



An  
Bord  
Pleanála

## Inspector's Report ABP-317994-23.

<b>Development</b>	10 year permission for solar farm with total area of c.126 hectares.
<b>Location</b>	Bawnard East, Garranekinnefeake, Jamesbrook, Kilva, Rathcoursey east, Scartlea, County Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	23/05270.
<b>Applicant(s)</b>	Rathcoursey Solar Farm Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal (one reason).
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Rathcoursey Solar Farm Limited
<b>Observers</b>	79 in total (listed in main report)
<b>Date of Site Inspection</b>	3 <sup>rd</sup> June 2024.
<b>Inspector</b>	Philip Davis

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## 1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse permission for a large windfarm in north Cork. The reasons for refusal relate to its visual impact on Metropolitan Greenbelt lands and it is also stated to materially contravene policies in relation to landscape and scenic routes, and that it would set a precedent for similar large scale schemes.

An NIS was submitted with the application.

A separate SID application, **ABP-318685-23**, was submitted with the application for an associated 110kV electricity substation to facilitate the proposed windfarm.

## 2.0 Site Location and Description

The appeal site is in a sprawling landholding of over 124 hectares south of Midleton in Cork, incorporating several connected blocks of land over a distance of around 4 km. It is located 5 km directly south of Midleton on the north-east corner of Cork Harbour on a low ridge, forming a peninsula, that runs from Great Island, with a narrow sea channel separating it from the island. The highest point of the ridge is 94 metres, with the lowest part of the landholding at around 40metres above sea level – at the north-western corner of the lands, around 200 metres from the shoreline.

The area is intersected by the R630 Regional Road, which connects Midleton to the north with the village and refinery of Whitegate to the south. A third-class road runs east to west along top of the ridge, intersecting the R630 at the small settlement of Scartlea Upper. Another minor road loops the coastline around the area. The area is populated by individual farms and numerous small dwellings scattered along the minor road network and in some small villages. Midleton/Ballycorra is the nearest substantive town, with the villages of Cloye and Aghada within 5 km of the lands.

The landscape is characterised by open fields, largely in pasture, bounded generally by low hedges. There are small areas of woodland by the coast and around some former demesne lands. The appeal site is mostly intensively farmed pasture, linked by farm lanes.

### 3.0 Proposed Development

The proposed development is, in summary, a 10 year permission for a solar farm with a total area of c.126 hectares extending over 8 townlands. It will consist of solar panels on ground mounted frames with a surface area c. 532,000 m<sup>2</sup>, 21 no. single storey transformer stations, 5 no. single storey energy storage modules, 3 no. single storey spare parts containers, 12. No. Ring Main Units, 5 no. weather stations, underground electrical ducting and cabling, with access, security fencing, CCTV, a drain deck crossing, temporary work compounds, landscaping, and all associated ancillary works. Access will be from three L-roads. The operational lifetime of the solar farm would be 40 years. The application also includes for decommissioning.

I note that clarifications of details of the original planning application were made in unsolicited further information (05/07/23 and 21/07/23) submitted to the planning authority. These did not substantially alter the design or layout of the proposed development.

### 4.0 Planning Authority Decision

#### 4.1. Decision

The planning authority decided to refuse permission, for one stated reason:

*The subject site forms part of the Metropolitan Cork Green belt lands designated as Prominent and Strategic Greenbelt and High Value landscape, adjacent to the Cork Harbour area, which is identified as very high landscape value, sensitivity and of national importance. Furthermore, the site borders a designated scenic route (s 51 road from Ballynacorra via East Ferry to Whitegate and Roche's Point) which runs around the entire peninsula of which the lands form a part, also extending southwards towards the Cork Harbour Area.*

*Having regard to the aforementioned designations it is considered that the introduction of an energy development and associated infrastructure of the scale proposed on elevated and visually prominent strategic Greenbelt lands, with a substantial spatial extent, representing a land loss of 126 hectares of*

*agricultural land, would be contrary to policy objective RP 5-13 of the CCDP (2022) which seeks to 'preserve the character of the Metropolitan Greenbelt' and objective GI 14-16 which aims to '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.' Given the wider associated visual and landscape impacts it would also materially contravene policy objectives GI-14-9, & GO14-10 relating to Landscape and GI 14-13 and GI-14-14 in respect of Scenic routes. Furthermore, it would set an undesirable precedent for similar large scale development proposals in the area.*

*It is therefore considered the proposed development would materially contravene the policies and objectives of the Cork County Development Plan (2022) and would be contrary to the proper planning and sustainable development of the area.*

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

There are a number of planning reports on file. The initial (primary) report can be summarised as follows:

- Notes a number of minor planning applications on the landholding.
- A brief outline of pre-planning discussions is set out.
- All relevant EU, National, regional and local plan policies are summarised.
- For AA, the ecology officer report is referred to.
- The report addresses EIA screening.
- Notes internal consultant's reports.
- Area not within identified area of flood risk.
- It is noted that the Council has up to 2019 permitted 47 no. solar farms which constitutes 23.8% of national targets. Notes that a renewable energy strategy for the County is under preparation.

- States that the key consideration is its location within the Metropolitan Cork Greenbelt.
- It is noted that the modelled zone of theoretical visibility in the landscape assessment indicates that none of the selected viewpoints were considered to have a visual impact significance greater than moderate- slight.
- The report concludes that the Landscape assessment submitted understates the potential impact, and that the overall visual impact would be significant. A refusal is recommended for this reason.
- With regards to archaeology, a number of issues of concerns raised by the County Archaeologists are noted, in particular, the location of panels in the same field as the church and graveyard at Garranekinnefeake.
- Amenity – the report focuses on glint and glare issues – an assessment was submitted. The many objections are noted. Notes issues that require further information following comments by the Environment Officer.
- Appropriate Assessment. Notes NIS conclusion of no adverse affects.
- The report concluded by recommending a refusal for landscape policy reasons.
- An additional Senior Executive Planners Report endorsed the above recommendation.

#### 4.2.2. Other Technical Reports

**Archaeology:** Recommends a geophysical survey and notes presence of recorded monuments on the landholding. States that there was no consultation with the Council Archaeological unit prior to the submission of the application. Three additional items of further information requested.

**Ecology** – further information required, including an NIS. The memo included a very detailed assessment of the information submitted. It is noted that the site is mostly cultivated land with relatively minor habitat value, although 49 bird species were recorded during surveys. In particular, it was noted that during some transect surveys, a number of birds listed in the conservation objectives of two nearby SPA's

were recorded. It concludes that taking account of the landscaping measures, the overall potential effects on birds are considered to be neutral to slight positive. It is recommended that a hedgerow management plan should be required to further enhance the value of the lands for birds if permission is granted. A total of 6 specific items of further information were requested.

**Area Engineer:** No objection subject to standard conditions (seven in total).

**Environment** (water/waste). No objection subject to standard conditions.,

**Environment** (noise and Air). Further information requested – all relating to noise and vibration.

#### 4.3. **Prescribed Bodies**

**Inland Fisheries Ireland.** No objection subject to attached conditions.

**Gas Networks Ireland:** No objection subject to stated conditions.

**Uisce Eireann** – no objection

**Irish Aviation Authority** – no response.

#### 4.4. **Third Party Observations**

A total of 127 objections were made at planning application stage, including three public representative submissions. They all objected, for a wide range of planning and environmental reasons, including impacts on landscape and ecology, lack of consultation, access to Garranekinnefeake cemetery, Noise and other amenity impacts, and lack of detail in the application.

### 5.0 **Planning History**

The lands have no relevant planning history – a number of permissions granted are on file for minor domestic works for dwellings close to the landholding.

## **6.0 Policy Context**

### **6.1. Development Plan**

The lands are unzoned but located in an area designated in the Cork County Council Development Plan 2022-2028 as part of the Metropolitan Green Belt. There is a designated Scenic Route in the area.

### **6.2. Natural Heritage Designations**

The site is within 1 km of two coastal Natura 2000 sites Great Island Channel SAC, site code 001058 and Cork Harbour SPA, site code 004030, – there are two other such sites within 15km of the lands – these are located on the east Cork Coast some 10km to the east. All four sites are designated for interests connected with migrating birds and intertidal zone habitats.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The applicant has submitted a very detailed appeal with multiple reports in appendices. I would summarise the key points in the appeal as follows:

With regard to the specific reason for refusal:

- It is argued that the proposed development represents a form of agricultural diversification which is consistent with the purpose and function of the Metropolitan Greenbelt. It is submitted that there is a notable absence of commentary on the defined principles of the greenbelt in the development plan.
- With regard to visual impacts, it is noted that only 24% of the proposed windfarm is visible from Cork Harbour. It is submitted that the landscape and visual impact assessment submitted was prepared in full accordance with the EPA guidelines on EIA and accompanying advice notes.
- In section 3 of the applicant's submission, the applicant argues that the proposed development is fully in line with both general policy on energy as set



out at global, EU and national levels, and that a solar farm of this scale (stated to be 127,000 MWhrs/annum) is in line with specific targets for renewable energy. It is stated that the location benefits from some of the highest irradiance in the County (a capacity factor stated to have potential for 6.5-7.5%, in addition to its proximity to the Whitegate-Cows Cross 110kV OHL makes it an efficient and optimal location for a solar farm.

- It is argued that the statement in the planner's report that sufficient solar capacity has already been consented in County Cork to achieve targets is based on outdated targets (in CAP 23).
- It is stated that the efficiencies of the site (solar capacity and access to a 110kV line gives It significant advantages in any upcoming RESS future auction schedule.
- With regard to the Greenbelt designation, the applicants refer to policy objective RP 3-13 of the development plan, it is argued (paragraph 3.2 of the submission) that there is no clear basis for interpreting this policy objective as ruling out solar farms or similar developments. It is submitted that a solar farm is consistent with the purpose and function of Greenbelt designated areas. Table 01 of the submission outlines argument with regards to the principles set out in the development plan. The applicant lists out a number of Cork decisions (in some cases upheld by appeal) in support of these arguments. In particular decision **ABP-304045-19** (and the comments in the inspector's report) is highlighted in support of this submission.
- With regard to the suggestion in the planning report that zoned land around Whitegate, Special Policy Area WG-X-01 would be more appropriate, it is stated that these lands are more appropriate for port related activities and those associated with the refinery – notes the national importance of the refinery and power station. It is also submitted with regard to comments in the planner's report that the area around the Harbour/Port should be protected for other uses, it is submitted that the site is too distant from the existing facilities to have port related uses.

- It is submitted with regard to policy RP5-17, that the proposed solar farm should be considered to be of strategic and exceptional nature, and as such is appropriate for a Green Belt site.
- With regard to landscape and visual impact, it is argued in some detail that the comments within the planning report on the accuracy of the submitted LVIA (landscape and visual impact assessment) are in line with best practice and represent a fair and accurate assessment. It is submitted that there is no justification for concluding that there would be adverse visual impacts (it is noted that the Council focused only on the south of the windfarm and so it is implied that there are no issues with other visual aspects).
- EIAR: It is noted that no screening was carried out in the planning report – it is submitted that no EIAR is required – a screening report is included in Appendix B of the submission.
- Archaeology – it is noted that there are no recorded ancient monuments on the site – the ones highlighted in the report and the County Archaeologist report, there are several close to the boundary. It is argued that a buffer zone of 28 metres between the holy well/bullaun stone, plus landscaping, is sufficient to ensure there is no impact. With regard to the access near the old church/graveyard (CH023/CH024, it is noted that this is an existing farm access, and it is argued that this is a low level intervention. The request for geophysical survey/testing is questioned, as it is stated that according to the 2016 National Monuments Service Guidelines it is not necessary in these circumstances.
- Ecology: The comments of the ecology unit are noted, and a revised AA/NIS is submitted with the appeal.
- Noise: Notes that unsolicited extra information was submitted during the application on foot of objections by local residents – this included a Noise Impact Analysis Report. It is stated that there are no significant tonal or impulsive elements of the proposed development – operational sound levels are steady state. The applicant has committed to undertaking additional noise analysis as part of the detailed design process. It is also stated that

there is no increase in background noise levels and as such there would be no impact on the Cork Harbour SPA.

- It is noted that there is a parallel SID application for a 110kV substation and grid connection.

## **7.2. Planning Authority Response**

No response on file.

