



An
Bord
Pleanála

Inspector's Report ABP 311292-21

Development	20kV overground and underground grid connection to connect permitted solar farm substation under ref.18/7410 (ABP 304045-19) with existing 110kV Coolroe substation.
Location	Garravagh, Inniscarra, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/40293
Applicant	Terra Solar II Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant(s)	1. Sean Keohane 2. Judy Kravis & Peter Morgan
Observer(s)	None
Date of Site Inspection	23/11/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The proposed grid connection route runs from the substation of the permitted solar farm at Garravagh (ABP 304045-18) in a south-westerly direction to connect to the Coolroe 110kV substation c.1km north-west of Ballincollig. The works are within the townland of Garravagh. The route crosses agricultural land, regional road R618, and runs along a cul-de-sac local road L96182-1. The latter road provides access to Dripsey GAA grounds and Inniscarra Graveyard. The route crosses the River Lee at the end of the cul-de-sac and into the administrative area of Cork County Council terminating at Coolroe 110kV substation.

There is an existing 110kV overhead power line travelling east/west in the immediate vicinity of the route. It crosses the River Lee c. 400 metres to the north of the proposed crossing point in this application.

The area is characterised by a mix of uses including forestry, one off housing, agricultural lands and playing fields.

2.0 Proposed Development

The overall length of the proposed grid connection between the existing and permitted substations is 1.26km. The application and decision subject of this appeal pertains to the extent within the jurisdiction of Cork City Council, only, and equates to 830 metres.

The grid connection from the substation within the permitted solar farm development (not yet commenced construction) will entail 114 metres underground cable travelling southwards across agricultural lands before transferring to a 20kV overhead cable via a 9 metre end pole and overhead line to cross the R618. It will then transfer underground within privately owned lands in agricultural use. It will run parallel to the regional road and then westwards before travelling southwards along local road L96182-1. It will then be transferred overhead via a 9 metre high pole at which point it will cross the River Lee.

The application is accompanied by:

- Natura Impact Statement

- Site Specific Flood Risk Assessment
- Archaeological Assessment
- Outline Construction Methodology
- Consent from landowners

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 18 conditions. Of note:

Condition 3: route of cable to be as per the details on file. Any deviation to be agreed in writing.

Condition 4: Mitigation measures contained in NIS to be implemented in full.

Condition 5: Archaeological monitoring requirements.

Condition 6: Appointment of ecologist to monitor works.

Condition 8: Construction management plan.

Condition 11: Trees and hedgerows to be retained unless otherwise agreed.

Condition 16: Permission from 3rd parties to be submitted where works are to be carried out on 3rd party lands.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The A/Senior Executive Planner's report notes:

- The principle of development is in compliance with national, regional and local development plan policies.
- The 10 year permission is considered acceptable in view of the 10 year permission granted for the solar farm.
- It would not have a significant impact on the amenities of the area.

- The visual impact of the overhead line crossing the River Lee would be localised.
- The position of the pole and overhead wire from the nearest dwelling, at 45 metres, is considered sufficiently distanced and would not have a negative impact on its amenities.

A grant of permission subject to conditions recommended.

The recommendation is endorsed by the Senior Planner.

3.2.2. Other Technical Reports

Environment Section has no objection subject to conditions.

Parks Section has no objection.

Area Engineer has no objection subject to conditions.

Contributions report notes no contributions applicable.

City Archaeologist disagrees with the archaeological mitigation proposed and recommends a condition seeking retention of archaeologist and supervision of excavation for all underground cables.

3.3. **Prescribed Bodies**

Inland Fisheries Ireland requests that should permission be granted that a condition be attached to the effect that there be no interference with the adjoining rivers without its prior approval.

Cork Airport has no comment.

Irish Aviation Authority 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 are comparable to those in the 3rd party appeals summarised in section 6 below.

4.0 Planning History

ABP 304045-19 (18/7410) – permission granted on appeal for a solar farm with associated substation on c.22.72 hectares at Garravagh. The site was then within the administrative area of Cork County Council.

