



An
Bord
Pleanála

Inspector's Report ABP-301994-18

Development	Proposed 13.1 MW solar farm on c. 40-hectare site.
Location	Townlands of Finnis and Mishells to the north of Bandon, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/06111
Applicant(s)	BNRG Neoen Holdings Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 22 conditions
Type of Appeal	Third party -v- Decision
Appellant(s)	Finnis/Mishells Solar Free Valley Group
Observer(s)	None
Date of Site Inspection	14 th December 2018
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 2.6 km north of Bandon “as the crow flies” in an area of rolling countryside. This site lies within the valley of the Ballymahane River, which flows from the west to the east into the Sall River/Brinny River/Bandon River. It comprises two portions one to the north west on south facing slopes and one to the south east on flatter land adjoining the River Ballymahane.
- 1.2. The north western portion of the site lies in the townland of Finnis and it is accessed off the L-6046 to the north of the site. This portion is composed of all or part of 8 fields and it extends over an area of 23.2 hectares. It includes an existing laneway from the L-6046 to a centrally sited farm yard.
- 1.3. The south eastern portion of the site lies in the townland of Mishells and it is accessed of the L-2033 to the south of the site. This portion is composed of 2 fields and a laneway. It extends over an area of 15.6 hectares.
- 1.4. The Ballymahane River separates the two portions of the site, which together have an area of 38.8 hectares.

2.0 Proposed Development

- 2.1. The proposal is for a ground mounted solar photovoltaic (PV) farm (13.1 MW). This farm would consist of solar photovoltaic panels covering an area of up to 75,100 sqm on ground mounted steel frames. These panels would be south facing, and they would be laid out in rows that would run east/west.
- 2.2. As originally submitted, 1 on-site sub-station (70 sqm) was proposed with 2 possible locations either in the north western portion of the site or the south eastern portion of the site. Under further information the link between these two portions was omitted and so both locations would be utilised in the provision of 2 on-site sub-stations.
- 2.3. Other items would be installed/constructed, too: up to 8 no. inverter/transformer stations (30 sqm x 8 = 240 sqm), underground cables and ducts, boundary security fences, new internal tracks, CCTV cameras and all associated site services.
- 2.4. The existing northern access to the site would be utilised. This access would be denoted as entrance no. 1. The existing southern access to the site would be

retained and it would be denoted as entrance no. 2. This access would be supplement by a new access, which would be formed to the west to facilitate HGV movements, and it would be denoted as entrance no. 3.

- 2.5. The proposal would be linked to the 110 kV Bandon sub-station, which lies to the east of the junction between the L-2033 and the R-590. As originally submitted, the applicant proposed to utilise underground cabling along either the L-6046/R-590 or the L-2033. However, as revised, both routes would be required.
- 2.6. The applicant seeks a 10-year permission for the proposal, which would have a 30-year life span.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information and clarification of that information, permission was granted subject to 22 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was sought with respect to the following subjects:

- The need to consult with Cork Airport.
- Land ownership question with respect to the strip of land that connects the two main parcels of land.
- The need for a partially revised Glint and Glare Impact Report.
- The need for revised viewpoints/photomontages.
- The need for additional photomontages.
- Details of alternative secondary route to the site.
- Details of types of HGVs and numbers of movements during the construction phase.
- Under road ducting and existing road drainage to be addressed.

- Achievement of 160m sightlines at entrance no. 1 to be addressed.
- Schedule of maintenance to ensure availability of sightlines to be prepared.
- Entrance way gradients to be addressed.
- Achievability of access/egress by HGVs to be addressed.
- Details of numbers of employees and parking arrangements during construction phase to be addressed.
- Flood risk assessment to be prepared and proposed surface water drainage system to avoid adding to the intensity of run-off to the Ballymahane River.
- Details of maintenance agreements for proposed portals.
- Details of how storm water flows to be avoided entering and exiting the site at the three entrance/exit points.
- Details of the proposed wheel wash facilities to be sited beside the exits from the site.
- Noise claims with respect to the inverters and the sub-station to be substantiated.

