



An
Bord
Pleanála

Board Order
ABP-318925-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 23/41837

Appeal by Ballinvuskig Solar Farm Limited care of MKO of Tuam Road, Galway, County Galway against the decision made on the 20th day of December, 2023 by Cork City Council to refuse permission for the proposed development.

Proposed Development: Modifications to the permitted solar farm (planning register reference number: 19/5371, An Bord Pleanála reference number PL04.305186). The proposed modifications are entirely within the boundary of the permitted development and will consist of (i) the exclusion of the permitted 38 kV substation and grid connection which comprised of a loop in to the existing 38 kV overhead line on site, (ii) the exclusion of the permitted battery storage unit and container unit, (iii) a reduction in number of inverter/transformer stations from 12 number permitted to eight number inverter/transformer stations, (iv) the provision of a ring main unit to facilitate the connection of Ballinvuskig Solar Farm to a proposed 110 kV substation at Ballinrea, County Cork, (v) assorted changes to the internal access tracks and the layout and dimensions of their permitted photovoltaic panels which will increase the solar photovoltaic footprint from circa 178,600 square metres of ground mounted solar panels to circa 188,000 square metres of ground

mounted solar panels, and (vi) all associated site works and ancillary infrastructure, all on a circa 44.4 hectare site at Ballinvuskig, Douglas, County 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.

Reasons and Considerations

Having regard to:

- (i) the national and regional policy objectives in relation to renewable energy,
- (ii) the provisions of Cork City Development Plan 2022 – 2028,
- (iii) the nature, scale, extent and layout of the proposed development,
- (iv) the topography of the area,
- (v) the existing hedging and screening on the site, and
- (vi) the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the Cork City Development Plan 2022-2028, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, 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 Screening

Having regard to the information presented in the Screening Report, the submissions and observations, the nature, size, scale and location of the various elements of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of ecological receptors, it is considered that the applicant has identified all European sites that could be significantly impacted.

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European site number 004030 (Cork Harbour Special Protection Area), in view of the sites' Conservation Objectives and therefore Appropriate Assessment (and submission of a Natura Impact Statement) is required.

Appropriate Assessment

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European site number 004030 (Cork Harbour Special; Protection Area), or any other European site, in view of the sites Conservation Objectives. This conclusion is based on a full and detailed assessment of all aspects of the proposed project including

proposed mitigation measures in relation to the conservation objectives of the Cork Harbour Special; Protection Area (004030), detailed assessment of in combination effects with other plans and projects, and current proposals, and there is no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Cork Harbour Special; Protection Area (004030). This is consistent with the findings of the submitted Natura Impact Statement.

Conditions

1. The 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 submitted to the planning authority on the 6th day of September, 2023 and on the 24th day of November, 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 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 on the 28th day of November, 2019, under appeal reference number ABP-305186-19, 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 (dated 15th March 2023), and Ecological Impact Assessment (dated 15th March 2023), and other particulars submitted with the 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 this Order.

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

4. A Biodiversity Management Plan, which shall have regard to BRE (2014) Agricultural Good Practice Guidance for Solar Farms and BRE (2014) Biodiversity Guidance for Solar Developments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The 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 at the developers' expense.

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

7. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including 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 interests of public safety, residential amenity and the 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this *23rd* day of *July*, 2024.

