



An  
Bord  
Pleanála

## Inspector's Report ABP 307615-20

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<b>Development</b>	Solar Farm
<b>Location</b>	Currabeha, Crookstown, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/6847
<b>Applicant</b>	Amarenco Solar Cloghmacow Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellant</b>	Currabeha Community Group
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28/10/20
<b>Inspector</b>	Pauline Fitzpatrick

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## 1.0 Site Location and Description

The site which has a stated area of 8.12 hectares, is in the townland of Cloghmacow c. 1.8km to the west of Crookstown, c. 1.2km to the east of Kilmurry and c. 16km to the south-east of Ballincollig. It is accessed via an existing house and farm access off local road L-2001-43. The said dwelling and associated farm buildings are set back from the road with two further dwellings, served by the same access, under construction/nearing completion to either side (north and south).

The site comprises of 5 field parcels with the lands sloping steeply from north to south towards the Bellmount Stream which is c. 200 metres to the south. Some of the original hedgerows delineating the field boundaries remain but most have been removed with delineation by way of post and wire fencing.

Due to the U-shaped valley topography of the area views of the site are available from local Road L-6011 on the opposite (southern) side of the valley, which is c. 600 metres at its closest point. The nearest ESB substation is c. 1.2km to the south-west (as the crow flies). Agriculture predominates in the area with one off housing prevalent along the local road network.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 29/11/19 with further plans and details submitted 02/06/20 following a request for further information dated 30/10/20.

The proposal entails a 5MW solar farm comprising of:

- 22,200 photovoltaic panels on ground mounted frames
- 2 no. inverter/transformer stations
- 1 no. delivery station
- security fencing
- CCTV

The application is accompanied by:

- Planning Statement

- Glint of PV Power Plants – Technical Note
- Ecological Impact Assessment including AA-Screening Report (amended by FI)
- Construction Management Plan
- Landscape and Visual Impact Assessment
- Archaeological, Architectural and Cultural Heritage Impact Assessment
- Drainage Assessment and Strategy

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant permission subject to 31 conditions including:

Condition 2: €10,000 special contribution towards surfacing of junction of L-2001/R585.

Conditions 3 & 4: protection of culverts and drainage inlets along roadside.

Condition 21: Mitigation measures to be in accordance with revised Ecological Impact Assessment Report and revised Landscape Mitigation Plan. Works to be supervised by an ecologist in accordance with a schedule of monitoring and supervision to be agreed with the planning authority.

Conditions 29 & 30: Archaeological requirements including geophysical survey followed up by a programme of targeted archaeological testing. Where features are identified preservation in situ with a suitable buffer will be required, with no development inside the buffer zone. Where archaeological anomalies are identified appropriate mitigation measures will be required such as preservation in situ, buffer zones, further archaeological testing and/or monitoring. Mitigation measures to be approved prior to commencement of development. Report to be sent to Planning Authority and National Monuments Service.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The *1<sup>st</sup> Area Planner's* report dated 30/01/20 notes:

- The proposal is supported by national and regional policies. As per the current County Development Plan the site is identified as being within an area where wind energy is acceptable in principle. This would suggest that the agricultural/rural landscape can be considered for such energy projects in principle.
- It appears to be accepted that the grid connection may be undertaken by way of exempted development.
- As it is a sloping site, management of surface water is important.
- The proposal will change the local landscape from a visual perspective. Additional planting may improve the visual impact.
- The recommendations of the internal reports summarised below noted.

FI recommended on additional planting, grid connection, addendum to Ecological Impact Assessment Report and clarification of study area of Archaeological, Architectural and Cultural Heritage Impact Assessment Report.

The *1<sup>st</sup> Senior Executive Planner's* report dated 30/01/20 endorses the above recommendation for FI.

The *2<sup>nd</sup> Area Planner's* report dated 15/06/20 following FI recommends a grant of permission subject to conditions. The *2<sup>nd</sup> Senior Executive Planner's* report dated 18/06/20 endorses the recommendation.

### 3.2.2. Other Technical Reports

*1<sup>st</sup> Area Engineer's* report dated 08/01/20 recommends a financial contribution towards cost of resurfacing the junction of L-2001 and the R585. There is an important surface water culvert passing beneath the farm entrance and must be protected from damage during construction phase. Surface water regime will not be affected once the development is constructed. Schedule of conditions detailed should permission be granted.

*Environment reports* dated 28/01/20 & 30/01/20 & 11/06/20 notes that good site management and avoidance of field work during wet periods of the construction stage should minimise impacts on surface water quality. No objection subject to conditions.