## **7.3. Observations**

A total of 79 observations were submitted on the appeal – I summarise them below under each one. I would summarise the specific issues raised as follows:

- Contrary to CDP policy and specifically the Green Belt designation.
- It is argued that there was inadequate consultation with locals and the site notices were not in accordance with the regulations.
- Impact on the landscape and local views – these include close-by views plus views from across the harbour, in particular from Aghada to the south.
- Concerns about ecology/hedgerows/birds.
- Concerns about glint and glare impacts, both on nearby residents and on those across the harbour to the south.
- Noise impacts from operation and construction – it is argued in particular detail that the noise assessment submitted is inadequate and understates potential impacts.
- Traffic impacts, including the damage of road and water infrastructure.
- Interference with access to a recorded ancient monument, a local cemetery.

### **Barry Moran of Aghada Hall, Midleton**

- Objects to the proposed development citing the following key issues:
- Outlines concerns about the impact on Aghada and its overall rural qualities (photos attached).

- Lack of communication and consultation with the local community.
- Impact on the rural community as a whole – argued that it is an inappropriate use in such an area.
- Impact on the natural amenities of the area and a designated greenbelt.
- Impact on designated conservation areas in Cork Harbour and the EU habitats directive.
- Noise impacts in a rural area.

**Rod Dethridge of Lower Agahada**

- Objects to the proposed development for the following reasons:
- It would seriously impact on an attractive rural area and the overall ambience of Cork Harbour (photo attached).
- Contrary to CDP policy for the area.
- Notes strong local opposition.
- Concerns expressed about noise – argues that the background noise submission made by the applicant is not accurate. Claimed that there is no current ambient noise in the area, contrary to what is claimed.
- Submits that predicted noise levels are understated, as are potential impacts on wildlife.
- Contrary to Greenbelt zoning.
- It is argued that the LVI assessment understands the issue and does not have full regard to certain viewpoints from Scenic Route S1 (photos attached).
- Expresses concerns about public consultation and the claimed absence of site notices.
- It is submitted that many people would be subject to glint and glare impacts.
- Concerns expressed over the impact on water supply of heavy vehicles on the L7657.
- Concerns expressed at long term damage to roads in the area and interruption to road access.

- Concerns outlined about a denial of right of way to Garranekinnefeake Cemetery.
- With regard to the developer's submission, it is argued that there is no strategic need for the solar farm and that it is not compatible with a greenbelt area.

**Dave & Linda Hartnett of Midleton.**

Objects to the proposed development for the following reasons:

- It would seriously impact on an attractive rural area and the overall ambience of Cork Harbour.
- Contrary to CDP policy for the area and Notes strong local opposition.
- Concerns set out about noise – argues that the background noise submission made by the applicant is not accurate. Claimed that there is no current ambient noise in the area, contrary to what is claimed.
- Submits that predicted noise levels are understated, as are potential impacts on wildlife.
- Contrary to Greenbelt zoning.
- It is argued that the LVI assessment understands the issue and does not have full regard to certain viewpoints from Scenic Route S1 (photos attached).
- Expresses concerns about public consultation and the claimed absence of site notices.
- It is submitted that many people would be subject to glint and glare impacts.
- Concerns expressed over the impact on water supply of heavy vehicles on the L7657.
- Concerns expressed at long term damage to roads in the area and interruption to road access.
- Concerns outlined about a denial of right of way to Garranekinnefeake Cemetery.

- With regard to the developer's submission, it is argued that there is no strategic need for the solar farm and that it is not compatible with a greenbelt area.

**James Scanlan, Mary Scanlan, Sharon Scanlan Begiri & Visar Begiri of Midleton.**

- Objects to the proposed solar farm as it is contrary to the green belt zoning.
- It is argued it would be a serious long term visual impact on the area.
- It is argued that the area has had excessive development of energy uses.
- It is argued that traffic from the project would represent a hazard to local users, in particular children.
- The loss of good quality agricultural land is highlighted.
- It is submitted that the noise information is inadequate.

**Ciaran Brady of Bawnard West, Midleton**

- Argues that the noise assessment is inadequate and does not adequately address background noise, noise arisings and attenuation in addition to wildlife impacts. A number of claimed errors in the document are set out.
- It is argued that it is contrary to the Metropolitan Greenbelt Zoning of the area.
- It is submitted that the LVIA submitted used inappropriate viewpoints which minimise the real future impacts on the area and on the designated scenic route.
- It is argued that the visual impact would significantly impact upon tourism development in the area and around the harbour.
- It is submitted that there was entirely inadequate public consultation, and the site notices were not placed correctly.
- Concerns are expressed at the lack of assessment on glint and glare, on both humans and wildlife.
- Objects on the basis that the works would damage the main water supply and interruption to road access.

- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- With regard to the developers submission, it is argued that there is no strategic need for the solar farm on this location, and that it does not represent agricultural diversification.

**Eoin & Theresa O'Donovan of Aghada**

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife.
- Objects to the proposed solar farm as it is contrary to the green belt zoning.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard.
- It is argued that traffic from the project would represent a hazard to local users, in particular children.
- The loss of good quality agricultural land is highlighted.
- It is submitted that the noise information is inadequate.
- It is argued that the local water supply and road access would be interrupted.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- With regard to the developer's submission, it is submitted that there is no demonstrated strategic need for the solar farm on this location, and that it does not represent agricultural diversification as claimed.

**Jerome Murphy of Lower Aghada**

Objects for the following reasons:

- Argues that the basis that the noise assessment is inadequate and not consistent with best practice.
- Argues that the proposed solar farm as it is contrary to the Green Belt designation of the lands in the County Development Plan.
- Outlines an argument it would represent a serious long term visual impact on the area and that the LVIA report is misleading with regard to viewpoints and the Scenic Route.
- Claims the site notices were not erected in accordance with the Regulations and that there was inadequate public consultation.
- Argued in some detail that the Glint and Glare analysis is substandard.
- It is argued that traffic from the project would represent a hazard to local users, and would cause damage to the water supply and local roads.
- The loss of good quality agricultural land is highlighted.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

With regard to the developer's submission, it is submitted that there is no demonstrated strategic need for the solar farm on this location and it is argued that it is incorrect to state that it would not have any visual impacts on the local landscape character.

**Dr. Maura Kelly of Bawnard West**

- Argues in detail that the noise assessment is inadequate with regard to EPA guidelines and does not adequately measure background noise or correctly assess the impact on wildlife.
- Objects to the proposed solar farm on the grounds that it is contrary to the green belt zoning.



- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading. It is argued that the viewpoints were not correctly identified and tourism impacts were understated.
- Claims that there was inadequate public consultation, and the site notices were not fully visible as required by the regulations.
- Argued that the Glint and Glare analysis is substandard and many affected have not been consulted.
- It is argued that traffic from the project would represent a hazard to local users and would damage road surfaces and potentially damage water supplies.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- With regard to the developer's submission, it is submitted that there is no demonstrated strategic need for the solar farm on this location, and that it does not represent agricultural diversification as claimed.

**Paul Whelan of Midleton**

- It is argued that it is contrary to the current development plan for the area and the applicant has not demonstrated that the site is suitable for a solar farm. Highlights local opposition.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife.
- Submits that it is contrary to the green belt zoning.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading with regard to impacts on individual residences and key views.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard.

- It is argued that traffic from the project would cause long term damage to local roads and result in hazards for road users.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values highlighted.
- Argues that there would be an unacceptable impact on Natura 2000 sites.

### **Geraldine Boyle of Aghada**

This observation includes a series of high quality photo prints supporting an argument that the LVIA assessment does not adequately address the impacts of the proposed development. Additional concerns outlined are:

- Impacts on the Cork Harbour SPA are highlighted
- Argues that the noise assessment is inadequate and not in accordance with EPA guidance and does not adequately measure background noise or the impact on wildlife.
- Objects to the proposed solar farm as it is contrary to the green belt zoning.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard.
- It is argued that traffic from the project would represent a hazard to local users, in particular children.
- It is argued that the local water supply and road access would be interrupted.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

With regard to the developer's submission, it is submitted that there is no demonstrated strategic need for the solar farm on this location, and that it does not represent agricultural diversification as claimed in the applicant's submission documents.

**Johnny Hurley of Midleton**

States that he and his wife run a racehorse training and trading business and expresses strong concern at the impact of the proposed development on young houses.

It is argued that noise from the two inverters/transformers immediately to the west of the two training gallops would have an unacceptable impact on their business.

It is argued that the new access track to be built parallel to the gallops represents a health and safety risk to staff and the horses due to the potential for spooking the horses.

Objects on the basis of potential long term damage to the local access road (L7657).

**Joan Barry of Aghada**

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife and local dwellings.
- Objects to the proposed solar farm as it is contrary to the green belt zoning as set out in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading.
- Claims that there was inadequate public consultation.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on local dwellings.
- It is argued that traffic from the project would represent a hazard to local users.
- It is argued that the local water supply and road access would be interrupted.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- It is argued that it does not (contrary to statements in the submission documents) represent a diversification of agricultural use, but would result in the loss of valuable agricultural land.

**Maurice and Catherine Galvin of Midleton**

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife.
- Objects to the proposed solar farm as it is contrary to the development plan Green Belt zoning.
- It is argued in some detail that it would represent a serious long term visual impact on the area and that the LVIA report is inadequate and misleading.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard.
- It is argued that traffic from the project would represent a hazard to local users, in particular children.
- The loss of good quality agricultural land is highlighted.
- It is submitted that the noise information is inadequate.
- It is argued that the local water supply and road access would be interrupted.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- With regard to the developer's submission, it is submitted that there is no demonstrated strategic need for the solar farm on this location, and that it does not represent agricultural diversification as claimed.
- It is argued that it would impact their property as their house is opposite the proposed site access.
- Concerns expressed at overflow of surface water from the proposed development, and possible contamination of domestic water supply.

It is argued that the area is unsuitable for this type of development.

**Olive Maguire of Barnard West, Midleton**

- Objects due to the proximity to a primary school – it is stated that the school was not consulted.

- Outlines concerns at the claimed lack of local consultation.
- Expresses concern at the impact of noise on wildlife.
- Argues that it will impact on local property values.

**Tom Baldwin of Rostellan, Midleton**

Refers to his original objection letter, adds additional comments.

- Notes reason for refusal and restates overall objection.
- Strong concerns expressed over reflections from the array and its potential impact on aircraft safety.
- Expresses specific concerns over the impact of glint and glared on local viewpoints (visualisations attached).

**Mary Corcoran of Scartley Upper**

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife, including bats and other species.
- Objects to the proposed solar farm as it is contrary to the green belt zoning and does not represent agricultural diversification as submitted by the applicant.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare assessment submitted with the applicants is substandard and does not address potential impacts on the nearest SAC.
- It is argued that the local water supply and road access would be interrupted and it would damage local road surfaces and interfere with access.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.

### **Catherine Daly of Lower Aghada**

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife. It is submitted that the projected noise from substations is questionable and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- With regard to the developer's submission, it is submitted that there is no demonstrated strategic need for the solar farm on this location, and that it does not represent agricultural diversification as claimed.

### **Karen Casey of Lower Aghada**

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife. Notes EPA NG4 guidelines and apparent absence of noise attenuation.
- Objects to the proposed solar farm as it is contrary to the green belt zoning as set out in the development plan.

- Argues that it would result in a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not adequately reflect impacts on local residents and wildlife.
- Claims that there was inadequate public consultation and the site notices were not placed on all required locations.
- Argued that the Glint and Glare analysis is substandard.
- It is argued that traffic from the project would represent a hazard to local users, in particular children.
- It is argued that the local water supply and road access would be interrupted.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Claims a potential negative impact on property values.

**Peter Aherne of Lower Aghada**

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife. Notes a number of claimed technical inadequacies in the submission.
- Objects to the proposed solar farm as it is contrary to development plan policy on the green belt zoning.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading.
- Claims that there was inadequate public consultation and site notices were inadequate.
- Argued that the Glint and Glare analysis is substandard.
- It is argued that the local water supply and road access would be interrupted.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

**Pat Cashman of Lower Aghada**

Notes the County Council refusal and supports the reasons set out.

