



An  
Bord  
Pleanála

## Inspector's Report ABP 311238-21

<b>Development</b>	Solar Farm
<b>Location</b>	Ballynaclashy and Ballycurrany East, Midleton, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	21/4050
<b>Applicant</b>	Terra Solar II 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(s)</b>	Tony Mulcahy
<b>Observer(s)</b>	1. Maurice Twomey & Others 2. Pamela Mulcahy 3. Dr. Ellis Walsh 4. Lucia Fielding
<b>Date of Site Inspection</b>	19/10/21
<b>Inspector</b>	Pauline Fitzpatrick

## **1.0 Site Location and Description**

- 1.1.1. The site which has a stated area of 47.2 hectares, is in the townlands of Ballynaclashy and Ballycurrany c. 4km to the north-west of Midleton. The site comprises of two parcels of land to either side of local road L-7694. The general area is characterised by undulating agricultural land with one off housing along the local road network with mature hedgerows delineating the field and roadside boundaries.
- 1.1.2. The northern most parcel, which is bounded by the local road to the west and south, comprises of large fields in arable use. The lands slope up generally from west to east. Field boundaries are delineated by hedgerows with a mature hedgerow and trees delineating the roadside boundary. A 220kv overhead power line traverses the northern part of this parcel. A number of dwellings back onto this parcel.
- 1.1.3. The southern parcel also comprises of a number of fields in arable use. The lands are relatively level rising to a small hill in the south-west. The parcel is bounded by mature woodland to the south and west which form part of Coillte's Curragh Wood recreational area. The roadside boundary is largely delineated with a mature hedgerow and trees save in places where the hedgerow is low allowing views across the site. A cluster of dwellings that back onto the northern parcel front onto this southern parcel.
- 1.1.4. The local road serving the lands in the vicinity is approx. 4 metres wide and was noted to be lightly trafficked on day of inspection.

## **2.0 Proposed Development**

- 2.1.1. The application was lodged with the planning authority on the 14/01/21 with further details submitted 09/07/21 following a further information request dated 09/03/21.
- 2.1.2. The proposal entails a solar farm which will comprise of:
  - 220,100m<sup>2</sup> of solar panels on ground mounted frames to be set at a minimum height of 0.72 metres above ground increasing to a maximum height above ground level of approx. 2.9 metres

- 13 no. inverter/transformer stations, spare equipment container, customer switchgear container and battery storage container
- 2.8 metre high security fencing
- Satellite communications pole
- CCTV
- 4 metre wide gravel access tracks
- Upgrade 2 no. existing agricultural field entrances
- Temporary construction compounds
- Landscaping and ancillary works

A permission for 10 years is sought with the operational lifespan of the solar farm being 35 years.

The solar farm will connect to the national grid by means of 1 of 2 potential grid connection options (both underground), details of which are provided for information purposes.

It is stated that the proposed development represents an extension to the permitted solar farm granted permission under refs. 18/6769, 19/5729 and 19/6882. These permissions equate to an area of 152 hectares to the south of the current appeal site and separated from same by the Curragh Wood recreational area.

The application is accompanied by:

- Planning and Environmental Statement
- Landscape and Visual Impact Assessment
- Ecological Impact Assessment
- Report addressing Ecology following further information including Ornithological and Habitat Management Plan
- Appropriate Assessment Screening Report
- An Archaeological, Architectural and Cultural Heritage Impact Assessment
- Glint and Glare Assessment
- Outline Construction and Environmental Management Plan

- Site Access and Drainage Report
- Booklet of Photomontages
- Letter of consent from landowner

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Grant permission for the above described development subject to 46 conditions. Of note:

Conditions 5, 6 & 7: Archaeological requirements including buffer zones to archaeological sites and construction and operational requirements in vicinity.

Condition 16: Silt fencing to be constructed to protect watercourses on site from silt laden run-off.

Conditions 26: Landscaping to be accordance with Landscape Plan and Ornithological and Habitat Management Plan. To be supervised by suitably qualified person. Monitoring of hedgerow establishment and wild bird cover to be carried out for 1<sup>st</sup> two years post planting and thereafter as part of a 3 year review cycle.

Condition 27: All works to be in accordance with ecological mitigation measures set out in Ecological Impact Assessment Report and Ornithological and Habitat Management Plan. To be overseen by suitably qualified person.

Condition 28: Breeding and wintering bird survey to be carried out in year of construction and for 1<sup>st</sup> two years of operation as per Ornithological and Habitat Management Plan.

Condition 29: Bat survey to be carried out during appropriate times in 1<sup>st</sup> year of construction and for the 1<sup>st</sup> two years of operation as per Ornithological and Habitat Management Plan. A bat corpse survey to be conducted with focus on bat breeding season. Results to be submitted to NPWS and County Council for review.

Conditions 32 & 33: Surface water to be disposed of within the site by means of soakways and shall not be allowed to flow onto the public road.

Conditions 34, 35 and 36: road drainage requirements

Condition 37: Provision of soakaway inside the proposed entrance gate to drain the road at the entrance location before any other development works.

Condition 41: Deliveries to the site not permitted during peak times of 08.00 to 09.30 and 16.00-18.00.

Condition 42: Pavement condition index survey to be conducted prior to and on completion of construction. Any damage to be rectified by the developer.

Condition 44: Appointment of community liaison engineer.

Condition 45: 70 metre sight distances to be provided at site entrances.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

##### **1<sup>st</sup> Planner's report dated 09/03/21**

- The planning authority and An Bord Pleanála have accepted the principle of similar such development.
- It is to be constructed alongside the permitted solar farm and two subsequent extension stages.
- While there is a large ratio of land take to energy output the proposal would allow for continued agricultural use with lands still accessible for vegetation growth during the operational phase.
- Such type development is not precluded in a High Value Landscape.
- Visual and landscape impacts are unlikely to arise subject to mitigation.
- The visual impact assessment and photomontages consider the cumulative impact of the permitted solar farms. The impacts are low largely due to the topography and existing dense tree coverage between the sites including Curragh Wood.
- The findings of the glint and glare study are accepted.
- The Ecology Officer's request for further information noted.