*1<sup>st</sup> Ecologist's* report dated 30/01/20 recommends FI on grid connection route and addendum to Ecological Impact Assessment report. The *2<sup>nd</sup> report* dated 08/06/20 following FI considers the conclusions of the Ecological Impact Assessment report to be reasonable. No objection subject to condition requiring landscaping mitigation plan to be implemented under the supervision of an ecologist.

*1<sup>st</sup> Archaeologist's* report dated 30/01/20 notes there is no known archaeology within the site. Given the proximity to ringforts and the stream, the concentration of archaeology in the surrounding area and the scale of the proposal, the assessment carried out should have included some archaeological investigation. A geophysical survey is recommended. The *2<sup>nd</sup> report* dated 11/06/20 following FI notes the commitment to carry out a geophysical survey as a condition of planning rather than by way of further information. Carrying out same prior to granting of permission would have provided clarity to make an informed decision that fits the specific circumstances of the site. Recent experience has shown that an archaeological rich landscape such as this has the potential to have extensive archaeology which has the potential to undermine the viability of the project. The applicant has agreed to accept the risk. Notwithstanding her concerns and on the understanding that (a) no development to take place over any new archaeological sites/areas identified by the geophysical survey and/or testing with provision of a suitable buffer zone and (b) the extent of the testing to be agreed in writing with the Local Authority following a review of the results of the geophysical survey, she is satisfied that permission can be granted subject to conditions.

### **3.3. Prescribed Bodies**

*Inland Fisheries Ireland* in a letter dated 02/01/20 recommends conditions should permission be granted.

*Irish Aviation Authority* in correspondence dated 10/01/20 has no observations.

### 3.4. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeal summarised in section 6 below. In addition issues relating to ecology, traffic, CCTV and privacy of property, run off contamination to river, impact on aviation, decommissioning and procedural issues including site notices detailed.

### 4.0 **Planning History**

I am not aware of any previous planning applications on the lands.

### 5.0 **Policy and Context**

#### 5.1. **National Policy**

##### 5.1.1. *National Planning Framework*

National Policy Objective 55 – promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

##### 5.1.2. *National Renewable Energy Plan 2010*

The National Renewable Energy Action Plan (NREAP) sets out the Government's strategic approach and measures to deliver on Ireland's 16% target Directive 2009/28/EC. It states that the Government has set a target of 40% electricity consumption from renewable sources by 2020.

##### 5.1.3. *Strategy for Renewable Energy 2012-2020*

The Strategy states that the Government's overriding energy policy objective is to ensure competitive, secure and sustainable energy for the economy and for society.

##### 5.1.4. *Energy White Paper, Ireland's Transition to a Low Carbon Energy Future 2015-2030*

This sets out a framework to guide Irish energy policy in the period up to 2030 and set out a vision for the transformation of Ireland's energy systems including significantly increasing renewable generation.



#### 5.1.5. *Adapting to Climate Change and Low Carbon Act 2015*

This Act sets a statutory framework for the adoption of plans to ensure compliance with Ireland's commitments to European and international agreements on climate change. It commits to a carbon neutral situation by 2050 and to also match Ireland's targets with those of the EU. It requires that the Minister for Communications, Climate Action and the Environment make, and submit to Government, a series of successive National Mitigation Plans and National Adaptation Frameworks.

#### 5.1.6. *Ireland's Transition to a Low Carbon Energy Future 2015-2030*

Accelerate the development and diversification of renewable energy generation to be achieved through a number of means including wind, solar PV and ocean energy.

#### 5.1.7. *Draft Renewable Energy Policy and Development Framework 2016*

The main principles of the Renewable Electricity Policy and Development Framework include:

- Maximise the sustainable use of renewable electricity resources in order to develop progressively more renewable electricity for the domestic and potential, future export markets.
- Assist in the achievement of targets for renewable energy, enhance security of energy supply and foster economic growth and employment opportunities.

#### 5.1.8. *Climate Action Plan, 2019*

The plan stresses the importance of decarbonising electricity consumed by harnessing the significant renewable energy resources. Ensuring the building of renewable rather than fossil fuel generation capacity to help meet the projected growth in electricity demand is essential. Ensuring increased levels of renewable generation will require very substantial new infrastructure, including wind and solar farms, grid reinforcement, storage developments, and interconnection. To meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources to 70% comprising of

- Up to 1.5 GW of grid-scale solar energy (indicative figure)

## 5.2. Regional Policy

### 5.2.1. Regional Spatial and Economic Strategy for the Southern Region

The Strategy came into effect on 31st January 2020

Objective RPO 87 - Low Carbon Energy Future.

The RSES is committed to the implementation of the Government's policy under Ireland's Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019. It is an objective to ..... increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.

