

An
Coimisiún
Pleanála

Commission Order
ACP-323402-25

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 24/6157

Appeal by Aglish Solar Farm Limited against the decision made on the 23rd day of July, 2025 by Cork County Council to refuse permission.

Proposed Development: 10-year permission for a solar farm with a total area of circa 161 hectares. The solar farm will consist of solar panels on ground mounted frames, 23 number single storey electrical inverter/transformer stations, six number single storey spare parts containers, three number ring main units, seven number weather stations, underground electrical ducting and cabling within the development site, private lands and within the L62031, L6203, R619, L6207, L22012 and L2204 public roads to connect solar farm field parcels, security fencing, CCTV, access tracks, four number stream/drain deck crossings, six number horizontal directional drill crossings (under watercourse/drains/public road), temporary construction compounds, landscaping and all associated ancillary development and drainage works. Construction and operational access will be via seven number entrances from the L62031, L6203, L22012, L6398 and L2204 local roads, all at Aglish, Currahaly, Farnanes, Farran, Knockavullig, Knocknagoul, Knockshanawee, Loughleigh, Mahallagh, Nettleville Demesne, Rathonoane, Rooves Beg,

Rooves More, Shandangan East, County Cork. The operational lifespan of the solar farm will be 40 years.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with, inter alia, the Climate Action Plan 2025 and the furtherance of the national climate objective, and otherwise had regard to:

- (a) European, national, regional and local planning, energy, climate and other policies 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), and
- Directive 2000/60/EC (Water Framework Directive).

National Policy and Guidance including:

- Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF,
- the National Development Plan 2021-2030,
- the objectives and targets of the National Biodiversity Action Plan 2023-2030,
- the Policy Statement on Security of Electricity Supply (November 2021),
- the National Energy Security Framework (April 2022),
- the National Energy and Climate Action Plan (2021-2030), and
- the Framework and Principles for the Protection of the Archaeological Heritage (1999).

Regional and Local Planning Policy, including in particular:

- the Regional Spatial and Economic Strategy for the Southern Region (2019-2031), and
- the Cork County Development Plan 2022-2028.

- (b) the nature, scale and extent of the proposed development,
- (c) the pattern of development in the area and the context of the receiving environment,
- (d) measures proposed for the construction, operation and decommissioning of the proposed development,
- (e) the range of mitigation measures set out in the Ecological Impact Assessment, Aquatic Ecological Impact Assessment, Construction and Environmental Management Plan, Biodiversity Management Plan, Glint and Glare Assessment, Noise Impact Assessment, Landscape and Visual Impact Assessment and the Archaeological, Architectural and Cultural Heritage Impact Assessment,

- (f) the submissions of the observers and the prescribed bodies received in relation to the planning application and the appeal,
- (g) the documentation submitted with the planning application and the appeal, and
- (h) the Inspector's report and recommendation.

Appropriate Assessment Screening:

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and the submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites.

Environmental Impact Assessment Screening:

The Commission completed an Environmental Impact Assessment screening of the proposed development. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and the Schedule 7A information submitted by the applicant, following a screening determination, the Commission concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment (EIA) can, therefore, be excluded following this screening determination and an EIA is not required.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the nature and scale of the proposed development, which is significantly below the threshold of four kilometres for hedgerow removal reinserted by the 2023 amending regulations and is also below the screening threshold set out in the 2011 (Agricultural) Regulations,
- (c) the nature of the existing site and the pattern of development in the surrounding area,
- (d) the location of the proposed development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended,
- (e) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (g) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the submitted Construction and Environmental Management Plan, the Ecological Impact Assessment, the Aquatic Ecological Impact Assessment, the Site Access and Drainage Report, the Archaeological, Architectural and Cultural Heritage Impact Assessment Report and the additional supporting information submitted to the planning authority during the course of the planning application,

it is considered that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development 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, would not have an adverse impact on the cultural or archaeological heritage of the site and surrounding area having regard to the information submitted at planning application stage and at appeal stage, which was subject of, inter alia, an archaeological assessment by the Commission, would not unduly impact on the character of the receiving landscape, would be acceptable in terms of traffic impacts and safety, would not have a significant adverse impact on ground or surface water quality, would not have a significant adverse impact on terrestrial, ornithological or aquatic ecology, would not seriously injure the residential amenities of the area or otherwise of property in the vicinity, and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 21st day of May, 2025 and on the 27th day of June, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Commission considered it appropriate to specify a period of validity of this permission in excess of five years.