Condition 3 states that the 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.

21/5686 – permission granted by Cork County Council on 14/12/2021 for the 430 metres of the grid connection from the administrative boundary to Coolroe substation.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan, 2014 continues to apply.

The site is located within the Cork Metropolitan Greenbelt Area.

Objective RCI 5-2 Purpose of Greenbelt

- (a) maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

Objective RCI 5-2 Land Uses within Metropolitan Greenbelt

Preserve the character of the Metropolitan Greenbelt as established in this plan and to reserve generally for use as agriculture, open space, recreation uses and protection/enhancement of biodiversity of those lands that lie within it.

Objective GI 8-1 Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection.

Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labelled MGB1 in the Metropolitan Greenbelt Map (Figure 13.3) and it is an objective to preserve them from development.

Objective GI 7-2: Scenic Routes

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan.

Objective GI 7-3: Development on Scenic Routes

a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.

b) Encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping.

5.2. **Natural Heritage Designations**

None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. **Sean Keohane**

The submission, which is accompanied by supporting documentation, can be summarised as follows:

- Non-compliance with Part 4 Article 13(1)(f) of the Planning and Development Regulations, 2001, as amended. The layout plans do not indicate the distance of structure EP06 from the site boundaries. EP06 as proposed is 25 metres and not 50 metres from the site boundary.
- Condition 2 gives undue flexibility to the placement of the grid connection. For a narrow trench and overhead line, the red line boundary is very wide, up to approx. 50 metres wide near his house. The underground section on the approach to EP06 from the control building takes a circuitous route. This suggests that it is the intention of the developer to move the pole closer to his property which can be facilitated by the Council as a consequence of the condition. High Court judgement 2020 No.557 JR of relevance in this regard.
- The applicant was requested to keep the grid connection away from their property.
- No alternatives were considered. There is no technical reason why the grid connection cannot be installed underground beneath the R618.

6.1.2. **Judy Kravis & Peter Morgan**

The submission can be summarised as follows:

- The planning authority made no mention of the presence of otter. No otter survey was carried out.
- The appeal raises issues with respect to the assessment and adjudication of the solar farm development subject of a previous application.
- The planning authority did not mention the OPW's substantial plans for that part of the river and its flood plain.
- The grid connection and polesets either side of the river will not withstand the flow of water when the Inniscarra Dam is opened to relieve pressure.
- It does not consider good ecological practice such as creating wetland and encouraging wildlife.
- The grant of permission refers to the Cork County Development Plan. The new City Development Plan is due to be adopted.

- The Board is requested to respect the wording of the Draft City Plan 2022 which seeks the highest possible protection to the ridges, hillsides and valleys and of the Metropolitan Green Belt and to prevent a development that would contravene same.
- The grid connection is another example of the gradual degradation of the Lee valley. The pole to facilitate the river crossing will be positioned beside Inniscarra Church and Graveyard. It is located just downstream of a pylon carrying lines across the river.
- There is no mention of climate change.
- The short lifespan of solar panels was not discussed.
- Project splitting arises. The grid connection and solar arrays are interdependent.
- A refusal is sought in the interest of safeguarding the health and balance of the expanded Cork City with due respect to the ecological and heritage value of Garravagh Hill, the River Lee and the Lee Valley.

6.2. Applicant Response

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

6.2.1. Residential Amenity

- The applicant took positive steps to move the line away from the appellant's dwelling from that presented under the solar farm application, with the majority of the line to the north and west of his property now underground.
- The route, including the overhead component over the R618, has been designed to meet the technical requirements, including the specifications of EBS networks. It is also a result of detailed engagement with participating landowners.
- It has been reviewed and agreed in principle with ESB networks. There is no intention to alter the route. The applicant is happy to retain the route exactly

as shown. There is no objection to a condition which removes any perceived flexibility.