Clarification of further information was sought with respect to the following subjects:

- Specific clarifications from IAA needed.
- Sightlines and gradients at entrance no. 2.
- Specific clarifications with respect to run-off to the Ballymahane River.
- Map of alternative secondary access route to be submitted.

3.2.2. Other Technical Reports:

- IFI: Conditions requested.
- An Taisce: Comments
- IAA: Further information requested, no further comments subsequently received.
- Environment (waste, water, and air): No objection, subject to conditions.

- Area Engineer: Following clarification of further information, no objection, subject to conditions.

4.0 Planning History

Pre-application consultation occurred on 10th November 2016.

5.0 Policy Context

5.1. Development Plan

The Cork County Development Plan 2014 – 2020 (CDP) shows the site as lying within in a rural area under strong urban influence. This Plan also shows the site as lying within the Landscape Character Area known as “Broad Fertile Lowland Valleys”, which is denoted as 6a, and which is deemed to be of high landscape value and sensitivity and of County importance. It addresses solar energy under Paragraphs 9.4.13 – 18. No Policy Objectives pertain specifically to solar energy. The following energy Policy Objective ED 1-1 states “Ensure that through sustainable development County Cork fulfils its optimum role in contributing to the diversity and security of energy supply and to harness the potential of the county to assist in meeting renewable energy targets.”

5.2. Natural Heritage Designations

Bandon Valley above Innishannon pNHA (site code 001740)

6.0 The Appeal

6.1. Grounds of Appeal

- The application was submitted on the basis that it was one contiguous site. However, a strip of land that connects the two main parcels of the site was omitted under further information, as the relevant landowner did not give consent for the inclusion of this strip in this site. In these circumstances, the application should have been declared invalid.

- Attention is drawn to documents cited in the case planner's report which emphasise the imperative of preserving good agricultural land in the interest of food security and of ensuring that solar farms are informed by this imperative in being sited optimally.

In the absence of Irish planning policies on solar farms, such policies from the UK and Europe should be used in the assessment of the current proposal.

The site is productive arable land and so it should be distinguished from non-arable agricultural land. As of 2016, nationally the land area that is the subject of solar farm planning permissions amounts to 0.03% of agricultural land or 0.129% of arable land.

With respect to the use of the site for the grazing of sheep during the 30-year life of the proposed solar farm, this may simply amount to a maintenance use of the site rather than an agricultural one.

The applicant has mistakenly used maps from elsewhere in some of the submitted documentation.

The applicant's assertion that site notices were continuously removed is challenged.

- Notwithstanding ministerial exhortations with respect to community engagement, the applicant's endeavours in this respect are critiqued, as is the absence of "planning gain".
- In the planning policy vacuum that pertains at present, developers are promoting inadequately worked through proposals.

The former An Bord Pleanála chairperson expressed the view that it would be preferable for this vacuum to be filled.

The applicant has selectively cited a research paper prepared for the SEAI and entitled "Planning and Development Guidance Recommendations for Utility Solar Photovoltaic Schemes in Ireland".

The inspector's report on PL26.247217 is cited with respect to the view expressed therein that in the absence of a national planning framework for solar farms it is unsatisfactory to permit such farms where they entail the loss of valuable agricultural land and result in significant changes to the landscape.

- Notwithstanding the inclusion of a bond condition in the draft permission, concern is expressed that the bond envisaged by the applicant would be inadequate and a view is expressed as to what an appropriate amount would be.

Concern is also expressed as to how decommissioning would be handled under a scenario wherein the operator went bankrupt or sold on the project to an investor who then neglected to decommission.

- Attention is drawn to the inclusion of incorrect maps in the submitted documentation.

Concern is expressed over the use of desk top studies. With respect to glint and glare, this should be the subject of quarterly independent review over the first 2 years of the project's life and, where compliance is not being achieved, adjustments to the layout should ensue.