Further information recommended in line with Ecologist's report in addition to clarification of overall predicted cumulative noise impacts.

The above report was endorsed by the Senior Executive Planner (09/03/21).

The **2<sup>nd</sup> Planner's** report dated **03/08/21** notes the Ecologist's comments on the further information submitted. A grant of permission subject to conditions recommended. The recommendation was endorsed by the Senior Planner in a report dated 04/08/21.

### 3.2.2. Other Technical Reports

**1<sup>st</sup> Area Engineer's** report dated **18/02/21** considers the access locations to be acceptable in principle. Stop/Go system on the local road during construction phase to be agreed. Pavement condition survey required prior and post construction. Surface water disposal proposals acceptable. No objection subject to conditions.

**1<sup>st</sup> Environment Section** dated **10/02/21** has no objection subject to conditions (noise, dust, waste). Subsequent reports dated **27/07/21**, **28/07/21** and **30/07/21** following FI has no objection subject to conditions.

**2<sup>nd</sup> Environment Section** report dated **02/03/21** has no objection subject to conditions (construction and environmental management plan, construction measures including silt fences to prevent water pollution).

**1<sup>st</sup> Ecology** report dated **25/02/21** satisfied that proposal poses no risk of causing significant water pollution impacts in Cork Harbour SPA, Great Island Channel SAC or Blackwater River SAC. The proximity of Lisgoold West Stream and Leamlara River noted. Further information recommended on impact on polarotactic aquatic insects and birds and bats and preparation of an ornithological and habitat management plan. **2<sup>nd</sup> report** dated **29/07/21** following FI is satisfied that it has been demonstrated that the potential risk of significant effects on the population of polarotactic insects can be ruled out. The site is located c. 600 metres from pNHA Ballynaclashy House which is designated for the protection of a nursery roost of Whiskered Bats. A condition requiring a bat survey and corpse search during the breeding season of the 1<sup>st</sup> two years of the solar farm operation recommended. Should it be determined that the solar farm is impacting bats, particularly those associated with the pNHA then measures will be required to counteract any negative implications the solar farm is having on bat populations. No objection to the proposal subject to conditions that the applicant carry out all commitments, proposed planting and monitoring as stated within the documentation accompanying the application.

**Archaeologist's** report dated **03/03/21** has no objection subject to conditions.

### 3.3. **Prescribed Bodies**

**Department of Defence** in a letter dated **10/02/21** states that given the proximity of the development to the N25, should glint and glare negatively affect Irish Air Corps aircraft, the owner must take measures to mitigate these effects to an acceptable level.

**Inland Fisheries Ireland** in a report dated **08/02/21** recommends conditions should permission be granted.

**Irish Aviation Authority** in a letter dated **10/02/21** has no observations.

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

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised relate to:

- Lack of consultation
- Health and safety
- Impact on water supplies
- Adequacy of road to accommodate traffic
- Impact on wildlife
- Loss of agricultural land
- Cumulative impacts with permitted solar farms
- Flooding
- Visual impact
- Inaccuracies in plans and documentation
- Impact on Curragh Wood amenity area
- Adverse impact on area of historical and archaeological interest
- Construction noise and disturbance

- Impact on residential amenities and devaluation of property
- Surface water runoff
- Invertor noise
- Interface with Celtic interconnector
- Lifecycle of solar arrays and disposal
- Removal of trees and hedgerows
- Absence of planning guidelines for solar energy
- Glint and glare

## 4.0 Planning History

18/6769 – permission granted for a solar farm on a 56.7 hectare site to the south of Curragh Woods.

20/6891 – permission granted for changes to a subset of the above solar farm arising from the proposed 110kV substation to be provided, resulting in a reduction in the extent of area covered by solar arrays by 1.8 hectares.

19/5729 – permission granted for a solar farm on a 56.1 hectare site to the west and south of Curragh Woods (west of the above permitted solar farm). It is to connect with and represent an extension to the above permitted solar farm.

19/6882 – permission granted for a solar farm on a 39.7 hectare site in an area between the above permitted solar farms and south of Curragh Woods. It is to connect with and represent an extension to the above permitted solar farm.

VA04.308979 - permission granted for 110kV electricity substation to connect to and serve a solar farm, associated loop-in infrastructure and all ancillary works at Lysaghtstown, Midleton, Co. Cork.



## 5.0 Policy 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. *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.

#### 5.1.3. *Climate Action and Low Carbon Development Act 2015 (as amended 2021).*

It commits Ireland to reach a legally binding target of net-zero emissions no later than 2050, and a cut of 51% by 2030 (compared to 2018 levels). Under the 2021 Amendment Act Ireland's national climate objective requires the state to pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

#### 5.1.4. *National Energy and Climate Plan 2021-2030*

In accordance with the Governance of the Energy Union and Climate Action Regulation, Ireland's draft National Energy & Climate Plan (NECP) 2021-2030 was submitted to the European Commission in December 2018. The draft NECP took into account energy and climate policies developed up to that point, the levels of demographic and economic growth identified in the Project 2040 process and included all of the climate and energy measures set out in the National Development Plan 2018-2027.

The 2019 NECP was prepared to incorporate all planned policies and measures that were identified up to the end of 2019 and which collectively deliver a 30% reduction by 2030 in non-ETS greenhouse gas emissions (from 2005 levels).

