



An
Bord
Pleanála

Inspector's Report ABP-318685-23.

Development	10 year planning permission for a 110kV electricity substation to serve a solar farm.
Location	Rathcoursey townland, County Cork.
Planning Authority	Rathcoursey Solar Farm Ltd.
Applicant	Rathcoursey Solar Farm Ltd.
Type of Application	Section 182A.
Observers	Listed within report.
Date of Site Inspection	3 rd June 2023.
Inspector	Philip Davis.

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1.0 Introduction

This application has been made under Section 182A of the Planning and Development Act, 2000, as amended, for a 10 year permission for a 110kV substation required to facilitate a solar farm. The solar farm was refused permission by the planning authority and is now under appeal – **ABP-317994-23**. This report should be read concurrently with that appeal.

An NIS was submitted with the application to cover both proposed developments.

2.0 Site Location and Description

The appeal site, with an area given as 3.4 hectares, is part of an agricultural field in Rathcoursey townland, located approximately 5 km south of the town of Midleton. The site is on a high point of a peninsular ridge which extends into the north-east corner of Cork Harbour, east of Great Island. A narrow channel, the Ballycorra River, separates Great Island from the peninsula. The high point of the ridge is around 94 metres AOD. A single country road runs along the spine of the peninsula, with a coast road running along its entirety. A ferry once linked the peninsula to Great Island, but is now out of use – the former ferry pier is now a sailing marina on the Great Island side.

The site is irregular in shape and is intersected by an existing 110 KV line which runs from Great Island, crosses the Ballycorra River near the former ferry quay, then runs south-east then south towards Whitegate Refinery/power station to the south. It is accessed via a farm gate. It is mostly in use for wheat cultivation. The site is located on the north side of a minor third-class country road (L7657) which runs along the spine of the peninsula from the R630 at the village of Scartlea Upper to the ferry quay. The site is within a much larger landholding, agricultural in nature, but subject to planning permission (now under appeal) for an extensive solar farm. It is bounded by ditches and hedgerows, and there are a number of small farm structures in and near the site. There is a farmhouse within the landholding on the opposite side of the road.

3.0 Proposed Development

The proposed development is described in the site documentation as follows:

- A 110 kV AIS electricity substation (with 33kV customer compound) including two control buildings, associated structures and lighting, water and drainage infrastructure, temporary construction compound) to connect and to serve a solar farm,;
- Associated loop-in / loop out infrastructure to connect into an existing 100kV overhead transmission line (including underground 110kV cabling, 2 No. new interface towers and decommissioning of ca. 72 m of existing 110kV overhead line);
- Construction and operational access from the public road L7657;
- All ancillary site development, landscaping and earthworks, including formation of berms.

The Development subject to this application forms part of grid connection and access arrangements which will facilitate the connection of the proposed Rathcoursey Solar Farm (ABP Ref; PL04.317994) to the national grid.

A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

The application is submitted with a number of documents, including a letter of permission from the landowner; a Construction and Environmental Management Plan; a site access report; an EMF/EMC Impact Assessment Report; a Noise Impact Analysis Report; a Landscape and Visual Impact Assessment, an Archaeological, Architectural and Cultural Heritage Impact Assessment, a Construction methodology, an EIA Screening and a Planning and Environmental Statement, and associated plans and other documentation.

4.0 Submissions

4.1. Prescribed Bodies

Cork County Council

In its submission, the County Council provides an overview of the application and notes the recent planning history, the refusal of permission for one reason for **23/5270** (now under appeal). The planning authority requests that the Board refuses planning permission for the same reason.

The report outlines national, local and regional planning policy in relation to renewables, and highlights specific policies in the development plan on the electricity network, specifically ET 13-1; ET 13-21; ET 13-22; and ET 13-25. These policies generally look favourably on facilitating improvements to the regions electricity infrastructure subject to environmental and amenity considerations. The latter policy seeks to safeguard the national energy hub at Whitegate.

