



An
Bord
Pleanála

Inspector's Report ABP-304045-19

Development	Solar Farm
Location	Garravagh, Inniscarra, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/7410
Applicant(s)	Terra Solar II Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Judy Kravis & Peter Morgan
Observer(s)	DAA
Date of Site Inspection	17 th June, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The 22.72 hectare site is approximately 1km north-west of Ballincollig in County Cork. It is located on a hilltop and is accessed from Regional Road R618 to the south. The site consists of six fields in arable and pasture use. A telecommunications compound is sited at the top of the hill. Commercial forestry bounds the site to north, south and west, with agricultural lands lying to the east. Overhead transmission lines traverse the site to the south. The location for the proposed substation forms part of a field that lies west of a number of small-scale commercial operations. The nearest residential property is approximately 300m to the west of the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise the development of a solar farm consisting of c. 85,000m² of solar panels on ground-mounted frames, a single-storey substation, 6 no. single-storey electrical inverter/transformer stations, a battery storage module and associated equipment container, security fencing, satellite pole, CCTV, and all associated ancillary development works. The operational lifespan of the solar farm would be 35 years. The PV panels would sit on angled racks comprised of galvanized steel arranged in portrait or landscape configuration that would be screw or driven-piled. The panels would be positioned at a minimum height of 0.5m over ground to a maximum height of 2.8m. They would be oriented to the south and would be positioned at a tilt angle of up to 30 degrees from the horizontal. They would be stationary. The inverter/transformer stations would be either combined or standalone units with a maximum floor area of 29.8 square metres. A distribution/delivery station would be developed to the south of the site to function as the delivery point to ESB networks for transfer to the electricity grid.
- 2.2. Access to the development would be via the existing entrance from Regional Road R618 to the south. Coolroe 110kV substation is located 2pprox.. 850km south-west of the site and it is intended to connect the solar farm to the national grid through this substation. The applicant has applied to ESB Networks for formal access to the electricity grid via this substation. This would be facilitated by 20kV overhead lines. The solar farm would have an estimated maximum export capacity of 2pprox.. 14 megawatts.

2.3. Details submitted with the application included a Planning and Environmental Statement, a Landscape and Visual Assessment, a Glint & Glare Assessment, an Ecological Impact Assessment, an Appropriate Assessment Screening Report, an Archaeological, Architectural and Cultural Heritage Impact Assessment, an Outline Construction & Environmental Management Plan, a Traffic Access Report, a Drainage Strategy Plan, and a letter of consent from the landowner. An indicative grid connection route has been submitted.

3.0 Planning Authority Decision

3.1. Decision

On 25th February, 2019, Cork County Council decided to grant permission for the proposed development subject to 38 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, internal and external reports received, and third party submissions made. Fourteen key planning issues were identified. Concerns were raised in relation to compliance with policy to protect open hilltops and visibility of the proposal. Reference was made to discussions with the Senior Planner, leading to conclusions that the development would not conflict with policy or be visually obtrusive. A grant of permission subject to conditions was recommended.

The Senior Executive Planner repeated the report of the Planner, noted the Senior Planner considered the proposal is acceptable in an area designated as a 'Strategic and Prominent Metropolitan Greenbelt' and recommended that permission be granted.

3.2.2. Other Technical Reports

Four Environment reports stated that there was no objection to the proposal subject to conditions.

The Area Engineer recommended that permission be granted subject to conditions.

The Heritage Unit concluded that the proposed development would not have significant impacts on any Natura 2000 site, annexed species or on local biodiversity and set out a schedule of conditions.

3.3. **Prescribed Bodies**

Cork Airport, DAA had no objection to the proposal.

Irish Aviation Authority stated it had no observations to make.

3.4. **Third Party Observations**

A submission indicating no objection to the proposal was received from Dan Keohane.

Objections to the proposal were received from Dr Judy Kravis and others. The grounds of the appeal reflect the principal concerns raised.

4.0 **Planning History**

P.A. Ref. 09/6072

Permission was granted for a 25m high monopole and antennae.

P.A. Ref. 10/4878

Permission was granted for the retention of a 15m high telecommunications support structure and antennae.

5.0 **Policy Context**

5.1. **Cork County Development Plan 2014**

Solar Energy

The Plan includes the following:

9.4.13 There is significant potential through careful building design to generate heat from solar energies such as Passive Solar Design and Solar Thermal Water Heating ...