Objective RPO 95 - Sustainable Renewable Energy Generation

It is an objective to support implementation of the National Renewable Energy Action Plan (NREAP), and the Offshore Renewable Energy Plan and the implementation of mitigation measures outlined in their respective SEA and AA and leverage the Region as a leader and innovator in sustainable renewable energy generation.

## 5.3. Local Policy

### 5.3.1. Cork County Development Plan

The site straddles two landscape character types

Part of the site is located within Landscape Character type 6a – Broad Fertile Lowland Valleys with the remainder in 10a – Fissured Fertile Middle Ground.

Objective GI 6-1 Landscape

- (a) protect the visual and scenic amenities of County Cork's built and natural environment.
- (b) landscape issues will be an important factor in all land use proposals, ensuring that a pro-active view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- (c) ensure that new development meets high standards of siting and design.
- (d) protect skyline and ridgelines from development.

- (e) discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

#### Objective GI 6-2 Draft Landscape Strategy

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimise the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, material used) will be required.

### 5.4. **Environmental Impact Assessment**

The construction of a solar farm does not involve a class of development 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.

### 5.5. **Natural Heritage Designations**

None in the vicinity.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The 3<sup>rd</sup> Party appeal which is accompanied by supporting documentation, can be summarised as follows:

#### 6.1.1. **Policy Provisions**

- In the absence of any detailed guidelines on solar farm developments, an appropriate location is considered to be one of the critical selection criteria in keeping with the content of the current development plan.
- Multiple sources detailed in both Cork County Council documentation and referral guidance documentation indicate that solar PV arrays should ideally be placed on low lying or gently sloping land.

- The proposal contradicts both the current Cork County Development Plan and the Development Plan Review Energy Background Document.

#### **6.1.2. Landscape and Visual Impact**

- In terms of the Cork County Draft Landscape Strategy 2007 the site is within landscape area 6A, classified as a high value landscape type and sensitivity and of county importance.
- The solar array will be situated at such a high sloped point of the valley it will dominate the surrounding area.
- Due to the slope and elevation of the site it will have a material visual impact when viewed from the south and west with no means to mitigate the impact on the landscape.
- There are mature trees at the base of the site. In view of the scale of the site in a west to east direction these would have no effect in screening the site from view.
- There needs to be a balance between optimal positioning to provide the best output and impacts on the landscape, particularly given the combined slope and elevation of the site.
- It is queried whether the angle of the panels can be adjusted in favour of level ground.

#### **6.1.3. Public Consultation**

- Appropriate consultation did not take place.

#### **6.1.4. Amenities of Adjoining Property**

- The proposed development will have an adverse impact on property values.
- A Glint and Glare Study was not conducted.

#### **6.1.5. Cultural Heritage**

- The applicant's own report highlights that the archaeology contained within the development area is of high baseline value and that there will be an impact during the construction phase of the project.

- A geophysical survey was not conducted to determine whether there is the potential for subsurface archaeology. The planning authority agreed this could be addressed by way of condition. The County Archaeologist raised serious concerns about this approach.
- There is a risk of direct physical impact on archaeological material and adverse impact on cultural heritage.
- Failing to complete a geophysical survey the application cannot mitigate or buffer the impact this development will have on archaeology in the area.

#### 6.1.6. Cumulative Impact

- The ESB Grid connection route in the Ecological Impact Assessment Report does not address the cumulative impact of multiple solar farms in the area. There is a permission for a further solar farm at Currabeha under ref. 16/04783 with permission sought for a 3<sup>rd</sup> at Ballytrasna under ref. 14/06644.
- The map of the proposed grid connection route provides limited detail.
- There is concern that the electrical infrastructure will follow a route along the valley facing residences which will intensify the visual impact and impact on sites of archaeological interest.

#### 6.1.7. Other Issues

- The photomontages submitted do not accurately reflect how the development would be seen by the human eye.
- A number of viewing point locations are erroneously labelled.
- Information has been retained from documentation relating to other sites in error.
- The field to the north of that proposed is a more suitable location for the development.

## 6.2. Applicant Response

The response by McCutcheon Halley on behalf of the applicant can be summarised as follows:

### 6.2.1. Policy Context

- The Council's decision is supported by national, regional and local policies. National precedent also dictates that the absence of bespoke national guidance for ground mounted solar does not preclude the assessment of proposals of this scale.