Local residents report no irregularities with respect to site notices.

The applicant's offer of solar panels to one local household in isolation from the remainder of the community is disapproved of.

- The loss of arable farmland would be unconscionable in a world of food shortages.

Attention is drawn to the employment potential of the continued development of the agri-food sector of the economy, in contrast to the very limited employment that would be generated by the proposal.

UK and European solar farm practice explicitly avoids the use of more fertile land, an example that should be emulated in Ireland.

The applicant should undertake a search for suitable brownfield sites within a 10 km radius of the Mishells sub-station. One such site is identified.

Recourse to greenfield sites when brownfield ones are available is unacceptable.

6.2. Applicant Response

- As originally submitted, the site was a contiguous one and it was validated as such. At the further information stage, the red edge denoting the extent of the site was amended to omit the central strip of land, as the landowner's consent to its inclusion was not forthcoming. This amendment along with other further information was the subject of a public consultation exercise.
- The proposal would accord with national and European policies to promote renewable energy projects. In this respect, the SEAI research paper identifies agricultural land as a suitable location for such projects.

No national policies exist to prevent solar farms being located on arable land. In this respect, the appellant has not demonstrated how the development of the subject site, as proposed, would jeopardise food security.

The proposal would be consistent with sheep farming and associated landscaping would enhance biodiversity. Furthermore, decommissioning would return the site, unimpaired, to agricultural use.

The appellant's contention that the proposal would be premature in the absence of a national policy framework for solar farms is misplaced.

- The applicant refers to the public meeting that was held in Bandon on 19th June 2017 and to a report that was made available, which responded to the concerns of local residents.

The layout of the proposal was revised to ameliorate the visual impact that would affect local residents, e.g. panels were removed from the hilltop at the northern end of the subject site.

The examples of planning gain cited, the applicant would not be in a position to provide. In this respect, the recent upgrade of the L-2033 by the County Council is noted.

- Attention is drawn to the bond condition and the applicant's willingness to comply with this condition.
- The desk studies cited by the appellant were augmented by site visits made by the different specialists, the findings of which have informed the design of

the proposal. Likewise, further site visits were made at the further information stage.

“Incorrect maps” were attended to at the clarification of further information stage.

The applicant’s offer of solar panels to one local household is explained.

- The proposal would contribute to farm diversification.

Application of UK policies to the use of arable land would be inadmissible.

Key considerations in the selection of the subject site were the proximity of the Bandon 110 kV sub-station and the local road network.

- Other issues raised by the appellant’s original letter of objection were fully addressed under further information.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Legalities,
- (ii) Land use,
- (iii) Access,
- (iv) Aviation safety,

- (v) Water,
- (vi) Ecology,
- (vii) Amenity,
- (viii) EIA – Screening, and
- (ix) AA – Screening.

(i) Legalities

- 7.2. The appellant draws attention to the contraction in the application site, as the consent of the owner of the connecting piece of land between the north western and south eastern portions of the site to the application was not forthcoming. This contraction occurred at the further information stage, once the absence of consent was highlighted. Thus, while the Planning Authority validated the original application, draft permission was granted to the revised version of this application, which reflected the said contraction. In these circumstances, I consider that the potential cause of any invalidation has been satisfactorily addressed.
- 7.3. The appellant also draws attention to the absence of national planning guidelines on solar farms and the Board's decision under PL26.247217 to, in these circumstances, refuse permission for a solar farm on the grounds of prematurity. It also considers that policy approaches adopted under other jurisdictions should be pursued here, such as the reservation of the most fertile land for agriculture.
- 7.4. The applicant has responded by citing European and Irish policy statements in support of solar farms as a means of generating renewable energy. The continuing agricultural use of the site for sheep grazing would occur under the proposal.
- 7.5. I note that the case cited by the appellant was the subject of a Judicial Review, under which the Board's position on prematurity was not upheld. I note, too, that whereas policy approaches from elsewhere are of interest, they, by definition, cannot be binding upon the assessment of solar farms here in Ireland. I am thus, for example, not in a position to give weight to the appellant's concern that the site, which includes arable lands, should as a consequence be retained in agricultural use.
- 7.6. The appellant expresses concern over the adequacy of pre-application public consultations, the use of test top studies, and confusion over certain submitted plans

that pertain to other sites. The applicant has contested the first of these items and it states that the second was supplemented by site visits and the third was clarified at the further information stage.