- Objects to the proposed solar farm as it is contrary intent and spirit of the green belt zoning as set out in the development plan.
- It is argued that the glint and glare assessment is misleading and does not address migratory bird populations.
- It is argued that the Noise Impact Assessment Report is misleading as it states that any plant that would generate noise is well separated from local receptors. It is argued that the background assessment was inadequate and the methodology is flawed.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- It is argued that the local water supply and road access would be interrupted and there would be damage to local roads.
- Concerns outlined on the impact on the right of way to Garranekinnefeake cemetery.
- Negative impact on property values highlighted.

**Frans Bakx and Siobhan O'Dwyer of Cloyne**

Supports the reason for refusal set out by the planning authority. Sets out a series of concerns and objections:

- Concerns outlined on the impact on the integrity of adjacent Natura 2000 sites and claimed deficiencies in the submitted NIS.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife, nor address adequate attenuation.
- Argued that it represents a breach of the Greenbelt zoning designation.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.



- Argued that the Glint and Glare analysis is substandard, in particular with reference to dwellings in the area.
- It is argued that the local water supply and road access would be interrupted.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

With regard to the developer's submission, it is submitted that there is no demonstrated strategic need for the solar farm on this location, and that it does not represent agricultural diversification as claimed.

**Ann Connolly of Rostellan, Midleton**

Supports the planning authority reason for refusal. Notes that one parcel of land directly faces her home.

Attaches a series of photographs in support of arguments that the proposed development is unacceptable in terms of visual impact, and glint/glare effects.

- Outlines concerns on the effects on EU designated habitats.
- Argues that the Noise Impact Assessment Report is misleading as it states that any plant that would generate noise is well separated from local receptors. It is argued that the background assessment was inadequate, and the methodology is flawed.
- Objects to the proposed solar farm as it is contrary intent and spirit of the green belt zoning as set out in the development plan.
- Argues that the LVIA is inadequate and does not address the impact on the designated scenic route.
- It is argued that the glint and glare assessment is misleading and does not address migratory bird populations.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argues that there would be significant glint and glare impacts.
- It is argued that the local water supply and road access would be interrupted and there would be damage to local roads.

- Concerns outlined on the impact on the right of way to Garranekinnefeake cemetery.
- Negative impact on property values highlighted.

**Stephen Owens of Rostellan**

- Notes the County Council reason for refusal and supports the reasons set out.
- It is argued that the Noise Impact Assessment Report is misleading as it states that any plant that would generate noise is well separated from local receptors. It is argued that the background assessment was inadequate, and the methodology is flawed.
- Argues that it is contrary to the zoning designation for greenbelt.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argues that there was in adequate consideration of glint and glare impacts.
- It is argued that the local water supply and road access would be interrupted and there would be damage to local roads.
- Concerns outlined on the impact on the right of way to Garranekinnefeake cemetery.
- Negative impact on property values highlighted.

**Jason & Ailish Boyle of Middleton**

- Supports the reasons set out for refusal by the County Council
- Outlines concerns on the possible effects on EU designated habitats.
- Argues that the Noise Impact Assessment Report is misleading as it states that any plant that would generate noise is well separated from local receptors. It is argued that the background assessment was inadequate, and the methodology is flawed.
- Objects to the proposed solar farm as it is contrary intent and spirit of the green belt zoning as set out in the development plan.

- Argues that the LVIA is inadequate and does not address the impact on the designated scenic route or on specific properties.
- It is argued that the glint and glare assessment is misleading and inadequate.
- Sets out that there was inadequate public consultation, and the site notices were not erected in accordance with the Regulations or seen by many possible objectors.
- Argues that there would be significant glint and glare impacts on local residents.
- It is argued that the local water supply and road access would be interrupted and there would be damage to local roads.
- Concerns outlined on the impact on the right of way to Garranekinnefeake cemetery.
- Negative impact on property values highlighted.
- Disputes the assertions of the applicant that the location is suitable for a solar farm, or that it represents appropriate agricultural diversification.

**Anthony Connolly of Rostellan**

- Supports the planning authority reason for refusal.
- Argues that the Noise Impact Assessment Report is misleading as it states that any plant that would generate noise is well separated from local receptors. It is argued that the background assessment was inadequate, and the methodology is flawed.
- Objects to the proposed solar farm as it is contrary intent and spirit of the green belt zoning as set out in the development plan.
- Objects on the grounds that the LVIA is inadequate and does not address the impact on the designated scenic route.
- Argues that the glint and glare assessment is misleading and does not address migratory bird populations.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argues that there would be significant glint and glare impacts.

- It is argued that the local water supply and road access would be interrupted and there would be damage to local roads.
- Concerns outlined on the impact on the right of way to Garranekinnefeake cemetery.
- Negative impact on property values highlighted.
- Disputes the assertions of the applicant that the location is suitable for a solar farm, or that it represents appropriate agricultural diversification.

**Caroline Norton of Saleeen, Middleton**

Supports the reason for refusal set out by the planning authority.

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife. It is submitted that the projected noise from substations is questionable, and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- Argues that it would result in a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and that the site notices were not erected in accordance with the Regulations.
- Argues that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes the assertions of the applicant that the location is suitable for a solar farm, or that it represents appropriate agricultural diversification.

**Pat Fitzgerald of Lower Aghada**

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife. It is submitted that the projected noise from substations is questionable and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

**Kevin & Janet O'Reilly of Saleen**

Supports the reason for refusal.

- Argues that the noise assessment submitted by the applicant is inadequate and does not use appropriate criteria to measure background noise or the impact on wildlife. It is submitted that the projected noise figures from substations is questionable and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.

- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

Disputes the arguments submitted by the applicant that the location is appropriate for a solar farm or that it can be considered agricultural diversification.

#### **Eoin & Fiona Pomphrett**

- Notes the designation as green belt and the designated scenic route. Argues that it would be an alien and discordant feature within the setting.
- Submits that the benefits of renewable energy should not over rule protection of the areas environmental qualities.
- Notes proximity to Natura 2000 sites.
- Argues that it would interfere with the amenities of the scenic route from Bawnard Cross to Saleen.
- Disputes the assertion of the applicant that there was a robust consultation process. Argues that some of the photos submitted are misleading.
- Submits that it is an inappropriately industrial use for an agricultural area.

#### **Elaine Moran of Aghada**

Supports the stated reason for refusal. In addition:

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable and an absence of noise attenuation is noted.

- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Eoin O’Riordan of Bawnard East**

- Argues that the application did not address impacts on Natura 2000 sites and as such is contrary to Article 6(3) of the Habitats Directive.
- Argues that the applicant did not apply the correct methodology for noise assessment.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.

- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes assertion of the applicant with regard to its location in an agricultural area.

**Steven Aherne of Middleton**

Supports the stated reason for refusal. Also submits the following:

- Argues that the noise assessment is inadequate and does not adequately measure background noise or the impact on wildlife. It is submitted that the projected noise from substations is questionable, and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.



**Lucy Fleming of Midleton**

Submits an aerial photo indicating her dwelling in relation to the proposed development.

Argues that the noise assessment is inadequate (refers to report in Appendix by Enfonc Ltd) and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable, and an absence of noise attenuation is noted.

**Megan and Kevin Alcock of Lower Aghada**

Supports the stated reason for refusal. Additionally:

- Notes possible impact on Natura 2000 sites.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife.
- Objects to the proposed solar farm as it is contrary to the green belt zoning of the area in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Theresa Maher of Aghada**

Supports the stated reason for refusal. Additionally:

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Submits that there would be a serious negative impact on property values.

**Kieran & Norin O'Donovan of Bawnard East**

Supports the stated reason for refusal from the County Council and notes the number of objections.

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable, and an absence of noise attenuation around the substations and other electrical apparatus is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.

- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

### **Con O'Sullivan of Midleton**

Supports the stated planning authority reason for refusal and sets out additional concerns:

- Argues that it would have an unacceptable impact on the integrity of surrounding Natura 2000 sites and that the NIS is deficient.
- Submits an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. Argues that the projected noise from substations is questionable and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.

- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

Disputes argument of applicant as set out in the appeal that the proposed development is appropriate for such an area or that it represents agricultural diversification.

### **Gerard Melvin of Aghada Hall**

Supports the stated planning authority reason for refusal and notes that any substation is outside the requirements for the permission.

Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable.

Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.

It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.

Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.

Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.

It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.

Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.

Negative impact on property values.

Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Seamus O'Driscoll of Cloyne**

Argues that the assessment of noise levels in the Noise Impact Analysis document is not in accordance with EPA guidance and does not address key local issues, in particular with the siting of the inverter plants.

It is argued that the proposed solar farm would be visually dominant in the area.

Concerns expressed at the impact on drainage and run-off.

**Vincent O'Keefe of Lower Aghada**

Supports the stated planning authority reason for refusal and notes that any substation is outside the requirements for the permission. Additionally argues a number of other points:

- Raises concerns about the impact on the integrity of Natura 2000 sites within Cork Harbour and argues that there are deficiencies in the NIS submitted with the application.
- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable.
- Argues that permitting the solar farm would be contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.

- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Lower Aghada Action Group C/O Susan Aherne**

- Objects to the proposed development and supports the stated reason for refusal from the County Council and notes the number of objections.
- Argues that it would have a serious impact on the integrity of Natura 2000 sites in and around Cork Harbour.
- Argues that the noise assessment submitted with the application is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable.
- Argues that it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices not visible to all local residents due to the choice of location.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- Argues that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Claims a negative impact on property values.

- Disputes the argument of the applicant in the appeal that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Michelle Donovan of Aghada**

Argues that the chosen viewpoints in the LVIA are not representative of real impacts.

Notes that the area is identified as a very high landscape value with very high landscape sensitivity in the LCA in the Cork County Development Plan.

Argues with regard to the precautionary principle that it would impact on the tourism potential of the overall Cork Harbour Area.

Photographs attached in support of the arguments above.

**Lower Aghada Tennis & Sailing Club, c/o Hugh Smiddy**

Outlines the history of the club and sets out support for the decision of the planning authority to refuse permission.

- Concerns outlined on the impact on Natura 2000 sites.
- Sets out detailed arguments that the submitted noise assessment is inadequate and includes incorrect assumptions and baseline measurements.
- Contrary to the Greenbelt Zoning designation – disputes that the area is industrial in nature as argued by the applicant.
- Argues that the LVIA is inaccurate and inadequate and understates the potential impact on the local landscape.
- Argues that there was inadequate consultation with the public and an absence of site notices in relevant locations.
- Submits that local residents that are potentially most at risk from glint and glare were not consulted. Also, notes potential impact on wildlife.
- Outlines concerns on damage to water and road infrastructure and interference with road access.
- Objects to the denial of a right of way to Garranekinnefeake Cemetery.
- Negative impact on property values.

- Disputes arguments in applicants appeal that there is a demonstrated strategic need for the solar farm, or that it is compatible with agricultural diversification.

**Alice Barry of Aghada**

Supports the planning authority reason for refusal and argues that any substation is outside the requirements for the permission.

- Objects on the basis of the impact on the integrity of Natura 2000 sites within Cork Harbour and argues that there are deficiencies in the NIS submitted with the application.
- Argues that the noise assessment is inadequate and does not adequately measure background noise, noise arisings, the provision of attenuation or assess the impact on wildlife.
- Argues that permitting the solar farm would be contrary to the green belt zoning in the development plan.
- It is argued it would be a long term visual impact on the area and that the LVIA is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes the argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.



**Scartleigh National School (Cloyne), c/o Denise O'Donovan**

- Supports the stated planning authority reason for refusal.
- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable. Raises specific concern on the potential impact on children with autism, and refers to the UN Convention on the Rights of Persons with Disabilities and related obligations.
- Argues that permitting the solar farm would be contrary to the green belt zoning.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Hugh Smiddy of Lower Aghada**

Supports the planning authority reason for refusal and notes that any substation is outside the requirements for the permission.

Raises concerns about the impact on the integrity of Natura 2000 sites within Cork Harbour and argues that there are deficiencies in the NIS submitted with the application.

Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable.

Argues that the proposed development should be subject to EIAR and that it should not be considered as a 'farm', but an industrial/energy process.