9.4.14 At present the main potential in Cork for this form of electricity generation is by adding a small number of panels to an individual building and at this scale these proposals have only localised impacts.

9.4.15 In other jurisdictions there are some larger scale electricity generating schemes using this method where climatic conditions allow. With technological advances it is possible that these larger scale installations may become practical in Cork and if this occurs careful consideration will need to be given to their scale, location and other impacts.

5.2 Appropriate Assessment

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.3 EIA Screening

Having regard to the nature and extent of the proposed development, it is apparent that the proposed development is not a category of development to which environmental impact assessment applies. Thus, no EIAR is required.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The proposal contravenes the policies of the Cork County Development Plan for prominent and strategic Metropolitan Greenbelt areas. In particular, it materially contravenes objective RCI 5-3 and GI 8-1.
- Noting the absence of Ministerial Guidance on solar energy development and the number and scale of such projects already permitted, to permit a development of this kind at such a sensitive and strategic location would be a very bad precedent that would be contrary to the precautionary principle.

- The site is elevated, prominent and visible over a wide area and a significant proportion of it is designated as High Landscape Value in the Development Plan. The proposal would contravene development plan objectives for preserving the character, distinctiveness and sensitivity of the landscape.

6.2 Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The proposed development is wholly compatible with the purpose and function of the greenbelt designation, representing a form of agricultural diversification, supported by Objective RCI 5-3 of the Development Plan. It also represents a temporary, reversible use. The solar farm is an appropriate use in principle in the Prominent and Strategic Metropolitan Greenbelt.
- All relevant matters related to biodiversity as it relates to Greenbelt designation have been addressed in the application.
- Visibility of a small portion of the solar farm is not tantamount to a significant visual impact. The LVIA predicted 'slight' or 'imperceptible' impacts and a precautionary approach has been taken in the assessment of all aspects.
- The applicant strongly disagrees that there is no national, regional or local strategy for solar development. Policy documents which make explicit the Government's support for solar PV development include the *National Planning Framework*, *Programme for a Partnership Government*, *Ireland's Transition to a Low Carbon Energy Future 2015-2030*, and *Renewable Electricity Support Scheme*.
- The applicant also refutes the submission that the proposal was not assessed appropriately by the planning authority and also claims there is an unauthorised structure on the appellants' property.

6.3 Planning Authority Response

I have no record of a response to the appeal from the planning authority.

6.4 Observations

Dublin Airport Authority (Cork Airport) requests the Board to have regard to the applicant's Glint and Glare Assessment and in particular to the landscape mitigation

measures. It is requested that these measures be implemented in full by way of planning condition.

6.5 Further Responses

The appellants, in response to the applicant's response to its appeal, review the submission, provide critical assessment, and submit that the applicant misrepresented their case and, in many cases, confused their arguments. The appellants' concerns raised in their appeal submission are reiterated.

Following a request from the Board, the Department of Culture, Heritage and the Gaeltacht submitted that the proposed development is at a sufficient remove from National Monuments in the vicinity and that it concurs with the planning authority's decision to include archaeological conditions. It is requested that, in the event the Board grants permission for the proposal, these conditions be retained in the schedule of conditions, with emphasis placed on retention of the wording used by the planning authority in Conditions 3 and 4.

7.0 Assessment

7.1 Introduction

7.1.1 I consider that the principal planning issues relating to the proposed development are the development in the context of the Metropolitan Greenbelt, the visual impact of the proposal, and the development in the context of policy relating to solar power. Having regard to the site location, I consider that the proposed development would not likely have any additional significant planning or environmental-related impacts on residential amenity or cultural heritage in the area or impacts by way of access and traffic, drainage, noise, etc. Furthermore, having regard to the site being just under 13km remote from the nearest European Site (Cork Harbour SPA) and the lack of any known pathways to such Natura 2000 sites, the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any designated European Site. Finally, I note that the grid connection does not form part of the proposed development.

7.2 The Proposed Development in the Context of the Metropolitan Greenbelt

7.2.1 The appellants submit that the proposal contravenes the policies of the Cork County Development Plan for prominent and strategic Metropolitan Greenbelt areas. It is emphasised that the proposal materially contravenes objective RCI 5-3 of the Plan. The applicant has countered that the proposed development is wholly compatible with the purpose and function of the greenbelt designation in the Plan and that it represents a form of agricultural diversification that is supported by Objective RCI 5-3 of the Development Plan.

