



An
Bord
Pleanála

Inspector's Report

ABP-305186-19

Development

A solar farm consisting of c.178,600sqm of solar panels on ground mounted frames, 1 no. substation and associated electrical compound, 2 no. timber polesets, 12 no. electrical inverter/transformer stations, battery storage module and associated equipment container and all associated ancillary development works.

Location

Ballinvuskig, Douglas, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

19/5371

Applicant(s)

Terra Solar II Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party V. Grant

Appellant(s)

Roy Walsh and others

Geraldine Gokul

Observer(s)

Dublin Airport Authority

Date of Site Inspection

29th October 2019

Inspector

Elaine Power

1.0 Site Location and Description

- 1.1.1. The subject site is located in Ballinvuskig, approx. 3.5km south west of Douglas town centre and approx. 6km north west of Carrigaline. Cork Airport is located approx. 2km west of the site. The area is characterised by agricultural lands with associated farm buildings and houses.
- 1.1.2. The site has a stated area of 44.4ha and comprises agricultural lands. It forms part of a larger landholding within the ownership of the applicant. The central portion of the site, which is outside the red line boundary, accommodates a dairy farm with associated buildings and a dwelling. There are existing overhead power lines running in a north -south direction along the eastern portion of the site.
- 1.1.3. Access to the site is via Elm Hill (L-2462) located along the northern boundary of the site. The site is bound to the south, east and west by agricultural lands. There are a number of houses and businesses located in the vicinity of the appeal site.

2.0 Proposed Development

- 2.1. This is an application for a 10 year permission for the construction of a 178,000sqm solar panels on ground mounted frames, 1 no. single storey 38kV substation and associated compound with loop to existing overhead line via 2 no. timber polesets and 12 no. single storey electrical inverter / transformer stations, battery storage module and associated equipment container. The development would be connected to the national grid and has a lifespan of approx. 35 years.
- 2.2. The PV panels would sit on angled racks comprised of galvanised steel arranged in portrait or landscape configuration, depending on the final system deployed. The panels would be positioned on the rack at a minimum height of 0.9m and would rise to a maximum height of 2.8m. They would be orientated to the south at a tilt angle of up to 30 degrees. The panels would be immobile.
- 2.3. The 12 no. inverter / transformer stations would convert direct current generated by the PV panels into alternation current which could be used by the electricity network. They have a maximum floor area of 30sqm.

- 2.4. As the solar farm would connect to the existing overhead electricity lines the proposal is contained within the site and does not require off-site under or over ground cabling.
- 2.5. The works also include the provision of a 2.8m high security fence, a satellite pole, CCTV, landscaping and all associated works. Once operational the substation would be managed by ESB Networks.
- 2.6. Access to the site is proposed from the northern boundary of the site via the L-2462. A 4m wide gravel track is proposed within the site to provide access to the solar panels and associated infrastructure.
- 2.7. The application included a Planning and Environment Report, an Outline Construction and Environmental Management Plan, a Construction Methodology, a drainage report, a landscape and visual impact assessment, including photomontages, a Glint and Glare Assessment, An Archaeological, Architectural and Cultural Heritage Impact Assessment and a Site Access Study.
- 2.8. ***Unsolicited Further Information lodged 18th July 2019***

In response to concerns raised by Irish Water, regarding the provision of a 200mm pumping main under the site, the applicant requested that any solar panels which would impact on the existing infrastructure be omitted by way of condition.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted subject to 28 no conditions. The relevant conditions are noted below: -

Condition 2: Required that all structures be removed from the site within 35 years.

Condition 3: To protect Irish Waters underground infrastructure a revised layout for the solar panels should be agreed with the Planning Authority.

Condition 8: Archaeology condition.

Condition 9: Required the construction phase to be monitored by an ecologist.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The reports by the Area Planner and the Senior Planner raised no concerns regarding the proposed development and recommended that permission be granted subject to conditions.