- 7.7. The appellant expresses further concern over the bond required under condition 3 and the decommissioning specified under condition 2 of the draft permission. I note in these respects that the former has not been specified and the latter would “run with the land” and so the liability for it would rest with whomsoever is the owner of the site at the relevant time.
- 7.8. I conclude that there are no legalities that would impede the Board from proceeding to assess/determine the application/appeal in the normal manner.

(ii) Land use

- 7.9. Although solar farms are often viewed as a means of farm diversification and, as cited above, they are compatible with livestock grazing, for planning purposes they do not come within the definition of agriculture set out in Section 2(1) of the Planning and Development Act, 2000 – 2018. Rather they are renewable energy generating stations, which entail the installation of considerable man-made apparatus on sites with consequential impacts upon the countryside.
- 7.10. The CDP addresses solar energy under Paragraphs 9.4.13 – 18. This Plan was adopted in 2014 and it comments largely upon roof top applications for the harnessing of solar energy. However, Paragraph 9.4.17 does acknowledge the existence of larger scale generating schemes elsewhere and with technological advances the possibility of their occurrence here. In these circumstances, “careful consideration will need to be given to their scale, location and other impacts.”
- 7.11. The site lies within a rural area that is classified in the CDP as being under strong urban influence for the purpose of assessing applications for one-off dwelling houses. It also lies within a Landscape Character Area, which is deemed to be of high landscape value. Nevertheless, there is no in principle objection to the location of solar farms in these areas.
- 7.12. I conclude that, in terms of land use classification, the proposal would be a renewable energy generating station and that there is no in principle land use objection to the siting of a solar farm upon the site.

(iii) Access

- 7.13. Under further information the applicant submitted information with respect to HGV and LGV trips, which would be generated by the 4-month construction phase. The highest incidence of the former would occur during the first two months (1st month 25 – 30 and 2nd month 20 – 25 average daily trips) and of the latter during the third month when work on the installation of solar panels would peak. These trips would be allocated on a roughly 50/50 basis between the northern and southern site entrances. The applicant has undertaken to prepare a Construction Traffic Management Plan, which could be conditioned.
- 7.14. The submitted plans indicate routes to the site from the north along the R-585/590 and L-6046 and from the east along the R-589/L-2033, which would be used by construction traffic (Figure 1.2 revision A entitled “Haul Route Options”). They also indicate the availability of sightlines of $x = 2.4\text{m}$ and $y = 160\text{m}$ at the entrances denoted as nos. 1 and 3 off both local roads. These sightlines would be kept free from hedgerow encroachment by means of an annual trimming programme.
- 7.15. Temporary site compounds would be laid out to the south of entrance no. 1 and off the existing northern laneway and beside the entrance no. 2, to the north of which lies the existing southern laneway. Wheel washes would also be laid out adjacent to these two entrances. Perforated filter drains would be installed across these entrances to ensure that surface water run-off would be intercepted before it reaches the public road.
- 7.16. Both of the aforementioned laneways are of single vehicle width and they are lined by trees, particularly the southern one. Their use by plant and machinery accessing/egressing the fields that would be developed may result in damage to the same unless a proactive tree management programme is undertaken to carry out trimming/crown raising, as appropriate. This, too, could be conditioned.
- 7.17. During my site visit, I observed that the L-6046 is initially the subject of some appreciable gradients on approach from the east. I also observed that the L-2033 has recently been upgraded. Further to the west the local road network is more challenging in terms of alignments and condition and so the applicant’s commitment to routing construction traffic along routes from the east and north is of importance.