The report by the planning authorities highlights the issues with the overall solar farm development and repeats its view that a refusal should be issued for the same reasons – i.e. landscape impacts and that it is contrary to the Metropolitan Greenbelt designation.

The Planning Authority is generally satisfied that the development can be accommodated in terms of traffic (construction and operational). It is noted that there are no recorded ancient monuments on or close to the site, it is requested that as part of a further information request a geophysical survey be carried out prior to any permission.

It is considered that there would be minimal ecological impacts due to the agricultural nature of the lands.

With regards to noise, it is requested that additional information be requested on operational noise impacts to clarify issues raised by the Council Environment Officer.

To conclude, the planning authority restate that they consider that the proposed development should be refused for generally the reasons set out for the associated solar farm.

A number of items of further information is recommended if the Board is minded to grant permission.

The report includes internal consultees memos (archaeology, environment, engineer), reflecting the overall comments in the report above.

Transport Infrastructure Ireland

Statements made by the applicants with regard to oversized loads in Section 4.3 of the Planning Environment Report and Section 4 of the Construction Methodology Statement are noted. The operator is advised that a permit would be required from the local authority for such an oversized load.

TII considers that a full assessment of the developer of all structures on the natural road network should be undertaken where relevant.

The developer will need to demonstrate consultation with all PPP companies, MMarC contractors and relevant road authorities on such haul routes.

Uisce Eireann

States that a connection is feasible without infrastructure upgrades. Requests conditions covering the following requirements:

- The applicant shall sign a connection agreement with Uisce Eireann prior to any works commencing and connecting to the Irish Water network.
- Uisce Eireann does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved.
- Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Uisce Eireann for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to a connection agreement.
- All development shall be carried out in compliance with Irish Water Standards, Codes and Practices.

4.2. Third Party Observations

A total of 41 observations were submitted, all opposing the proposed development. I further note that many objectors to the concurrent appeal added their opposition to the transformer station. I would note that many of the issues raised overlap between the two proposed developments. I would summarise the main points raised by the observations as follows:

- It is argued that the overall development is contrary to CDP policy and specifically the Green Belt designation (i.e. supporting the reason for refusal for the solar farm).
- Many submit that there was inadequate consultation with locals and the site notices were not erected in accordance with the regulations.
- Concerns over the potential impact on the landscape and local views – these include close-by views from the road and local dwellings, in addition to views from across the harbour, in particular from the Aghada area 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 some detail that the noise assessment submitted is inadequate and understates potential impacts.
- Traffic impacts, including the damage of road and water infrastructure by construction traffic and potential safety issues.
- Interference with access to a recorded ancient monument, a local cemetery.
- The NIS is argued to be inadequate and specific concerns are raised about the impacts of noise on birds.

Alan Pomphrett of Saleen, Cloyne

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission. Argues that any decision is prejudicial to the appeal for that solar farm (**ABP-317994.23**) and vice versa.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access are outlined in some detail.

Ashling Doherty of Lower Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm and notes the very large number of objections to that proposal.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Expresses concerns about the impact on Natura 2000 sites in Cork Harbour.

Submits a series of arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, outlines arguments in relation to negative impacts on wildlife from noise emissions.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Joanna Curtis of East Ferry

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the Cork Harbour area.

Objects on the basis that the LVIA assessment is inadequate and does not accurately identify visual impacts, particularly from the Lower Aghada area or Rostellan.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies due to possible damage to pipelines along the public road.

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Ken and Gillian McIlreavy of East Ferry

Notes that the proposal is integral to the current appeal for the adjoining solar site.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Notes very large number of objectors to both proposed developments.

Submits arguments that the noise assessment is inadequate as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife are claimed.

Noise report in support of the above is attached.

Argues that the Landscape and Visual Impact Assessment (LVIA) is biased and inaccurate.

