

Planning and Development Acts 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 24/5211

Appeal by Garrett Verling against the decision made on the 14th day of July, 2025 by Cork County Council to grant, subject to conditions, a permission to Amarenco Solar Rathcormac Limited in accordance with the plans and particulars lodged with the said Council.

Proposed Development: A 10-year permission for a solar farm consisting of solar photovoltaic panels on ground mounted frames. Four single storey transformer stations, four single storey spare parts storage containers. One single storey MV electrical kiosk, a 38kv substation compound with one single storey substation building, underground electrical ducting, cabling and joint bays within the development site and within the L-1520-11, L-1520-39, L-1518-0, L-5789-0 and L-1517-0 public roads to connect the solar farm field parcels, a new entrance off the L-1520-11, a new entrance off L-5170-0, upgrading of an existing agricultural entrance off the L-1520-11, internal access tracks, security fencing, CCTV, landscaping and all associated development site works at Corrin, Kill Saint Annes North, Clykeel North, Ballinvarrig East, Ballinvarrig West, Deerpark, Knockaduff, Kill Saint Anne South, Ballyarra, Mohera, Spurree (townlands), Castlelyons, Fermoy, County Cork. The solar panels are arranged within a site area covering approximately 41.72 hectares, the site area within the public road is approximately 4.94

hectares. The total development area (including ancillary works) amounts to approximately 46.66 hectares. A Natura Impact Statement was submitted with the application.

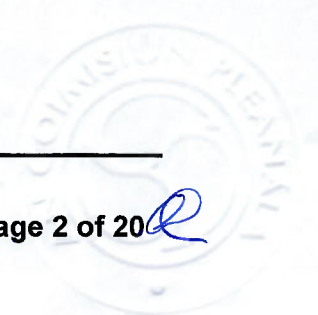
Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and the relevant sectoral adaptation plans in particular the Electricity and Gas Sectoral Plan 2025 and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State), and otherwise had regard to:

- (a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:



European Policy/Legislation including:

- Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive).
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive).
- Directive 2000/60/EC (Water Framework Directive).

National Policy and Guidance including:

- Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF.
- National Development Plan 2021-2030.
- The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Policy Statement on Security of Electricity Supply (November 2021).
- National Energy Security Framework (April 2022).
- National Energy and Climate Action Plan (2021-2030).

Regional and Local Planning Policy, including in particular:

- Regional Spatial and Economic Strategy for the Southern Region (2019-2031).
 - Cork County Development Plan 2022-2028.
- (b) The nature, scale and extent of the proposed development.
- (c) The pattern of development within the area and context of the receiving environment.
- (d) The range of mitigation measures set out in the Ecological Impact Assessment, Construction and Environmental Management Plan, Glint and Glare Assessment, Landscape and Visual Impact Assessment, Flood Risk Assessment and Drainage Strategy, Arboricultural Report, Landscape Mitigation Plans, Construction Traffic Management Plan, Archaeological Resolution Strategy and Site Restoration Plan.
- (e) The range of mitigation measures set out in the Natura Impact Statement.
- (f) The submission of the third-party appellant.
- (g) The documentation submitted with the application and the appeal.
- (h) The Inspector's report and recommendation.

Proper Planning and Sustainable Development

The Commission considered that, having regard to the planning history of the site and subject to compliance with the conditions set out below, the proposed development would make a positive contribution to Ireland's renewable energy and security of energy supply requirements, would be in accordance with European, national, and regional renewable energy policies and would align with the provisions of the Cork County Development Plan, 2022-2028. The proposed development would not have an adverse impact on the character of the landscape or the cultural or archaeological heritage of the site and surrounding area, would not give rise to flood risk on site or elsewhere downstream, would not result in adverse impacts on water quality, would not seriously injure the residential amenities of the area or otherwise of property in the vicinity, would not have a significant adverse impact on ecology and would be acceptable in terms of traffic impacts and safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1 Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, the Commission concluded that the proposed development could result in significant effects on the Blackwater River (Cork/Waterford) SAC (002170) in view of the sites conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Appropriate Assessment Stage 2 Conclusion

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Blackwater River (Cork/Waterford) SAC (002170) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the Natura Impact Statement and all associated material submitted, and taking into account observations on nature conservation, it is considered that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC (002170) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. The Commission's conclusion is based on the following:

- Distance of the proposed works to the SAC.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures propose.
- Application of planning conditions to ensure application of these measures.

