accordance with the TII Guidelines for the Treatment of Bats during the construction of National Road Schemes.

**Reason:** In the interest of wildlife protection.

6. Prior to commencement of development, the undertaker shall submit an Invasive Management Species Action Plan for the written approval of the planning authority which shall include full details of the eradication of the Cherry Laurels from the site before construction on the site.

**Reason:** In the interest of nature conservation and mitigating ecological damage associated with the proposed development.

7. (a) No additional 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. Their location within the compound shall be agreed with the planning authority prior to commencement of work on site.  
(c) All lighting shall be operated in such a manner as to prevent light overspill

to areas outside of the compound.

- (d) Prior to commencement of development, the undertaker shall submit a detailed lighting plan for the written agreement of the planning authority.

The plan shall include the type, duration, colour of light and direction of all external lighting to be installed within the external areas of the development site.

**Reason:** In the interest of clarity and of visual and residential amenity and the protection of local biodiversity.

8. 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.

9. The undertaker shall facilitate the archaeological appraisal 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 undertaker shall:
- (a) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works.
  - (b) investigate areas of archaeological potential by means of geophysical survey and, depending on the findings, carry out test excavations if deemed necessary following consultation with the National Monuments Services Section of the Department of Culture, Heritage and the Gaeltacht.
  - (c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and

- (d) submit a report to the planning authority, containing the results of the archaeological investigations and assessment.

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.

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:

- (a) the location of the site and materials compound including the area identified for the storage of construction refuse,
- (b) the 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 obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (i) details of the 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,



- (j) details of off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (k) details of on-site re-fuelling arrangements, including use of drip trays,
- (l) details of how it is proposed to manage excavated soil, and
- (m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- (n) 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 interest of environmental protection, amenities, public health and safety.

11. (a) During the operational phase of the proposed development, the noise level arising from the proposed development, as measured at the nearest noise sensitive location, shall not exceed:
- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T-value shall be one hour.]
  - (ii) An LAeqT value of 45 dB(A) at any other time. [The T-value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurements shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect to Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 Description and Measurement of Environmental Noise" as applicable.

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

12. The delivery of abnormal loads for the construction of the development shall be managed in accordance with a Traffic 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 the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan shall also contain details of how the undertaker intends to engage with and notify the local community in advance of the delivery of oversized loads.

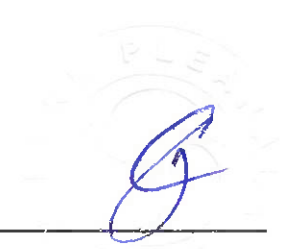
**Reason:** In the interest of public safety and residential amenity.

13. Prior to commencement of development, the undertaker shall submit for the written agreement of the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment.

**Reason:** In the interest of aviation safety.

14. Water supply, and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.



## Schedule of Costs

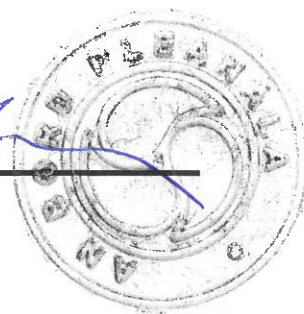
In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€75,909**.

A breakdown of the Board's costs is set out in the attached Appendix 1.

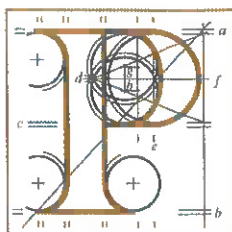


**John Connolly**

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



Dated this 24<sup>th</sup> day of JUNE 2021



An  
Bord  
Pleanála

Board Order –  
Appendix 1

ABP-308979-20

**Strategic Infrastructure Development**

**Costs of determining the Application**

**Case Number:** ABP-308979-20

**Proposed Development:** 110kV substation to connect to and serve a solar farm, associated loop-in infrastructure and all ancillary works at Lysaghtstown, Midleton, Co. Cork.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €5,434 Inspector 2 (application) €20,007	€25,441
(2)	Costs invoiced to Board	N/A
	<b>Total chargeable costs</b>	<b>€25,441</b>
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	€350
	Net amount due to be refunded to applicant	<b>€75,909</b>

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

Dated this 29<sup>th</sup> day of JUNE 2021