Under the Programme for Government, Our Shared Future, Ireland is committed to achieving a 7% annual average reduction in greenhouse gas emissions between 2021 and 2030. The NECP was drafted in line with the current EU effort-sharing

approach, before the Government committed to this higher level of ambition, and therefore does not reflect this higher commitment. Ireland is currently developing those policies and measures and intends to integrate the revision of the NECP into the process which will be required for increasing the overall EU contribution under the Paris Agreement.

#### *5.1.5. Climate Action Plan, 2021*

The plan stresses the importance of decarbonising electricity consumed by harnessing the significant renewable energy resources. Additional electricity generation and transmission infrastructure will be a critical enabler to achieve the renewable energy and emissions targets. Public acceptance of that additional generation and transmission infrastructure will be crucial to this transition, which will have impacts right across the state.

To meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources to 80% comprising of

- Up to 1.5 -2.5 GW of grid-scale solar energy (indicative figure).

### **5.2. Regional Policy**

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

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 2014*

The site is situated within the County Metropolitan Cork Strategic Planning Area. The site is to the north and outside of the 'Prominent and Strategic Metropolitan Greenbelt Area.

The site is within an area of High Landscape Value

Section 13.6.9 states that considerable care will be needed to successfully locate large scale developments in such areas without them becoming unduly obtrusive. Therefore, the location, siting and design of large scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape.

The site is within the City Harbour and Estuary landscape character area

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**

Cork Harbour SPA (site code 4030) and Great Island Channel SAC (site code 1058) are c.4.8km to the south of the site.

Blackwater River (Cork/Waterford) SAC (site code 2170) is c. 8km to the north.

### **6.0 The Appeal**

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

The 3<sup>rd</sup> Party appeal by Tony Mulcahy can be summarised as follows:

- The proposal will connect with and represents an extension to the solar farm permitted under refs. 18/6769, 19/5729 and 19/6882 (Lysaghtstown solar farm). Project splitting. Cumulatively the development would be large scale.
- Lack of public consultation as to the scale of the overall development.
- The scale is out of proportion in this rural area and would constitute an overbearing non-agricultural feature in the landscape.
- The loss of agricultural land will result in the reclamation of other, marginal lands to bring same into arable production and/or the unsustainable intensification of existing arable lands using fertilisers.

- There is the expectation that further extensions will follow thus altering strategic land use decision making to the detriment of long term agricultural planning in the area.
- The scale and serial expansion is having the effect of stifling opportunities for more dispersed and diverse community led energy projects.
- The extension sets a precedent for greenfield expansion of solar farms on prime agricultural land rather than encouraging more sustainable brownfield development.
- The Visual Impact Assessment underestimates the visual impact. It will be highly visible from local road L7694, from dwellings along the road and from Curragh Wood recreational area.
- The Curragh Wood recreational area will be surrounded by solar arrays and would be adversely affected.
- Negative impacts on ecology and wildlife including flying insects and bats. The UK's Bat Conservation Trust has recommended a 1km radius from roosts to protect foraging and commuting habitats. The heat island effect could adversely affect flying insects. As the site is bounded by woodland on multiple sides and higher ground on the opposite side of the woodland the heated air contained laterally will draft upwards.
- It has not been demonstrated that rain water runoff from the site will not increase. Much of the land in the development slopes in an east to west direction such that rainwater will flow unevenly from the south-facing panels with the resulting rivulets scouring the ground underneath. It is therefore incorrect to state that rain falling on the panels would flow evenly. Land grading is employed internationally to adjust gradients to minimise rainwater runoff. Local road L7694 is frequently flooded as a result of runoff with high levels of silt regularly flowing to the nearby Leamlara stream which joins the Owenacurra River upstream of the water supply for Middleton and Cobh.
- There are several errors in the application pertaining to the site entrances, flood events, and maintenance of site notices.

- It is queried whether the extension would impact on the Celtic Interconnector project.

## **6.2. Applicant Response**

The submission by HW Planning on behalf of the applicant can be summarised as follows:

### **6.2.1. Community Engagement and Nature and Extent of Overall Development**

- The applicant undertook community engagement.
- The strategy for the development of the project over time and multiple phases has arisen directly from the availability of lands from different landowners and ongoing grid connection discussions with the electricity service operator.
- All follow on phases for development under references 19/5729, 19/6822 in addition to the subject proposal have consistently referred to the proceeding phases as part of the statutory development description.
- The design has appropriately considered interactions between all phases and the potential for cumulative impacts.
- The claim that the proposal would stifle other community renewable energy projects has no basis.

### **6.2.2. Suitability of Rural Area**

- The proposal represents a form of agricultural diversification. It is compatible with the continuation of agricultural activities. Sheep will be retained on site for the operational phase.
- Precedent is set as to suitability of agricultural land for such development.

### **6.2.3. Landscape and Visual Impact**

- The Landscape and Visual Impact Assessment incorporates best practice methodologies.
- The potential for impacts on Curragh Wood has been considered in detail. It has been established that trails within the woods do not afford open views out towards the site as they tend to be enclosed in thick mature woodland.

- The potential for cumulative impacts was addressed. There is a low degree of intervisibility between the proposed and permitted phases which serves to successfully integrate them within this patchwork farmland setting so that there is a much lesser sense of the extent of the solar development at ground level.
- Overall the development is not considered to give rise to any significant residual impacts in its own right or cumulatively.

#### **6.2.4. Ecology**

- It is noted generally that hedgerows/treelines at the site provide suitable habitat for other taxa, but in general, the agricultural fields are considered to be of low value for most species.
- There are no structures on the site that could provide roosting sites for bats. There will not be impacts on any woodland habitat. The proposal includes a net increase in hedgerow habitat which will increase the foraging habitat available to bats occurring in the area.