3.2.2. ***Other Technical Reports***

Area Engineer report: No objection subject to conditions

Archaeologist report: No objection subject to conditions

Environment report: No objection subject to conditions

Heritage Officer report: No objection subject to conditions

3.3. **Prescribed Bodies**

Irish Aviation Authority: No observations

Dublin Airport Authority: Supports the submission from the IAA

Inland Fisheries Ireland: Recommends conditions to ensure the protection of water bodies.

Irish Water: No objection in principle subject to all underground infrastructure being protected, in this regard a 200mm pumping main and a 125mm distribution main.

3.4. **Third Party Observations**

5 no. third-party objections were received. The concerns raised were similar to those in the third-party appeal.

4.0 **Relevant Planning History**

None

5.0 Policy Context

5.1. National Planning Framework

National Strategic Outcome 8 – Transition to a Low Carbon and Climate Resilient Society, Policy Objectives 21 and 23 which relate to the rural economy and Policy Objective 55 which relates to renewable energy are considered relevant.

5.2. Ireland’s Transition to a Low Carbon Energy Future 2015-2030

The white paper sets out a framework to guide energy policy. Section 137 notes that the deployment of solar in Ireland has the potential to increase energy security, contribute to our renewable energy targets, and support economic growth and jobs. Solar also brings a number of benefits like relatively quick construction and a range of deployment options, including solar thermal for heat and solar PV for electricity.

5.3. Draft Regional Spatial and Economic Strategy for the Southern Region

Chapter 5 – Environment sets out a number of objectives to safeguard and enhance our environment through sustainable development, transition to a low carbon and climate resilient society. The following objectives are considered relevant.

RPO 91: Sustainable Renewable Energy Generation

RPO 92: Integrating Renewable Energy Sources

RPO 93: Power Stations and Renewable Energy

RPO 96: Indigenous Renewable Energy Production and Grid Injection

5.4. Cork County Development Plan, 2014

Section 9.4.18 states that the ‘Council will support and facilitate the development of solar energy...’ The following objectives are considered relevant: -

ED 1-1: Energy

ED 6-1: Electricity Network

EE 8-1: Agriculture and Farm Diversification

The site is located within the Metropolitan Greenbelt and is within an area identified as Broad Fertile Lowland Valleys in Appendix E of the Plan. These landscapes are designated as area of high value and sensitivity and are of county level importance. Section 13.6 – *Landscape Character Assessment of County Cork* states that these landscapes are vulnerable landscapes with the ability to accommodate limited development pressure.

Policy GI 8-1: Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection is also considered relevant.

5.5. Natural Heritage Designations

The subject site is located approx. 3.4km south west and approx. 6.5km west of Cork Harbour SPA (004030).

5.6. EIA Screening

The construction of a solar farm does not involve a class of development which is prescribed for the purpose of Section 176 of the Planning and Development Act, 2000 (as amended), as set out in Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Accordingly, there is no requirement for the applicant to submit an Environmental Impact Assessment Report in this instance. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

2 no. third party appeals were received from Roy Walsh and others and Geraldine Gokul and family. The concerns raised in both appeals are similar and are summarised below.

- The lands are zoned for agricultural use and are located within a Greenbelt. The landscape is of high value and very prominent. The proposed solar farm is an industrial use and therefore not compatible with the land use objectives.

There is a lack of national guidance relating to solar farms therefore regard should be had to European guidelines.

- The cumulative impact of solar farms on the viability of agriculture in the area could undermine the Governments Food Wise 2025.
- The applicant and the Planning Authority have not addressed the impact of Cork City Councils recent boundary extension, which incorporates the subject site.
- The drawings submitted do not include a house located 60m from the subject site, which was constructed in 2014 or the location of Douglas Allotments to the west of the site.
- The subject site is located in close proximity to existing residential properties and would result in an unacceptable level of glint and glare which would have a detrimental effect on the resident's quality of life and on the patrons of the adjoining allotments.
- The proposed screening would reduce natural light to the adjoining allotments which would have a negative impact on the business and the enjoyment of the space.
- There is no legal guidelines for solar farms. German guidelines requires that residential properties be protected from glare. The applicants 'Glint and Glare' assessment was inadequate.
- The existing trees on site are deciduous. The applicant's proposal to provide additional planting would result in a loss of natural light to adjoining properties during winter months.
- Noise from the substation would have a negative impact on the existing residential amenities. Having regard to the open and elevated nature of the site there are concerns regarding noise generated from wind passing through the development. A wind noise impact study should have been submitted with the application.
- The development would have a negative impact on the character of the area and would be a dominant feature on the landscape which could be viewed

from Cork Harbour. It would also be contrary to Development Plan policy to protect the landscape.