7.2.2 Objective RCI 5-3 of the Cork County Development Plan states:

“RCI 5-3: Land Uses within Metropolitan Greenbelt

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.”

7.2.3 I first confirm that the site of the proposed solar farm is located within the Cork Metropolitan Greenbelt Area. To reasonably determine how the proposed development fits in with or is incompatible with Objective RCI 5-3 demands an understanding of the context from which the objective derives. The Development Plan identifies planning principles for a Greenbelt. The following principles underlie the designation of the greenbelts in Metropolitan Cork according to the Plan:

- Maintenance of distinction in character between the town or city urban and rural areas by the prevention of unrestricted sprawl of urban areas into the countryside;
- Prevention of individual settlements merging into one another;
- Strategic protection of land that may be required for development in the future;
- To focus attention on lands within settlements which are zoned for development and likely to contribute to the regeneration of areas;
- Provision of a source of recreation and amenity and to allow for open countryside to be within easy reach of most built up areas; and

- Retention of land in agriculture, forestry or other uses which would otherwise be susceptible to inappropriate development.

7.2.4 It is clear from the above that the proposed solar farm does not conflict with any of the above referenced principles. It is a land use that is not facilitating any extension of urban development into the rural area. It is a use that allows for the retention of land in agriculture. Furthermore, the proposed site has not been earmarked for any strategic purpose or future recreation or amenity use.

7.2.5 Following on from these principles, I note that Objective RCI 5-2 of the County Development Plan sets out the purpose of a Greenbelt as follows:

“Objective RCI 5-2: Purpose of Greenbelt

a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

b) Recognise that in order to strengthen existing rural communities provision can be made within the objectives of this plan to meet exceptional individual housing needs within areas where controls on rural housing apply.”

7.2.6 It is evident that part a) of this objective reflects the planning principles for a greenbelt and that part b) is unrelated to the nature and extent of the proposed development. Overall, it may again be concluded that the proposed solar farm does not conflict with this Objective.

7.2.7 This then leads to Objective RCI 5-3 which seeks to preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it. The proposed development would be on agricultural land, would be a diversification of the use which is established, i.e. agriculture, and would prohibit a continuation of agricultural use of the land following the installation of the proposed solar panels. In the understanding that the proposal does not contravene defined planning principles for a greenbelt and does not prove

contrary to the objective that sets out the purpose of a greenbelt, it appears entirely unreasonable to then determine that the proposed development, as a form of diversification of the established land, is contrary to Objective RCI 5-3, i.e. the objective which references permitted land uses in a greenbelt. It is my conclusion that the appellants have not in any way demonstrated that the proposed development is in conflict with Objective RCI 5-3. Rather, it is apparent that a use such as that proposed is suitably located in this rural area outside of the urban area of Cork City.

7.2.8 Finally on this issue, I note Objective RCI 5-7 of the Development Plan, which is as follows:

“RCI 5-7: Strategic and Exceptional Development

Recognise that there may be development of a strategic and exceptional nature that may not be suitably located within zoned lands and that such development may be accommodated successfully in Greenbelt locations. In such circumstances, the impact on the specific functions and open character of the Greenbelt should be minimised.”

7.2.9 It is my submission to the Board that, given the nature and scale of the proposed development, this objective of the Plan could be perceived as being pertinent to the issue at hand. Given the scale of the proposal, it is not a use that could be readily located within zoned lands. In maintaining the ability to continue an agricultural use, it is clear that the function of the lands as agricultural land will not be distorted. With regard to the impact on the open character of the greenbelt, this issue will primarily be addressed in the assessment below of the likely visual impact of this proposed solar farm.

7.2.10 The appellants also submit that the proposed development is contrary to Objective GI 8-1 of the Development Plan. The Objective is as follows:

“GI 8-1: Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection

Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labelled MGB1 in the Metropolitan Greenbelt map (Figure 13.3) and it is an objective to preserve them from development.”

7.2.11 Accepting that the site is not within the ‘Built Up Areas’ shown within Figure 13.3, it is evident that the proposed site lies within an area labelled ‘MGB1’. In considering the proposed development in the context of this objective, I must acknowledge the very restrictive nature of the wording of this objective, i.e. it is an objective to preserve the open hilltops, valley sides and ridges of the MGB1 area *from development*.