Objects on the basis that there has been inadequate consideration of potential impacts on the two nearby Natura 2000 sites.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Objects on the basis of a negative impact on the property value of their residence.

Attaches a noise report from Enfonc Limited and a photo showing a view from their property towards the site.

Leonard O'Driscoll of Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm – argues that this solar farm is contrary to development plan policy.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Submits that it is contrary to the Metropolitan Green Belt zoning for the area.

Argues that the Landscape and Visual Impact Assessment is inadequate and misleading.

States that there was inadequate consultation and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Robert Keane of Lower Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm and outlines his opposition to this solar farm.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies from road damage (i.e. the presence of under-road water pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access outlined.

Maura Kelly of Bawnard West

Notes that the proposal is integral to the current appeal for the adjoining solar farm and that the objection covers issues relating to both proposals.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that it is contrary to the Metropolitan Green Belt zoning designation of the lands.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Requests that ABP refuses permission for both proposed developments.

Seamus O'Driscoll of Scartlea Lower, Cloyne

Objects on the basis of noise impacts on a rural area and the potential impact on wildlife, including bats.

Argues that it is out of scale with the area and will be highly visible even over hedgerows.

Outlines concerns about drainage and run-off.

Ashling Doherty of Rostellan

Notes that the proposal is integral to the current appeal for the adjoining solar farm – attaches photographs of the overall landscape and emphasises opposition to both proposed developments.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife by way of noise emissions are claimed.

Submits that it is contrary to the principles behind the Metropolitan Green Belt zoning designation.

States that there was inadequate public and community consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Catherine Daly of Lower Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm and objects to both. Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Submits arguments that the noise assessment is inadequate as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and notes the absence of noise attenuation. Also, a negative impact on local wildlife claimed.

Submits that it is a breach of the Metropolitan Green Belt zoning designation of the area.

Argues that the Landscape and Visual Impact Assessment is misleading and inadequate.

Argues that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Geraldine O'Brien of Whitegate.

Includes a number of photographs indicating the potential visual impact of the proposed development.

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impacts on wildlife claimed.

Submits that it is a breach of the Metropolitan Green Belt zoning designation in the County Development Plan.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Mary Fitzgerald of Lower Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm and objects to both.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, a potential negative impact on wildlife claimed.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

Argues that the Landscape & Visual Impact Assessment (LVIA) is inadequate and uses misleading visualisations.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Barry Moran and Nora Moran of Aghada

Submits that the applicants have no interest in green energy and has no connection with the area or local community.

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative noise impacts on wildlife claimed.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Breeda Cullinane of East Ferry

Notes that the proposal is integral to the current appeal for the adjoining solar farm and as such all arguments apply equally to the concurrent appeal.

Submits that the proposed development would have a significant impact on the nearby two coastal Natura 2000 sites.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Submits detailed arguments that the noise assessment submitted with the application is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Submits that it is contrary to the Green Belt zoning designation of the area.

Argues that the Landscape and Visual Impact Assessment is inadequate and misleading. It is stated that some residents would have direct unscreened views towards the substation.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements as none were erected in the Lower Aghada and Rostellan areas.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Hugh Smiddy of Lower Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm and objects to both. Argues that there is no justification for the proposed transformer station, as it is integral to a solar farm which has been refused planning permission.

Notes objection and refusal by Cork County Council and arguments against the proposed development in the planners report.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Submits that it is contrary to the Green Belt zoning designation of the area.

Argues that the Landscape and Visual Impact Assessment is inadequate, and that the choice of visualisations is misleading. It is argued that some residents will have unscreened views directly at the sub-station.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Megan and Kevin Alcock of Lower Aghada

Notes links to proposed solar farm and state that they object to both proposed developments.

Objects on the basis of a lack of community engagement and misleading – notes the numbers of objectors. Notes UNECE convention on access to information and the Aarhus convention relating to consultation with communities on matters of the environment or public health.

Argues that the Landscape Character Assessment in the Cork Development Plan states that the area is of ‘very high landscape value and sensitivity’.