- The site was previously a bog, which has been drained. The development would result in the loss of habitat and displacement of species, including Curlew which are a protected species. An ecological survey should be undertaken on the site. The EIA and NIS submitted with the application were inadequate. There are no mitigation measure to protect the Curlew. The lands should be left as open fields.
- The development would have a negative impact on birds, badgers, foxes and baths which occupy the site.
- The proposed CCTV would impinge on the privacy of existing residents.
- Due to the topography of the site the development would have an overbearing impact on the adjoining residential property.
- Serious safety concerns for aircraft due to glint and glare.
- Health and safety concerns regarding solar panels been blown from the site onto adjoining properties.
- As the technology is new concerns are raised regarding negative impact on the health and wellbeing of local residents.
- The local road network is at capacity with a series of dangerous bends and can not accommodate construction traffic. The development would have a negative impact on existing road users due to glint and glare. European guidelines require a 110m set back from carriageways
- The construction phase would have a negative impact on drainage on the site which would result in flooding of adjoining sites which are down slope.
- The vibrations and noise from the construction phase would have a negative impact on the existing residential amenities.
- There are no mitigation measures proposed to protect recorded monuments in the vicinity of the site.
- The loss of agricultural lands would have a negative impact on tourism in the area.

- The appeals also raise concerns regarding the assessment carried out by Cork County Council.

6.2. Applicant Response

The applicant's response is summarised below: -

- All relevant local, regional and national policy relating to solar farm development was set out in the Planning and Environmental Report submitted to the Planning Authority. There is no legal basis for developments being refused in the absence of guidelines.
- Cork City and County have put in place transitional arrangements to cater for the boundary change. The Cork County Development Plan, 2014 remains the relevant policy document until such time as a new City Plan is adopted.
- The proposed development would not negatively impact on highly productive agricultural lands or undermine the Governments Food Wise 2025. It represents a form of agricultural diversification which is supported by local and regional policy. Approx. 95% of the site could be used for the agricultural purposes during the operational phase of the development.
- A solar farm development does not conflict with the purpose or function the Greenbelt designation of the site. It is also a temporary use with is fully reversible.
- Landscape and Visual Impact Assessment was undertaken in accordance with best practice methodologies. The proposed development would have a low or negligible impact on the character of the area and on the landscape. The photos submitted by the appellant are from an elevated position and are not a true representation of the impact of the development.
- The appellants comments regarding the impact on the Curlew have been reviewed by the Project Ecologist and it is their professional opinion that the site is not suitable for curlew breeding habitat and there is no evidence to suggest that the site has a high resource value for the species. All ecological matters have been fully investigated by the applicant and assessed by Cork County Council.

- A Glint and Glare Assessment was submitted with the application. The panels would be positioned to face due south and therefore would have no impact on traffic on Elm Hill Road, located to the north of the site. The potential impact on adjoining residential properties, located to the west and northwest of the site, has been investigated and assessed and concluded that there would be no impact both with and without screening.
- Aviation safety was a priority in the assessment of the development. The applicant engaged with the DAA, the IAA and the Atlantic Flight Training Academy. There would be no adverse impact from glint and glare.
- Having regard to the level of existing screening and distance of the site to the adjoining properties and the existing allotments, there would be no impact on the availability of natural light.
- All adjoining properties were shown on drawings submitted. The positioning of the arrays had regard to all existing properties.
- The purpose of the CCTV is to monitor the site and would be orientated towards the infrastructure and not towards any private property.
- The Planning and Environmental Report included a detailed section on Noise. Noise would be generated from the substation and the inverters / transformers. As solar farms only operate during daylight there would be no noise emitted in the mornings, evenings or at night. The substation is located approx. 410m and the inverters / transformers they would be located a minimum of approx. 195m from the nearest residential property. The development would emit between 33-55dBA. The applicant has noted that the substation and inverters / transformers would be insulated, therefore, all noise would be imperceptible from a few meters away. It is also noted that normal farming operations and traffic would emit greater noise than the proposed development.
- An Archaeological Assessment was prepared as part of the application. There are no designated sites within the appeal site.
- There is no credible evidence to suggest that solar farms pose any health concerns.

