



An
Bord
Pleanála

Inspector's Report ABP-305481-19

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| Development | 5MW solar farm |
| Location | Ballynacrusha, Cobh, County Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 19/5706 |
| Applicant(s) | Amarenco Solar Cobh Limited |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Bryan Meredith Edmund Mansworth |
| Observer(s) | Cindy & Daniel O'Shea |
| Date of Site Inspection | 12 th December, 2019 |
| Inspector | Kevin Moore |

1.0 Site Location and Description

- 1.1. The site of the proposed development is located in a rural area approximately 1.7km to the north of the town of Cobh in County Cork. It comprises one large L-shaped field that is in tillage use. The land slopes from north to south into a valley in which the Ballyleary Stream traverses. The site is bounded primarily by hedgerow and is flanked primarily by other agricultural lands. The northern end adjoining the local road serving the site is indented with a couple of houses and the landowner's large agricultural building. Access into the lands is via the curtilage of the latter building and a narrow access strip between two houses, the easternmost of which constitutes the appellant Bryan Meredith's property. There is further sporadic housing along the local road to the north while housing is also established to the south of the site fronting onto another local road. Two 110kV lines traverse the site in an east/west direction at its northern end and across the centre of the site. A substation is located approximately 600m to the south-west of the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise a 5MW solar farm that would contain 22,200 photovoltaic panels that would be on ground-mounted frames within a site of 12 hectares. The development would include two single-storey inverter/transformer stations, a single-storey delivery station, security fencing, CCTV, and associated ancillary development works.
- 2.2. Details submitted with the application included a letter of consent for the making of the application from the landowner, a Planning Statement, a Landscape & Visual Assessment, an Introductory Report to Solar Energy in Ireland, a Glint & Glare Technical Report, an Ecological Impact Assessment, an Appropriate Assessment Screening Report, a Construction Management Plan, a Drainage Assessment and Strategy, and a Heritage Impact Assessment.
- 2.3. The applicant acknowledges that the overall project would include a cabled connection to the electrical substation located 600 metres to the south-west and submits that the responsibility for connecting the proposed development to the electrical network lies solely with ESB Networks.

3.0 Planning Authority Decision

3.1. Decision

On 28th August 2019, Cork County Council decided to grant permission for the proposed development subject to 40 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, the policy context of the development, the reports received and the third party submissions made. The principle of the development was accepted, the landscape was viewed as being capable of absorbing the change arising from the development, and the proposal was seen as being acceptable in terms of glint and glare arising and impact on residential amenity. No concerns were raised in relation to traffic and access and, in relation to ecology and archaeology, the reports received were noted. It was acknowledged that the development was not of a class for which EIA was required and the applicant's grid connection proposals were noted. A grant of permission was recommended subject to conditions.

The A/Senior Planner was satisfied the proposal could be accommodated on the site and permission was recommended.

3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal subject to conditions.

The Environment Section had no objection in relation to noise and air impacts and set out a schedule of conditions.

A second Environment Section report, addressing the issue of water, had no objections to the proposal and included a schedule of conditions.

A third Environment Section report had no objection to the proposal and set out a schedule of conditions relating to noise, dust deposition, and treatment of waste.

The Archaeologist referred to constraints on writing a report and recommended a schedule of conditions if permission was to be granted.

The Ecologist concurred with the applicant's conclusions in the AA Screening Report and the Ecological Impact Assessment Report. There was no objection to the proposal subject to a recommended schedule of conditions.

3.3. **Prescribed Bodies**

Inland Fisheries Ireland detailed requirements for conditions relating to watercourse impacts.

Irish Aviation Authority stated it had no observations to make on the application.

Irish Water had no objection to the proposal.

3.4. **Third Party Observations**

Third party submissions were received from Edmund Mansworth and Bryan Meredith. The grounds of appeal reflect the principal concerns raised.

4.0 **Planning History**

P.A. Ref. 15/06814

An application for a solar farm on the site was withdrawn.

5.0 **Policy Context**

5.1. **Cork County Development Plan**

Energy

Objectives include:

ED 1-1: Energy

Ensure that through sustainable development County Cork fulfils its optimum role in contributing to the diversity and security of energy supply and to harness the potential of the county to assist in meeting renewable energy targets.

Solar Energy

The Plan states that, with technological advances it is possible that larger scale installations using solar power may become practical in Cork and, if this occurs, careful consideration will need to be given to their scale, location and other impacts. It is further stated that the Council will support and facilitate the development of solar energy.

Greenbelt

The site lies within the Metropolitan Cork Greenbelt.

Objectives include:

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.

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.

Landscape

The site is located in an area designated a 'High Value Landscape'.