- There is a notable presence of overhead lines and associated polesets of different type/sizes in the immediate context. The erection of one more poleset will not result in any alteration in visual character that would impact on the property's amenity.
- There is no visual interrelationship between the location of poleset EP06 and the appellant's dwelling. The property is bounded to the north and west by a significant level of mature tree planting, the height of which exceeds the height of the poleset. It will not be readily visible.
- The submitted plans included a measured distance either side of the overhead cable route to the red line boundary of the application site. Both the area planner and appellant referenced the separation distance dimension from pole to property boundary. The omission of this figure did not prejudice the appellant's ability to comment on the application or make the appeal.

6.2.2. Greenbelt and Landscape

- The issue of the permitted solar farm being compliant with greenbelt policy has previously been considered by the local authority and the Board under ref. 304045-19 (18/7410).
- The proposed cable route will be located in an area where there is an existing and notable presence of utilities, including transmission network infrastructure.
- The small number of polesets to facilitate partial overhead cable connection will not conflict with greenbelt policy or give rise to any landscape or environmental aspects.
- The application area was subject to significant ecological survey work under the solar farm planning application. An Ecological Impact Assessment was prepared which included a study area for the grid connection. No potential for adverse impacts was identified.
- A NIS has been prepared with a suite of construction management mitigation measures developed to safeguard the environment.

- To suggest that the project will contribute to climate change impacts misses the primary purpose of the proposal.

6.2.3. **Flood Risk**

- The application is supported by a site specific Flood Risk Assessment. All underground cabling will be laid c.1 metre below the existing ground surface and will have no impact on overland flow paths or fluvial floodwater volumes associated with the Rivers Lee and Bride. The overhead lines consisting of wooden poles and stay wires are set back from the main river channels and will not be impacted. They will be constructed with enhanced structural stability methods.
- The location of the polesets has been derived following full consideration of the latest design proposal for the Lower Lee Flood Relief scheme and no conflict will arise. All infrastructure has been located outside of the identified works footprint.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

The applicant's response to the 3rd party appeals was circulated for comment.

6.5.1. **Sean Keohane**

In addition to issues raised in his appeal submission the following are noted:

- The argument that the proposal, in the context of the existing overhead lines and associated polesets would not result in any alteration in the visual character, is not accepted.
- The visual impact on R618 which is a scenic route has not been assessed. It is queried how many mature trees will be required to be felled which will

impact on the character of the route. As per details in the NIS 20 metres of mature trees on both sides of the road will be have to be cut or pruned as per ESB Networks requirements.

- The applicant did not consult the appellant.
- The CEMP states that the pole structure locations are indicative and are to be confirmed following detailed site survey and the path of the cable may vary depending on site conditions and presence of existing services. This would suggest that the position could be altered.
- Why the grid connection cannot go underground for its entire length has not been addressed. There are no technical or maintenance requirements reasons.
- The Board is requested to either (a) require the line to be underground under the R618 or (b) impose a condition prohibiting the poles and overhead line being installed any closer to his property.

6.5.2. **Judy Kravis and Peter Morgan**

In addition to reiterating a number of points made in their appeal submission, the following are noted:

- The grid connection which would allow for 14 megawatts of renewable energy would equate to a negligible percentage of the national usage. It can hardly be described as an important contribution.
- The hilltop and adjacent valley have more ecological value than the insignificant contribution to Ireland's electricity needs the grid connection would allow.