In conclusion the proposed development will not affect the attainment of conservation objectives for the Blackwater River (Cork/Waterford) SAC (002170).

EIA Screening Determination

Having regard to:

- (a) The nature of the existing site and the existing and permitted pattern of development in the surrounding area.
- (b) The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm, which is not, of itself, a class in Part 1 or Part 2 of Schedule 5 of the regulations and for the purposes of the Environmental Impact Assessment Directive.
- (c) The nature and scale of the proposed development, which is sub threshold in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised.
- (d) The criteria set out in Schedule 7, in particular, the location of the proposed solar farm development outside of the designated adjoining SAC, the Blackwater River (Cork/Waterford) SAC (002170).
- (e) The type and characteristics of potential impacts, the results of relevant assessments of the effects on the environment submitted by the applicant, including the Natura Impact Statement, Flood Risk Assessment, the Landscape and Visual Impact Assessment (LVIA), the Ecological Impact Assessment (EclA) and archaeological impact assessment.

- (f) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular, the Construction Environmental Management Plan, the landscape strategy, the drainage strategy and the Archaeology Resolution Strategy.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an Environmental Impact Assessment Report is not required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 27th day of June 2024, the 12th day of December 2024, the 19th day of May 2025 and the 21st day of May 2025, 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.

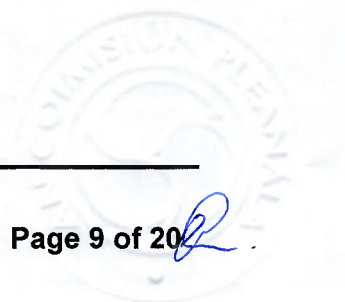
2. Prior to commencement of development revised drawings shall be submitted for the written agreement of the planning authority indicating:
 - (a) An appropriate set back distance from the edge of the public road at each of the proposed site entrances to accommodate one vehicle in the access, clear of the carriageway and any adjacent footway/cycle facility. The vehicle to be accommodated should be of the largest type to use the access on a regular basis and shall

designed in accordance with section 5.5.2 of Transport infrastructure Ireland guidelines, Transport infrastructure Ireland (TII) Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions) DN-GEO-03060.

- (b) Revised site layout plans drawings indicating the location and dimensions of the proposed trench soakaways at each of the solar farm sites, to comply with the updated Drainage Strategy submitted to the planning authority on the 19th day of May 2025.

Reason: In the interests of clarity, traffic safety and protection of the environment.

- 3. (a) The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.
- (b) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
- (c) Prior to commencement of development, a restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.



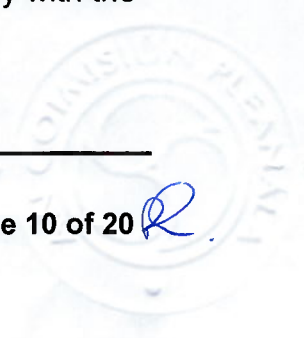
- (d) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with restoration plan, and all decommissioned structures shall be removed within three months of decommissioning.

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years and 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 landscape restoration upon cessation of the project.

4. The developer shall ensure that all mitigation measures and commitments as set out in the Natura Impact Statement shall be implemented in full as part of the proposed development.

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

5. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, Construction and Environmental Management Plan, Drainage Strategy, Archaeological Resolution Strategy, Construction traffic Management Plan, Glint and Glare Assessment, Landscape and Visual Impact Assessment, Landscape Mitigation Plans and other particulars submitted with the application and by way of further information, 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.

6. 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.

7. (a) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The transformer stations and fencing shall be dark green in colour or other dark colours, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. (a) Existing field boundaries, including trees and hedgerow, shall be maintained and supplemented in accordance with the details submitted except where removal is proposed to facilitate access to roadways and sightlines.
- (b) All proposed landscaping and planting shall take place in the first planting season following commencement of development and in accordance with the details proposed. The landscaping and screening shall be maintained at regular intervals. Any trees or hedgerow that are removed, die or become seriously damaged or

diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

9. Prior to the commencement of development, the developer shall submit a final Invasive Species Management Plan (ISMP), which shall be carried out by a suitably qualified individual for the review of the planning authority. No works shall commence onsite until the developer has received the written agreement of the planning authority with regard to this assessment.

Reason: In the interests of public safety and biodiversity.

10. (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.

- (f) Cables/services are permitted to run in the carriageway over the bridge structures unless otherwise authorised by a separate grant of planning permission.