Objectives include:

GI 6-1: Landscape

a) Protect the visual and scenic amenities of County Cork's built and natural environment.

- b)** Landscape issues will be an important factor in all land use proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c)** Ensure that new development meets high standards of siting and design.
- d)** Protect skylines and ridgelines from development.
- e)** Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

5.2. **Cobh Municipal District Local Area Plan 2017**

The site lies to the north and beyond the development boundary of the town of Cobh.

Strategic Land Reserves

The Plan references 17 Strategic Land Reserve sites from the Cork County Development Plan, one of which includes SLR1 Cobh North Extension, comprising a land area of 185 hectares. The proposed site lies within this SLR. The LAP refers to these SLRs in Table 1.2 as 'List of Possible Sites for Consideration as Strategic Land Reserve options'. The Plan notes that these sites have been subject to 'High Level Appraisal' and that this has resulted in the emergence of six of these sites as potentially having greater capacity to deliver. SLR1 is not included as one of these six sites. The Plan recognises that further detailed assessment is required for the SLR sites.

5.3. **Appropriate Assessment**

The appeal site is not on, in or in the vicinity of any European Site. The nearest European Sites are Great Island Channel SAC (Site Code: 001058) and Cork Harbour SPA (Site Code: 004030). The former is located some 1.24km to the north of the site and the latter is located some 1.25km from the site. There are hydrological links between the site and Cork Harbour SPA via Ballyleary Stream to the south, which enters Cuskinny Lake 1.4km south-east of the site. This lake is connected to

Cuskinny Bay (Cork Harbour) by means of a sluice gate. There are no potential pathways or links to Great Island Channel SAC.

Having regard to:

- (a) the very significant separation distances and buffer between the proposed site and Cork Harbour SPA, that would eliminate any potential disturbance of wintering bird species in the distant Cork Harbour SPA, and
- (b) the nature and extent of the proposed development, with very limited potential for any significant runoff impacts on Ballyleary Stream, which would result in no significant impacts on waterbodies that could potentially effect the habitat of the wintering bird species at Cork Harbour SPA,

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.

5.4. EIA Screening

Schedule 5 of the Planning and Development Regulations, 2001 (as amended 2015), sets out Annex I and Annex II projects which mandatorily require an EIS. Parts 1 & 2 of Schedule 5 outline classes of development that require EIS corresponding to Annex I and Annex II. Solar PV generation is not a development type listed under Part 1 or 2 of Schedule 5.

6.0 The Appeals

6.1. Appeal by Bryan Meredith

The appellant resides in a house alongside the northern frontage of the site. The grounds of the appeal may be summarised as follows:

- The applicant has applied for permission on part of the appellant's lands.

- There are incomplete drawings – the main entrance/exit is not shown.
- The grid connection details are not provided.
- The development would devalue the appellant's property.
- CCTV provision will impact on the appellant's privacy.
- The proposed fencing, structure frames, and delivery station will impact on the appellant's view from his property.
- The inverters, given the location of the delivery station, will cause noise nuisance.
- The proposal will drive away the wildlife that inhabits this location.

6.2. Appeal by Edmund Mansworth

The grounds of the appeal may be summarised as follows:

- The proposal impacts negatively on the future development of housing as the site forms part of the designated Strategic Land Reserve Site No. 1 (SLR1) identified to facilitate future housing as part of the Council's process of Active Land Management being implemented under Variation No. 1 of the Cork County Development Plan.
- The proposal impacts on the landscape character, an area designated as a very high landscape value, with a very high landscape sensitivity that is of national importance.
- The proposal is unacceptable in visual terms given its elevated nature, the wide reaching views, and its designation as a Strategic Land Reserve Site.
- The proposal would result in an unacceptable impact on the archaeological and cultural heritage of the discovered enclosure sites, their location and setting.
- The applicant's assessment of glint and glare is generic and does not assess the proposal in relation to current and future housing or local roads.

- No written consents have been provided by residential landowners along the northern part of the site on whose properties the development boundary is encroaching.
- The wayleave locations presented in the site location map appear to be incorrect.

6.3. Applicant Response

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

- There is a positive presumption in favour of alternative energy projects, including renewable energy, and this is acknowledged at national, regional and county level planning policy.
- The development is fully in accordance with the zoning, policies and objectives of the Cork County Development Plan 2014.
- The scheme has been carefully designed to protect the amenities of the area and privacy/amenities of adjoining properties and will not have a negative impact on the area.
- The proposal will not have any significant visual impact on the surrounding area.
- The proposal will not give rise to negative adverse implications for the archaeological heritage of the area.
- The proposal will not have any significant glint and glare impact on the surrounding area.
- No significant effects are likely to arise on any Natura 2000 site.
- The proposal will not give rise to any adverse noise impacts.
- The applicant has sufficient legal interest to make a planning application on the lands.
- There are no studies to indicate that proximity to solar development negatively impacts on property prices.