7.0 Assessment

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

- Nature and extent of development subject of assessment
- Visual Impact
- Residential Amenities
- Flood Risk
- Other Issues
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Nature and Extent of Development Subject of Assessment

- 7.1.1. As a consequence of 2019 boundary changes the site of the solar farm at Garravagh, Inniscarra permitted under ref. ABP 304045-19 (18/7410) is now within the administrative area of Cork City Council. The said permission has not been challenged and therefore stands.
- 7.1.2. The development subject of this appeal pertains to the grid connection between the substation permitted within the solar farm development and the Coolroe 110kV substation to the south-west within the administrative area of Cork County Council, so as to allow for export of electricity produced at the installation to the national grid. The overall length of the proposed grid connection between the existing and permitted substations is 1.26km. The application and decision subject of this appeal pertains to the extent of the grid connection within the jurisdiction of Cork City Council, only, equating to 830 metres. I note that permission was granted by Cork County Council in December 2021 under ref. 21/5686 for the remaining 430 metres of the route connecting to Coolroe substation.
- 7.1.3. Whilst there is an interdependence between the grid connection and the solar farm I do not consider that this allows for the revisiting of the solar farm from 1st principles. I note that whilst the application for permission for the solar farm did not include the said grid connection due regard was had to same. The application would have been

assessed in the context of the Cork County Development Plan and the provisions therein pertaining to the protection of prominent and strategic metropolitan greenbelt areas. It was deemed to be acceptable by both Cork County Council and the Board.

- 7.1.4. The Cork City Development Plan 2022 has not yet been adopted and, therefore, the current proposal is required to be assessed against the prevailing Cork County Development Plan.
- 7.1.5. The grid connection is to be largely underground save where it is to cross regional road R618 and the River Lee. Within the application site subject of this appeal 3 no. wooden poles carrying overhead wires are proposed at location refs. EP04, EP05 & EP06. The poles are to be between 10 and 14 metres in height.
- 7.1.6. As noted above the proposed grid connection will allow for the exportation of electricity created by the permitted renewable energy development to the national grid and will support the National Planning Framework objectives relating to renewable energy to meet binding national targets, specifically objective 55 which seeks to promote renewable energy and generation at appropriate locations within the built and natural environment. It would also accord with the provisions of the Climate Action Plan 2021 which stresses the importance of the decarbonisation of electricity consumed by harnessing the significant renewable energy resources available. The small output of the permitted scheme relative to the national electricity requirements does not negate its positive contribution.

7.2. Visual Impact

- 7.2.1. Whilst having an innate rural quality the route of the grid connection is within a managed landscape comprising a mix of uses including one off housing, agricultural lands, forestry and playing pitches. There is an existing 110kV overhead transmission line with pylon support structures in the immediate vicinity. It crosses the River Lee c. 400 metres to the north of the proposed river crossing in this case. There is also a telecommunications mast on a site to the north of the grid connection route. Regional road R618 is a scenic route. Objective GI 7-2 of the current County Development plan seeks to protect the character of views and prospects obtainable from such scenic routes and in particular stretches of scenic routes that have very special views and prospects. The stretch of the regional road in the vicinity of the crossing is not identified as having such special views and prospects.

- 7.2.2. As noted above the majority of the grid connection is to be underground save where it crosses regional road R618 with two poles to be erected either side with a span of 76 metres. The 3rd is to be erected to allow for the crossing of the River Lee. The wooden poles will be within the range of 10-14 metres in height. It is stated that the route including the overhead component over the R618, has been designed to meet the technical requirements, including the specifications of EBS networks, in addition to detailed engagement with participating landowners.
- 7.2.3. In the context of the prevailing environment I submit that the poles to be erected to allow for the overhead lines in the vicinity of the road are not of a size, scale or height as to constitute a material concern in terms of impacts on the visual amenities of the area. I note that the ESB networks requirements in terms of clearance, namely 10 metres either side of the centre line of the polesets, may necessitate removal and/or pruning of roadside trees at the crossing. This is not considered material and would not have an adverse impact on the amenity of the route. I would also submit that the visual impact of the river crossing is localised and not significant in the context of the river crossing of the 110kV transmission line to the north.
- 7.2.4. I submit that the level of intervention would not result in a significant reduction in the visual amenities of this area as to warrant the relocation of the route underground or a refusal of permission.