### 6.2.2. Landscape and Visual Impact

- The site is not within a High Value Landscape Area.
- Only a proportion of the site is within the LCT 6a – Broad Fertile Lowland Valleys with the majority of it contained within LCT 10a – Fissured Fertile Middle Ground.
- The landscape sensitivity judgement arrived at was 'Medium – Low' which reflects the fact that the site straddles the generally low sensitivity LCT 10a and the higher sensitivity LCT 6a.
- There is no potential intervisibility with the High Value landscape LCT 8 – Hilly River and Reservoir Valleys to the north.
- There are no scenic routes in the study area.
- The Landscape Visual Impact Assessment assesses impacts from a range of receptors, viewing angles and viewing distances in accordance with the Guidelines for Landscape and Visual Impact Assessment.
- VP3 represents open northward views directly across the valley from the development. It is acknowledged that there will be some clear views of the solar array from the south. The solar array is nearly 600 metres from the road and residential receptors along same. It tends to be viewed as a modest part of broad and typical rural views up and down the valley ie. the array does not obstruct, spatially dominate or appear out of place within these scenes.

- It is not accepted that the submitted photomontages caused any scale/distance confusion in relation to views towards the site.

### 6.2.3. **Public Consultation**

- The planning process allowed for public participation.

### 6.2.4. **Amenities of Adjoining Property**

- In the absence of longitudinal studies and empirical evidence on declining property prices as a direct result of development of solar farms it should not be assumed that this form of development will result in negative economic impacts to rural communities.
- A technical note on Glint and Glare was submitted with the application. As detailed in the note solar PV arrays do not give rise to excessive level of reflective impacts.
- The acceptance of the opinion on impacts of glint and glare is evident in recent Board decisions (PL04.247521 and PL07.300596 referenced).
- Glint and glare effects almost invariably have the geometric potential to occur in only two fans: to the southeast and southwest of the panel array. These sectors coincide with low angle evening and morning sun reflecting at equally low angles where ground based receptors may experience reflectance. In the appeal case there are almost no residential and road receptors within the standard 1km radius glint and glare study area to the southeast and southwest of the site. Residents along local road L-6011-0 are to the south and at similar or lower elevations than the panel array, which will only reflect skywards at a low angle tilt when the sun is on an alignment that could have any geometric potential for reflectance ie. shining directly over the houses in question.
- Reflectance does not occur when it is raining, with the panels tilted so that they do not hold water on their surfaces.

### 6.2.5. **Cultural Heritage**

- There is nothing particularly pronounced or high risk about the development site.

- There are no known or recorded monuments within the site or sufficiently near to the site for there to be any impacts.
- The only cultural heritage site within the development is the site of a vernacular building (unregistered site, no upstanding remains) and a protective buffer has been incorporated for this.
- The risk to previously unknown sub-surface archaeological features is identified in the AIA and suitable mitigation measures are proposed.
- Based on the results of the Archaeological Impact Assessment and in line with National Monuments Service Guidance it was considered that there was not sufficient risk/cause to trigger a blanket geophysical survey request at the further information stage of the planning application. The final outcome on archaeological heritage would be unchanged whether geophysical survey work and any associated testing was carried out at pre-planning stage or prior to commencement of development.
- A geophysical survey at FI stage may have provided more advance information on the quality and significance of this risk, however the conditions of the grant require that this is done in advance of construction.
- In deferring the survey the developer has taken on the risk that if significant remains are found that they may be required to omit sections of the solar array.
- There are no identified visual impacts on any cultural heritage sites.
- There is nothing in the objection about how the solar farm would affect the perception and understanding of the local cultural landscape.

#### 6.2.6. Cumulative Impacts

- Given the scale of the other solar farms granted permission in the area and the separation distance to the appeal site it is submitted that 3 solar farms within 5km should not be regarded as a 'ribbon development' of solar farms.
- The appellant has not identified any receptors that will experience a cumulative negative visual impact as a result of the locations of the proposed solar farms.



- The ESB connection was considered by the Council Planner. The connection would be exempted development under the provisions of Classes 26 and 27 of the Planning and Development Regulations 2000, as amended.
- The Ecological Impact Assessment addendum report provided in response to FI includes a map showing the proposed grid connection. It will run along existing roads.
- An addendum Archaeological Impact Assessment report has been submitted to address any concerns regarding the proposed grid connection route.
- ESB networks has an agreed Code of Practice in relation to the treatment of archaeology.

#### 6.2.7. Other Issues

- Typographical errors are noted. They do not diminish the quality of the assessments carried out.
- The development is not of a scale and type that triggers EIA and there is no requirement to consider alternative sites.