Therefore, it appears that if this site was to be determined to form part of an open hilltop within this MGB1 area, the hilltop would have to be preserved, i.e. maintained in its existing state, protected from injury or damage, etc.

7.2.12 It is clear that the site, forming part of a hill, would be visible from lower ground in its vicinity and potentially for extensive distances. Similarly, forming part of the southern side of the hill, it is clear that the site would be visible from lower ground to the south, south-west and south-east. This part of the hill, being in agricultural use, remains open. However, there is telecommunications infrastructure on the hill surrounded by the proposed site, as well as a farm building and a lane leading up to the top of the hill. In addition, this hill and wider area has been subject to extensive forestry plantations, most notably to the north, south and west. Thus, this hill has been, and continues to be, subject to ‘development’. The diversification of the use of the agricultural lands on this site to allow for a solar farm, that continues to permit the use of the land itself for agriculture, would be further development of the hilltop. The land itself would be maintained and protected and could reasonably be determined, therefore, to be preserved following the development of the solar farm.

7.2.13 In the context of what exists and what has developed, I cannot reasonably determine that what is proposed for this part of the hilltop on which the site is located constitutes development that conflicts with Objective GI 8-1. It is unreasonable to determine that this proposal would be sited in an ‘open’ hilltop, given what exists to

the north, south and west and, indeed, within the confines of the overall landholding of which the site forms a part.

7.2.14 In conclusion, I am satisfied to determine that the proposed development would not conflict with Objectives RCI 5-3 and GI 8-1 of the Cork County Development Plan and, therefore, could not be seen to be contrary to the Cork County Development Plan provisions relating to the Metropolitan Greenbelt.

7.3 The Visual Impact of the Proposed Development

7.3.1 The proposed solar farm would be sited near the top and on the southern side of a hill. It is obvious that the development would be visible, primarily to the south. The applicant's photomontages have shown that the development would be visible in a range of different locations within the environs of this site. No doubt there could be many more vantage points selected to demonstrate that the solar farm could be seen from other places. As a simple rule of thumb, one could examine photographs from this site for example and what could be seen from the site would indicate from where the development site could be seen. This would demonstrate that the site could be seen from many locations to the south, south-east and south-west. However, in concluding that the site could be seen from an extensive range of locations, one must also conclude that views of the site would, in the main, be distant views, and in many cases, very distant views.

7.3.2 It is critically important to note that this is a hill on which there is extensive forestry plantation to the south (i.e. in front of the site), to the north (i.e. behind the site), and to the west (i.e. on one flank of the site). The implication of this is firstly that visual impact at close proximity to this site is extremely limited, primarily to the south-east, because the development would be masked by these plantations. A second implication is that the distance from which visibility of the solar panels could arise would be greatly increased as the relatively young conifer plantations develop over time, increase in height, and effectively screen the development for greater distances. I accept that this could be viewed as 'temporary' screening but note that any permission for a solar farm would itself be reasonably restricted to a limited period after which a further permission would be required subject to a further

assessment of impacts. I note the applicant seeks the operational lifespan of the solar farm to be 35 years. However, a period of 25 years is considered reasonable to allow for a review of this operation.

7.3.3 In reality, it must be accepted that the solar farm would be visible. However, to suggest that this visual impact would be significant would be over-stating its impact due to the context in which the development would be set and due to how this context would change over the life of the development. The siting of proposed development brings with it the addition of fortuitous land uses in close proximity, notably the forestry plantations. This greatly adds to the acceptability of the development from a visual perspective.

7.3.4 Having regard to the above, whatever concerns that may be had about being able to see the solar panels, potential glint and glare, the siting of part of the lands within an area of “High Value Landscape”, potential visibility of the site from listed scenic routes, etc., these impacts are significantly eroded by the context for this development.

7.3.5 Regarding the Observer submission on glint and glare, I acknowledge that DAA did not object to the proposal and sought adherence to the applicant’s proposed mitigation measures on glint and glare. In the event permission is granted for the proposed development, it is anticipated that the developer would be required to adhere to such mitigation measures which formed part of the development proposal itself. Thus, the requirements of the Observer should reasonably be met.

7.3.6 Overall, on the issue of visual impact, I acknowledge that solar panels placed on this site will be visible. However, it is reasonable to determine that the development would not constitute a significant adverse visual impact.