7.18. Traffic generation during the operational phase of the proposal would be minimal and during the decommissioning stage it would be less than that of the construction stage.

7.19. I conclude that, provided construction traffic accesses/egresses the local road network from the east, the local road network would be capable of accommodating it. I also conclude that the proposed access arrangements for the site would be satisfactory. Tree management along the on-site laneways would be important to secure to ensure that compatibility of their use by plant and machinery and the retention of existing trees.

(iv) Aviation safety

7.20. The site lies c. 20 km to the west south west of Cork Airport. Under clarification of further information, the applicant received confirmation from the Irish Aviation Authority (IAA) that the proposal would not impact on any of the services which it provides, i.e. air traffic management and navigational aids. The IAA also expressed confidence that this proposal would not affect the operations of Cork Airport. It requests notification of the proposal's construction so that it can undertake a safety assessment in conjunction with the Atlantic Flight Training Academy, which routinely flies over the locality of the site. A note attached to any permission would alert the developer to the need to notify the IAA in this respect.

7.21. The proposal would be consistent with aviation safety.

(v) Water

7.22. The two portions of the site are effectively dissected by the Ballymahane River, which flows from the west to the east. The 1% AEP fluvial flood plain associated with this River overlaps with both portions of the site. In the case of the north western portion, the proposed layout of the solar farm would entail the siting of the most southerly solar panels in this flood plain. In the case of the south eastern portion, the proposed layout would be set back in its entirety from the flood plain.

7.23. The applicant has commented upon the aforementioned site layout. Attention is drawn to the absence of critical infrastructure, such as sub-stations and invertors, from the flood plain and to the fact that the height of the solar panels above predicted water levels would ensure that there is sufficient freeboard for them to be unaffected. The footprint of the structures supporting these panels would be minimal and so the

flow paths through and the storage capacity of the flood plain would not be significantly affected.

- 7.24. Under clarification of further information, the applicant addressed changing surface run-off rates from the site. It draws attention to the mixture of grasslands and arable lands comprised in this site. The former would be retained while the latter would transition to grasslands, too. It anticipates that improved infiltration rates would arise thereby, as the soil would be less compacted by the passage of agricultural machinery over it. Surface water run-off rates to the Ballymahane River would thus ease.
- 7.25. I conclude that the proposal would not increase the risk of flooding from the Ballymahane River.

(vi) Ecology

- 7.26. The applicant has undertaken an ecological appraisal of the site. This appraisal identifies habitat types within this site, of which arable crops, tilled land, and improved grassland predominate. These types are highly modified and the subject of on-going management and so they are not of local ecological value. Elsewhere field divisions within and bounding the site displayed the following range of habitat types: hedgerows, treelines, stone wall and other stone work, earth bank, drainage ditches, depositing/lowland rivers, and riparian woodland.
- 7.27. The ecological appraisal entailed field studies, during which 18 bird species were identified. While no terrestrial mammals were seen, evidence of the presence of badger, fox, rabbit and otter was observed. Three species of bat were identified foraging in the vicinity of the farm yard in the north western portion of the site. Other taxa were also identified. These findings were placed within the wider context of species known to be, variously, present within 2 km and 10 km of the site.
- 7.28. The ecological appraisal estimates the level and duration of impact that the proposal would have upon all these items of ecological interest and it identifies appropriate mitigation measures, which include measures to safeguard water quality during the construction phase. A series of ecological site enhancement measures are also proposed and delineated on the submitted plans.

7.29. I conclude that the site is of limited ecological interest and the applicant proposes appropriate mitigation and enhancement measures to safeguard and improve ecology.