3. Prior to commencement of development, the developer shall submit details to the planning authority confirming the anticipated megawatt capacity and annual electricity generation of the proposed solar farm.

Reason: In the interest of clarity.

4. 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.

5. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, Glint and Glare Assessment, Noise Impact Assessment, Landscape and Visual Impact Assessment, the Archaeological, Architectural and Cultural Heritage Impact Assessment, Construction and Environmental Management Plan (including Surface Water Management Plan) submitted by way of further information, and other plans and 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 this Order.

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

6. The ring main units, inverters and spare parts containers shall be painted dark green in colour or other dark colour, unless otherwise agreed with the planning authority prior to commencement of development.

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

7. (a) This 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.

- (b) Prior to commencement of development, a detailed maintenance regime for the solar farm and a separate 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. The maintenance regime shall have due regard to the mitigation measures prescribed in the submitted Flood Risk Assessment.
- (c) 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.

Reason: 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 orderly development.

- 8. (a) The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the National Monuments Service or the planning authority Archaeologist in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include, where applicable, geophysical survey, metal

detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts). The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of buffer zones, preservation by record (archaeological excavation) or archaeological monitoring shall be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the planning authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

- (b) Prior to commencement of development, the Construction and Environmental Management Plan (CEMP) shall be updated to reflect the completed archaeological assessment and shall be submitted for the written agreement of the planning authority. 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.

- (c) A Management Plan for all RMPs and Cultural Heritage features (CH) as detailed in the Archaeological, Architectural and Cultural Heritage Impact Assessment Report shall be prepared, following consultation with the National Monuments Service, and submitted to the planning authority for written agreement prior to commencement of development.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

- 9. (a) Existing field boundaries, including trees and hedgerow, shall be maintained and supplemented in accordance with the details submitted, except where their removal is proposed to facilitate access roadways and sight lines.
- (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.
- (c) Revised landscaping proposals shall be submitted for Parcel 5. In lieu of the hedgerow planting along the northern boundary (Type 1) and Type 2 Hedgerow planting along the north-western boundary, a new Type 2 hedgerow shall be provided to the immediate north of the panels within Parcel 5 along its entire length.

- (d) All solar panels within the permitted development shall include an Anti-Reflective Coating (ARC). Upon commissioning of the proposed 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 to confirm the effectiveness of the proposed mitigation once implemented. In addition, the developer shall confirm the final tilt of the solar panels within each land parcel prior to commencement of development.

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

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

11. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the long-term viability of this agricultural land, in order to minimise impacts on drainage patterns, and to facilitate archaeological heritage protection by way of alternative foundations at specific locations as mitigation.

12. (a) No artificial lighting shall be installed or operated on site, unless authorised by a prior grant of planning permission.
- (b) The solar panels shall be cleaned with water only, and the use of chemical products shall be prohibited.

- (c) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (d) Cables within the site shall be located underground.
- (e) A 200-millimetre gap shall be provided between the base of all security fencing and the ground within each land parcel. In addition, larger mammal access gates shall be provided at appropriate points to enable access for wildlife to move freely throughout the landscape. The gap between the hedgerows and the fence line within each land parcel shall be increased to a minimum of three metres. The details of all revisions shall be submitted to the planning authority prior to commencement of development.

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

13. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a revised Biodiversity Management Plan (BMP) which provides for the long-term monitoring of the site and shall include the following:
- (a) Monitoring of mitigation, enhancement and management measures to be implemented.
 - (b) Ornithological and bat activity monitoring of the site.
 - (c) Fatality monitoring with a focus on avian fauna and bats.