Residential Amenities

- 7.2.5. Mr. Keohane objects to the proximity of pole EP06 to his property and is concerned that due to the extent of the site boundary to which the application refers it could be placed closer than indicated on the plans. He also has reservations as to the flexibility condition 3 attached to the planning authority's decision allows in this regard.
- 7.2.6. Whilst I note that the distance of the said pole from his site boundary was not delineated on the plans as required by article 23 (1) (f) of the Planning and Development Regulations, 2001, as amended, the omission does not appear to have disenfranchised the appellant. It is clear that he was aware of the application, the location of the relevant pole to his property, and engaged in the process by making his views known through written submissions to the Planning Authority in the first instance and to the Board at this appeal stage.

7.2.7. Pole EP06 as measured from the plans will be set back 25 metres from Mr.Keohane's property boundary. Having regard to the mature planting delineating the appellant's property boundary to the north and west with due cognisance of the sloping topography (north-west/south east) I would concur with the agent for the applicant that the pole would be largely screened from view. A condition could be attached requiring that the said pole be located no closer to his property in the interests of clarity.

7.3. **Flood Risk**

7.3.1. The application is accompanied by a Site Specific Flood Risk Assessment. Sections of the route are located within Flood Zones A and B. The underground cable is to be laid c.1 metre below the existing ground surface and will not have an impact on overland flow paths or fluvial floodwater volumes associated with the River Lee and River Bride. The overhead sections consisting of wooden poles and stay wires will have no impact on flow paths or flood volumes within the adjacent watercourses and will be constructed so their structural stability is not at risk. The pole and stay wires are to be set back from the main river channel. The proposed overhead line crossing the R616 has due regard to the flood risk alleviation measures proposed as part of the Lower Lee Flood Relief Scheme. All infrastructure is outside the identified works footprint.

7.3.2. I consider that sufficient detail has been provided to support the conclusion that the proposal will not give rise to an increase in flood risk and will have no impact on the construction, operation or maintenance of the proposed Lower Lee Flood Relief Scheme.

7.4. **Other Issues**

The application area was subject to ecological survey work under the solar farm planning application. An Ecological Impact Assessment was prepared which included a study area for the grid connection. No potential for adverse impacts was identified. The application is accompanied by a Natura Impact Statement.

7.5. **Environmental Impact Assessment**

7.5.1. The 20kV grid connection over a distance of 1.28km, of which two small sections are proposed to be overground, is materially below the threshold of class of development described in 20, Part 1 Schedule 5 of the Planning and Development Regulations,

2001, as amended, for which EIA is required. EIA is mandatory for developments comprising construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres. The proposal is to allow for the connection of a permitted solar farm to the national grid. The solar farm is not a class of development for which EIA is required.

7.5.2. The route of the site traverses agricultural land, mature hedgerow, public roads and will cross the River Lee. It is noted that the site is not designated for the protection of the natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. It would not give rise to waste, pollution or nuisances nor give rise to a risk of major accidents or risks to human health. The site is not within a European site. The issues arising from proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by a Natura Impact Statement, Site Specific Flood Risk Assessment, Archaeological Assessment and Outline Construction Methodology.

7.5.3. Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of 20 of Part 1 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report was not necessary.

7.6. **Appropriate Assessment**

- 7.6.1. The application is accompanied by an Natura Impact Statement. A Site Specific Flood Risk Assessment is also submitted.

Compliance with Articles 6(3) of the EU Habitats Directive

- 7.6.2. 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.
- 7.6.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and, therefore, is subject to the provisions of Article 6(3).
- 7.6.4. The application is accompanied by a Natura Impact Statement (NIS) prepared by Ecology Ireland Ltd. It contains a description of the proposed development, the project site and the surrounding area. It outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for the sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives.
- 7.6.5. 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.

Need for Stage 1 AA Screening

- 7.6.6. 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). 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 in view of the conservation objectives of those sites.

