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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: T.P. 21/40293**

**Appeal** by Sean Keohane of Dromin, St. Anne's Hill, Tower, County Cork and by Judy Kravis and Peter Morgan of Garravagh, Inniscarra, Cork against the decision made on the 12<sup>th</sup> day of August, 2021 by Cork City Council to grant subject to conditions a permission to Terra Solar II Limited care of HW Planning of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** 10 year planning permission for a 20 kV overground and underground grid connection cable of circa 1.26 kilometres in length (of which circa 0.43 kilometres is located in the administrative area of Cork County and 0.83 kilometres is located in the administrative area of Cork City) to be provided on overhead poles and in excavated trenches, and including associated underground ducting, joint bay and all associated site development and reinstatement works. The proposed grid connection cable will connect the solar farm substation permitted under Cork County Council planning register reference number 18/7410 (An Bord Pleanála reference number ABP-304045-19) which is now located within the administrative area of Cork City with the existing 110 kV Coolroe substation. The works will be

carried out within the solar farm boundary, on private lands and within the public road; all at Garravagh, Inniscarra, 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.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to:

- (a) the provisions of national and local policy objectives in relation to renewable energy,
- (b) the relevant provisions of the current Cork County Development Plan,
- (c) the nature, scale, extent and layout of the proposed development,
- (d) the topography of the area, and
- (e) the pattern of development in the vicinity

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have an unacceptable impact on the road network of the area, would not be detrimental to the visual amenities

of the area, and would not give rise to increased risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1**

The Board considered the Natura impact statement and all other relevant submissions and carried out both an Appropriate Assessment screening exercise and an Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with the screening assessment carried out and adopted the conclusions reached in the Inspector's report that the Cork Harbour Special Protection Area (site code: 004030) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

### **Appropriate Assessment: Stage 2**

The Board considered the Natura impact statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the Cork Harbour Special Protection Area (site code: 004030) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Cork Harbour Special Protection Area (site code: 004030), in view of the site's conservation objectives.

## 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. All mitigation measures identified within the Natura impact statement and the associated documentation with the planning application shall be implemented in full.

**Reason:** In the interest of clarity and to protect the environment.

3. The positioning of pole set reference number EP 06 as delineated on drawing number 05748-DR-004 lodged with the application shall not be altered where such alteration would result in its position being located within 25 metres of the boundary of the adjoining residential property to the south-east, notwithstanding the provisions of Class 28 of Part 1 of

Schedule 2 to the Planning and Development Regulations, 2001, as amended, or any statutory provision amending or replacing them.

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

4. 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 and off-site disposal of construction/demolition waste.

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

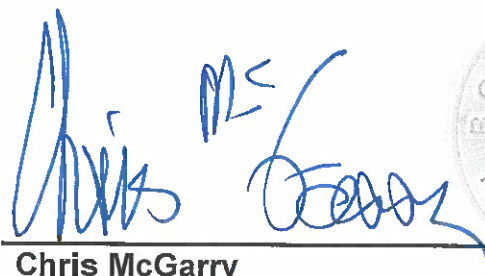
5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist along the grid connection corridor. In this regard, the developer shall –
  - (a) notify the planning authority in writing at least four weeks prior to the commencement 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.

6. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public road and the satisfactory completion of the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development and reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of such agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development and the reinstatement of the public road.



**Chris McGarry**

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

Dated this 10<sup>th</sup> day of March 2022.