### **Denise Collins of Whitegate**

Supports the stated planning authority reason for refusal and notes that any substation is outside the requirements for the permission. Sets out a number of additional arguments against the proposed solar farm:

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable and that the impact on children with Autism in Scartleigh NS was not adequately addressed.
- Argues that permitting the solar farm would be contrary to the green belt zoning.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Richard Murphy of Saleen, Middleton**

- Supports the stated planning authority reason for refusal and notes that any substation is outside the requirements for the permission.
- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife.
- Argues that permitting the solar farm would breach the green belt zoning.
- Argues it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- It is claimed that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argues that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- The local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Submits that there would be a potential negative impact on local property values.

**Denis Magee of Saleen, Middleton**

Requests that the Board uphold the stated planning authority reason for refusal and notes the points raised in the planners report. Additionally:

- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife..
- Argues that permitting the solar farm would be contrary to the zoning designation (Green Belt).

- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is inadequate and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Geoff & Debbie Baugh of East Ferry**

- Contrary to the Green Belt zoning.
- Argues that it could devalue local property values.
- Argues that it would endanger public safety (construction traffic).
- Concerns expressed at the impact on the local landscape.
- Argues that there would be long term noise pollution.
- Absence of public consultation claimed.
- Argues that there would be a fire risk.

**Eve Kearney & Catriona Barry of Saleen**

- Supports the planning authority reason for refusal.
- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife.
- Argues that permitting the solar farm would be contrary to the green belt zoning.

- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

**John & Jennifer Tierney of East Ferry**

- Outlines concerns on Glint and Glare.
- Argues that it could devalue local property values.
- Endangerment of public safety due to additional traffic.
- Contrary to the character of the landscape and a misuse of productive agricultural lands.
- Concerns outlined at the scale and distribution of the solar arrays.

**Nora Moran of Aghada**

- Argues that the proposed solar farm would seriously damage the qualities of the local landscape.
- Submits that there was inadequate consultation with the local community and that the proposed development would interfere with the rural amenities of the area, contrary to the assertion of the applicant that the area is built up and a hive of industry.
- It is argued that it would be contrary to the Green Belt zoning.

- Concerns outlined on possible impacts on designated habitats and contrary to the EU Habitats Directive.
- Outlines concerns on noise impacts and on aviation flight paths.

**Catherine and Kieran Daly of Lower Aghada**

Supports the planning authority reason for refusal and argues that any substation is outside the requirements for the permission. Notes the high number of objectors in the local community,

- Argues that the noise assessment submitted with the application is inadequate and does not adequately measure background noise, noise arisings, the provision of noise attenuation or assess the impact on wildlife.
- Argues that permitting the solar farm would be contrary to the green belt zoning in the development plan.
- It is argued it would be a long term visual impact on the area and that the LVIA is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with Regulations as many in the community were unaware of the application.
- Argued that the Glint and Glare analysis is not up to standard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted by construction traffic and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

**Mary Morrogh and Padhraig O'Loughlin of East Ferry**

- Outlines the aesthetic/recreational values of the area and sites of historic interest. Supports the reason for refusal.

- Disputes assertions made in the applicants appeal submission.
- It is denied that there is any demonstrated need for the proposed development, nor a justification for the chosen lands with respect of land availability, grid connection, and other requirements.
- Notes proximity of Natura 2000 sites and states that this alone should be grounds for refusal.
- Argues that the Appropriate Assessment was not carried out adequately.
- Outlines concerns on noise emissions, hydrological links to the estuary, flood/drainage issues and light pollution.
- It is denied that it represents agricultural diversification.
- It is argued that contrary to the assertion of the applicant, there will a serious impact on the local landscape.
- Concerns outlined on the claimed absence of community engagement.
- Notes recommendations of the OPR with regard to ABP.

**Geraldine and Colm O'Brien of Scartlea Upper**

- Attaches photos indicating the visual impacts of the proposed development as viewed from Aghada and Rostellan.
- Argues that it will have unacceptable impacts on the visual amenities of the area.
- Submits that it will have an unacceptable impact on the integrity of Natura 2000 sites.
- Submits that the noise assessment submitted is inaccurate and does not reflect best practice.
- Contrary to Metropolitan Greenbelt Zoning
- Outlines concern about site notices, impact of glint and glare, water supply and roads.

**Michael, Elizabeth, David & Tim McCarthy**

Supports the stated reason for refusal. Sets out additional points:

- Argues that it is a breach of the Green Belt zoning.
- Claims inadequate public consultation and inadequate site notices.
- Argues that there would be an impact on designated European habitats.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable and an absence of noise attenuation is noted.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour (photos attached in support of the argument).
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers. Concerns also noted at impacts at site accesses.
- Argues that there would be interference with radio frequencies.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

### **Tony and Helene Horan**

- Supports the stated reasons for refusal.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the Greenbelt zoning in the development plan.
- Submits that the site notices were inadequate.



- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes arguments set out in the applicants appeal.

### **Gillian & Ken McIlreavy of East Ferry**

Supports the County Council reasons for refusal and clarifies that their objection covers the substation in addition to the overall proposed solar farm. Additionally:

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.

Appendices attached in support of the argument (including report by Enfonic Ltd).

**Kevin O'Donoghue & Gillian Fitzgerald**

Supports the stated reason for refusal.

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from electrical substations is questionable, and an absence of noise attenuation is noted with concern.
- Objects to the proposed solar farm as it is contrary to the green belt zoning.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not adequate.
- Argued that the Glint and Glare analysis is substandard.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Argues that there would be a negative impact on property values.

**Alan & Joyce Pomphrett of Bawnard East**

Supports the reasons for refusal set out by the planning authority and clarifies that their objection includes associated electrical infrastructure not part of the appeal.

Additionally:

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable, and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.

- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is not up to standard and does not deal adequately with possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Adds additional comments on the submission by the applicant.

**Linda McKenna of Midleton**

Supports the stated reason for refusal. Additionally sets out a number of additional points:

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations understates the impact, and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning .
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.

- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes arguments set out in the applicants appeal.

**Robert Deane of Lower Aghada**

Supports the Cork County Council reasons for refusal. Additionally:

- Confirms an objection to any ancillary infrastructure in addition to the proposed solar farm.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the potential for impacts on wildlife. It is submitted that the projected noise from substations is inaccurate and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Sets out a rebuttal to the grounds of appeal submitted by the applicant.

**James O'Sullivan Jamesbrook, Midleton**

Supports the stated reason for refusal. Additionally:

- Objects to ancillary infrastructure not part of this assessment but necessary for the proposed windfarm.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is argued that the projected noise from substations is understated, and an absence of noise attenuation around the transformers is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes assertions made by the applicant in the appeal documentation.

**Kyle McCarthy of Lower Aghada**

Supports the stated reasons for refusal. Additionally sets out a number of specific objections:

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess impacts on wildlife. Argues that the projected noise from substations is questionable and an absence of noise attenuation is noted.

- Objects to the proposed solar farm as it is contrary to the Strategic Metropolitan Green Belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Adds additional comments refuting arguments set out in the applicants appeal.

**Gerard Nolan O'Keefe of Kilva**

Argues that it would have an unacceptable impact on the integrity of the adjacent Natura 2000 sites. Argues that the NIS is substandard and deficient and supports the stated reasons for refusal.

Also objects to additional applications for electrical apparatus.

- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.

- Submits that there was no adequate community consultation and the erection of site notices was inadequate and not in accordance with the statutory requirements.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes arguments set out in the applicants appeal.

**Fiona Bohane of Aghada**

Supports the reasons for refusal. Additionally:

- Submits that the noise assessment is inadequate and does not adequately measure background noise nor adequately assess the impact on wildlife. It is submitted that the projected noise from substations is not accurate and an absence of noise attenuation is noted.
- Objects to the proposed solar farm as it is contrary to the strategic green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.

- Argues against a number of assertions made by the applicants in their appeal with regard to the strategic need for the proposed development and the impact on agricultural land.

**Paula McManus of Lower Aghada**

Supports the stated reason for refusal. Additionally sets out the following objections:

- Notes that objection covers all ancillary infrastructure.
- Argues that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations understates potential noise emission and notes an absence of noise attenuation.
- Objects to the proposed solar farm as it is contrary to the metropolitan green belt zoning in the development plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes the arguments set out by the applicant in the appeal.

**Martin Brennan of East Ferry**

- Supports the reasons for refusal and in particular emphasises the importance of the Green Belt to the local community.



- Argues that any potential benefits from the solar farm are more than outweighed by impacts on the local community.
- Argues that there is insufficient information on the impacts on designated species and habitats in the Great Island Channel SAC.

**Leonard O'Driscoll of Aghada**

Attaches original objection to the proposed development and restates his opposition to the solar farm.

Emphasizes the visual impact of the proposed development, impacts on the integrity of the Green Belt, an absence of engagement, the absence of an assessment of alternatives and impacts on the Natura 2000 sites in the area. Also notes possible cumulative impacts on the landscape.

Photographs attached (from Aghada) to support detailed arguments on the visual impacts of the proposed development.

**Breeda Cullinane of Jamesbrook, Midleton**

- Supports the stated planning authority reason for refusal and notes that any substations are outside the requirements for the permission.
- Argues that the potential impacts on the adjacent Natura 2000 sites have not been adequately addressed.
- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife.
- Argues that permitting the solar farm would be contrary to the metropolitan green belt designation.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.

- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes arguments set out by the applicant in the appeal that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Michael, Pauline & Mark McCarthy of Aghada Hall**

Supports the stated planning authority reason for refusal and notes that any substation is outside the requirements for the permission. Additionally sets out a number of other objections:

- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife. It is submitted that the projected noise from substations is questionable and that the impact on children with Autism in Scartleigh NS was not adequately addressed.
- Argues that permitting the solar farm would be contrary to the green belt designation in the County Development Plan.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Argues that the erection of site notices and associated public consultation was inadequate.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.

- Negative impact on property values.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Fiona Brennan of East Ferry**

Supports the stated planning authority reason for refusal and adds that any substation is outside the requirements for the permission and as such she objects to any such development.

- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the potential for impacts on wildlife.
- Argues that permitting the solar farm would be contrary to the metropolitan green belt designation.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not erected in accordance with the Regulations.
- Argues that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes arguments submitted by the applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification and restates concerns about visual impacts.

**John Fleming of Rostellan**

- Supports the stated planning authority reason for refusal and notes that any substation is outside the requirements for the permission and as such states that he objects to any such application.
- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife.
- Argues that permitting the solar farm would be contrary to the metropolitan green belt zoning.
- Argues that it would represent a serious long term visual impact on the area and that the LVIA report as submitted is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on public road access for local businesses and farmers during construction.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

**Helena and John Connolly**

Supports the stated planning authority reason for refusal and notes that any associated substation infrastructure is outside the requirements for the permission. Additionally:

- Argues that it would have an unacceptable impact on the integrity of nearby Natura 2000 sites and that the submitted NIS is inadequate and not in accordance with statutory requirements.
- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife.
- Argues that permitting the solar farm would be contrary to the green belt zoning.
- It is argued it would be a serious long term visual impact on the area and that the LVIA report is inadequate and misleading and does not reflect impacts on individual residents or on the tourism potential of the harbour.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification and restates concerns about the impact on the local landscape.

**Feargal & Anne-Marie Mulcahy of Rostellan**

Supports the planning authority reasons for refusal and notes that any substation is outside the requirements for the permission. Additionally:

- Sets out an argument that the noise assessment is inadequate and does not adequately measure background noise or assess the impact on wildlife.
- Argues that permitting the solar farm would be contrary to the green belt zoning.

- It is argued there would be a serious long term negative visual impact on the area. It is argued that the LVIA report is misleading and inadequate and does not reflect impacts on individual residents or on the tourism potential of the harbour and environs.
- Claims that there was inadequate public consultation, and the site notices were not in accordance with the Regulations.
- Argued that the Glint and Glare analysis is substandard and does not reflect possible impacts on wildlife.
- It is argued that the local water supply and road access would be interrupted and there would be impacts on road access for local businesses and farmers.
- Concerns outlined on the claimed denial of right of way to Garranekinnefeake cemetery.
- Negative impact on property values.
- Disputes argument of applicant that the proposed development is appropriate for such an area or that it represents agricultural diversification.