#### **6.2.5. Drainage**

- The site and local road are not located within an area of fluvial or pluvial flood risk. There are no recorded flood events in the area.
- The surface water flow from entrance 1 causing ponding on the road will continue in a do nothing scenario. It is proposed to install a linear drainage system parallel to the local road. It will intercept any site surface water at the site entrance and direct such water to a soakaway.
- There is no basis that the proposed solar farm will increase the level of runoff from the site. This position is supported by both academic and industry testing of pre and post panelled ground conditions. The drainage strategy includes focussed measures.

#### **6.2.6. Other Issues**

- The nearest path of the Celtic Interconnector is c.1.65km from the site.
- Being close to local demand, energy produced from the site will be used efficiently in the local area without transmission losses.

### 6.3. Planning Authority Response

No further comment.

### 6.4. Observations

Observations have been received from

1. Maurice Twomey & Others
2. Pamela Mulcahy
3. Dr. Ellis Walsh
4. Lucia Fielding

The submissions can be summarised as follows:

- Lack of engagement with the local community. It does not comply with government policy on community involvement in renewable energy projects.
- The proposal is the one of a series of applications for a large scale development. Project splitting arises.
- The scale of the development will overburden the landscape.
- It has not been demonstrated that rain water runoff from the site will not increase above predevelopment levels or that soil erosion will not increase.

The site specific arrangement of panels differs significantly from the arrangement modelled in the Cook and McCuen study referenced. The assumption of sheet flow in the said model is not applicable. The site section and layout drawings show the panel arrays running perpendicular to local road L7694 following the contours of the land such that each south facing panel is set at an angle and therefore the drip line from each panel is not level but at an angle. Rainwater will fall in a column from the lowest corner of each panel rather than in sheet flow. It would form rivulets flowing through the rain shadow of the row below without using their whole area for infiltration thus increasing the amount of water run off from the site. Water will have much higher kinetic energy resulting in the likelihood of erosion being much greater than the sheet flow scenario. Therefore the mitigation identified in the Cook



and McCuen study and adopted in the application will be inadequate to prevent increased runoff from the site and soil erosion.

- Runoff from the site is already substantial.
- The proposal will adversely impact wildlife including red squirrel.
- Construction will lead to disruption, noise and increased traffic.
- The road infrastructure is unsuitable.
- Adverse impacts on residential amenities.
- Adverse impact on the Curragh Woods amenity area.
- Loss of agricultural land.
- Implications on human health have not been sufficiently established.

## **7.0 Assessment**

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

- Procedural Issues
- Policy Context
- Loss of Agricultural Land
- Landscape and Visual Impact
- Impact on Residential Amenities
- Site Drainage
- Biodiversity
- Other Matters
- Appropriate Assessment

## 7.1. Procedural Issues

### *Project Splitting*

- 7.1.1. With regard had to the nature and extent of the development as given in the public notices and the documentation accompanying the application the proposal is described as forming an extension to a solar farm (referred to as 'Lysaghtstown' solar farm) permitted under planning reference numbers 18/6769, 19/5729 and 19/6882 (with amendments granted under 20/6891). These relate to lands to the south and south-west of the appeal site in the townlands of Lysaghtstown, Lysaghtstown North, Woodstock, and Ballyleary and extend to approx. 152 hectares in area. They are separated from the appeal site by Curragh Wood. Permission has been granted within the said lands under ref. VA04.308979 for the 110kV electricity substation to connect to and serve the solar farm with associated loop-in infrastructure and all ancillary works. The proposed extension subject of this appeal will bring the overall solar farm to just under 200 hectares.
- 7.1.2. As per the appeal response the agent for the applicant stated that the development of the development of the project over time and multiple phases has arisen directly from the availability of lands from different landowners and ongoing grid connection discussions with the electricity service operator.
- 7.1.3. As noted in section 5.4 above solar farms are not listed as a class of development for the purposes of EIA within the Planning and Development Regulations, 2001 (as amended). Therefore an EIAR is not required. I note that a similar conclusion has been reached by the Board on other solar farm developments. Thus project splitting to avoid EIA does not arise.
- 7.1.4. I submit that the potential impacts of the overall development, namely the entirety of the solar farm and substation are included in documentation accompanying the application and I am satisfied that the Board has the necessary information before it to allow for a cumulative assessment of impacts for the overall development.

### *Public Consultation*

- 7.1.5. Whilst concern is expressed as to the level 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. It is clear that local residents were aware of the application and engaged in the process by making their views known

through written submissions to the Planning Authority in the first instance and to the Board at this appeal stage.

#### *Documentation Accompanying the Application*

The veracity of the documentation accompanying the application is queried arising from a number of errors including incorrect labelling of site entrances, flooding events, and site notices.

Whilst noted I consider that the details, plans and documentation accompanying the application supplemented by way of further information are of the requisite standard to allow for a full and proper assessment of the case.

## **7.2. Policy Context**

- 7.2.1. 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 2021 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 required to increase electricity generated from renewable sources to 80% with solar energy comprising of up between 1.5-2.5 GW (indicative figure).
- 7.2.2. To date Ministerial Guidelines have not been prepared providing guidance for planning authorities regarding the future development of solar farm proposals.
- 7.2.3. 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. 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. The plan is currently being reviewed with the draft development plan 2021 in the public realm. Section 13.8

therein specifically addresses solar energy in which it states that each application will be assessed on its merits with high level objectives set out under ET13.14. It does not include a map identifying areas suitable/unsuitable for such type development. The plan has not yet been adopted and the said 2014 development plan remains the applicable policy context against which the appeal must be assessed.

- 7.2.4. Certainly the proposed development, coupled with that permitted and to which it is to form an extension, at c.200 hectares, would constitute a large scale project however there is nothing in terms of policy context to preclude such type development being considered. I do not consider that the lack of Ministerial Guidelines or a solar energy strategy for County Cork should be a reason for refusing permission in this instance or to preclude the consideration and adjudication of applications for such type development. In the absence of a plan-led approach, applications are to be considered on their individual merits and subject to normal planning considerations. The proposed development will make a contribution to Ireland's targets for electricity generation from renewable sources and for reductions in greenhouse gas emissions and I therefore consider the proposed development to be acceptable in principle, subject to consideration of the key planning issues as assessed below.