(vii) Amenity

7.30. Within the vicinity of the site, there are a number of dwelling houses, which the applicant has identified (cf. Figure 4.1 revision A entitled “Location of Noise Receptors within 500m of the Proposed Development). The impact of the proposal upon these dwelling houses is assessed with respect to noise, air quality, glint and glare, and landscape and visual effect.

7.31. With respect to noise and air quality, during the construction phase, these impacts would be capable of being mitigated by means of good practice encapsulated in a Construction Management Plan for the site. During the operational phase, noise would be emitted by the invertors, which would be housed in containers. The applicant’s noise impact assessment predicts resulting noise levels at dwelling houses within the vicinity of the site. These levels would come within relevant day evening and night time thresholds, which have been established to safeguard residential amenity. Nevertheless, the applicant has identified a mitigation measure that would afford reduce noise levels, i.e. the installation of a vibration damper within the said containers. This measure could be conditioned.

7.32. During the construction phase, air quality would likewise be capable of being mitigated by means of good practice and, during the operational phase, no emissions in this respect are anticipated.

7.33. With respect to glint and glare, the applicant has submitted a study of the same, which identifies within a 1 km radius of the site the area that could be thus affected. Within this area, the potential impact of glint and glare from the proposal upon existing dwelling houses and the surrounding road network (at 100m intervals) is examined. The study concludes that there will not be any significant nuisance effects upon these dwelling houses and there will not be any significant nuisance or hazard effects upon the surrounding road network.

7.34. With respect to landscape and visual, the applicant has submitted an assessment that addresses the impact of the proposal upon the same. Under the CDP, the site lies within Landscape Character Type 6a, which is known as Broad Fertile Lowland

Valleys. Landscape sensitivity within this Type is deemed to be high and the magnitude of change that would be introduced by the proposal is estimated to be small by the applicant. This estimate is justified by reference to a degree of containment that characterises the site resulting from the undulating form of the surrounding countryside. I recognise, too, that the proposed retention of field divisions denoted by hedgerows within and bounding the site would ensure some continuity amidst the inevitable change. The degree of effect upon the landscape is predicted to be minor to moderate and adverse, a prediction with which I concur as, notwithstanding the aforementioned degree of containment and scope for continuity, the solar farm would inevitably entail the introduction of extensive man-made and eye-catching structures into a rural area.

- 7.35. The applicant has selected 10 representative viewing points of the site along the surrounding road network. (Eight of these were submitted originally and two more were added-in under further information). Photomontages of the existing site and the developed site as proposed have been prepared for each of these viewing points. Where the proposal would be visible, and planting is proposed to screen it in the future, additional photomontages showing the same have been included.
- 7.36. Of the original 8, 3 of the viewing points were considered to entail a visual impact above minor, i.e. VRP-1 major/moderate, although with screening this would become moderate/minor, VRP-3 moderate/minor, and VRP-6 moderate. Of the subsequent 2, only 1 showed the proposal as being visible within it, i.e. VRP-10, and the visual impact was considered to be minor. However, a comparison of VRP-10 with VRP-6 indicates that it too should be considered to be moderate.
- 7.37. I note that in practise only one of the four view points that would be most affected by the proposal would be susceptible to mitigation by means of planting, i.e. VRP-1. This view point is the one wherein the proposal would appear in the foreground, whereas in the remaining views it would appear in the middle distance. I note, too, that the impact would be an adverse one and thus similar to the impact upon landscape discussed above. However, in the light of the advice on the significance of impacts, set out under Section 3.2.5 of the EPA's "Guidelines on the information to be contained in EISs", I do not consider that these impacts would be significant in the sense used therein.

7.38. I conclude that the proposal would impact upon the amenities of the area. In terms of noise and air quality and glint and glare, it would be compatible with the residential amenities of dwelling houses in the vicinity of the site. In terms of landscape and visual effect, it would include instances of minor/moderate adverse impacts upon visual amenity. However, these impacts would fall short of being significant.