- The infrastructure on site would be tested for structural stability. Panels lifting and being carried away is not an issue in practice.
- There is no evidence to suggest that the proposed development would negatively impact on tourism.
- The local road network can accommodate the proposed development. The details have been agreed with the Planning Authority's Area Engineer and swept path analysis has been completed. Details of the vehicular movements during the construction phase had been provided.
- Cork County Council fully assessed and reviewed the development.

6.3. **Planning Authority Response**

None

6.4. **Observations**

The observation from the Dublin Airport Authority on behalf of Cork Airport does not raise any concerns.

7.0 **Assessment**

7.1. The subject site is now sited within the jurisdiction of Cork City Council, having been subject to a boundary extension/transfer with Cork County Council. The relevant Development Plan and Local Area Plan for the purposes of the assessment of this application remain as the Cork County Development Plan 2014. These plans will continue to apply in the 'transfer area' until such time as they are superseded by new plans, prepared by Cork City Council.

7.2. The main issues in this appeal relate to the grounds of appeal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Glint and Glare

- Visual Amenities
- Residential Amenity
- Construction Phase
- Health and Safety
- Cultural Heritage
- Appropriate Assessment

7.3. ***Principle of Development***

7.3.1. The Cork County Development Plan, 2014 states that the '*council will support and facilitate the development of solar energy...*'. The National Planning Framework, Irelands Transition to a Low Carbon Energy Future 2015-2030 (White Paper), the Draft Regional Spatial and Economic Strategy for the Southern Region and the Development Plan are considered to be supportive of the development of renewable energy technology particularly in the context of reducing the carbon emission of the country and meeting renewable energy production targets. The proposed development is therefore supported by national, regional and local policies in terms of renewable energy and in my opinion would contribute to the diversity of sources of energy supply and the security of supply.

7.3.2. The subject site is located on unzoned lands within the Metropolitan Greenbelt. It is an objective of the Development Plan to protect the character of the Greenbelt and preserve it from development. It is noted that during the operational phase of the solar farm 95% of the land could be used for agricultural purposes and, therefore, would not undermine the viability of agricultural uses or the function of the greenbelt. The applicant has stated that low intensity sheep grazing is anticipated on the site. In my view having regard to the temporary nature and the design and layout of the proposed development it would be appropriate at this location and would be compatible with policy objectives.

7.4. ***Glint and Glare***

7.4.1. Concerns were raised that the proposed development would generate glint and glare which would have a negative impact on existing residential amenities, local businesses and traffic and aviation safety.

