

An
Bord
Pleanála

Board Order ABP-318915-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/4563

Appeal by Avril Kelly of Tigh Mo Chroí, 5 Ard na Laoi, Montenotte, County Cork against the decision made on the 18th day of December, 2023 by Cork County Council to grant subject to conditions a permission to Ballinrea Solar Farm Limited care of MKO of Tuam Road, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Modifications to the permitted solar farm (planning register reference number 17/6784, An Bord Pleanála reference number PL 04.303013). The modifications are within the boundary of the permitted development and will consist of: Changes to the layout and dimensions of the permitted solar photovoltaic layout which will decrease the solar photovoltaic footprint from circa 159,100 square metres of solar panels to circa 145,000 square metres of solar panels on ground mounted frames (this modification is to allow for the inclusion of a proposed 110kV substation and grid connection which will be subject to a separate application). Amendments to the internal track layout and the removal of the permitted battery storage unit. Six number single storey inverter/transformer stations (reduced from 10 number permitted inverter/transformer stations). Permission is also sought for the provision of a 33kV internal network cable (circa 3,760 metres underground with circa 114 metres of overhead line) linking the Ballinrea solar farm with the Ballinvuskig solar farm (circa 1.74 kilometres

to the northwest). The proposed development includes all associated site works and ancillary infrastructure, all at Ballinrea, Ballinreeshig, Kilnahone near Carrigaline, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars for the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to:

- (a) national and regional policy objectives in relation to renewable energy,
- (b) the provisions of the Cork County Development Plan 2022-2028,
- (c) the nature, scale, extent and layout of the proposed development,
- (d) the topography of the area,
- (e) the existing hedging and screening on the site,
- (f) the planning history of the site, including the extant solar farm permission (An Bord Pleanála reference number PL 04.303013-18), and
- (g) the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development, which constitutes modification to a permitted solar farm and associated elements, including a network cable, would be in accordance with relevant national and regional renewable energy policy objectives, would be in accordance with the relevant provisions of the development plan, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, the modifications and associated elements which form the proposed development would not be likely to have significant effects on the environment, or

the ecology of the area, and would not give rise to increased risk of flooding of the site or of property in the vicinity. 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 Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour Special Protection Area (Site Code: 004030) is a European Site for which there could be a likelihood of significant effects.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and carried out 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 as well as the report of the Inspector. In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans and projects, the mitigation measures which are included as part of the current proposal, and 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 Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect

the integrity of the Cork Harbour Special Protection Area (Site Code: 004030), or any other European Site in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of adverse effects.

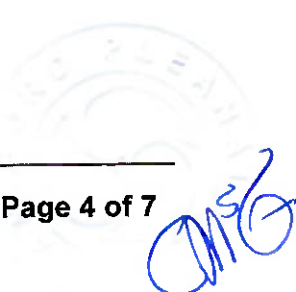
Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 31st day of October, 2023, 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 the development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under An Bord Pleanála reference number PL 04.303013-18, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.



3. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in the Natura Impact Statement, the Ecological Impact Assessment, the Arboricultural Impact Assessment and Tree Protection Plans and other particulars submitted with the planning application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of the order.

Reason: In the interest of clarity and of the protection of the environment during the construction and operational phases of the development.

4. The developer shall submit a revised Biodiversity Management and Enhancement Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The revised plan shall include details to address management of grazing within the site of the solar farm having regard to the need to support species rich meadows/grasslands, breeding bird species, and wintering farmland birds and waterbirds.

Reason: To protect site biodiversity.

5. (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) Cables within the site shall be located underground.
- (d) The inverter/transformer stations shall be dark green in colour.

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

6. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority.

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


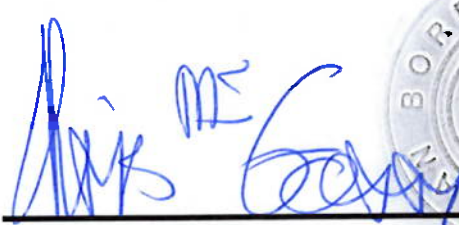
7. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

Reason: In the interest of public safety, residential amenity and protection of the environment.



8. 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.



Chris McGarry

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

Dated this 23rd day of July 2024.