## 8.0 EIAR

The requirements for Environmental Impact Assessment (EIA) are outlined in Part X of the Act and Part 10 of the Planning and Development Regulations 2001, as amended (“the Regulations”). Schedule 5 of the Regulations sets out the various classes and thresholds of development which require mandatory EIA. Part 1 of Schedule 5 lists projects for which mandatory EIA is required on the basis of their type while Part 2 of the same schedule lists projects which require EIA on the basis of their relevant scale/size threshold.

The proposed development which constitutes the provision of a Solar Farm does not fall into a class of development contained in Schedule 5, Parts 1 or 2. Class 15 of the Schedule 5 states that EIA can be required in the case of a development listed in Part 2 that does not exceed a limit specified if it is considered that it that would be likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 of the Regulations (Sub-threshold EIA).

Furthermore, the internal track systems match existing farm access arrangements and therefore do not constitute a ‘private road’ under Class 10 of Part 2 of the Fifth

Schedule (Part10(dd)). These are solely tracks for works and maintenance access and do not fall under the definition of a road under the Roads Act, 1993 (as amended).

I also note that there are no proposals to significantly alter the structure of the land holding or involve any significant removal of field boundaries or hedges or the recontouring of the soil as set out under 'Agriculture, Silviculture and Aquaculture, Class 1 of Part 2 of the Fifth Schedule.

As the proposed development is not of a class listed there is no threshold for EIA and accordingly a subthreshold EIA is not applicable.

Furthermore, having regard to the nature and scale of the proposed development it is considered that any issues arising from the proximity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

## **9.0 Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Legal issues
- Overview
- Principle of Development
- Visual impacts
- Noise
- EMF Interference
- Glint and Glare
- Amenity/health
- Traffic and infrastructure
- Cultural heritage
- Ecology

- Water and drainage
- Appropriate Assessment
- Other issues

### 9.1. Legal issues

The original objectors and numerous observers to the appeal have argued that there was insufficient notice given of the application, and that there was inadequate consultation with local communities and those potentially affected. The application area sprawls over a substantial landholding that spreads over several kilometres and includes a number of discrete parcels of land. It is also a somewhat complex application as there is a parallel SID application for electrical apparatus.

I note that the planning authority were satisfied that all notices were erected in line with the Regulations and no specific anomalies were identified. It is clear from the file details that there was a very substantial engagement with the community during the application period, in the form of many letters of objection. These appear to be from a significant catchment, so there is no apparent evidence that any substantial number of local residents or other interest groups could have been unaware of the application or its overall nature.

While the applicant clearly did not engage with the local community in a manner which could have addressed some concerns, there is no statutory obligation on the applicant or landowner to do this, outside of the requirements of the relevant notification procedures in the Regulations.

I am satisfied therefore that the application was made in accordance with the Regulations and there is no basis for rejecting the appeal on these grounds or for seeking for additional or revised notices.

### 9.2. Overall context

The appeal is for a substantial solar farm on existing farmland – mostly in arable, but some in pasture, on five distinct plots of land along an east-west ridge on the east side of cork Harbour. Most of the identified plots are either on high ground, approximately 100 metres above sea level, or on south facing gentle slopes – the exception being the easternmost plot of land, which is on a gentle rise with a slope to



the west. The area, while being close to Midleton and Cork City, is rural in nature, with extensive areas of agricultural land, woodland, and amenity lands. The major industrial/infrastructure sites around Cork Harbour, including Whitegate and Ringaskiddy, are visible from various points along the coast and uplands. There are recreational and (at a small scale), fishing marinas around the area, although the shoreline tends to be muddy or rocky. There are a number of small villages within the area proposed for the windfarm, including Scartlea Upper and Lower, and a number of clusters of houses, in addition to numerous farms and scattered single dwellings. The historic monastic village of Cloyne is to the east, while the westernmost parts of the site are clearly visible from the small coastal village of Aghada Lower, where many houses on the upper slopes face north towards the western part of the appeal site.

### 9.3. Principle of development

The planning authority refused for reasons relating to development plan policy, specifically policies relating to the Strategic Greenbelt designation of the area and the landscape and scenic route designations.

The opinion of the planning authority is that these outweigh the acknowledged national, regional, and EU level policies aimed at facilitating renewable energy.

The grounds of refusal are as follows:

*The subject site forms part of the Metropolitan Cork Green belt lands designated as Prominent and Strategic Greenbelt and High Value landscape, adjacent to the Cork Harbour area, which is identified as very high landscape value, sensitivity and of national importance. Furthermore, the site borders a designated scenic route (S 51 road from Ballynacorra via East Ferry to Whitegate and Roche's Point) which runs around the entire peninsula of which the lands form a part, also extending southwards towards the Cork Harbour Area.*

*Having regard to the aforementioned designations it is considered that the introduction of an energy development and associated infrastructure of the scale proposed on elevated and visually prominent strategic Greenbelt lands, with a substantial spatial extent, representing a land loss of 126 hectares of*

*agricultural land, would be contrary to policy objective RP 5-13 of the CCDDP (2022) which seeks to 'preserve the character of the Metropolitan Greenbelt' and objective GI 14-16 which aims to '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.' Given the wider associated visual and landscape impacts it would also materially contravene policy objectives GI-14-9, & GO14-10 relating to Landscape and GI 14-13 and GI-14-14 in respect of Scenic routes. Furthermore, it would set an undesirable precedent for similar large scale development proposals in the area.*

*It is therefore considered the proposed development would materially contravene the policies and objectives of the Cork County Development Plan (2022) and would be contrary to the proper planning and sustainable development of the area.*

I note that while the notice states that it is a material contravention, as such, S.372(b) applies if the Board wish to grant permission – i.e. with this appeal I would consider that the strategic nature of an energy development of this scale would allow the Board to grant permission in accordance with paragraph 37(2)(c).

I note that the overwhelming number of the many observers to this appeal, and the original objectors, raised as a core issue the designation of the lands as Metropolitan Greenbelt and the Scenic Route designation.

The applicant in the appeal makes a number of key points, mostly focusing on the strong national and regional support for renewables, specifically solar power, in terms of reducing greenhouse gas emissions and in strengthening the resilience of the grid. The applicant highlights in particular that the Cork Harbour area is one of strategic industrial and energy importance, with the Whitegate refinery and power station close to the site. It is noted that the area is exceptionally well served with power infrastructure, with several high voltage lines running through the lands, and there are high industrial energy users in the Cork Harbour Area. I further note that available online information indicates that this area is among the highest luminance levels in the State with regard to the generation of solar power per unit of panel.

In this regard, the core issue of this appeal comes down to a balance between national/regional policy with specific quantitative objectives for solar energy, and

local development plan policies aimed at protecting agricultural/recreational lands around the Cork urban area and in protecting the amenities and landscape qualities of the Cork Harbour area.

Key policy on solar farms is set out in a series of EU and National level policies, most notably:

EU renewable Energy Directive 2009/28/EC

Promotes and sets out legally binding targets for renewable energy.

European 2020 Strategy for Growth.

Sets out targets for renewables and greenhouse gas emissions.

2030 Climate and Energy Framework

A longer-term framework for cuts in greenhouse emissions and renewable energy.

Energy Roadmap 2050

Sets out differing options for achieving above mentioned goals.

National Energy & Climate Plan 2021-2030

Sets out a detailed statutory set of targets for achieving a 51% reduction in CO<sub>2</sub> emissions with net zero at 2050.

Climate Action Plan (2023)

Sets targets for the proportion of renewable energy in the mix – up to 80% by 2030.

National Planning Framework.

Sets out a number of objectives, specifically NPO 47 and NPO 55 with regard to renewable energy.

Regional Spatial & Economic Strategy for the Southern Region (2020).

Sets out a number of specific policies with regard to the national and EU policies above. Policy RPA 95 sets out an objective to support implantation of the National Renewable Energy Action Plan, and RPO 96 states that it is an objective to support the sustainable development, maintenance and upgrading of the electricity grid infrastructure in order to meet increased demand.

County Development Plan 2022-2028

The lands are not zoned but are within the Strategic Greenbelt in the Cork County Development Plan 2022.

This area is described as an area under strong urban pressure and part of the commuting zone around Cork City. Paragraph 5.5.3 states that a specific strategy ‘could’ be developed, although one is not included in the plan. Under general planning principles, paragraph 5.5.4 of the Plan states that:

*For the purposes of this Plan the following principles underlie the designation of the greenbelts in Metropolitan Cork and around the county towns:*

- *Maintenance of distinction in character between the town or city urban and rural areas by the prevention of unrestricted sprawl of urban areas into the countryside;*
- *Prevention of individual settlements merging into one another; • Strategic protection of land that may be required for development in the future;*
- *To focus attention on lands within settlements which are zoned for development and likely to contribute to the regeneration of areas;*
- *Provision of a source of recreation and amenity and to allow for open countryside to be within easy reach of most built up areas; and • Retention of land in agriculture, forestry or other uses which would otherwise be susceptible to inappropriate development.*

A series of policies (RP 5-11 to 5-18) relate to this designated area. RP 5-13 states that it is an objective to ‘*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.*’

Policy RP 5-17: ‘Strategic and Exceptional Development’ states that it is policy to:

*‘Recognize that there may be development of a strategic and exceptional nature that may not be suitably located within zoned lands and that such development may be accommodated successfully in Greenbelt locations. In such circumstances, the impact on the specific functions and open character of the Greenbelt should be minimised’.*

The site is also identified as a High Value Landscape. The Harbour and estuary area are identified as Landscape Character Type 1, i.e. of very high landscape value and sensitivity (Appendix F)

A designated scenic route (S51) runs from East Ferr to Whitegate and Roches Point. This road runs around the coastal part of the peninsula and runs up to and includes Aghada Lower, from where some of the appeal site can be clearly seen across the bay.

Policy for solar energy is set out in 13.8, which sets out a range of issues that need to be addressed. Policy ET 13-14 sets out further details. Policy ET 13-14 on Solar farm development states:

*Solar Farm Development*

- a) In recognition of national targets and commitments to significantly increase renewable energy production, support will be given to solar farm projects at appropriate locations, where such development does not have a negative impact on the surrounding environment, landscape, historic buildings, or local amenities.*
- b) Promote the development of solar energy infrastructure in the county, in particular for on-site energy use, including solar PV, solar thermal and seasonal storage technologies. Such projects will be considered subject to environmental safeguards and the protection of natural or built heritage features, biodiversity views and prospects.*
- c) Require that new solar farm development proposals be assessed against the criteria listed in this Plan until such time as Section 28 Guidelines on Solar Farm Developments from the Department of Housing, Planning and Local Government are published to supersede same.*
- d) Encourage the use of passive solar design principles for residential building(s) in line with relevant design criteria.*
- e) Support and encourage the installation of solar collectors and panels for the production of heat or electricity in residential and commercial buildings, in line with relevant design criteria.*
- f) All proposed solar developments locating in close proximity to any roads and airport infrastructure will undergo a full glint and glare assessment.*
- g) Proposals for development of new solar developments and associated infrastructure including grid connections will be subject to ecological impact assessment and, where necessary Appropriate Assessment, with a view to*

*ensuring the avoidance of negative impacts on designated sites, protected species and on-sites or locations of significant ecological value*

A number of other relevant policies identified by the planning authority are ET 13-1 on energy, ET 13-21 on the Electricity Network, ET13-22 for the transmission Network and ET 13-25 for the 'National Energy Hub' at Whitegate.

A series of other policies as set out in the development plan area are also relevant, including:

EC 8-1 Cork Harbour

Section 14.7 on landscape.

GI 14-3 Green Infrastructure and Development

GI14-9 Landscape

GI 14-10 draft Landscape Strategy..

GI 14-13 and 14-14: Scenic Routes

BE 15-13 – Noise and light emissions

HE 16-9 Archaeology and infrastructure

BE 15-2: Protected sites, habitats and species

BE 15-6 Biodiversity and New Development.

As can be seen from this overview of relevant policy, there are strong national and regional policies favouring solar farms subject to normal planning and environmental criteria, with something of an absence of site-specific guidance, either in national/regional plans or in the current development plan.

The proposed development is on existing, relatively high quality and intensively used agricultural land. The applicant states that low level agricultural activity will be maintained on the site, although I note that the proposal is for a very high density of panels, which would leave little scope for much grazing. Many of the submissions highlight what they consider to be a loss of high quality agricultural land in favour of what is argued to be an industrial type operation.