### **7.3. Loss of Agricultural Land**

- 7.3.1. The development would be sited on agricultural land in arable use. I note that there is no grading system for land in Ireland and specifically there is no policy which precludes the development of solar farms on agricultural land.
- 7.3.2. Save for the access tracks and the location of the inverter/transformer stations it is not intended to remove soil from the site. Whilst the top soil layer will be disrupted during construction due to the passage of heavy vehicles, the original pasture conditions are generally returned within less than a season. Grazing of small animals can be accommodated on the site in addition to pro agri-environmental measures (eg. sowing of wildflower seeds in residual areas). This appears to be the norm for most solar farms being proposed. This will maintain the fields in agricultural use, albeit restricted in the type of agricultural use.

#### **7.4. Landscape and Visual Impact**

- 7.4.1. The subject site covers an area of 47.2 hectares in two parcels within an undulating landscape largely in agricultural use with mature hedgerows delineating field and roadside boundaries. Whilst the site is within the City Harbour and Estuary landscape character area in the current Cork County Development Plan I would concur with the view expressed in the Landscape and Visual Impact Assessment that there is little coastal influence on the landscape setting and that the site identifies more closely with the Fissured Fertile Middle Ground located a short distance to the north and west of the site.
- 7.4.2. In addition the site is within a high value landscape. Whilst the current development plan states that care will be needed to successfully locate large scale developments, they are not precluded in such areas. Proposals are required to be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape.
- 7.4.3. I note that there is one scenic route c.1.2km to the west of the site. ref. *S43 Road between Leamlara and Middleton*. I also note the proximity of the Curragh Wood Amenity Area which is immediately to the south and west of the site.
- 7.4.4. As noted above the application is accompanied by Landscape and Visual Impact Assessment and I consider that the methods used for viewpoint analysis, landscape assessment and visual assessment are satisfactory and in accordance with industry standards. The assessment is supported by photomontages from 12 viewpoints and provide for, where appropriate, pre and post mitigation views. I consider the locations for the images chosen to be representative and provide a useful tool in the assessment of the visual impacts of the proposed development.
- 7.4.5. Having inspected the site and surrounding area and having reviewed the viewpoint photographs and photomontages, I consider that the visual impact of the proposed development on sensitive receptors and at protected viewpoints will be limited due to the site topography and the extensive roadside hedgerows. Unrestricted views either in the immediate environs or from further distances will not be possible. Any views would be intermittent. Intervisibility with the other phases of the solar farm to the south and west will not arise.

- 7.4.6. I consider that the greatest potential visual impact arises at the residential properties in the immediate vicinity of the site notably along local road L-7694. In terms of the dwelling located to the west which backs onto the northern parcel of land, the solar arrays are to be setback a minimum of 137 metres (to the north) with no arrays to the east or south. A separation distance of 110 metres is to be maintained from the dwelling to the nearest panels in the southern land parcel (opposite side of local road). In terms of the dwelling on the opposite side of the road that fronts onto the northern parcel of land a separation distance of c.89 metres is to be maintained. Panels are to be setback a minimum of 15 metres from the western roadside boundary.
- 7.4.7. In terms of the dwellings to the south a separation distance of in excess of 200 metres is to be maintained to the panels within the northern parcel. A minimum distance of 41 metres increasing to 65 and 95 metres is to be maintained to the nearest solar arrays in the southern parcel of land and onto which the dwellings will front.
- 7.4.8. Save for the permanent loss of 5 metres of hedgerow and 3 trees to upgrade the two site accesses in addition to the temporary removal and reinstatement of 63 metres of treeline/hedgerow habitat trees, the existing roadside and field boundaries are to be retained and augmented with additional planting. A further 839 linear metres of hedgerow is to be planted which will be managed to a height of 3-4 metres
- 7.4.9. I submit that the setbacks proposed from any dwelling (to front and rear) coupled with the containment of the development within existing roadside boundaries and field boundaries which are to be supplemented with additional planting will serve to mitigate the impact. I accept that views would be possible from the 1<sup>st</sup> floors of the small number of 2 no. two storey dwellings in proximity to the site.
- 7.4.10. As noted Curragh Wood recreational area is to the south of the site and contains a network of trails, a carpark and picnic area. None are afforded open views out towards the site as they are enclosed by mature woodland and any views would be largely screened. Photomontage 1 with a viewpoint from the parking and picnic area and photomontage 2 close to the amenity area entrance are noted.
- 7.4.11. Taken in the context of the solar farm permitted to date and that subject of this appeal solar arrays will bound the recreational area to the south, west and north.

However I do not consider that the development would adversely impact on its amenity as Curragh Wood is, by its nature, an enclosed woodland experience with a network of trails within a dense mature wooded environment. Thus, whilst views of the woods from the north and south may be altered by the solar arrays in the foreground the amenities which it provides would not be adversely impacted.

7.4.12. I submit that although the area has an innate rural quality it is a working rural landscape and is highly managed. Whilst there is no doubt that the proposed development, coupled with that permitted to the south, 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.

7.4.13. In conclusion, I consider that the proposed development is acceptable from a landscape and visual impact perspective, and that its impact would not be so significant as to outweigh the benefits of providing a significant renewable energy source.

## **7.5. Residential Amenities**

7.5.1. An observation to the appeal expresses concern as to the adverse impact on the residential amenities of property in the vicinity. Issues arising more commonly expressed pertain to visual impact, glint and glare, noise and impacts on human health. I have addressed the issue of visual impact above.

### *Glint and Glare*

7.5.2. 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.