#### 6.3. Planning Authority Response

None

#### 6.4. Further Responses

The applicant's response to the 3<sup>rd</sup> party appeal was circulated for comment by way of section 131. A response from the 3<sup>rd</sup> party was received. In addition to points made in its appeal submission the following are noted:

- Previous Board decisions, lack of national, regional and local policy and a positive presumption in favour of alternative energy projects should not result in an automatic grant of permission in the current case.
- The boundaries depicting the Landscape Character Types (LCT) are to be taken very broadly. Only a modest proportion of the site is within LCT 10a. The landscape complies with the description and detail outlined in the Cork Landscape Assessment as being that of 6a – Broad Fertile Lowland Valleys.

A review of the Cork Landscape Character Assessment in a report to the Heritage Council considers that there is insufficient detailed information in landscape type descriptions when looking to build a case against or refinement of a planning application.

- It is the appellant's view that the impact is severe with a dominant effect on the spatial extent of the landscape. It does not concur with the views regarding landscape mitigation and placement within the prevailing landscape.
- The images provided in the appeal submission are of standard scale and are not squeezed in any manner.
- The views on property devaluation are misguided as, equally, it should not be assumed that this form of development will not result in negative economic impacts.
- The reticence to undertake a geophysical survey due to the costs that may be incurred should not be to the detriment of any subsurface archaeology that will be negatively impacted.
- There are concerns that permission for further solar farm installations will be sought.
- The proposed grid connection has not been reviewed and approved by Eirgrid.
- Glint and glare is an issue for residents to the south and has not been addressed.
- The inaccuracies in the documentation diminish the quality of the assessments.

## 6.5. Observations

None

## 6.6. Prescribed Bodies

Due to the site size and proximity to recorded monuments certain prescribed bodies were invited to make a submission on the appeal by way of section 131.

No responses received.

## 7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Policy Context
- Landscape and Visual Impact
- Residential Amenity
- Cultural Heritage
- Other Issues
- Appropriate Assessment

### 7.1. Policy Context

- 7.1.1. The proposed development is supported by national, regional and local policies in terms of renewable energy. Objective 55 of the National Planning Framework seeks to promote renewable energy and generation at appropriate locations within the built and natural environment, whilst paragraph 130 of 'Transition to a Low Carbon Energy Future 2015-2030 - White Paper on Energy Policy' recognises that solar energy will become more cost effective as technology matures and that it will be an integral part of the mix of renewables going forward. Consequent to same, the Climate Action Plan 2019 stresses the importance of the decarbonisation of electricity consumed by harnessing the significant renewable energy resources available. To meet the required level of emissions reduction by 2030 it is necessary to increase electricity generated from renewable sources to 70% with solar energy comprising of up to 1.5 GW (indicative figure).

- 7.1.2. At a regional level it is an objective of the Regional Spatial and Economic Strategy for the Southern Region to increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.
- 7.1.3. At a local level, whilst there is support for solar energy production as a renewable resource, due to the emerging nature of the technology at the time of the 2014 plan preparation, specific objectives with respect to same or identification of areas considered suitable/unsuitable for solar farms were not included. Whilst currently being reviewed with background papers including one on energy within the public realm in which it is acknowledged that the plan policy in relation to solar energy needs to be reviewed and updated to reflect developments in the sector, the said 2014 development remains the applicable policy context against which the appeal must be assessed. Therefore, in the absence of a 'plan-led' approach, applications are to be considered on their individual merits and subject to normal planning considerations.

## **7.2. Landscape and Visual Impact**

- 7.2.1. The subject site covers an area of 8.12 hectares on a steeply sloping site which falls to the Bellmount Stream to the south. While some hedgerows are present the majority of the field boundaries are delineated by post and wire fencing. By reason of its location site within a U-shaped valley and the hilly nature of the topography of the wider area, views of the site are largely restricted to the surrounding local road network, notably from the local road L-6011 to the south-west and south. One off housing along this road is prevalent.
- 7.2.2. Whilst I acknowledge the constraints arising from the scale of the maps depicting the Landscape Character Types in the Draft Cork Landscape Strategy 2007 it is evident that the site straddles two landscape character areas. The eastern section of the site is within 6a '*Broad Fertile Lowland Valleys*' which has a high landscape value and sensitivity considered to be of county importance. The western part of the site is within 10a '*Fissured Fertile Middle Ground*' which is considered to be of low landscape value, medium sensitivity and of local importance. However it is not within an area designated as a High Value Landscape in the current County Development Plan with no listed views/prospects or scenic routes in the vicinity.