6.4. **Planning Authority Response**

I have no record of any response to the appeals from the planning authority.

6.5. **Observations**

The submission refers to concerns relating to the development site encroaching on part of the Observers' landholding, residential impact, property devaluation, siting within a greenbelt, loss of light from screening and fencing, impact of CCTV on privacy, and impact on bird life.

6.6. **Further Responses**

The Board invited submissions from prescribed bodies. In response, the Department of Culture, Heritage and the Gaeltacht, in reference to archaeology, recommended Conditions 4, 5, 6 and 7 of the planning authority's decision be retained should the Board decide to grant permission for the development.

7.0 **Assessment**

7.1. Introduction

7.1.1 I consider the principal planning issues relating to the appeals are legal interest in the site, the development in the context of the provisions of Cork County Development Plan, impact on residential amenity, archaeological impact, ecological impact, property devaluation, and grid connection.

7.2. Legal Interest

7.2.1 I note the submissions of the appellants and observers on this issue. The concerns relate to landownership along the northern boundary of the site. It would appear that the proposed solar panels and buildings would not overlap with the disputed lands and that potentially gravel tracks and a short section of ducting may cross the disputed land areas. The applicant does not agree that the land areas in dispute are not under its control.

7.2.2 The Board will note that, if there is a dispute over ownership of land, this would be a matter that requires to be resolved outside of the remit of the Board when determining this application. The Board will also be aware that section 34(13) of the Planning and Development Act expressly states that a person shall not be entitled solely by reason of a permission under section 34 to carry out any development.

7.2.3 I do not consider that the Board, in this instance, is in a position to determine that the applicant does not have sufficient legal interest to make the application. I am satisfied to conclude that the details provided allow the Board to consider the merits of this application and to make a decision *de novo* accordingly.

7.3. The Development in the Context of the Provisions of Cork County Development Plan Energy Policy

7.3.1 Cork County Development Plan follows national and regional policy in support of the development of renewable energy. Objective ED 1-1 seeks to ensure that through sustainable development County Cork fulfils its optimum role in contributing to the diversity and security of energy supply and to harness the potential of the county to assist in meeting renewable energy targets. Further to this, the Plan acknowledges that, with technological advances, it is possible that larger scale installations using solar power may become practical in Cork and, if this occurs, careful consideration will need to be given to their scale, location and other impacts. The Plan expressly states that the Council will support and facilitate the development of solar energy.

7.3.2 It is apparent from the above that the principle of a solar farm is not in conflict with the provisions of the County Development Plan as they relate to energy.

Strategic Land Reserve

7.3.3 I note that the site for the solar farm is in a rural location that is beyond the development boundary of the town of Cobh. The Cobh Municipal District Local Area Plan makes reference to Strategic Land Reserves and identifies 17 of these arising from the County Development Plan, one of which is SLR1 Cobh North Extension. This comprises a land area of 185 hectares within which the appeal site lies. The LAP refers to these SLRs in Table 1.2 as 'List of Possible Sites for Consideration as

Strategic Land Reserve options'. The Plan notes that these sites have been subject to 'High Level Appraisal' and that this has resulted in the emergence of six of these sites as potentially having greater capacity to deliver. SLR1 is not included as one of these six sites. The Plan recognises that further detailed assessment is required for the SLR sites.

7.3.4 It is apparent that the potential development of SLR1 remains unclear at this time. Indeed, it would appear that the designation of these lands could reasonably be determined to be indicative at this stage in planning terms. I further note that the applicant, in response to the appeals, has provided extensive details on the updated position on the consideration of this SLR, which would appear to demonstrate significant constraints that require to be resolved prior to further progressing the consideration of SLR1 for future development.

7.3.5 It is my submission to the Board that the designation of the lands as part of SLR1 could not reasonably be used to stymie development into an unknown future. Indeed, it is pertinent to note that the planning authority itself did not address or consider this a matter that merited consideration. Furthermore, I am of the opinion that the development of a solar farm would not inhibit consideration of the development of these lands for housing or other uses into the future. The proposed use would be a temporary use on the lands, with permission being limited to the lifespan sought, i.e. 25 years according to details provided in the application. Evidently, the Board could reasonably revise the lifespan of the scheme if it was considered prudent to do so.