7.4 The Proposed Development and Solar Power Policy

7.4.1 I acknowledge that at national level there is significant policy support for the development of renewable energy, inclusive of solar power, in the interest of helping to address concerns on climate change. For example, National Policy Objective 55 of the *National Planning Framework* states:

“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.”

- 7.4.2 Support for renewable electricity and the acceleration of diversification away from fossil fuels to green energy, including solar, is clearly promoted in the *National Development Plan 2018-2027*, while solar technology is recognised in the current *National Mitigation Plan* of the Department of Communications, Climate Action and Environment, as a technology that has a role to play in Ireland’s renewable energy mix.
- 7.4.3 I acknowledge that there are no statutory planning guidelines on solar farms at national level. However, it is very clear that there is a wide range of policies, objectives and provisions in statutory development plans, including the Cork County Development Plan, against which a proposed development must be measured to determine its acceptability or not in planning and environmental terms. In the absence of any specific guidance, there remains the obligation to assess a proposal in order to determine whether it constitutes proper planning and sustainable development. The lack of specific guidance is no ground for refusing planning permission for this proposed development.
- 7.4.4 At regional level, the current (albeit soon to be replaced) *South-West Regional Planning Guidelines 2010-2022*, acknowledge the role of the region in the attainment of national renewable energy targets. Objective RTS-09 of the Guidelines seeks to facilitate the sustainable development of additional electricity generation capacity throughout the region, support the sustainable expansion of the network, and facilitate connectivity of sustainable renewable energy resources.
- 7.4.5 It is evident that the proportion of large scale applications for solar farms has increased significantly in recent years. It is noted that the Cork County Development Plan dates from 2014 and, thus, it is apparent that policy provisions at this local level are not reflective of how trends for development of this nature have evolved. The current Plan notes the potential for solar power but seeks to promote only small-scale development of solar panels. The Plan recognises that, with technological advances, larger scale development may become practical. It is clear that since the making of this Plan technological advances have occurred to allow consideration of

proposals such as that now before the Board. Having regard to this, it would be entirely unreasonable to determine that the proposal runs contrary to solar power provisions of the County Development Plan.

7.4.6 Overall, it may reasonably be concluded that the policy context for allowing consideration of this proposal exists and this proposal can accordingly be assessed on its merits within an extensive framework of policies and provisions that seek the attainment of increased renewable energy provision. In light of provisions against which the proposed development can be measured, I am of the view that it is not a feasible option to exclude the proposed development at this time from consideration until an understanding can be gauged of other permitted developments of this nature that have been developed elsewhere at 'less sensitive' locations.

7.5 Miscellaneous Issue

Contribution from Senior Planner

7.5.1 I note reference has been made to the input of a Senior Planner in the planning authority's deliberations. It would appear from the report of the Area Planner and from the report of the Senior Executive Planner that a Senior Planner had some input into the determination of this application by the planning authority. I further note that there is no written record of any report from this Senior Planner in the planning application documentation or in the appeal. Without this clarity on the deliberations and inputs by the planning authority prior to the making of its decision, I can understand the concerns raised by the third party. An input by a person who clearly has influenced recommendations and has provided no written report in support of that, to which the third party (or indeed first party) has no opportunity to consider, is most unsatisfactory in terms of fairness and accountability relating to a decision.

8.0 Recommendation

8.1 I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2014, and national and regional policy in relation to renewable energy, to the nature and scale of the development proposed, and to the suitability of the screening and topography of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not endanger human health or the environment, 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.

10.0 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. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: In the interest of clarity.

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) 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, 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. 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. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

Reason: To protect the environment.

6. (a) The landscaping proposals shall be carried out within the first planting season following commencement of construction of the solar PV array. All existing hedgerows (except at access track openings) 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 glint and glare is consistent with the “Glint and Glare” Assessment received with the application.

Reason: To mitigate any glint and glare impact from the proposed development.

7. The inverter/transformer stations, storage module and all fencing shall be dark green in colour.

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

8. (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 fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

(c) 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.

(d) The solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

(e) Cables within the site shall be located underground.

Reason: In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

9. 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) 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 Bord 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.

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 hours of working, noise management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste. The plan shall also include a

construction method statement to ensure the avoidance of impacts on badgers and otters.

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

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

Reason: In the interest of environmental protection and public health.

12. 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.

13. 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.

Kevin Moore
Senior Planning Inspector

27th June 2019