Brief Description of the Development

- 7.6.7. The applicant provides a description of the project in Section 2.1 of the NIS. The development is also summarised in Section 2 of this Report. In summary, the proposed development entails a 20kV overground and underground grid connection to be provided on overhead poles and in excavated trenches and will connect the permitted solar farm at Garravagh (ABP 304045-18) to the existing 100kV Coolroe substation.
- 7.6.8. The proposed grid connection passes through mature treelines that line the northern and southern margins of regional road R618, across improved agricultural grassland, along a public road and then spans the River Lee with the poleset to be located within bramble and bracken dominated scrub.

Zone of Influence and Potential for Impacts

- 7.6.9. I note that the site is not within or immediately adjacent to a Natura 2000 site. Figure 4 of the NIS delineates the designates sites in the wider hinterland. The River Lee over which the overhead line is to cross flows through Cork City and discharges to Lough Mahon/Cork Harbour. Cork Harbour which is c.13km overland (c.17km hydrologic distance) from the appeal site forms part of the Cork Harbour SPA. There is, therefore, hydrological links between the development site and the designated site. There are no other designated sites within 15km of the appeal site.
- 7.6.10. 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 a downstream Natura 2000 site.
- Disturbance and displacement of qualifying species due to disturbance associated with construction activities and increased human activity during the construction.

Operational Phase:

- Collision risk from overhead line.

Submissions and Observations

7.6.11. None

Consideration of Impacts

7.6.12. The development site is not located in or immediately adjacent to a European site. In determining the extent of potential effects of the development, the source-pathway-receptor model of impact was used.

- There is a hydrological connection to Cork Harbour SPA. Indirect effects arising from impacts on water quality during the construction phase cannot be ruled out.
- The site does not support habitats of ex-situ ecological value for qualifying interest species of the SPA. The site is not used by any qualifying species of the SPA or any other waterbirds for foraging / roosting. Due to the separation distance, combined with intervening development, the potential for significant impacts on birds that are qualifying species of the designated site due to disturbance / displacement effects can be screened out.
- The potential for collision risk to any birds commuting along the River Lee arising from the overhead line over the watercourse cannot be ruled out.

Mitigation Measures

7.6.13. 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

7.6.14. 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 project individually (or in combination with other plans or projects) could have a significant effect on European Site no. 00040 in view of the site's Conservation Objectives and Appropriate Assessment (and submission of a NIS) is therefore required.

The Natura Impact Statement

7.6.15. The NIS examines and assesses potential adverse effects of the proposed development on 1 no. designated European Site.

7.6.16. The NIS is stated as having been informed by best practice guidance for such assessments, a desktop and literature study, including NPWS databases, the synopses, Natura 2000 Data Forms and conservation objectives and EPA mapping, and surveys.

7.6.17. Section 4 of the NIS contains an assessment of the potential impacts of the proposed development on the identified European Site and in combination effects with Section 4.2 setting out a series of mitigation measures.

7.6.18. The NIS concluded that there will be no significant effects to the integrity of the designated site.

7.6.19. Having reviewed the NIS, all supporting documentation and submissions, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the abovementioned European site alone, or in combination with other plans and projects.

Appropriate Assessment of Implications of the Proposed Development.

7.6.20. The following is an assessment of the implications of the project on the relevant conservation objectives of the European site using the best available scientific knowledge in the field (NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or

reduce any adverse effects are examined and assessed. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

Relevant European sites:

- Cork Harbour SPA

7.6.21. A description of the site’s conservation interests and conservation objectives are set out in the NIS and summarised in the Table below. I have also examined the Natura 2000 data form and the conservation objectives supporting documents for the site available through the NPWS website (www.npws.ie).

Cork Harbour SPA (site code 004030) c. 13km overland and 17km hydrologic connection to the west of the proposed development.	
Conservation Objectives and Qualifying Interests	Potential Impacts
CO – To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern, Wetland and Waterbirds	<u>Direct Effects:</u> No direct effects due to separation distance. <u>Indirect Effects:</u> All species potentially impacted from changes in water quality. Potential for indirect effects from construction phase surface water discharge.