- 7.4.2. A Glint and Glare Assessment was submitted with the application. It noted that the PV panels have a southern orientation and are located in a relatively flat landscape, therefore, the potential glare impacts are typically limited to the months of March – September and that this broadly represents the season where foliage is present on vegetation. The report assessed the potential glint and glare impacts associated with the development with regard to aviation receptors, local dwellings and local roads.
- 7.4.3. The subject site is located approx. 2.5km east of Cork Airport. The assessment considered the final approach to all 4 no. runways at Cork Airport and the potential for glare at the Air Traffic Control Tower. The report concluded that due to the location of the site to the east of the aerodrome, the southern orientation of the panels, the location of the receptors and the position of the sun throughout the year, the proposed development would not impact on the aviation receptors. It is noted that the Irish Aviation Authority and Dublin Airport Authority raised no objection to the proposed development. Having regard to the evidence submitted, it is my view that, the proposed development would not have any impact on aviation safety.
- 7.4.4. With regard to local dwellings the assessment considered 68 no. residential units within a 1km radius of the site. The report found that 8 no. houses had the potential to be affected by glint and glare, however, when existing screening was considered only 4 no. houses had the potential to be affected by glint and glare. The 4 no. houses are located between 300m and 800m from the appeal site. The worst-case scenario indicated that the houses would have the potential to be impacted by glint and glare for between 34 and 44 minutes per day. It is proposed to provide additional screening which would mitigate glint and glare at the ground floor level of these houses. Having regard to the distance of the properties from the appeal site, the limited potential period for glint and glare to occur and the proposed screening, it is my view that the proposed development would not result in a significant nuisance to surrounding dwellings. The assessment did not specifically assess the impact of glint and glare on the allotments located to the east of the appeal site, however, having regard to the information submitted, it is my opinion that, the proposed development would not negatively impact on the enjoyment of the space by patrons.

7.4.5. The impact of glint and glare on the road network, within 1km of the site was also assessed. It found that 2 no receptor points on the local road network has the potential to be impacted by glint and glare for a maximum of 10 minutes per day, for 85 days of the year. To mitigate against any potential negative impacts, it is proposed to provide additional landscaping to screen the development and prevent any hazardous effects of glint and glare. Having regard to the limited period for a potential negative impact from glint and glare on the surrounding road network, and the proposed mitigation measures, it is my opinion that the proposed development would not result in a traffic hazard.

7.5. **Visual Amenities**

7.5.1. The site is not located within a designated scenic or amenity area. The wider area is identified as '*Broad Fertile Lowland Valleys*' in the Development Plan. These landscapes are of high landscape value and sensitivity and the landscapes are of county level importance. It is considered that they are vulnerable landscapes with the ability to accommodate limited development pressure. The appellants has stated that the proposed development would negatively impact on the visual amenities of the area, which would also negatively impact on tourism.

7.5.2. A Landscape and Visual Impact Assessment and Photomontages, which provides 12 no viewpoints of the subject site, were submitted with the application. The assessment indicates that without any mitigation measures there would be limited views of the propose panel. However, to mitigate against any negative visual impact it is proposed to provide additional planting prior to construction. The existing and proposed hedgerows and landscaping would have a height of between 3m – 4m and a 2.8m high fence would be provided inside the landscaping. It is also proposed that all associated infrastructure be green or muted in colour to reduce the visual impact.

7.5.3. In my opinion, having regard to the location of the development in a rural area, the topography of the site, the proposed landscaping the proposed development would not have a significant negative impact on the existing visual amenities or rural character of the area and would not negatively impact on tourism.

7.6. **Residential Amenity**

- 7.6.1. The proposed panels vary in height from a minimum of 0.9m to a maximum of 2.8m. There are a number of houses and commercial / agricultural buildings in close proximity to the subject site. The nearest dwellings are located to the east of the site. The proposed PV panels are located a minimum of approx. 15m from the eastern site boundary and a minimum of between 83m and 85m from the existing dwellings. Having regard to the separation distances and the limited height of the panels it is considered that they would not negatively impact on the existing residential amenities.
- 7.6.2. The proposed compound is located in the south east corner of the site. The compound has a gross floor area of 1,620sqm and is surrounded by a 2.6m high palisade fence. The substation located within the compound has a pitched roof with a maximum height of 6.7m. Having regard to the separation distances and the limited height of the substation it is considered that it would not negatively impact on the existing residential amenities, in terms of overshadowing or overbearing impact.
- 7.6.3. Concerns were raised the proposed landscaping would unduly overshadow the adjoining residential and commercial properties. The proposed landscaping would have a maximum height of between 3m – 4m having regard to limited height of screening, the provision of an existing hedgerow and the separation distances, it is my view that the proposed development would not result in an unacceptable level of overshadowing of adjoining properties.
- 7.6.4. Concerns were also raised regarding the potential for noise disturbance generated by infrastructure associated with the proposed development and from wind travelling through the PV panels. The applicant has stated the PV panels do not generate any noise during the operation phase and that there are no moving parts. Noise would be emitted from the inverter / transformers. As solar farms only operate during daylight hours there would be no noise during the evening or night. The transformers would generate an acoustic volume of 58dBA and the inverters would generate an acoustic volume of 33dBA. The infrastructure would be housed in noise insulating prefabricated structures outside of which noise would be significantly reduced. The inverters / transformers are located a minimum of 195m from the nearest residential property. The applicant has stated that local traffic movements would generate greater noise levels. Having regard to the design and layout of the

PV panels, it is my view that wind travelling though the site would not generate significant noise.