(viii) EIA – Screening

7.39. The applicant comments on whether or not the proposal is a type of development that would potentially be the subject of EIA. It concludes that this proposal would not come within the ambit of any of the types of development set out under Part 1 and 2 of Schedule 5 to Article 93 of the Planning and Development Regulations 2001 – 2018. Accordingly, the possibility of it being sub-threshold for the purposes of EIA does not normally arise. Nevertheless, the applicant has undertaken a screening exercise, which concludes that no significant environmental impacts would arise and so the need for EIA can be further discounted.

7.40. I concur with the applicant's conclusion that the proposal would not be of a type of development that is subject to EIA.

(ix) AA – Screening

7.41. The applicant has undertaken a Stage 1 AA Screening, which identifies two Natura 2000 sites within a 15 km radius of the site, i.e. Courtmacsherry Estuary SAC (site code 001230) and Courtmacsherry Bay SPA (site code 004219). I will draw upon this Screening in my own AA Screening set out below

7.42. The site is neither in or near to any Natura 2000 site and I have not been able to identify any source/pathway/receptor route between this site and the more distant Natura 2000 sites that occur in the wider County. Furthermore, the features of interest in the above cited SPA are bird species that the majority of which the applicant's ecologist does not record as being either present on the site or within 2 – 10 km of the site. The two exceptions are the Common Gull and the Curlew. The former is a sea bird and the latter is a wading bird, which typically frequents estuaries and moorlands, habitats that do not occur in the site. Accordingly, the proposal would not pose any Appropriate Assessment issues.

7.43. Having regard to the nature and scale of the proposal and the proximity of the nearest European site, no Appropriate Assessment issues arise and it is not

considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020, it is considered that, subject to conditions, the proposal would be an appropriate use of the site by way of compliance with the support for renewable energy set out in Policy Objective ED 1-1 of this Plan. Traffic generated by the proposal would be capable of being accommodated on the road network to the east and north of the site and proposed access arrangements to this site would be satisfactory. The proposal would be consistent with aviation safety. This proposal would not increase the risk of fluvial flooding in the area and it would, subject to mitigation and enhancement measures, be reconcilable with the ecology of this area. The proposal would be compatible with the residential amenities of the area and its landscape and visual impacts would fall short of being significant. The proposal would not need to be the subject of EIA and it would raise no AA issues. It would thus accord with the proper planning and sustainable development of the area.

10.0 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 on the 22nd day of March 2018 and by the clarification of further plans and particulars submitted on the 17th day of May 2018, 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. 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 development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The proposed development shall be amended as follows:

(a) Details of noise attenuation for the proposed inverters.

(b) A survey of trees and hedges that line the existing laneways in the northern and southern portions of the site and a management programme, including a timetable, for any crown raising of these trees and trimming of these hedges that may be necessary to facilitate the use of these laneways during the construction phase.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

4. Prior to the commencement of development, a construction traffic management plan shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of good traffic management.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- (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) 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) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water courses or ditches.

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

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

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows and stone walls specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees

and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. (a) The sightlines shown on the submitted plans as accompanying the site entrances shall be kept free of vegetation or structures that exceed 1m in height.

(b) The initial entrance gradients shown on the submitted plans shall be provided at all times on the ground.

(c) The wheel washes shown on the submitted plans shall be available at all times throughout the construction period.

Reason: In the interest of road safety.

8. This permission shall be for a period of 30 years from the date of commissioning of the solar farm.

Reason: To enable the planning authority to review its operation in the light of the circumstances then prevailing.

9. 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 panels and their supporting structures and all ancillary equipment and structures shall be removed, and all decommissioned items shall be removed within three months of decommissioning.

Reason: To ensure satisfactory reinstatement of the site upon cessation of the project.

10. 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 upon 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.

Note: The developer shall advise the Irish Aviation Authority of when the proposal would be constructed, commissioned, and brought into use.

Hugh D. Morrison
Planning Inspector

20th February 2019