This appeal rests very much on an interpretation of the balance between an overall national policy aimed towards a significant and rapid increase in the more benign forms of renewable energy, against specific local policies with regard to protecting landscapes and local amenities. I also note the comments in the planner's report that suggests that the local authority consider that sufficient solar farms have been permitted (if mostly not yet built) to satisfy a reasonable proportion of the national quantitative objectives.

The Metropolitan Greenbelt zoning does not specifically address solar farms and is mostly aimed at preventing inappropriate development and sprawl in the area around the city. It does not directly address energy infrastructure, except insofar as it states that there is scope for permitting unspecified major developments which cannot be accommodated within zoned lands.

With regard to the specifics of the area, I note the heavy concentration of grid infrastructure running north to south more or less between Midleton and Whitegate, and the proximity to the major energy complex at Whitegate (refinery and power station), in addition to a number of other heavy energy users in Cork Harbour. But this must be balanced by the specific objectives to protect the rural amenities of this area and the importance of the eastern harbour area for amenity uses, including forest parks and various nautical activities.

I would conclude that there is no specific policy within the development plan or other related plans precluding large scale solar farms within the area – in this regard I particularly note policy RP 5-17. This policy clearly anticipates the possibility of strategically important infrastructure being permitted within Metropolitan Greenbelt areas, and a solar farm of this nature and scale in my opinion falls within this category.

I would conclude therefore that the strategic importance of such a large renewable energy development overrides the general restrictions set out in the Metropolitan Greenbelt policy section of the Development Plan. Notwithstanding this, there are a number of other key planning policies relevant, especially with regard to the designated scenic route and other policies aimed at preserving the amenities and scenic qualities of the area – I will address these in the relevant sections below.

#### 9.4. Visual impacts

The planning authority, in both its reason for refusal, refers to both unacceptable impacts on a scenic route, and to potential impacts on the overall character of the landscape.

Almost all observers and original objectors to the proposed development outlined strong concerns about the visual impact of the proposed development (including that included in the parallel SID application for the transformer), emphasising the loss of rural amenities, direct visual impacts from public areas and from dwellings. A significant number argued that the LVIA submitted, along with accompanying photomontages, significantly underestimates the real impacts.

The appeal site incorporates several large land packages mostly extending along the high point and south facing slopes of the ridge extending from Cloyne to the narrow channel separating Great Island from the mainland. The landscape is characterised by large open fields in pasture and tillage, bounded by generally unkempt hedgerows. There are several villages in the immediate area, and a number of recreational woodlands in addition to leisure marinas.

My site visit was during early summer, when vegetation is likely to be at its near height – it is likely that in winter the landscape is significantly more open (as indicated in the photographs in the photomontages submitted with the application).

The LVIA and associated visualisations have been strongly criticised by the observers. While there will always be issues with the choice of viewpoints, I consider that they are reasonable, and generally in line with guidelines and best practice for such visual assessments. The main assessment submitted with the application provides a general overview of relevant policy for the area, and outlines the details of the mitigation and restoration measures proposed, which mostly consists of strengthening the existing hedgerow network. I note that glint and glare is raised as a specific issue by a number of observers, I will address that in more detail in the relevant section below, although I note that it is a significant component of potential impacts from such developments.

##### **S51 Scenic route.**

This route runs south from Middleton, runs around the coastal road around the peninsula, then proceeds south along the coast towards Whitegate. For road users



going south from Middleton (or vice versa), the overall topography and other obstruction would mean only very intermittent views of solar panels/associated infrastructure. The minor road running along the north side of the peninsula is well wooded and there would be no clear view of the solar farm, apart from a few gaps in local vegetation. Likewise, the section running south at the western side of the peninsula is well wooded and the high scarp slope would block views towards the solar panels. There would be clearer views of the proposed panels from the sections of the road running along the south of the peninsula – in general, vegetation and topography would block these views, but with adequate planting and mitigation, I do not consider that the impacts would be particularly significant.

From south of the peninsula, the road runs south along a section where there are no clear views of the site. However, for a stretch of the road from several hundred metres east of the village of Aghada to beyond the village, there would be clear views towards the large section of solar panels on the south-west corner of the farm (viewpoint VP18). Most houses in the village face north over Cork Harbour and there are clear unobstructed views towards the windfarm and associated infrastructure from approximately 1.5 km distance. There are viewpoints from dwellings, commercial buildings, and the harbour at Aghada, and what appears to be a popular leisure walk along the coastline parallel to the road. The LVIA characterises the VP sensitivity as high-medium, with a post mitigation significance as moderate-slight/negative' long term.

Because of the clear views towards this element of the solar farm, and the difficulty in mitigation it due to the angle of the slope, and the number of receptors, I would consider this to be by some distance the most significant long distance visual impact of the proposed development. As always with such assessments, there is a subjective element to this, and I fully understand the strong concerns expressed by the observers from the village and surrounding areas. Notwithstanding this, with regard to the overall nature of the site and the area – a working agricultural landscape with significant existing and highly visible infrastructure, in addition to the separation distance between most receptors, I consider the impact to be within the bounds of acceptability, and I do not consider it to be contrary to policy on protecting the Scenic Route.

## **Other viewpoints**

There are also views towards the site from higher ground behind Aghada (including another scenic route which runs south), although these are mostly broken from public areas by the number of dwellings and other structures along the hillside.

I also note the number of observations made concerning the semi-submerged dolmen just south of the peninsula. This is around 300 metres to the west of a former pier and a causeway associated with a long abandoned mine in Rostellan. The woodlands here are a recreation area open to the public, although the trees block nearly all views toward the area to the north. The dolmen itself is not easy to access as there is no direct road or path to it, although its possible for the public to access through the woodland. I would consider that the southern parts of the proposed solar farm would be quite visible from the dolmen, and I would concur with the comments made by observers that a visualisation from this point would be useful, but I do not consider its omission to be serious. A significant number of the submissions included photographs from this location.

There is also a designated scenic route on Great Island, to the west and across the narrow channel separating the two areas (known as the Ballycorra River). This terminates before there are any clear views towards the site. The area along the channel on the Great Island side is scenic, but very well wooded, with little public access to the coast, although there is a recreation area (a woodland) south of the former ferry quay. There are some views east wards the site from the minor road running along high ground parallel to Ballycorra River, but I do not consider that any visual impacts would be anything but very occasional and minor in nature.

The closest public areas to the site would be along the minor third class road that runs west from Scartlea Upper village to the former ferry quay. This road (and another road running south, connecting to Scartlea Lower), would serve the solar farm. Both the panels and associated electrical infrastructure would be visible on both sides of the road, and would undoubtedly be intrusive, albeit this is a road which seems not to be used by many except local residents. There would also be very clear views from the Garranekinnefeake Graveyard (discussed further below). There is little evidence that this very ancient graveyard is much visited, by tourists or locals (it is entirely overgrown and there is no visible desire line across the field to its entrance), but the overall impact on its setting would be quite significant.

The far eastern section of the proposed solar farm, at Bawnard East, is at something of a ridge with steep scarp slopes to the north and west. This area is much more densely populated than the area west of Scartlea, with many individual dwellings along the surrounding road network in the townlands of Scarriff, Kilva, and Bawnard East. The area is intersected by major power lines and there is an existing transformer station on a prominent location at Kilva. Visualisations VP4 and VP 6 are two obvious viewpoints along the road network, but there are other points where I would consider the impact to be just as significant or more so (the scarp slope would prevent views from roads north and west). But in general, the proposed panels are some distance from the road network and would not interfere with any clear views over the landscape.

I note that there are potential views towards the site from the historic village of Cloyne, with its monastic remains, and occasional views from high points in the wider road network. The nature of the topography and high hedges, etc., ensures that they would be intermittent in nature and relatively minor in terms of overall impact.

## **Discussion**

The change in nature of the existing farmland to a non-standard use, and the overall impact on views, the quality of the landscape as a whole, and the overall rural and recreational amenities of the area is clearly the primary concern of the planning authority and the many objectors. There are some clear, albeit quite moderate negative impacts when viewed from both close to the proposed works (in particular from the road west from Scartlea Lower), and the views from Aghada. Within the context of policy for protecting landscapes and the designated scenic routes, this has to be balanced up against the overall strong national and regional policy objective to facilitate renewable energy, the significant scale of the proposed capacity, and its location within an area of high solar gain and close to existing power infrastructure and heavy energy users. I also note the significant mitigation measures set out in the application, in particular the strengthening of native hedgerows along the road system and at the boundaries. Given the nature of the landscape and local topography, I consider that these would be very effective at reducing the undoubted visual impacts of the panels and associated infrastructure.

I would therefore recommend that the Board do not uphold the reasons for refusal as they apply to impacts on local landscape, greenbelt and the designated scenic routes. While the overall impacts are not insignificant, with regard to the high suitability of the lands for solar power generation, national and regional policy on renewable energy, and the overall robustness of the local landscape to take this type of development, I conclude that any impacts are not serious enough to justify a refusal or the deletion of significant areas of the proposed solar farm.

## **9.5. Noise**

The applicants submitted a Noise Impact Assessment Report (NIAR) with the application. The planning authority generally accepted this, but numerous objectors/observers raised specific concerns regarding the report, arguing (in summary), that the background noise assessment was incorrectly carried out with regard to EPA guidelines. It is argued that there are incorrect assumptions within the assessments and incorrect calculations of potential noise arisings, in particular for the substations and associated transformers. It was argued that there is an absence of necessary noise attenuation, and that insufficient regard was given to potential noise impact on wildlife and on sensitive receptors (neurodivergent children) in a nearby school.

Following original objections to the proposed solar farm and comments from the Environment Section, the applicant submitted additional unsolicited information on a number of issues including noise, which included a proposal to relocate an inverter/transformer in Parcel 2. It is stated that they would accept a condition to this end. They also confirmed that it is their view that there are no significant tonal or impulsive components to projected sound levels (i.e. operation sound levels are steady state). It is stated that the applicants are willing to accept conditions relating to operational monitoring of noise at sensitive locations and implementing noise attenuation if it is found to be necessary.

The NIAR itself as submitted provides an overview of the proposed development and the methodology used. It addresses both construction and operational phases – with regard to the first it is indicated that the works would be relatively short in nature and not particularly intensive in terms of noise generation. For the operational phase, the electrical infrastructure is identified as the main noise sources (for the

purposes of the assessment, the transformer station, part of the SID application, is included in all elements including recommendations). Section 2.4 sets out anticipated sound levels during the day and night.

It concludes that the calculated cumulative noise levels (including the 110kV substation) at all residentially occupied dwelling facades are well under recommended room level noise as stipulated under EOA/WHO/BS8233 guidelines. It does not recommend any specific mitigation measures over and above standard measures for either construction or operational phases of the proposed works.

I have noted the submissions with the appeal and the original comments by the Environment Section of the Council regarding noise. Many have questioned the baseline noise assumptions for the area, but I consider them to be in line with what would be expected for a rural area with a regional road running through. Solar farms are not associated with high noise levels, but the inverters, AC condensers and the transformer substation will be a constant source of low-level noise. Some observers noted possible issues with tonal emissions that could potentially impact on residents or school children beyond what would be expected from energy (noise) levels alone. This is an emerging area of concern with many types of energy infrastructural development. Notwithstanding this, the types of electrical infrastructure proposed to facilitate the solar panels are not novel, available data on noise emissions from these are well studied with the parameters for potential noise well established.

Scartleigh National School, which is located on the R630 in Scartleigh Lower, is located less than 500 metres from parts of the solar farm, although substantially further from the main identified sources of noise – it is more than one kilometre from the proposed 110kV substation. The school has stated that it has particularly sensitive neurodivergent students. I note this, but with regard to the overall location of the school relative to the relevant infrastructure, there does not appear to be a basis in scientific evidence that there would be any effects. Notwithstanding this, as a precautionary measure I would recommend a condition ensuring long term monitoring of noise, with the provision for moving any apparatus if there is a demonstrable impact.

Several observers raised concerns on the impact of noise on wildlife – I will address this in the relevant sections on ecology and Appropriate Assessment further below.