Greenbelt Policy

7.3.6 A solar farm development is an alternative use of agricultural lands, frequently suited to an expansive landholding. The landholding in this instance has a number of suitable attributes, including the sloping nature of the land which faces southwards, reasonable accessibility, and the site comprising a large, single field close to an established substation.

7.3.7 This site falls within the designated Metropolitan Cork Greenbelt. I note the objectives for this greenbelt include Objective RCI 5-3 which seeks to preserve the character of the Metropolitan Greenbelt and to reserve generally for use as

agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it. I further note Objective RCI 5-7, relating to strategic and exceptional development. This objective recognises 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.

7.3.8 It is my submission that the proposed solar farm, whether viewed as a complementary use of agricultural land, an extension to the range of uses of agricultural lands, or seen to be a strategic or exceptional development that cannot reasonably be accommodated within zoned lands, could not be seen to run contrary to the provisions of the Cork County Development Plan as they relate to the Metropolitan Cork Greenbelt. Once again, the development of a solar farm can reasonably be viewed as acceptable in principle within this greenbelt.

Landscape Policy

7.3.9 The site for the proposed solar farm is located in an area designated a 'High Value Landscape' in the Cork County Development Plan. Objective GI 6-1 of the Plan, relating to Landscape, seeks to protect the visual and scenic amenities of county's built and natural environment, acknowledges that landscape issues will be an important factor in all land use proposals, requires new development meets high standards of siting and design, requires skylines and ridgelines to be protected from development, and discourages proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

7.3.10 I note that there is no prohibition on the consideration of solar farm development within a 'High Value Landscape' under the provisions of the Plan. When considering the proposed development against the requirements of Objective GI 6-1, it is clear that the proposal presents itself as an extension to the range of agricultural uses of the land that does not seek to affect the natural form or topography of the lands and seeks to allow for continued agricultural use while the solar farm functions. It is also clear that the site affected by the new structures is effectively removed or set back

from public roadways and that boundary hedgerows are to be retained. Additional landscaping is also proposed to screen the development further. It is clear that this site is not a prominent holding when viewed from the wider public realm. The applicant's visual and landscape assessment adequately demonstrates this. Overall, the proposed does not distort the visual or scenic amenities of the natural environment. It is apparent that the relatively secluded nature of this site ensures that the impact of this development, when viewable from the public realm, would be intermittent and very much localised. Further to this, there is an understanding that the development would meet adequate standards of siting and design within the holding, that skylines and ridgelines would not be affected by the new structures, and that there is a clear strategy to retain established hedgerows throughout.

7.3.11 Having regard to the above considerations, I am satisfied that the proposed development would not be contrary to the Plan provisions as they relate to landscape and there is no concern that this proposed development would have any significant visual impact on the wider environment.

7.4. Impact on Residential Amenity

7.4.1 I first note that the applicant has ably demonstrated that sufficient access to this site can be provided in terms of delivery of panels and other materials to this site. The site has available access to and from the local road to the north, with expansive frontage and access via the established entrance to the landowner's agricultural shed and curtilage. There are no traffic concerns that may impact on adjoining residential properties.

7.4.2 With regard to impact on privacy, I first note the necessity to provide CCTV coverage of an unmanned facility such as that which is proposed. This development would be remotely monitored. The applicant's site layout plan shows the proposed locations of the CCTV infrastructure. The applicant has submitted that the cameras along the northern end of the site, more than 20 metres to the nearest house, would face down and would not capture images beyond the site boundary. I submit that restricting the extent of use of the CCTV cameras in this instance and in this manner is reasonable

and there should be no serious concern that there would be interference with the privacy of the adjoining residential properties.

7.4.3 With regard to glint and glare, I note the proximity of the three houses that adjoin the northern site boundary. I further note the buffer that would separate the solar panels from neighbouring property, the limited height of these panels, their orientation likely in a southerly direction, and the proposed provision of hedgerow screening adjoining new boundary fencing. Having regard to these observations, it is my submission to the Board that the proposed development would not have any adverse impacts on the residential amenity of properties to the north by way of glint and glare.

Furthermore, for similar reasons I can see no concern for the impact by way of glint and glare on road users of the local road to the north. Finally on this issue, I note the established housing to the south of the site and the local road at that location. The southern site boundary comprises a dense, well established hedgerow adjoining Ballyleary Stream. This will act as a substantial screen. There are no concerns that the proposed development would have an adverse impact on residents or road users to the south of the site.

7.4.4 With regard to potential noise impacts, I first note that there would be no emissions from the solar panels. I acknowledge the proposed siting of the ESB delivery station some 20 metres south of the appellant's residence. This is a small structure that would house the inverters. This structure would comprise a noise-insulated prefab. The solar farm would function only during daylight hours and any noise from the inverters would comprise a relatively low level hum. It is reasonable, based upon the above observations, to determine that the proposed development would not have any significant adverse impacts on neighbouring residents by way of an adverse noise impact.