- 7.2.3. The potential landscape and visual impact of the scheme is considered in the Landscape and Visual Impact Assessment which is accompanied by photomontages. I note the appellant's concerns regarding the accuracy of the images, the efficacy of the assessment arising from same and the mislabelling of viewpoints on the maps in the document and in booklet of images. Notwithstanding, I consider that the locations for the images chosen to be representative and have been presented in a reasonable and competent manner and provide a useful tool to assist in the assessment. I also note that the assessment of the magnitude of effects refers to the correct locations as set out in section 1.5.2.2 of the said document. On this basis I do not consider that the errors are fatal as to undermine the assessment.
- 7.2.4. A revised landscaping plan was submitted by way of further information and provides for the retention of the existing hedgerows on site to be augmented by perimeter planting.
- 7.2.5. In general views of the site from the north and from the dwellings along local road L-2001-43 will be limited arising from the setback of the site from the road and the fact that it slopes away steeply to the south. It is anticipated that views of the southernmost (lower) portion of the development may be visible, with a distance of over 250 metres from the nearest dwelling.
- 7.2.6. Due to the low and intermittent roadside vegetation along local road L-6001 uninterrupted views of the site are available from the south and south-west. As a consequence the solar farm will be prominent in views from same. The screening benefits of perimeter planting will be very limited due to the steeply sloping nature of the site. This is acknowledged in the assessment with the significance of the visual impact post mitigation considered to be moderate. I note that the site does not form a terminating view for vehicles travelling along the road and the views concerned do not lie within the corridor of any scenic route identified by the County Development Plan. Certainly the visual impact from dwellings along the road which are orientated towards the site would be of greater magnitude with the appellants considering the impact to be severe. The protection of private views is not a planning consideration.

7.2.7. I submit that although the area has an innate quality it is a working rural landscape and is highly managed. Whereas there is no doubt that the proposed development would change the local landscape from a visual perspective, I consider that the extent of the visual impact is acceptable and that the landscape is capable of absorbing change. It will read as a modern intervention within such a managed landscape. Having regard to the mitigation measures proposed I am satisfied that the proposed development would not adversely impact on the landscape and visual amenities of the area to an extent as to warrant a refusal of permission.

### 7.3. Residential Amenity

#### *Glint and Glare*

7.3.1. As noted by the appellants the application is not accompanied by a site specific Glint and Glare assessment but a general technical note which concludes that observers directly north or south from a solar array will not be affected by glint.

7.3.2. I note that the proposed development does not include tracking panels and that the panels are fixed in one orientation, facing due south. Solar PV panels, in order to be efficient, need to absorb as opposed to reflect solar irradiation and therefore have an anti-reflective coating.

7.3.3. The nearest dwellings to the site are those located along the local road to the north with the shortest separation distance of approx 150 metres. Due to the steep sloping nature of the site views of the panels will be restricted. I further note the limited height of the panels, their southern orientation and the existing intervening and proposed hedgerow and landscaping. I submit that the proposed development would not have any adverse impacts on the residential amenity of properties to the north by way of glint and glare. Furthermore, for similar reasons I can see no concern for the impact by way of glint and glare on road users of the local road to the north.

7.3.4. As noted above due to the location of the site on the northern steep slope of a U-shaped valley the ameliorative impact of the proposed screening when viewed from the south will be limited. There is a separation distance of at least 600 metres between the site and Local Road L-6001 with greater separation distances again to the nearest dwellings along same.

- 7.3.5. In response to the grounds of appeal the agent for the applicant states that glint and glare effects have the geometric potential to occur in only two fans: to the southeast and southwest of the panel array. These sectors coincide with low angle evening and morning sun reflecting at equally low angles where ground based receptors may experience reflectance. In the appeal case there are almost no residential and road receptors within the standard 1km radius glint and glare study area to the southeast and southwest of the site. Residents along local road L-6011-0 are to the south and at similar or lower elevations than the panel array, which will reflect skywards at a low angle tilt when the sun is on an alignment that could have geometric potential for reflectance ie. shining directly over the houses in question. Reflectance does not occur when it is raining with the panels tilted so that they do not hold water on their surfaces.
- 7.3.6. I am therefore satisfied that sufficient detail has been provided to support the conclusion that glint and glare will not be an issue along the adjoining road network and nearest dwellings.

*Noise*

- 7.3.7. The panels in themselves would not generate noise. The main noise sources would be from the invertors/transformers which will be within containers which will have insulating properties and are located at a remove from the nearest dwellings. The 2no. transformers are to be positioned along the southern boundaries of the site. A distance of over 200 metres is to be maintained to the nearest dwelling to the north with greater distances again to the nearest dwellings to the south. In addition, I note that noise would only be generated during daylight hours and consequently there will be no noise emissions at night. Having regard to the low level of noise that will be generated, the separation distance to dwellings and the daytime operation of the solar farm when other noise sources such as traffic and farm machinery will contribute to the noise environment, I consider that impacts would be negligible.
- 7.3.8. As the site will be largely unmanned save for occasional inspections/maintenance vehicular movements during the operational phase will be minimal and will have no impact.

