



An
Coimisiún
Pleanála

Commission Order
ACP-323747-25

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 245630

APPEAL by Ballysallagh Solar Farm Limited against the decision made on the 1st day of September 2025 by Cork County Council to refuse permission for the proposed development.

Proposed Development: A 10 Year planning permission for a solar farm with a total area of circa 179 hectares. The solar farm will consist of solar panels on ground mounted frames, 25 number single storey electrical inverter/transformer stations, three 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 L7691 and L7692 public roads to connect solar farm field parcels, security fencing, CCTV, access tracks, seven number stream/drain deck crossings, temporary construction compounds, landscaping and all associated ancillary development and drainage works. Construction and operational access will be via four number entrances from the R626, L7691 and L7692, at Ballysallagh, Dundullerick East, Dundullerick West, Rathcobane, County Cork. The operational lifespan of the solar farm will be 40 years, and planning permission is requested for this duration.

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

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.

In coming to its decision, the Commission had regard to the following:

European Policy/Legislation including:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025).
- Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning and Development Regulations, 2001, as amended.

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- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

National Policy and Guidance including:

- national policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the National Planning Framework First Revision 2025 and National Policy Objective 70,
- 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) and the National Energy Security Framework (April 2022),
- National Energy and Climate Plan (2021-2030):

Regional and Local Planning Policy, including in particular:

- Regional Spatial and Economic Strategy for the Southern Region (2020-2032), and
- the Cork County Development Plan 2022-2028:

and also having regard to:

- the nature, scale and extent of the proposed development,
- the pattern of development within the area and context of the receiving environment,
- the range of mitigation measures set out in the Natura Impact Statement,

- the range of mitigation measures set out in the Ecological Impact Assessment and the Construction and Environmental Management Plan,
- the measures set out in the Surface Water Management Plan, the Landscape and Visual Impact Assessment and the Archaeological, Architectural and Cultural Heritage Impact Assessment,
- the measures proposed for the construction, operation and decommissioning of the development,
- the submissions received in relation to the appeal,
- the documentation submitted with the application and the appeal and,
- the Planning Inspector's report and recommendation.

Appropriate Assessment Stage 1

The Commission considered the Natura Impact Statement and all the other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the European sites in respect of which the proposed development has the potential to have significant effects are Great Island Channel Special Area of Conservation (Site Code 001058) and Cork Harbour Special Protection Area (Site Code 004030) in view of the Conservation Objectives for these sites and that Stage 2 Appropriate Assessment is, therefore, required.



Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Great Island Channel Special Area of Conservation (Site Code 001058) and Cork Harbour Special Protection Area (Site Code 004030), in view of the sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the sites using the best available scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

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

In completing the Appropriate Assessment, the Commission 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 Sites, having regard to the sites' conservation objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment Screening

Having regard to –

- the nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, includes a limited extent of field boundary removal (55 linear metres), thereby coming within Class 1(a) of Part 2 of Schedule 5 of the Regulations and below the threshold set out in the class,
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area,
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended,
- 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),
- the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and,
- the features and measures proposed by the developer 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 project - Landscape and Visual Impact Assessment, Ecological Impact Assessment, Biodiversity Management Plan, Archaeology and Architectural Heritage Impact Assessment, Flood Risk Assessment, Surface Water Management Plan, Noise Impact Assessment, Glint and Glare Assessment, Construction and Environmental Management Plan, and Decommissioning and Restoration Plan.



The Commission 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.

Conclusions on 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 with the provisions of the Cork County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity, nor have an unacceptable impact on the character of the landscape or the cultural or archaeological heritage of the site, would not give rise to flood risk on site or exacerbate flood risk downstream of the site, would not result in adverse impacts on water quality, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further information and revised plans and details received by the planning authority on the 19th day of February 2025 and 8th day of July 2025 and the details accompanying the appeal received by An Coimisiún Pleanála on the 26th day of September, 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 the 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. 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 solar farm.

Reason: In the interest of clarity.

3. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

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

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

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6. (a) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. All structures, including foundations, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.
- (b) Prior to commencement of development, a detailed Site Restoration Plan and a timescale for its implementation, providing for the removal of the solar arrays and all ancillary structures and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.
- (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, and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan, and all decommissioned structures shall be removed from the site 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.

7. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, Natura Impact Statement, Glint and Glare Assessment and the updated landscape and visual impact assessment, the Archaeological, Architectural and Cultural Heritage Impact Assessment, Flood Risk Assessment, Noise Impact Assessment, Construction and Environmental Management Plan and the Surface Water Management Plan submitted by way of further information, and other plans and

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 interest of clarity.

8. 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 Local 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 may 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 Local 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

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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.

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 hedgerows, shall be maintained and supplemented in accordance with the details submitted save where 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) All solar panels within the permitted development shall include an Anti-Reflective Coating (ARC). Upon commissioning of the development and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority to confirm the effectiveness of the proposed mitigation once implemented.

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

10. Prior to commencement of development, the developer shall submit an 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 on-site 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.

11. (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 routes to provide a basis for further reinstatement works. Details in this regard shall be submitted to, and agreed with, the planning authority prior to the commencement of development.
- (c) Where any of the proposed entrances to the site are widened to facilitate access/egress by HGV's, adequate drainage measures shall be installed.

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

12. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be carried out strictly in accordance with the details provided in the Surface Water Management Plan and the amended plans and particulars submitted by way of further information.

Reason: In the interest of clarity.

13. (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; and
- (e) Cables within the site shall be located underground.

Reason: In the interest of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

14. The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan (CEMP), to include a Construction Traffic 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:
- (a) details of site security fencing and hoardings,
 - (b) details of on-site car parking facilities for site workers during the course of construction,
 - (c) 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,
 - (d) measures to obviate queuing of construction traffic on the adjoining road network,
 - (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
 - (g) 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,

- (h) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (i) details of on-site re-fuelling arrangements, including use of drip trays,
- (j) details of how it is proposed to manage excavated soil,
- (k) 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,
- (l) details of the material to be used for the access tracks, which shall comprise permeable stone,
- (m) the community liaison details including how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads and/or HGV deliveries, and
- (n) the finalised CEMP shall take account of the mitigation measures outlined within the Natura Impact Statement. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be available for inspection by the planning authority.

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The finalised CEMP shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development, as set out in the Archaeological, Architectural and Cultural Heritage Impact Assessment and as may become relevant subsequent to the programme of pre-development test trenching and Archaeological Test Excavation. 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.

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

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

16. (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.

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- (b) The inverter/transformer stations, spare parts containers and all fencing shall be dark green in colour or other dark colour that shall be agreed with the planning authority prior to the commencement of development.

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

17. 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.

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

19. 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.

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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory 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 agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: in the interests of traffic safety and the proper planning and sustainable development of the area.

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



Chris McGarry

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

Dated this 19th day of February 2026.