7.7. Construction Phase

- 7.7.1. It is anticipated that the duration of the construction phase would be 34 weeks (approx. 8 months) followed by a 12 week installation and commissioning period. A detailed schedule of works is included in the Outline Construction and Environmental Management Plan submitted with the application. Concerns were raised by the appellants that the construction phase would have a negative impact on traffic, drainage and on existing residential amenities in terms of noise and vibrations.
- 7.7.2. A detailed Site Access Study was submitted with the application. It is envisioned that the proposed development would generate a maximum of 25 no. trips per day. It also provided details of proposed vehicular routes to the site. Access to the site would be from the existing access on Elm Hill. To facilitate turning movements it proposed to increase the width of the existing access from 4.6m to 5.7m for the duration of the construction phase. Auto-track drawings have been submitted which indicated that construction vehicles can access and egress the site safely and efficiently. Subject to the removal of limited sections of existing vegetation sightlines of at least 90m are available in both directions. It is noted that the Planning Authority's Area Engineer raised no concern to the proposed access arrangements. Having regard to the information submitted it is my view that the traffic generated by the proposed development could be accommodated on the surrounding road network and would not result in a traffic hazard or any road safety issues.
- 7.7.3. Concerns were raised that the construction phase would have a negative impact on drainage channels within the site and would result in flooding of adjoining lands. By reference to the OPW flood maps the appeal site is not located within a flood zone. A Drainage Report was submitted with the application. It notes that clean surface water run-off would be intercepted before it integrates with the construction area and naturally dispersed into the site. Any dirty water from the construction site would be collected and dispersed into the existing drainage system via silt fences.

- 7.7.4. Due to the design specifications of the PV arrays they would not give result in an increase in surface water drainage. The potential for increase surface water run-off relates to the substation roof and the transformer plinth. It is proposed that any surface water run off would be collected and dispersed into the existing system. It is noted that the proposed permeable surface around the substation would actually improve drainage within the site. It is noted that the Planning Authority's Area Engineer raised no concerns regarding the management of surface water. Having regard to the information submitted, I am satisfied that, the proposed surface water disposal arrangements are sufficient and that the proposed development would not result in flooding of adjoining properties.
- 7.7.5. Concerns were also raised that the construction phase would have a negative impact on existing residential amenities in terms of noise and vibrations. While it is acknowledged that the construction phase would result in additional noise and nuisance, having regard to the limited period of construction and the distance from residential properties, it is my view that, it would not have a significant negative impact on residential amenities.

7.8. ***Health and Safety***

- 7.8.1. Concerns are raised in the appeal that the electromagnetic field emitted by the infrastructure could negatively impacting on the health of local residents. The applicant has stated that the electromagnetic fields associated with renewable energy are not excessive and are highest at the inverter / transformer units. The associated levels are below 0.2mG at a distance of 50m. It is noted that there is a separation distance of 195m between the nearest inverter and a residential dwelling to the east of the site. As there is no evidence to suggest that solar farms pose any health and safety concerns this issue will not be considered any further.
- 7.8.2. The appellants also raised concerns regarding the structural stability of the panels and the potential for infrastructure to be blown from the site during high winds. The applicant has stated that all panels would be tested for structural stability and panels lifting and being carried away is not an issue in practice. In my opinion, the structural adequacy of the proposed infrastructure is not a matter that would be appropriate for the Board to adjudicate on. It is considered that the onus is on the applicants and

their contractors, to ensure that the development is undertaken in a safe manner, in accordance with their obligations under separate codes, and I further note that the granting of permission would not relieve the applicants of their responsibilities in this regard. It should be noted that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.

