

An
Bord
Pleanála

Board Order
ABP-321404-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/158

Appeal by Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 13th day of November, 2024 by Kerry County Council to grant permission, subject to conditions, to Banna Beach Resort care of Energywise Ireland Limited of Hollymount Industrial Estate, Blarney Road, Cork for the proposed development.

Proposed Development: A circa 810 kWp renewable energy solar PV installation consisting of up to circa 3,591 square metres (1500 number) ground mounted solar panels fixed to metal frames and all associated works at Banna Mountain, Banna, Ardfert, Tralee, County Kerry, as amended by the further public notices received by the planning authority on the 18th day of October, 2024.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national and regional renewable energy policies, and with the provisions of Objective KCDP 12-1 (Energy) and Objectives KCDP 12-14 and KCDP 12-16 (Renewable Energy) of the Kerry County Development Plan 2022-2028, would not seriously injure the visual or rural amenities of the area, would not have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not be likely to have a significant effect on European sites, and 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) This permission shall be for a period of 25 years from the date of the first commissioning of the solar array. All structures shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.

- (b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the solar arrays and all ancillary structures, and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.
- (c) On decommissioning or if the solar array ceases operation for a period of more than one year, the solar arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site within six months of decommissioning.

Reason: In the interest of landscape restoration.

- 3. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission,
- (b) the solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission, and
- (c) the transformers/inverters shall be dark green in colour.

Reason: In the interests of clarity, visual amenity, and to minimise impacts on drainage patterns and surface water quality.

4. All of the environmental, construction and ecological mitigation measures, as set out in the Ecology Report, the Site Specific Flood Risk Assessment and the Construction Management and Decommissioning Plan shall be implemented by the developer in conjunction with the timelines and monitoring set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of visual amenity, protection and conservation of the environment including flora and fauna, the prevention of environmental pollution and the protection of waters.

5. A revised Landscaping Plan, containing a detailed schedule of location specific fencing, vegetation control and habitat creation/mitigation/monitoring shall be submitted for the written agreement of the planning authority prior to the commencement of development and all planting shall be carried out within the first planting season following commencement of development on site.

Reason: In order to screen the proposed development in the interest of visual amenity.

6. Construction of the development shall be managed in accordance with a finalised Construction and Environmental 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:

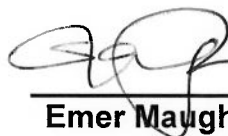
- (a) fenced buffer zones from water bodies so as to exclude construction machinery whilst retaining the required access by the competent authority for maintenance of the arterial drainage channel,

- (b) measures to ensure that no machinery to operate in waterlogged areas,
- (c) location of the site and materials compound(s),
- (d) details of site security fencing and hoardings,
- (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (g) 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,
- (h) details of on-site re-fuelling arrangements, including use of drip trays,
- (i) 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, and
- (j) hours of construction.

Reason: In the interests of environmental protection, public health and safety.

7. 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.

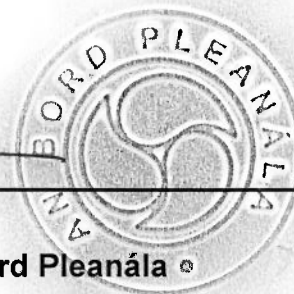
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Emer Maughan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 22ND day of APRIL 2025.