7.5.3. A site specific Glint and Glare Assessment has been prepared. 23 properties were examined. The analysis states that glint and glare effects would be geometrically possible at 7 properties in the 'bare ground' scenario (which does not consider screening from terrain or hedgerows). Further analysis, taking account of the

existing screening inherent in the study area by way of a digital surface model and on site verification, concludes that none of the said 7 properties will be affected by glint and glare.

- 7.5.4. Overall, I accept the findings of the report that no significant nuisance is predicted from glint and glare.

#### *Noise*

- 7.5.5. The panels in themselves would not generate noise. The main noise sources would be from the invertors/transformers which will be within noise insulating prefabricated structures and are located at a remove from the nearest dwellings. The nearest will be c. 160 metres from the dwellings along the local road fronting onto the southern parcel. I also 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. A condition specifying the noise parameters to be complied with can be attached by way of condition should the Board be disposed to a favourable decision.

#### *Construction Phase*

- 7.5.6. It is estimated that the construction period would be in the region of 24 weeks and will align with the construction of the solar farm permitted to the south and west. Each section of the solar farm north and south of the local road is to be served by a construction compound.
- 7.5.7. It is inevitable that potential negative impacts to the local population may occur during the construction period particularly in terms of noise and traffic. However, these impacts will be temporary. An outline construction and environmental management plan accompanies the application which would be required to be finalised should permission be granted.

#### *Operational Phase*

- 7.5.8. 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.



### *Privacy*

- 7.5.9. 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. No lighting is proposed as part of the development.

### **7.6. Drainage**

- 7.6.1. Parties to the appeal raise concerns as to the potential increase in surface water runoff and impact on the local road network and adjoining lands. Specific reference is made to flooding in the vicinity of the access to the southern parcel of land. Surface water at this entrance was noted on day of inspection.
- 7.6.2. Having regard to the information available on [www.floodinfo.ie](http://www.floodinfo.ie) there are no recorded flood events in the area and the site is not within an area identified as being at risk of flooding.
- 7.6.3. The application is accompanied by a Site Access and Drainage Report. A review of the surface water drainage flows are provided in Appendix A of the said report. The direction of surface water flow from both parcels is generally towards the local road with the most southerly parts of the southern land parcel draining towards the Leamlara River.
- 7.6.4. The construction process for the solar farm is considered to be relatively low impact from a geotechnical perspective. The metal uprights supporting the solar arrays will be driven into the soil without any separate foundations. Therefore, there will no significant changes to the topographical profile of the soil or to the characteristics of the soil. The access tracks are to be constructed to have a permeable surface. The only impermeable areas would be those created by the invertor/transformers which would be a small percentage of the overall site area.
- 7.6.5. Both the appellant and observers to the appeal contend that it has not been demonstrated that rain water runoff from the site will not increase above predevelopment levels or that soil erosion will not increase. It is contended that the site specific arrangement of panels differs significantly from the arrangement

modelled in the Cook and McCuen study<sup>1</sup> and that the assumption of sheet flow in the said model is not applicable. It is further advanced that the site section and layout drawings show the panel arrays running perpendicular to local road L7694 following the contours of the land such that each south facing panel is set at an angle and, therefore, the drip line from each panel is not level but at an angle. As a consequence it is contended that rainwater will fall in a column from the lowest corner of each panel rather than in sheet flow forming rivulets flowing through the rain shadow of the row below without using their whole area for infiltration thus increasing the amount of water runoff from the site. It is also contended that water will have much higher kinetic energy and, therefore, the likelihood of erosion is much greater than the sheet flow scenario. On this basis it is considered that the mitigation identified in the Cook and McCuen study and adopted in the application is considered to be inadequate to prevent increased runoff from the site and soil erosion.

- 7.6.6. A copy of the said study accompanies the observation by Ms. Pamela Mulcahy. The model created stimulated storm water runoff over a land surface without panels and then with solar panels added. Various sensitivity analyses were conducted including changing the storm duration and volume, ground slope and panel angle to determine the effect that each of the factors would have on the volumes and peak discharge rates of the runoff. In terms of ground slope it was changed from 1 to 5%. The substantive change in the model arose where the land cover type was changed under the panels.
- 7.6.7. As per Section drawing AA for the northern parcel of land the panels, in having a south facing orientation, will follow the site gradient which rises from the roadside boundary westwards. However this increase in gradient at approx. 1:20 is not considered material as to result in all surface water draining in a column from the lowest corner of all the panels as per the scenario put forward by the observer. Whilst there may be some minor changes to the journey of rainfall to the ground, I submit that it would not be material to have an impact on the infiltration rate. In terms of the southern parcel the panels, also having a southerly orientation, will largely be laid parallel with the site contours with sheet flow surface water runoff. In

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<sup>1</sup> Hydrologic Response of Solar Farms, Journal of Hydrologic Engineering, May 2013, Lauren M. Cook & Richard H. McCuen.

terms of the site falls the above referenced study noted that runoff volume increased slightly with increase in slope but not enough to require stormwater management facilities.

7.6.8. The Drainage Report accompanying the application and the applicant response to the grounds of appeal detail the measures incorporated to mitigate against surface water issues namely:

(1) generous separation distances between the array rows to avoid blanket coverage of the site, the maintenance of normal ground conditions and buffer strips.

(2) the pitch of the panels at an angle of between 10-25 degrees with a minimum off the ground of 0.72 metres which would allow for natural conditions under the panels to be maintained.

(3) Maintenance and inspection of original drainage and infiltration pattern on the site via the network of perimeter drains.

7.6.9. To address the issue arising with runoff onto the local road as referenced above it is proposed to provide a linear drainage system which will run parallel to the road at both the site entrances. The system is to be designed to intercept surface water and direct same to soakaways.