I conclude that the NIAR (including the subsequent clarification letter sent as unsolicited information) is adequate and is in accordance with stated guidelines for noise assessment. While some noise emissions outside the bounds of the site are possible, especially in the nighttime, all the evidence on file indicates that it would be well within normal bounds for an area of this nature and would not be in any significant sense more intrusive than existing electrical infrastructure in the area. Notwithstanding this, as there is always an element of uncertainty with noise emissions from the operation of such plant, not least the potential for poorly maintained plant to become noisier over time, or to change its tonal quality, I consider a condition setting requiring a protocol for long term monitoring, including the possibility of re-positioning AC Condensers or inverters/transformers if a problem arises to be a reasonable approach to addressing any potential amenity or health impacts from the proposed works.

#### **9.6. EMF Interference**

The applicant submitted a report assessing potential electro-magnetic field impacts of the proposed development, specifically on the existing mobile phone network. The closest telecom mast to the proposed works is at Cloyne, 0.7 km distance. The applicant contacted the operators for pre-application consultations. There were no objections from the statutory consultees on this basis and the report concluded that there are no potential impacts.

#### **9.7. Glint and Glare**

A Glint and Glare Assessment (GGA) was submitted with the application and appeal. There is currently no standard Irish guidance on GGA – the submitted document provides an overview of the methodology used and states that it is in line with best practice in Ireland and the UK, and also refers to US guidance on assessing risks to aviation or road traffic. I consider that this report is comprehensive and is in line with general good practice.

To mitigate possible impacts, the proposal states that the primary form of mitigation will be enhancing existing hedgerows and to include early-stage additional planting – this is part of the overall mitigation and landscaping plans submitted.

A total of 205 potential residential receptors (i.e. inhabited houses) were identified, with eleven having some potential for impacts post-mitigation. More detailed assessment on these dwellings (identified in the report), state that with mitigation the impacts will range from very low to medium-low. The report states that these impacts are theoretical and represent the worst case scenario. It concludes that in a real world scenario the impacts on these dwellings will not represent a significant nuisance.

Section 4.5 of the GGA assesses impacts on transport routes (road and rail). It identifies a total of 18 points for which there is a post-mitigation theoretical potential for impacts. It concludes that as these would be very brief and intermittent and as such cannot be considered to generate a significant nuisance or hazard effect for road or rail users.

With regard to aviation, it is noted that there are no registered aerodromes or airports within 10km and no major airport within 15km, and as such following IAA and DAA protocols there is not considered to be any potential for a hazard.

A number of residents from Aghada and environs expressed strong concerns over the potential for glint and glare towards the village. This area is to the south and south-west of the proposed sites and as such the angles of the sun will ensure this would not become a nuisance or a significant issue with appropriate mitigation as proposed.

While the GGA does identify a number of receptors with theoretical impacts, I am satisfied from the evidence available that any such impacts would be infrequent and intermittent and so would not result in either a serious impact on residential amenity (or property values) or constitute a hazard.

## **9.8. Traffic and infrastructure**

The applicants submitted a Construction and Environmental Management Plan, a Decommissioning & Restoration Plan and a Site Access Report to address issues associated with on and off-site construction and associated issues.

A large number of submissions addressed concerns about additional traffic during construction (operational traffic is likely to be very low), and the potential of damage to roads and underlying utilities and interference with existing accesses.

There are five identified major accesses identified, all existing or former agricultural field entrances. It is anticipated that construction would take 14 months in total with a further 4 months of site work for commissioning. It is anticipated that over this period there would be an average of 11 heavy vehicle visits per day. The site is to be unmanned so there would be just 2-4 visits per month for maintenance. It is noted that all five major fields are intensively used for agriculture, with a total estimated number of 206 trips per annum for tractors and related agricultural vehicles.

Section 5 of the Site Access Report outlines the individual proposed accesses, with delivery routes and a swept path analysis and site line appraisal for each. The Construction and Environmental Management Plan outlines further standard details for the control of traffic and related issues. I note that the planning authority was generally satisfied that these accesses were appropriate for the scale of traffic proposed. Given the nature of the works proposed, which primarily involves the importation of standard size components and can be done over a relatively long period, and having regard to the nature of the existing land as moderately intensively worked agricultural land, I would conclude that the subject to appropriate conditions relating to the provision and control of adequate access and the upgrading/protection of road pavement around the accesses, the impacts would not be out of the ordinary for an area of this nature.

Multiple submissions raised concerns about the impact on local infrastructure, specifically water pipes following the minor road network. While obviously heavy vehicles can cause damage to such pipework, this is fully addressed under the submitted construction plans – as the overall loading over time would not greatly exceed that for tillage vehicles, I do not consider that there would be impacts over and above what would be normal for such an area and can be addressed through road authority powers and by way of condition.

I conclude that the information submitted with the application addresses the key concerns regarding construction and operational traffic and related impacts – I consider that with standard conditions relating to the final agreement of a construction management plan the proposed solar farm would not represent a significant increase in overall traffic load or related hazard in the area.



## 9.9. Cultural heritage

The applicants submitted a document entitled an Archaeological, Architectural and Cultural Heritage Impact Assessment (AACHIA) of the lands. It states that this was carried out in consultation with the DOHLGH National Monument Service and the Cork County Council archaeologist.

It notes that there are no Recorded Ancient Monuments on the development site, but there are two, CH023 and CH024 immediately adjacent to Area 5 and within or adjacent to the landholding. These are within Garranekinnefeake Graveyard, the impact on which has been raised as a concern in nearly all the submitted objections and observations.

The report also notes a number of buildings within 1km of the site on the NIAH, and identifies a number of undesignated cultural heritage sites in the vicinity. Aerial photography was used in addition to a field inspection. The latter did not identify any previously unidentified features of interest.

The report outlines a number of mitigation measures, including the establishment of an exclusion zone around all known archaeological sites during the works, advanced geophysical tests to be carried out in some areas, in addition to test trenching where groundworks are to take place.

I note from the planner's report that there were some concerns regarding whether a field walk was sufficient to study the site. The lands have a long history of use, including tillage, so there are unlikely to be significant remains, although the field boundaries appear to be old and may include unrecorded remains. None of these boundaries are to be substantively altered.

The site is within the visual envelope of a number of recorded ancient monuments (including the semi-submerged dolmen to the south), and buildings on the NIAH. I do not consider these to be serious in nature due to the separation distance and the extent of vegetation cover and the topography of the area. The dolmen is not easy to access and while some of the panels may be visible from around it, I would consider that the overall setting is not affected.

The most significant impact is on the pre-medieval graveyard at Garranekinnefeake. This is a circular stone enclosure, heavily overgrown, with scattered 18<sup>th</sup> and 19<sup>th</sup> century tombstones, the earliest identified one dating from 1714, although it seems

likely that the graveyard is much older. There are also the remains of a rectangular church of some 10 by 5 metres. This site is clearly of importance, although there seems to have been relatively little study of it – nothing of substance is available from sources I'm aware of. It is located within a field – in pasture at the time of my site visit. I saw no evidence that this site is in any use by locals or tourists – there was no visible path or desire line from the main farm gate entrance to the site, and the graveyard is entirely untended and heavily overgrown.

It is not proposed to disturb the graveyard or the immediate environs, but the setting will change significantly, as large panels will be visible to the south and west. There will also be a construction access and maintenance track laid running past the graveyard. The mitigation measure set out include for excluding the area around it from all construction activity.

I would consider the impact on the setting of this feature to be quite significant, but I am satisfied that there would be no permanent direct impact on the recorded monument or its immediate surroundings. I would recommend that all areas to be subject to ground disturbance surrounding the site (including the access track), be subject to archaeological trenching and geophysical analysis if required.

In other respects, I conclude that the overall impact on the cultural heritage of the area, either directly or by way of indirect visual or other impacts, are low and can be mitigated successfully by way of condition.

#### **9.10. Ecology**

Separate from the issue of impacts on designated EU habitats/species (addressed in the AA section below), the applicant submitted an Ecological Impact Assessment of the site. A number of submissions raised concerns about the impacts on wildlife, including removal of habitat, and noise/glint and glare impacts on wild birds and other species.

The Assessment included a field survey, which identified the lands as being primarily arable, tilled, improved grassland, with some wet grassland (in parcel 3). The lands are also bounded with typical hedgerow. Other habitats include treelines, some scrub, with old stone walls and artificial surfaces. A small watercourse was

identified in Parcel 3. I noted in my site visit that since that time much of the grassland has been allowed to grow and some constituted a rich meadow.

The desk top survey indicated that a total of 167 bird species have been recorded historically for the 10km grid encompassing the area. This is mostly farmland and woodland bird, in addition to waterbirds and pelagic species. There was no identified habitat for nesting owls, sand martin, merlin or hen harrier, although some of the identified habitats could provide suitable foraging opportunities for these species.

There are also records in the overall area of a number of mammal species, including otter, although no suitable habitat was identified for the otter or other protected species. Two active badger setts were identified in the field survey.

The survey concluded that the habitat of highest value for most bird species are the field boundaries. It is anticipated that the landscaping plan, which includes the bolstering of 18,900 metres of hedgerow will enhance the value of this feature for a wide variety of birds and mammals. Additionally, there are included 'Annual Biodiversity Plots' within the site (following guidance in the All Ireland Pollinator Plan). It is submitted that this will enhance the lands for pollinators and related species.

The works will involve extensive disturbance of the existing agricultural lands, with a loss of associated habitats. The Ecological Assessment provides an overview of the available literature on the operational effects of solar farms, in particular the potential for either glare from the panels or reflected light, to either disturb nesting birds and other species, or confuse some birds into thinking it is standing water, resulting in some mortality. The discussion concludes that there is no basis in the existing scientific literature for concluding that this would be a significant issue.

I am satisfied from the evidence submitted and available scientific literature that the mitigation measures set out in the plans (specifically the hedgerow strengthening and proposed ongoing habitat maintenance) will minimise any direct impacts on existing wildlife within the lands, or potential foragers or nesting birds.

In the longer-term operational period, on balance I would conclude that the works to the hedgerows will enhance the lands for wildlife, although there is potential loss of wet and improved grassland. I would not consider this loss to be significant in the overall local context.

#### **9.11. Water and drainage**

The proposed works do not significantly alter the absorption capacity of the agricultural lands (none of the land has been identified as having a history of flooding), but clearly a coverage of solar panels will alter the nature and possibly constitution of run-off within and from the lands. One small watercourse is identified within the site and there are a number of field drains along the boundaries.

Section 7 of the Site access Report addresses drainage at the entrances of the site, and potential impacts from constructing/using the entrances. The Construction/Environmental Management plan similarly addresses these issues and the required mitigation measures.

In overall terms, there would not be a significant increase in run-off from the site compared to existing or potential agricultural uses, subject to appropriate mitigation during construction. Standard mitigation measures as set out in the Construction and Environmental Management Plan and appropriate standard conditions will address concerns of flows at the site entrances, along access roads, or at field drains.

#### **9.12. Appropriate Assessment**

As part of the overall Ecology Assessment submitted with the application, a screening for AA was carried out, and on this basis an NIS was produced and submitted with the application and appeal.

The proposed development is on five distinct land blocks of agricultural land, with links between them via existing roads.

The closest Natura 2000 site is the Cork Harbour SPA, some 200 metres to the south. Great Island Channel SAC is located within 1km of the site to the north and west of the site. Part of the site drains to Cork Harbour, with a minor stream arising on the lands flowing into the Great Island Channel SAC. There are two other EU designated sites within 15km, the Ballycotton Bay SPA (8km away) and the Ballymacoda SAC (14km away).

The Cork Harbour SPA is designated for its internationally acknowledged importance as an overwintering site for waterfowl. It supports internationally important populations of Black-tailed Godwit and Redshank. It also includes

nationally important populations for a total of 9 species of waterbird. It also has nationally important breeding colony of common tern. In total, there are 22 species noted for which the Harbour is of national or international importance.

The great Island Channel SAC is selected for its importance for a series of coastal and intertidal habitats including tidal mudflat and sandflats and Atlantic salt meadow along with associated plant, invertebrate and bird species.

The Ballycotton Bay SPA, site code 004022, situated on the south coast, is a complex of coastal habitats including intertidal sand and mudflats. It supports a diversity of wintering waterbird species. Two, the Golden Plover and Bar Tailed Godwit, are listed on Annex 1 of the Birds Directive.