### *Devaluation of Property*

I note the letter accompanying the appeal from a Property Valuer and Auctioneer in support of the view that the proposal would give rise to devaluation of property and the subsequent assertion that the absence of longitudinal studies and empirical detail should not be construed as evidence that the development would not result in negative economic impacts. However, on balance, I submit that it has not been demonstrated in any substantial manner how the proposed development would have an adverse impact on the value of property.

### *Construction Phase*

- 7.3.9. It is estimated that the construction period would be in the region of 3 months and it is inevitable that potential negative impacts to the local population may occur particularly in terms of noise and traffic. However, these impacts will be temporary. As noted above the additional traffic generated during the operational phase would be minimal.

### *Privacy*

- 7.3.10. The solar arrays in themselves would not give rise to loss of privacy. On completion of the construction works the site would be intermittently visited for maintenance purposes etc. Such visits would not give rise to concerns in this regard. The site is proposed to be surrounded by security fencing and a number of CCTV cameras are proposed. A condition requiring the cameras to be fixed in place facing into the site should be attached, which will address any concerns in this regard. No lighting is proposed as part of the development.

## **7.4. Cultural Heritage**

- 7.4.1. The application is accompanied by an Archaeological, Architectural and Cultural Heritage Impact Assessment with an addendum submitted with the appeal response addressing the anticipated route of the grid connection to the ESB substation to the south-west.
- 7.4.2. The Council Archaeologist in her assessment of the application sought, by way of further information, a geophysical survey of the site. In response to same the agent for the applicant made reference to guidance from the National Monuments Service



which recommends that such a survey be requested only where there are specific indicators of archaeological potential and that it may be acceptable to deal with areas of unclear archaeological potential by way of condition requiring geophysical survey and/or testing followed by avoidance or appropriate mitigation. The Department of Arts, Heritage and the Gaeltacht was invited to make a submission on the appeal by way of a section 131 notice. No response was received.

7.4.3. 24 no. recorded monuments were identified within the study area (1km radius of the site), none of which are located within the site. The nearest are the ringfort (CH011) and Souterrain (CH021) c.100 metres to the west. The site is not within the zone of influence of either monument. There is one undesignated site of a no longer extant vernacular building that has been buffered out in the design. Whilst it is accepted that there is potential for unknown archaeological remains within the site as a result of numerous prehistoric and medieval monuments located in the surrounding area, I submit that in view of the above guidance that the archaeological requirements can appropriately be dealt with by condition.

7.4.4. On this basis it is reasonable to determine that the proposal would not likely have a significant impact on archaeology when the developer is required to adhere to specified archaeological requirements that may reasonably be set out in a condition attached with any grant of planning permission. The applicant is aware of the risk it takes should remains be found requiring the omission of section(s) of the solar array to maintain appropriate buffer(s).

## 7.5. **Other Issues**

7.5.1. By way of further information a possible grid connection route along the local road network connecting to the nearest ESB substation to the south-west of the proposed site was provided. A revised Ecological Impact Assessment was submitted by way of further information with an addendum to the Archaeological, Architectural and Cultural Heritage Impact Assessment accompanying the appeal response giving due consideration to the possible connection route. The applicant submits that the connection is likely to be facilitated by way of an underground line and that it would be exempted development in accordance with Classes 26 and 27 of the Planning and Development Regulations 2000 (as amended). The Board will note that

permission for the solar farm could 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. A condition acknowledging this should attach in the event of a grant of planning permission.

- 7.5.2. Due to the topography of the area there will be no intervisibility between the proposed development and the other permitted solar farms in the vicinity, one which is approx. 3.5 km to the north-west (ref. 14/06644) and the 2<sup>nd</sup> approx. 1.7km to the south-east (ref. 16/4783). I am not aware of any other applications for such type development in the vicinity of the site.
- 7.5.3. Site access is to be from L-2001-43 with the construction phase to be in the region of 3 months. To allow for adequate sightlines the embankment and associated vegetation will be kept to below 1 metre in height which may require its partial removal. A Construction and Management Plan that accompanies the application sets out details in terms of delivery routes and management measures in terms of vehicular movements. The said delivery route is illustrated in Figure 5. Whilst the additional traffic and management measures will inconvenience local road users and residents of dwellings in the vicinity the impacts are considered acceptable having regard to the limited duration of the works. The planning authority has attached a condition requiring a special contribution towards the resurfacing of the junction of the local road and regional road R585) c 1. 5 to the east of the site which is on the said identified delivery route. With an overall cost estimated to be €25,000 a contribution of €10,000 is stipulated. I note that the applicant has not appealed the condition.
- 7.5.4. The operational phase of the solar farm would generate limited vehicular movements by maintenance staff on an ad hoc basis. I do not consider that the additional movements would give rise to a material concern.
- 7.5.5. Whilst a number of residents express concern as to the absence of public consultation in relation to the project, I note that there is no legal imperative for the applicant to engage in discussions prior to lodgement of an application. 3<sup>rd</sup> parties have engaged in the planning process which has culminated with this appeal.