7.6.10. On balance I consider that sufficient detail has been provided with the application to support the view that there would not be material increases in surface water arising and that it can be appropriately disposed within the site and will not discharge onto the local road or neighbouring lands or properties.

## **7.7. Access and Traffic**

7.7.1. The application is accompanied by an Outline Construction and Environmental Management Plan.

7.7.2. Access to the two parcels of land that make up the solar farm are to be accessed via local road L -7694 using existing field entrances which are to be improved/widened. The road is typically 4 metres wide. It connects to the R626 approx. 1.2km to the west. The 80kph speed limit applies. It was noted to be lightly trafficked on day of inspection. The delivery route for the construction phase is to be along the N25 via Middleton onto the R626 and then local road L-7694. A swept path analysis both for

the delivery route and the site accesses are provided in the Site Access and Drainage Report. The pavement condition is found to be in good condition.

- 7.7.3. As noted above the construction period for the solar farm is 24 weeks with the volumes of vehicular movements varying across the different construction phases peaking at 91-96 vehicles a week with a daily average of 17 in weeks 13 and 14 associated with the installation of the solar arrays. Standard HGV loads are expected.
- 7.7.4. By its nature the construction period is temporary and I consider that sufficient detail is provided that the road network can accommodate the anticipated vehicular movements subject to such mitigation measures as a stop/go system, road signage and the carrying out of a pre and post construction pavement survey (section 9 of the above referenced report). 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.
- 7.7.5. The operational phase of the solar farm would generate limited vehicular movements associated with maintenance and security.

## **7.8. Biodiversity**

- 7.8.1. The application is accompanied by a Screening for Appropriate Assessment report and AA screening is undertaken in section 7.10 below.
- 7.8.2. Parties to the appeal assert that the proposal will have an adverse impact on fauna in the area with specific reference made to red squirrel, bats and insects.
- 7.8.3. An Ecological Impact Assessment which accompanies the application is supplemented by details addressing potential on polarotactic aquatic insects and bats and an Ornithological and Habitat Management Plan submitted by way of further information.
- 7.8.4. Desk and field surveys of the site were carried out by the applicant. The flora as identified is synonymous with a managed agricultural landscape with no protected species identified. The fauna identified would also be common within such an agricultural landscape.

- 7.8.5. Given the use of the lands in active agricultural use which are subject to regular ploughing, reseeding, fertiliser and weed spraying activities the proposed solar farm, once constructed, will entail significantly less on-site activity than heretofore is experienced. In addition to the retention of the existing hedgerow network and its augmentation, coupled with the planting of wildflower and/or wild grass in residual spaces, provides for the potential for increase in diversity over time. I also note that perimeter fencing which will allow for mammal access is proposed. Save for the construction phase vehicular movements arising would be limited thus the potential for mortality would be no greater than currently exists.
- 7.8.6. In terms of bats the hedgerows which provide potential for commuting and foraging are to be retained and augmented. Appropriate measures in the felling the small number of trees in line best practice to address the potential for bat presence are proposed. I submit that in view of the nocturnal nature of the species, the fact that the existing hedgerows and treelines are to be augmented and to the preponderance of comparable habitat in the vicinity, the development will not result in an adverse impact on bats.
- 7.8.7. In terms of insects the applicant in the further information references limited scientific evidence regarding the possible adverse effects of PV panels on aquatic invertebrate populations with no evidence to suggest that same has implications for polarotactic insects.
- 7.8.8. The Ornithological and Habitat Management Plan submitted by way of further information proposes the carrying out of breeding and winter bird surveys, a survey of bat usage and preparation of an annual report detailing bird and bat diversity in the year of construction and for the first two years of operation.
- 7.8.9. Given the location of the site in an area characterised by similar habitats and the mitigation measures to be incorporated I consider that the impacts on the ecology of the site and the wider area would be acceptable.

## **7.9. Other Issues**

- 7.9.1. The application is accompanied by an Archaeological, Architectural and Cultural Heritage Impact Assessment report. Two recorded monuments are in close proximity to the site and 20 metre buffer zones are proposed to avoid direct impact. 10 metre buffer zones are also proposed around 3 no. unregistered vernacular sites.

I am satisfied that subject to appropriate conditions that the proposed development would not have a material impact on the cultural heritage of the area.

7.9.2. The parties to the appeal query whether the extension would impact on the Celtic Interconnector project. From the details accompanying the application currently before the Board under ref. VA04.310798 for the portion of an electricity transmission interconnector (Celtic Interconnector) to be constructed onshore in Ireland, the nearest section of the route is to run along R626 and a local road eastwards towards Midleton c.1.6 km to the south of the site.

7.9.3. The issue of impacts on human health is raised. PV panels include materials which can be toxic to humans e.g. cadmium telluride and copper indium selenide. However, my understanding is that whilst the risks to health may arise during manufacture and disposal, once constructed panel contents are held in an insoluble solid matrix, which is not prone to degradation or to leaching. I note that the proposed development has an expected lifespan of 35 years indicating significant durability. Therefore, whilst public health issues are unlikely to arise during operation of the solar farm, I would recommend that the matter of decommissioning is addressed by condition.

#### 7.10. **Appropriate Assessment – Screening**

##### *Compliance with Article 6(3) of the Habitats Directive*

7.10.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

##### *Background on the Application*

7.10.2. The application is accompanied by a Screening for Appropriate Assessment report. It was prepared by Ecology Ireland dated November 2020. It was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

7.10.3. The report concluded that no significant effects arising from the proposed development are likely to occur in relation to the Natura 2000 sites: Great Island Channel SAC, Cork Harbour SPA and Blackwater River SAC.