	Collision risk for birds commuting along river.
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Aspects of the Proposed Development

7.6.22. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include the release of sediment and other pollutants to surface water during the construction phase as the site is hydrologically linked to the SPA via the River Lee. Collision risk to any birds commuting along the River Lee is also of relevance.

7.6.23. Section 4.2 of the NIS details mitigation measures to be employed. The mitigation measures include:

Construction Phase:

- Preparation of a detailed Method Statement/Environmental Operating Plan and Emergency Response Plan.
- Suitably qualified ecologist (or ECoW) to be retained to periodically inspect all elements of the works.
- All works to be undertaken when ground conditions are dry.
- Appropriate containment measures such as sandbags or similar to be installed on site where material is required to be stored temporarily.
- Where it is required to remove a section of hedgerow or ditch it will be reinstated. Timing of removal of trees to be outside breeding season. Other works including de-limbing to be carried out in summer months.
- Use of silt traps, check dams and/or bunds to be used where drains and watercourses are crossed with underground cables.
- 20 metre exclusion zones with barriers (sediment fences) between any excavated material and any surface water features.
- If dewatering is required water to be treated prior to discharge. Best practice settling systems to be used to ensure maximum removal of suspended solids prior to discharge.

- Excavations to be left open for minimal periods to avoid acting as a conduit for surface water flows.
- Any storage of hydrocarbon, fuels etc. to be at least 50 metres from watercourses and are to be bunded.
- Containment facilities for any spills from vehicles with adequate stocks of absorbent materials to be maintained.
- Best practice measures re. pouring of concrete.
- Dust suppression measures.
- No plant equipment, machinery etc. to enter watercourses or drains.
- Best practice measures to prevent against introduction of invasive species via vehicles and equipment.
- Access to the pole locations will be by tracked machine through the use of timber bog mats.

Operational Phase

- The overhead line crossing the river will be fitted with bird flight diverters to increase the visibility of the line.

7.6.24. I am satisfied that the measures outlined fully address any potential impacts on the designated site arising from the proposed development.

7.6.25. In terms of possible in-combination effects, plans, programmes and existing and proposed developments were considered. I do not consider that there are any specific in-combination effects that arise from other plans or projects. Regard is had to the solar farm permitted under ref; ABP 304045 and a further solar permitted at Kilnaglory c. 2.2km to the south under ref. ABP 304143.

7.6.26. This complete assessment allows for clear, precise and definitive conclusions to be reached in terms of adverse effects on the integrity of European sites.

7.6.27. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Cork Harbour SPA in view of the conservation objectives of the sites.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment Conclusion:

- 7.6.28. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 7.6.29. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Cork Harbour SPA (site code 004030). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.
- 7.6.30. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site, or any other European site, in view of the site's Conservation Objectives.
- 7.6.31. This conclusion is based on a complete assessment of all aspects of the proposed project including proposed mitigation measures and there is no reasonable scientific doubt as to the absence of adverse effects.

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 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 amenities of the area or of property in the vicinity, would not have an unacceptable impact on the road network of the area, would not be detrimental to the visual amenities of the area, and would give rise to increased risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the Cork Harbour SPA (site code 004030) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the aforementioned European Site in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to

allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the Conservation Objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's Conservation Objectives.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures identified within the Natura Impact Statement and the associated documentation with the planning application shall be implemented in full.

Reason: In the interest of clarity and to protect the environment.

3. The positioning of poleset reference number EP 06 as delineated on drawing number 05748-DR-004 lodged with the application shall not be altered where such alteration would result in its position being located within 25 metres of the boundary of the nearest property, notwithstanding the provisions of Class 28 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, or any statutory provision amending or replacing them.

Reason: To protect the residential amenities of property in the vicinity.

4. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist along the grid connection corridor. 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 who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

6. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public road, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 the satisfactory completion of the development.

Pauline Fitzpatrick
Senior Planning Inspector

January 2022