7.5.6. The inaccuracies in the documentation cited by the appellant whilst unfortunate are, in my opinion, not fatal to the adequacy of the detail and application as to allow for a proper assessment.

## 7.6. **Appropriate Assessment**

7.6.1. The application is accompanied by an Ecological Impact Assessment which was updated by way of further information. It contains an Appropriate Assessment Screening Report in Appendix A.

### *Project Description and Site Characteristics*

The site is as described in section 1 above with the project description summarised in section 2.

### Natura 2000 Sites, Qualifying Interests and Conservation Objectives

The nearest designated sites are:

1. The Gearagh Bog SAC (site code 000108) c. 7.5km to north-west. The qualifying interests are:
  - Water courses of plain to montane levels with the *Ranunculus fluitans* and Callitriche-Batrachion vegetation,
  - Rivers with muddy banks with *Chenopodium rubri* p.p. and *Bidentium* p.p. vegetation
  - Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
  - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)
  - Otter
2. The Gearagh SPA (site code 004109) c. 8.7km to the north-west. The qualifying interests are:
  - Wigeon
  - Teal
  - Mallard

- Coot
- Wetland and Waterbirds

Detailed conservation objectives have been drawn up for the SAC with generic objectives pertaining to the SPA. The overall aim is to maintain or restore the favourable conservation status of the qualifying interests.

#### *Assessment of Likely Effects*

The site is not within or adjacent to any designated site. Therefore, no direct impacts would arise.

The Bellmount Stream is c. 200 metres to the south. It joins the River Bride c.1.3km to the east. There is a field drain c. 20 metres south of the south-western corner which discharges to the Bellmount Stream. None of the designated sites are downstream of the proposed site. Therefore is no hydrological link between the site and the nearest designated sites.

In view of the absence of any hydrologic connection between the sites, the intervening distance and the qualifying interests, there is no potential for the designated sites to be indirectly affected by the proposed development.

In terms of cumulative effects, I am not aware of any plans or projects which could give rise to cumulative effects.

#### *Screening Statement and Conclusions*

It is reasonable to conclude that on the basis of the information on 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 European sites nos. 000108 and 004109 in view of the sites' 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 of the project on any European Sites.

## 8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## 9.0 Reasons and Considerations

Having regard to:

- the provisions of national and regional policy objectives in relation to renewable energy,
- the provisions of the Cork County Development Plan, 2014,
- the nature, scale, extent and layout of the proposed development, and
- the pattern of development in the vicinity

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would be acceptable in terms of landscape, archaeological and ecological impacts and 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, as amended by the further plans and particulars submitted on the 2<sup>nd</sup> day of June, 2020 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) This permission shall be for a period of 25 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, inverter/transformer stations, substation, 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.

3. 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.

4. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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 (including hydrological and geotechnical investigations) relating to the proposed development;

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- i. the nature and location of archaeological material on the site,
- ii. the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

(c) where archaeological material is found to be present the developer shall:

- i. submit to and agree in writing with the planning authority revised proposals for the design of the proposed development, which shall ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance;
- ii. employ a suitably-qualified archaeologist who shall monitor all subsequent site investigations and other excavation works; and

- iii. 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.

- 5. (a) All existing hedgerows shall be retained and new planting undertaken in accordance with the details set out on Landscape Mitigation Plan (DWG No.LD.CLGHMCW 3.0) submitted to the planning authority on the 2<sup>nd</sup> day of June 2020.
- (b) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

- 6. (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) Cables within the site shall be located underground.
- (d) The inverter/transformer stations shall be dark green in colour.



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

7. 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, surface water management proposals, the management of construction traffic, and the off-site disposal of construction waste.

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

8. 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.

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

**Reason:** In the interest of environmental protection and public health.

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 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.

11. 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.

12. The developer shall pay to the planning authority a contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of resurfacing works at the junction of local road L-2001 and regional road R585. The amount of the contribution 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 for

determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are covered in the Development Contribution Scheme and which will benefit the proposed development.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**November, 2020**