Argues that the glint and glare assessment (with the solar farm application) does not address impacts on residents in the Lower Aghada and Rostellan areas.

Elaine Moran of Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Mary Corcoran of Scartley Upper

Notes that the proposal is integral to the current appeal for the adjoining solar farm and objects to both. Notes issues raised by Cork County Council in its refusal of the solar farm.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also argues that there is a potential negative impact on wildlife from noise.

Submits that it is contrary to the Metropolitan Green Belt zoning designation for the area.

Argues that the Landscape and Visual Assessment is inadequate and uses misleading viewpoints for visualisations.

States that there was inadequate consultation and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

James Scanlan, Mary Scanlan, Sharon Begiri and Visar Begiri

Objects on the basis that it is:

- Contrary to the Metropolitan Green belt zone.
- Misrepresentations in the application documents.
- Impact on already inadequate road infrastructure.
- Absence of community consultation.
- Visual and noise impacts.
- Loss of valuable tillage lands.
- Visual impact of another solar farm near Middleton.
- Speculative nature of the development.
- Submits that there are better alternative sites for the apparatus.
- The area has suffered from existing oil, gas and electricity infrastructure in the area.

Theresa O'Brien and Vivian O'Brien of Lower Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm and objects to both. Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Submits that it is contrary to the Green Belt zoning designation of the area.

Outlines concerns about what is claimed to be a misleading and inaccurate Landscape and Visual Assessment.

States that there was inadequate consultation, and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies.

Notes concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Caroline Norton of Saleen

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Submits that there is no justification for the transformer station as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and the issues raised in the planning report. Notes the number of objectors.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Michael, Elizabeth, David and Tim McCarthy of Kilva

Notes that the proposal is integral to the concurrent appeal for the adjoining solar farm. Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation in addition to wildlife impacts.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape and uses inappropriately chosen locations for its visualisations.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with statutory requirements.

Concerns outlined about disruption of local water supplies through road damage.

Concerns outlined about impact on traffic, damage to road surfaces, and interruption to road access.

Nicole Reardon of Saleen

Notes that the proposal is integral to the current appeal for the adjoining solar farm and states objection to both elements.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report and the number of objectors.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, a serious negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape and uses inappropriate visualisations.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Denis Magee of Saleen

Notes that the proposed transformer station is integral to the parallel appeal for the adjoining solar farm. Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes

the opposition of Cork County Council and issues raised in the planning report and the number of objectors.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation in addition to wildlife impacts.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road water supply pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access during construction.

Eoin and Theresa O'Donovan of Rostellan

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Argues that there is no justification for the transformer station as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report and the very large number of objections.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Negative impacts on wildlife by way of noise disturbance is also raised.

Argues that the Landscape and Visual Impact Assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with statutory requirements.

Concerns outlined about disruption of local water supplies by way of damage to road subsurface infrastructure.

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

James O’Sullivan of Midleton

Notes that the proposal is integral to the current appeal for the adjoining solar farm and argues that there is no justification for the transformer station as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, the absence of noise attenuation and impacts on wildlife.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Ciaran Brady of Bawnard West

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report. Notes the number of objectors.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access. Photos attached indicating issues with the proposed road access.

Noel O’Keeffe of Kilva

Notes that the proposed electricity substation is integral in nature to the current appeal for the adjoining solar farm and as such the objection covers both proposed developments.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report. Also notes the comments in the Planners reports on policy issues and the number of objectors to the proposed solar farm.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, the absence of noise attenuation and potential impacts on wildlife.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape and the chosen viewpoints are misleading.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies by way of road damage.

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Fiona Brennan of East Ferry

Notes that the proposal is integral to the current appeal for the adjoining solar farm and states opposition to both proposed developments.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact Assessment uses inappropriate viewpoints for its visualisations and does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Mary Morrogh and Padhraig O'Loughlin of Jamesbrook, East Ferry

Objects to the SID and notes that the proposal is integral to the current appeal for the adjoining solar farm which has been refused planning permission (23/0527).