Monitoring shall be carried out by suitably qualified and experienced ecologist(s). The results of the monitoring shall be provided to the planning authority along with the provision for review and updating of the monitoring programme and mitigation strategy arising from the assessment of results/observations collected during the monitoring, if applicable. Revision of the monitoring programme and/or mitigation strategy shall be in agreement with the planning authority.

Reason: In the interest of environmental protection and biodiversity.

14. A pre-construction survey for breeding sites and resting places of protected terrestrial species, in particular badger, shall be carried out by a suitably qualified and experienced ecologist prior to construction works commencing with results of same submitted to the planning authority. This shall be submitted as a confidential report if there are relevant issues of concern relating to the locations arising. If protected species are found, then appropriate mitigation measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of environmental protection and biodiversity.

15. Prior to commencement of development, the developer shall submit to the planning authority a detailed Construction Traffic Management Plan (CTMP) prepared by a suitably qualified transport engineer. The CTMP shall provide details for the management of construction traffic for the duration of the construction phase and shall confirm where road closures and diversions are required and where it is intended to introduce a stop/go system. The CTMP shall also include the requirement for the use of flagmen for all HGV deliveries to Parcels 3 and 4. In addition, a resident liaison or point of contact shall be appointed to ensure that residents located along the local road network are informed of peak delivery times, anticipated disruptions, or other related matters.

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

16. (a) The cable route shall be constructed in accordance with the requirements of the Interim Guidance to Roads Authorities regarding the proposed placement of Medium or High Voltage electricity Assets including ducts, cables and associated infrastructure under public roads.
- (b) The developer shall carry out a survey of all the public roads and bridges directly affected by the proposed development. The list of roads and methodology for the survey shall be agreed in writing with the planning authority prior to commencement of development.
- (c) A full video survey of the existing water table network on public roads subject to cabling shall be carried out and reinstatement works shall be undertaken to the satisfaction of the planning authority. All surface water culverts exposed during the cabling excavation works shall be recorded.
- (d) All public roads affected by the cable route shall be fully regulated and resurfaced across their full width.

- (e) The minimum depth of cover to any cable in the public road or verge shall be 950 millimetres.

Reason: In the interest of orderly development.

17. The construction of the proposed development shall be managed in accordance with a finalised Construction and Environmental Management Plan (CEMP), 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 proposed development, including:
- (a) The location of the site and materials compound(s).
 - (b) The 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) 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 the 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 details of how it is proposed to manage excavated soil.

- (k) Details of on-site re-fuelling arrangements, including the use of drip tray.
- (l) Details of how it is proposed to manage excavated soil.
- (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) Hours of construction.

The CEMP shall include a Construction Dust and Noise Management plan. 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.

18. (a) Noise levels emanating from the operational phase of the proposed development when measured at noise sensitive locations shall not exceed 45dBA (30-minute LAR) between 0700 hours and 1900 hours, 40 dBA (30-minute LAR) between 1900 hours and 2300 hours and 35 dBA (15-minute Leq) between 2300 and 0700 hours.
- (b) A noise monitoring survey shall be carried out within three months of the 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 developer shall carry out, at its own expense, such additional noise mitigation measures as may be deemed necessary following a review of such noise survey results.

Reason: In the interest of residential amenity.

19. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. 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. This shall cover all reinstatement works associated with the public roads that are impacted by the underground cabling works or that may be damaged by the transport of materials to the site. 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.

21. 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.

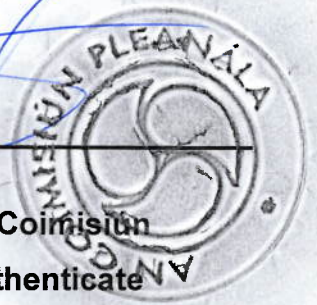


Tom Rabbette

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 14th day of May 2026.