



An  
Coimisiún  
Pleanála

Commission Order  
ABP-320819-24

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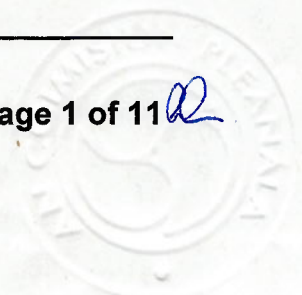
**Planning and Development Act 2000, as amended.**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 23/05719**

**Appeal** by Nora and Michael O'Connell of Clonbanin West, Derrinagree, Mallow, County Cork against the decision made on the 20<sup>th</sup> day of August, 2024 by Cork County Council to grant permission subject to conditions to Clonbanin Solar 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 10-year permission for a PV farm consisting of approximately 9,464 photovoltaic panels on ground mounted frames with 16 number string inverters within a site area of 10.4764 hectares, one number single storey transformer station, one number single-storey spare parts storage container, one number delivery station, upgrading of existing agricultural entrance onto L1101, internal access tracks, security fencing, CCTV landscaping and all associated development site works at Cloonbannin West, Mallow, 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.**

## **Reasons and Considerations**

The Board made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended;
- the Climate Action Plan 2024 and Climate Action Plan 2025;

and otherwise had regard to European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

### **European Policy/Legislation including:**

Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);

Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive); and

Directive 2000/60/EC (Water Framework Directive);

### **National Policy and Guidance including:**

- (a) Project Ireland 2040: National Planning Framework ("NPF"), First Revision – April, 2025,

- (b) National Development Plan 2021-2030,
- (c) the objectives and targets of the National Biodiversity Action Plan 2023-2030,
- (d) Policy Statement on Security of Electricity Supply (November 2021),
- (e) National Energy Security Framework (April 2022), and
- (f) National Energy and Climate Action Plan (2021-2030);

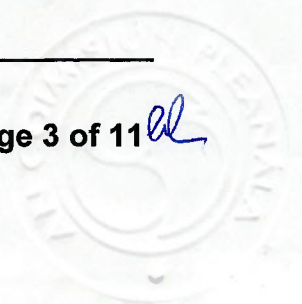
**Regional and Local Planning Policy**, including in particular:

Regional Spatial and Economic Strategy for the Southern Region (2020-2032) and the Cork County Development Plan 2022-2028.

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

Having regard to the following:-

- (a) the location, nature, scale and layout of the proposed development,
- (b) the pattern of development in the area and context of the receiving environment,
- (c) the cultivated nature of the lands and the existing network of high hedgerows and treelines,





- (d) the mitigation measures proposed for the construction, operation and decommissioning of the site,
- (e) the submissions and observations on file, including those from prescribed bodies, the planning authority, and third parties,
- (f) the separation distances between the proposed development and dwellings or other sensitive receptors, along with the adequate provision of buffer planting when required,
- (g) the hydraulic characteristics of the site and the robust nature of the proposed development,
- (h) measures proposed for the construction, operation and decommissioning of the development,
- (i) the submissions received in relation to the appeal, and
- (j) the Inspector's report and recommendation,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Cork County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, would not have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

### **Environmental Impact Assessment Screening**

Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of Schedule 5, within the Planning and Development Regulations, 2001 (as amended) and no mandatory requirement for EIA therefore arises and there is no requirement for a screening determination.

## 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 received by the planning authority on the 24<sup>th</sup> day of July, 2024, 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 the 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 development hereby permitted may be carried out shall be 10 years from the date of this Order.

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

3. The permission shall be for a period of 40 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 that period, planning permission shall have been granted for their retention for a further period. 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. 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.

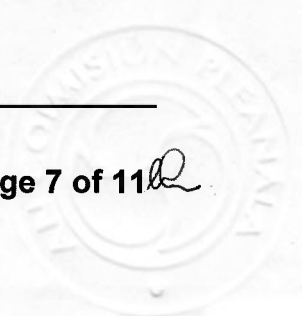
**Reason:** In the interest of clarity.

4. Prior to the commencement of development, an amended glint and glare report shall be submitted to, and agreed in writing with, the planning authority which shall:-
  - (a) consider and assess amendments in relation to the removal of the PV panels at the South Western area of the site, and
  - (b) consider a continuous woodland buffer of indigenous species along the southern site boundary with the N72 road, details of which shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To reduce the potential for glint and glare on local housing and road users and in the interest of traffic safety.

5. All trees and plants provided as landscaping and mitigation shall be of native species and where practical, all seeds and plants shall be sourced locally.

**Reason:** To protect the natural biodiversity of the area.





6. The developer shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice, and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

**Reason:** To protect the environmental and natural heritage of the area.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, to include a Construction Traffic Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

8. All road surfaces, culverts, watercourses, verges, underground services and public lands shall be protected during construction, and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure a satisfactory standard of development.



9. (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 as per plans and particulars received by the planning authority on the 5<sup>th</sup> day of July, 2024, shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) The solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.
- (d) Cables within the site shall be located underground.

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

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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

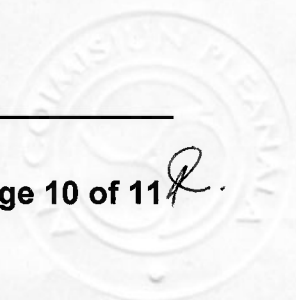
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún 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.

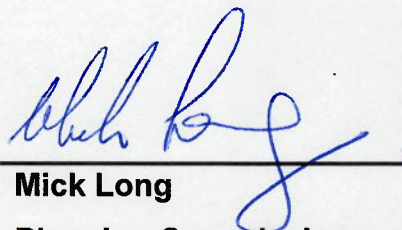
11. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled 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 Coimisiún Pleanála for determination.

**Reason:** To ensure satisfactory reinstatement of the site.



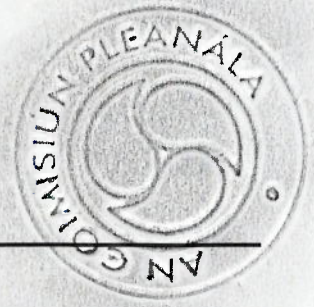
12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities facilitating development the area of the planning authority that is provided or intended to be provided by or on behalf of an authority in accordance with the terms of the 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 Coimisiún 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.



**Mick Long**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *1<sup>st</sup>* day of *September* 2025