The Ballymacoda (Clonpriest and Pillmore) SAC, site code 000077, is a coastal site between Cork Harbour and Youghal. It is designated for five habitats – estuaries, tidal mudflats/sandflats, Salicornia Mud, Atlantic Salt Meadows, and Mediterranean salt meadows. Part of the site is also an SPA, for its value as an overwintering site for waterfowl. It is considered a fine example of an estuarine complex, with several Annex I habitats and Birds Directive Annex I species.

Due to the nature of the proposed development, the separation distance between the appeal site lands and the designated habitats, in addition to the absence of any pathways for pollution or other possible indirect impacts I concur with the conclusion of the submitted Screening that the Ballycotton Bay and Ballymacoda sites can be screened out.

The Screening concludes that there is potential for the construction phases of the project, in particular the potential for silt/pollutants entering watercourses), and the potential disturbance of bird species could impact both the Cork Harbour and Great Island Channel SAC sites, without the implementation of specific best practice or mitigation measures. It is also noted that there is a potential for indirect habitat loss and the displacement of feeding birds from the area both during operational and construction phases, although the latter are not considered to be significant due to the existing intensive agricultural use of the lands.

While the Screening does not address the issue in detail, the ecological study and related submissions associated with the application/appeal address the potential impact of the solar panels on bird life by way of glare and noise impacts, and

possible collision risk. I am satisfied from the information provided that there is no reasonable scientific basis for considering that solar panels at this distance from the nearest two designated sites could have a significant effect on any of the stated conservation objectives.

It is therefore concluded on the basis of potential indirect water pollution impacts that the proposed development, either individually, or in combination with other lands or projects, could have a significant effect on the Cork Harbour or Great Island Channel Natura 2000 sites. Therefore, a stage II NIS was considered necessary. I concur with this conclusion as the proximity of the site to Cork Harbour and associated habitats, and the hydraulic connection between the site and two designated sites ensures that some impacts cannot be ruled out.

### **Natura Impact Statement**

The site is close to and within the hydraulic catchment of Cork Harbour, which includes the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058). At its closest, it is 0.2 km from the SPA and 0.6 km from the SAC.

#### Cork Harbour SPA:

This SPA covers most of the semi-enclosed Cork Harbour area and is considered to be of major ornithological significance being of international importance both for the total numbers of wintering birds and the number of species which occur regularly that are listed on Annex I of the EI Birds Directive. The site provides both feeding and roosting sites for the various bird species that use it. Its conservation objectives relate to maintaining the favourable conservation condition of the following qualifying interests:

Little Grebe, Grey Plover, Great Crested Grebe, Lapwing, Cormorant, Dunlin, Grey Heron, Black Tailed Godwit, Shelduck, Bar tailed Godwit, Wigeon, Curlew, Teal, Redshank, Pintail, Black-headed Gull, Shoveler, Common Gull, Red breasted Merganser, Lesser Black-backed gull, Oystercatcher, Golden Plover and Common Tern (the latter is the only conservation interest bird that breeds around the Harbour). The former birds are all wintering bird species.

#### Great Island Channel SAC

The SAC has a conservation objective to maintain or restore the favourable conservation condition of the following habitats:

- Mudflats and sandflats not covered by seawater at low tide.
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*).

With the exception of some wet meadows where rivers meet the Harbour, the boundaries of these two designated habitats largely coincide with the high tide mark and consist largely of the intertidal zones.

I note that the different parcels of the landholding almost entirely consist of well-drained soils with limited surface water or visible evidence of high water table.

The NIS distinguishes between the construction/decommissioning and operational phases of the works and focuses on surface water impacts during the construction/decommissioning phases.

The NIS acknowledges the conclusion of the Screening that the construction phase elements of the project have the potential to impact the two designated sites in the absence of implementation of best practice measures or site specific mitigation measures during construction and eventual decommissioning. The focus is on the potential for run-off into the aquatic environment nutrients or contamination. It is stated that this could interfere with the feeding resource within the harbour or could cause disturbance/displacement of identified species.

In Section 4 of the NIS, a series of standard CEMP measures are set out to prevent water contamination outside the bounds of the site during the works. These are all normal best practice measures for such works. They include controls on dust for trucks entering or leaving the sites to prevent material entering road drains. An Ecological Clerk of Works is to be appointed for both construction and decommissioning. In addition, a number of additional mitigation works are identified (there is more detail in Appendix B of the NIS). This includes walkovers by a suitably qualified ecologist to identify specific ecological constraints on site and to ensure the maintenance of existing buffers, and the timing of works to ensure no interference with nesting or feeding birds. Table 4 of the NIS sets out the checklist for the identified Natura 2000 sites within the project Zone of Influence.

The NIS concludes that the best practice measures and mitigation measures set out in the report and associated application documents will ensure that potential pollutant sources are not released to the environment and the potential for disturbance/displacement effects on identified species is minimised such as there is no risk of adverse effects on the qualifying interests of the SPA and SAC.

On the basis of the information on file and my site visit, I am satisfied that this is the case – the lands are on well drained soils with just the one minor watercourse, with appropriate management any risks of spillage or soakage off-site can be controlled and there is sufficient attenuation (ground and surface waters) between the lands and the designated habitats that any minor residual run-off would not be significant.

The two designated habitats are both associated with the tidal nature of the Harbour and associated habitats and overwintering birds – the one exception is the common tern, which nests in the region. Terns are ground nesting birds and nest in colonies – no such colony has been recorded on the lands, and it is not considered optimal for breeding. The nesting birds within Cork Harbour apparently favour artificial structures, notably derelict steel barges and a Martello Tower. As such there is no evidence that the works on the lands would have any impact on this species.

I note that while the NIS focuses on the construction/decommissioning phase of the works on the basis of the screening, quite a few of the submissions relating to wildlife impacts raise concerns about the operational elements, notably noise and glare. I am satisfied from the evidence available on file that these are not a significant issue with regard to any of the conservation interests identified, and as such were correctly screened out.

I also note that the proposed development can only be carried out with the associated electrical infrastructure in the related SID application (**ABP-318685-23**). These works are on the landholding and I am satisfied that any cumulative impacts have been adequately addressed in the documents submitted. I do not consider that there are any other known developments in the area which would directly, indirectly, or cumulatively, impact on this conclusion. I am satisfied that there is no reasonable scientific doubt regarding this conclusion.

I have considered the proposed development in light with the assessment requirements of Sections 177U and 177V of the Planning and development act 2000 as amended.



Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058). Consequently, An Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites no's 004030 or 001058, or any other European site, in view of those sites Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt as to the absence of adverse effects. In coming to this conclusion I have had regard to:

- The nature of the proposed development and the details set out in the application documents for the control of pollution during construction and decommissioning;
- The existing agricultural use of the lands;
- The overall nature and drainage characteristics of the land;
- The distance between the lands, the haul routes, and the designated habitats; and
- The identified feeding and nesting behaviour of the identified bird species within the SPA.

#### **9.13. Other issues**

A number of issues were raised in submissions regarding overall non-specific impacts on amenities, health and property values. Solar farms are generally among the least impactful of the major types of energy development, with the most significant issues associated with the electricity infrastructure required, not specifically the panels. As I have outlined above, the directly measurable impacts on landscape, noise, EMF's etc., are generally low or negligible from the proposed development, but there are potentials for cumulative impacts from different aspects of the proposed development, and other developments in the vicinity, to have an

impact beyond what would be considered acceptable for a rural area such as this, or for the existing settlements at Lower Aghada, Cloyne and Scartlea/Saleen. I would in particular note the potential cumulative impact with the extensive existing electricity infrastructure around Bawnard East and Kilva.

Notwithstanding this, I would conclude that individually or cumulatively the overall impacts do not seriously injure local amenities or health and would not compromise local property values.

I would recommend a condition setting a bond to ensure appropriate decommissioning and restoration of the lands. I note that the proposed development would be subject to a S.48 Development Contribution.

I am satisfied that in all other respects there are no other issues arising in this appeal.

## **10.0 Recommendation**

I recommend that the Board grant permission for the proposed development for the following reasons and considerations, subject to the conditions set out below.

## 11.0 Reasons and Considerations

Having regard to:

- (i) European, national, regional, and county level support for renewable energy development as follows:
- (ii) The provisions of the Cork County Development Plan 2002-28
- (iii) The governments Climate Action Plan 2023,
- (iv) The governments Project Ireland 2040 National Planning Framework,
- (v) The Regional Spatial and Economic Strategy for the Southern Region
- (vi) The nature, scale, and extent of the proposed development,
- (vii) The documentation submitted with the planning application, including the Natura Impact Statement, Planning and Environmental Statement, Construction and Environment Management Plan, EMF/EMC Impact Assessment report,; Noise Impact Analysis Report; Site Access Report, Archaeological, Architectural & Cultural Heritage Impact Assessment Report, Decommissioning & Restoration Plan; Electrical Infrastructure – Construction Methodology, Glint and Glare Assessment; and Landscape and Visual Impact Assessment.
- (viii) the nature of the landscape and its capacity to visually accommodate the proposed development without significant adverse effects,
- (ix) mitigation measures proposed for the construction, operation, and decommissioning of the site, and
- (x) the submissions and observations on file including those from prescribed bodies, the planning authority and other third parties.
- (xi) the location of the proposed development within an ecologically and visually robust landscape,
- (xii) the separation distances between the proposed development and dwellings or other sensitive receptors,
- (xiii) the planned connection of the proposed development to the national electricity grid,

- (xiv) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the absence likely significant effects of the proposed development on European Sites.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Cork County Development Plan 2022-2028, would not seriously injure the visual or residential immunities of the area or otherwise of property in the vicinity or have an of unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic safety, public health and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements.

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 Appropriate Assessment Screening Report and relevant submissions and concluded that the Cork Harbour Special Protection Area Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058) are the only European Sites in respect of which the proposed development has the potential to have a significant effect and must, therefore, be subject to Appropriate Assessment

### **Appropriate Assessment Stage 2.**

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058), in view of these sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In carrying out the Appropriate Assessment, the Board considered, in particular, the following:

- The likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- The mitigation measures which are included as part of the current proposal, and
- The conservation objectives of the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the report of the Inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

## 12.0 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 the commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The period during which development hereby permitted may be carried out shall be 10 years from the date of this Order.

**Reason:** Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. The permission shall be for a period of 40 years from the date of the commissioning or decommissioning of the solar array. The solar array and related ancillary structures shall be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

**Reason:** To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

4. 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. The mitigation measures identified in the Natura Impact Statement, which was submitted with the application, shall be implemented in full. The Planning and Environmental Statement, the Construction and Environmental Management Plan and landscaping plans shall fully incorporate the mitigation measures contained in the Natural Impact Statement. The Planning and Environmental Statement, the CEMP and related plans shall then be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area, and to ensure the protection of the European sites.

6. The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

**Reason:** To protect the environmental and natural heritage of the area.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall agree such details in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of environmental protection.

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

- (i) Details of the site and material compounds, including areas identified for the storage of construction refuse;
- (ii) Details of areas for construction site offices and staff facilities;
- (iii) Details of site security fencing and hoardings;
- (iv) Details of on-site car parking facilities for site workers during the course of construction;

- (v) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (vi) Measures to obviate queuing of construction traffic on the adjoining road network:
- (vii) Measure to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (viii) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels'
- (ix) The containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (x) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (xi) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

9. All road surfaces, culverts, watercourses, verges, underground services and public lands shall be protected during construction, and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure a satisfactory standard of development.



10. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

- (i) An LAeqT value of 55 dB(A) during the period of 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
- (ii) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

All sound measurements shall be carried out in accordance with ISO Recommendation 1996-2007: Acoustics – Description and Measure of Environmental Noise.

**Reason:** To protect the amenities of property in the vicinity of the site.

11. Prior to the commencement of development, the developer shall agree with the planning authority a protocol for the monitoring of noise from electrical apparatus within the sites. This protocol shall include provision for the shielding or removal of any such apparatus in the event of the exceedance of agreed noise limits as perceived at identified receptors.

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

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall;

- (i) 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,

- (ii) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (iii) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
- (iv) 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.

13. Prior to the commencement of development, the developer shall lodge with Cork County Council 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 facilitating development in the area of the planning authority that is provided or intended to be provided by or on behalf of an 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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Philip Davis  
Planning Inspector

19<sup>th</sup> June 2024