7.4.5 The appellants have raised concerns about the impact the proposal would have on the views from their property. The protection of private views is not a planning consideration. The considerations of how the development impacts on the visual amenity of the area has been addressed earlier.

7.5. Archaeological Impact

7.5.1 I note that the applicant's site investigations revealed a number of Areas of Archaeological Potential (AAPs) within the proposed site. These included three enclosure sites. The layout of the proposed solar farm has been designed to avoid direct impact on these enclosures and a buffer zone of 20 metres around each is intended to be applied. I acknowledge the low level impact the development of the solar panels would likely have on the established surface of the land when being erected, with excavation being limited to the buildings and some degree of ducting and track laying. The applicant's methodology for construction of the development is clearly set out and substantial mitigation measures would ensure that significant physical impact on archaeology would be avoided.

7.5.2 Further to the applicant's approach to the development of the site, I acknowledge the recommendations of the planning authority's Archaeologist and, in particular, I note the Board's request made to, and response from, the Department of Culture, Heritage and the Gaeltacht on matters pertaining to archaeology. It is apparent that the County Archaeologist and the Department do not consider the proposal to be unsustainable due to its potential impact on archaeology. It is reasonable to determine, in my opinion, that the proposal would not likely have a significant impact on archaeology when the developer is required to adhere to specified archaeological requirements that may reasonably be set out in a condition attached with any grant of planning permission,.

7.6. Ecological Impact

7.6.1 The site for the proposed solar farm comprises a large field that is in use as tillage. This farmed field is of low ecological value. I note that the established hedgerows are to be retained as part of the development. The functioning of the solar farm would likely have very limited impact on wildlife in terms of nuisance or disturbance and any works associated with the construction would be short term. With regard to the

potential impact on European Sites, the matter of appropriate assessment has been addressed earlier in this report. I do not foresee the proposed development having any known significant impact on the ecology of this area.

7.7. Property Devaluation

7.7.1 The appellants have not demonstrated in any substantial manner how the proposed development would impact on the value of their property. There is no demonstrative reason to determine that the proposed development would result in property devaluation.

7.8. Grid Connection

7.8.1 I note that the application details have shown the location of the nearest ESB substation a short distance of some 600 metres to the south-west of the proposed site. The applicant has submitted that it has applied for formal access to the electricity grid via this substation and the project has been accepted by ESB Networks, with a formal grid connection yet to be issued. The applicant submits that the connection is likely to be facilitated by way of an underground line, although an overhead line is possible. It is noted that the connection would be exempted development in accordance with Classes 26 and 27 of the Planning and Development Regulations 2000 (as amended).

7.8.2 The Board will note that permission for the solar farm could 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. A condition acknowledging this should attach in the event of a grant of planning permission.

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:

- (a) national and local policy in relation to the deployment of renewable energy,
- (b) the scale, extent and layout of the proposed development, and
- (c) the pattern of development in the area, and the generally good screening available to the site by means of existing hedgerows,

it is considered that, subject to compliance with the conditions set out below, the proposed solar farm would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of landscape, archaeological and ecological impacts and 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. (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, fencing and all lighting and CCTV poles, 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.
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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) The landscaping proposals shall be carried out within the first planting season following commencement of construction of the solar pv array. All existing hedgerows 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) Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining houses as a result of the

development. 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 no such glint impact has taken place, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved.

Reason: To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity, and to mitigate any glint impact from the proposed development upon adjoining residential amenities.

5. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

Reason: In the interest of the long term viability of this agricultural land, and in order to minimise impacts on drainage patterns.

6. Security lighting shall be angled and constructed so as to reduce, as far as possible, the light scatter over adjacent houses to east and west of the site, and to ensure that no glare is caused to users of the public road in the vicinity of the site.

Reason: In the interest of residential amenity and traffic safety.

7. CCTV cameras shall be fixed and angled to face into the site, and shall not be directed towards adjoining property.

Reason: In the interest of residential amenity.

8. 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.

Reason: To allow wildlife to have access through the site.

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 operations (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 planning 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 noise management measures and off-site disposal of construction waste.

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

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. All cables associated with the development shall be located underground. The external finishes of the electricity control unit and the power inverter unit, and of all fencing, shall be dark green in colour only.

Reason: In the interest of visual amenity.

13. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety and orderly development.

14. 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 upon cessation of the solar farm 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.

15. 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

13th January 2020