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

11. Prior to the commencement of construction, the developer shall comply with the requirements of the planning authority for drainage arrangements, including the attenuation and disposal of surface water. Such works and services shall otherwise comply with submitted updated Drainage Strategy.

Reason: In the interest of environmental protection and reducing run-off from the site.

12. (a) All road surfaces, culverts, 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.
- (b) Prior to the commencement of construction, a road condition survey shall be taken along the full extent of the construction haul route and the cable connection route to provide a basis for future reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (c) Prior to the commencement of construction, final details of the proposed haul route for the construction phase shall be agreed in writing with the planning authority.

- (d) Where any of the proposed entrances to the site are widened to facilitate access/egress by HGV's adequate drainage measures must be installed.

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

13. Prior to commencement of development, the developer shall satisfy the requirements of Uisce Éireann in relation to their requirements for working in the vicinity of Uisce Éireann assets.

Reason: In the interest of protecting the public water infrastructure at this location.

14. Access for fire brigade vehicles and water supplies for firefighting purposes shall comply with the requirements of the planning authority.

Reason: In the interest of public safety.

15. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Resolution Strategy, included in the application documents, shall be implemented in full, except as may otherwise be required in order to comply with the below conditions, relating to the protection of the archaeological heritage. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, features or other objects of archaeological interest.

16. (a) Noise levels emanating from the operational phase of the proposed development when measured at Noise Sensitive Locations shall not exceed 55 dBA (30-minute LAR) between 0700 hours and 1900 hours, 50 dBA (30-minute LAR) between 1900 hours and 2300 hours and 45 dBA (15-minute Leq) between 2300 and 0700 hours.
- (b) A noise monitoring survey shall be carried out within three months of commissioning of the proposed development. The extent and timing of the survey and monitoring sites used shall be agreed with the planning authority in advance. The results of the survey shall be submitted to the planning authority within one month of completion of the survey.
- (c) The developer shall carry out such additional noise mitigation measures to comply with noise limitations.

Reason: In the interest of residential amenity.

17. (a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be agreed in writing with the planning authority prior to the commencement of development.
- (b) This plan should be subject to periodic review and shall specify the construction practice, including measures for the suppression and mitigation of on-site noise and vibration.
- (c) The plan shall be developed having regard to, and all construction activity shall be undertaken in accordance with, best practise guidelines, including BS 5228-1:2009+A1:2014, parts 1 and 2.

- (d) Prior to the commencement of development, a plan for the phased development of the site shall be submitted to and agreed in writing with the planning authority which shall seek to maximise separation from site boundaries at commencement of works and move progressively across the site.

Reason: In order to protect the amenities of the area.

- 18. The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The finalised CEMP shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compounds.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) The preparation of the Construction Traffic Management Plan to include details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.

- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater.
- (j) Off-site disposal of construction/demolition waste and the preparation of a Resource Waste Management Plan (RWMP).
- (k) Details of how it is proposed to manage excavated soil.
- (l) Details of on-site re-fuelling arrangements, including use of drip trays.
- (m) Means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- (n) The finalised Construction and Environmental Management Plan shall take account of the mitigation measures outlined within the Natura Impact Statement.
- (o) The finalized Construction and Environmental Management Plan shall take account of the mitigation measures outlined within the Archaeological Resolution Strategy. The CEMP shall clearly describe all identified likely archaeological impacts, both direct

and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

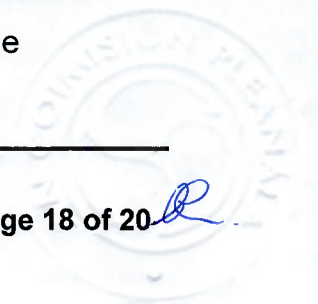
- (p) A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

- 19. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

- 20. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the



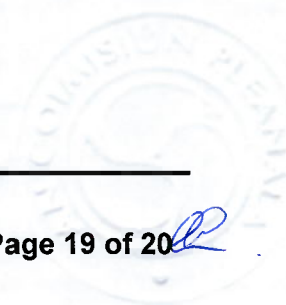
document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

- (c) Within three months of the installation of the wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

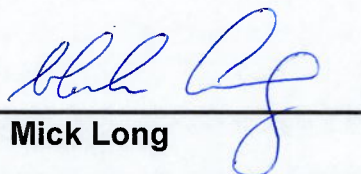
21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.



22. 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 Coimisiún 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.



Mick Long

Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this

27 day of *April*

2026.