- 7.8.3. Concerns were also raised that CCTV and site security arrangements could be intrusive to the privacy of local residents. The applicant has noted that the site would be unmanned and that the purpose of CCTV is to monitor the site and that all cameras would be angled towards the site and not towards private property. To ensure the privacy of local residents it is recommended that a condition be attached to any grant of permission that all CCTV cameras are fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

7.9. ***Cultural Heritage***

- 7.9.1. There are no recorded monuments or building listed on the NIAH within the appeal site. There are 5 no. recorded to the east of the site, on lands outside of the applicant. In this regard a Rath (CO086-011) and 4 no. Standing Stones (CO086-089, CO086-090, CO086-091 and CO086-092).
- 7.9.2. An Archaeological, Architectural and Cultural Heritage Report was submitted with the application. It provides a detailed assessment of a study area of 1km around the site and of previous excavations in the vicinity of the site. It noted 8 no. unregistered sites within the site with a low / medium value, in this regard 4 no. sites comprise townland boundaries forming part of the perimeter of the appeal site and 4 no. sites comprise vernacular structures, which no longer exist. It is noted that buffer zones of at least 10m have been provided around each of the unregistered sites.
- 7.9.3. The appellants have stated that the proposed development would negatively impact on recorded monuments in the vicinity of the site. However, as there are no recorded monument within the appeal site, it is considered that the proposed development would not negatively impact on any recorded monuments. It is also noted that the Planning Authority raised no concerns regarding the proposed development. However, having regard to the proximity of the site to a significant number of national

monuments, it is recommended that a condition be attached to any grant of permission that all groundworks associated with the proposed development be supervised by a qualified archaeologist.

7.10. ***Appropriate Assessment***

An AA Screening Assessment is included in the Ecological Impact Assessment report accompanying the application. The site is located approx. 3.4km from Cork Harbour SPA. The SPA supports various water bird species, wintering fowl and waders. The potential pathways for impacts on the SPA is confined to potential discharge of contaminated run-off during construction work. Due to the distance from the SPA, combined with existing screening, the risk of direct disturbance / displacement of qualifying birds occurring within the designated site are precluded. I would concur with the conclusions of the screening report that no indirect impacts are envisaged.

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Cork Harbour SPA (004030) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

8.0 **Recommendation**

It is recommended that permission be granted subject to conditions

9.0 **Reasons and Considerations**

Having regard to the location, nature and scale of the proposed development, to the provision of the Cork County Development Plan, 2014 and to national targets for renewable energy it is considered that, subject to compliance with the conditions

set out below, the proposed solar farm would not seriously injure the visual and residential amenities of the area, would not endanger human health, aviation safety or the environment and would be acceptable in terms of landscape impacts and of traffic safety and convenience. The proposed development would, therefore, be in accordance 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, 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 proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3.
 - a) The permission shall be for a period of 35 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 restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, CCTV cameras, fencing and site access to a specific timescale, 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, 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.

4. The proposed layout shall be amended to ensure the protection of the existing underground 200mm pumping main and the 125mm distribution main. Any arrays over the existing infrastructure shall be omitted.

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: To protect existing underground infrastructure

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

6. No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

Reason: In the interests of residential amenity.

7. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

Reason: In the interests of residential amenity.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

9. Within 6 months of the completion of works the vehicular access onto Elm Hill shall be reinstated.

Reason: In the interest of clarity

10. The landscaping scheme shown on drawing no. LD.BLNVSKG 3.0 submitted to the planning authority on the 29th day of May, 2019 shall be carried out within the first planting season following substantial completion of construction works.

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 residential and visual amenity.

11. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. 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 but not limited to, hours of working, noise and dust management measures, the management of construction traffic and off-site disposal of construction waste.

Reason: In the interests of public safety, residential amenity and protection of the environment.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

14. 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 Bord 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.

Elaine Power

Planning Inspector

11th November 2019