7.10.4. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

*Screening for Appropriate Assessment- Test of likely significant effects*

7.10.5. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

7.10.6. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

*Brief description of the development*

7.10.7. The applicant provides a description of the project in Section 1.2 of the AA screening report and elsewhere eg. the planning statement accompanying the application. In summary, the development comprises:

- 220,100m<sup>2</sup> of solar panels on ground mounted frames to be set at a minimum height of 0.72 metres above ground increasing to a maximum height above ground level of approx. 2.9 metres
- 13 no. inverter/transformer stations, spare equipment container, customer switchgear container and battery storage container
- 2.8 metre high security fencing
- Satellite communications pole
- CCTV
- 4 metre wide gravel access tracks
- Upgrade 2no. existing agricultural field entrances
- Temporary construction compounds
- Landscaping and ancillary works

7.10.8. The development site is described in section 1.2 of the screening report. It is described as comprising of agricultural land (arable crops). There are no watercourses or drains on the site. The nearest is the Leamlara River c. 80 metres to the south within the Curragh Wood recreational area.

7.10.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

**Construction Phase:**

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in downstream Natura 2000 sites.

**Operational Phase:**

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in the downstream Natura 2000 site.

*Submissions and Observations*

7.10.10. None received.

*European Sites*

7.10.11. The development site is not located in or immediately adjacent to a European site. The closest European sites are Great Island Channel SAC and Cork Harbour SPA c. 4.8km to the south-east. A summary of the sites within 15km of the site are given in Table 1.

*7.10.12. Identification of Likely Effects*

- There is nothing unique or particularly challenging about the proposed development, either at construction phase or operational phase.
- There are no watercourses on the site. The nearest watercourse is the Leamlara River which is c.80 metres to south. The Lisgoold West tributary is to the c.800 metres to the east. Leamlara River is a tributary of the Owenacurra River, the estuary of which forms part of the Great Island Channel SAC and Cork Harbour SPA c.6.6km hydrologic distance downstream.



- Works are generally removed from external boundaries, cover a modest area of ground (site, invertors/transformers and internal roads) and make use of low impact technologies such that there is little risk of substantial contamination arising on site (e.g. increased contaminated or silt laden runoff). The measures to be employed at construction stage are standard practices and would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.
- The control measures to be undertaken during the operational phase are standard practices in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. Surface water run-off will be accommodated by the existing drainage regime on the site.
- The site does not support habitats of ex-situ ecological value for qualifying interest species of the SPAs within the zone of influence. In view of the separation distance and extent of development in the said intervening distance no impacts are envisaged.

7.10.13. Cumulative impacts are addressed throughout in the AA Screening Report in terms of the proposed grid connection route. In addition Section 3.2.8 considers the cumulative impacts with the solar farm already permitted to the south under planning references 18/6769, 19/05729 and 19/6882. It notes that AA-Screening was completed for each section. It concludes that no cumulative impacts on watercourses or designated sites are expected as a result of the proposal development in combination with the nearby permitted phases of the solar farm..

#### *Mitigation Measures*

7.10.14. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### **Screening Determination**

7.10.15. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the proposed development individually or in combination with other plans or projects

would not be likely to give rise to significant effects on European Site Nos. 001058, 004030, 002170 or any other European site, in view of the sites' Conservation Objectives and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the distance of the proposed development from the European Sites and lack of any ecological connection.

<b>Table 1 - Summary Screening Matrix</b>				
<b>European Site</b>	<b>Distance to proposed development/ Source, pathway receptor</b>	<b>Possible effect alone</b>	<b>In combination effects</b>	<b>Screening conclusions:</b>
<b>Great Island Channel SAC (site code 001058)</b>	4.8km to south-east 6.8km hydrologic distance	No possibility of effects due to the separation distance.	No effect	Screened out for need for AA
<b>Cork Harbour SPA (site code 0040030)</b>	4.8km to south-east 6.8km hydrologic distance  No habitats suitable for designated species on site	No possibility of effects due to the separation distance .	No effect	Screened out for need for AA
<b>Blackwater River (Cork/Waterford) SAC (site code 002170)</b>	8km to the north. No hydrological connection.	No possibility of effects due to the separation distance and absence of ecological connections	No effect	Screened out for need for AA

## **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,
- the topography of the area
- the existing hedging and screening on the site
- 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, would be acceptable in terms of landscape 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 9<sup>th</sup> day of July, 2021 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. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment accompanying the application, the Ornithological and Habitat Management Plan submitted to the planning authority on the 9<sup>th</sup> day of July, 2021 and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

3. 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.

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

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

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

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

6. (a) This 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, 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.

7. (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 stations shall be dark green in colour.

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

8.
  - (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the Landscape Mitigation Plan (Drawing No. LD.BLYNCLSHY 3.0) submitted with the application
  - (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 amenities of dwellings in the vicinity.

9. The developer shall facilitate the archaeological monitoring 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, and
  - (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, and

- 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. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Buffer zones shall be established around:

- (a) Ringfort CH012 and Ringfort CH013
- (b) Unregistered vernacular sites CH026, CH027 and Ch028

as delineated in the Archaeological, Architectural and Cultural Heritage Impact Assessment report received by the planning authority on the 14<sup>th</sup> day of January 2021

The buffer zones shall be delimited using appropriate temporary boundary fencing and signage until the solar panels are installed. No construction works, stockpiling of topsoil, or any development, landscaping and/or planting shall take place within the designated buffer zones. No trees or plants shall be removed from this buffer zone. Subsequent to the completion of development, the buffer some shall remain around the sites. Planting within these buffer zones shall be limited to shallow rooted plants and/or grass.

**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



11. Prior to commencement of development, details of the structures of the security fence showing provision for the movement of mammals shall be submitted for prior approval to the planning authority. This shall be facilitated through the provision of mammal access gates every 100 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (National Roads Authority 2008).

**Reason:** To allow wildlife to continue to have access across the site.

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, 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.

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.

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**Pauline Fitzpatrick**

**Senior Planning Inspector**

**November, 2021**