Notes its location in a rural area and high in the topography, on rich agricultural land. It is argued that many points made in the application documents in support of the proposed development are inaccurate.

Argues that it is contrary to the Metropolitan Greenbelt designation and associated policies.

Submits that it is in conflict with Article 15 of the EU Directive on Natura 2000 sites.

With regard to the specific grounds of appeal:

- Argues that there is no demonstrated need for the solar farm as sufficient permissions have been granted in Cork. It is argued that it is driven by the applicant's financial requirements, not national or plan policy.
- It is argued that a full assessment of alternatives should have been addressed in the submission.
- It is noted that it is within Metropolitan Green Belt and should be refused on this basis – in addition to its proximity to two Natura 2000 sites.
- It is argued that it would have an unacceptable impact on the local landscape and the submitted information is misleading about the real impacts.
- It is argued that ABP should adopt a 'first do no harm' criteria in assessing the proposal, and on this basis should refuse permission.
- It is argued that the extensive area of panels will cause serious impacts on local drainage patterns and as such possible impact on flooding. Notes local reports of flooding on roads in the area.
- Outlines potential for light pollution.
- It is argued that the proposal does not represent dual purpose land usage or agricultural diversification, but a loss of high-quality land and rural farming.
- The European Landscape Convention Action Plan is referred to in arguing that the proposed development would have an unacceptable impact on the local landscape and amenities and the submitted documentation does not adequately represent the real impacts. The County Development Plan characterisation of the landscape is noted.
- Outlines local concerns about the claimed failure to consult adequately with the local community.
- Questions whether ABP has the standing and grounds to overrule a decision made on the basis of local plan policy. Requests assurances that the governance structures of ABP are appropriate and adequate to make decisions of this nature if it is minded to grant permission.

- Submits that it is contrary to Article 6(3) of the Habitats Directive as potential impacts on a designated habitat have not been ruled out in the associated documentation.

Kate Russell-Ryan of Saleen, Cloyne

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report. Also notes the number of objectors and the zoning designation.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, the absence of noise attenuation and potential negative impact on wildlife.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Eoin O’Riordan of Bawnard East

Notes that the proposal is integral to the current appeal for the adjoining solar farm and highlights possible cumulative impact on Natura 2000 sites.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Outlines a number of claimed inadequacies of the Landscape and Visual Impact Assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies.

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Scartleigh National School, Saleen, Cloyne

Notes that the proposal is integral to the current appeal for the adjoining solar farm and argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report. Notes very strong local opposition.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife and Natura 2000 sites claimed.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Martin Brennan of Saleen, East Ferry

Notes that the proposal is integral to the current appeal for the adjoining solar farm. It is argued that the combined impact of the developments would have a significant impact on the integrity of the Natura 2000 sites in Cork Harbour.

Argues that there is no justification for the transformer station as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report and the number of local objectors.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact Assessment (LVIA) does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Richard Murphy of Midleton

Notes that the proposal is integral to the current appeal for the adjoining solar farm. Additionally argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report and the significant number of objectors.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact Assessment does not adequately address the real impacts on the local landscape and the choice of viewpoints is misleading.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies.

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Karen Casey of Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm and objects to both.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Pat Cashman of Lower Aghada

Notes that the proposal is integral to the current appeal for the adjoining solar farm and states his opposition to both proposed developments.

Argues that there is no justification for the transformer station as it is integral to a solar farm which has been refused planning permission – notes the large number of local objections and the opposition of Cork County Council and issues raised in the planning report.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, and the absence of noise attenuation. Also, negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact assessment does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Questions whether it is appropriate to grant permission when the owner/operator is unknown to locals.

Johnny and Danielle Hurley of Jamesbrook, Midleton

Notes that the proposal is integral to the current appeal for the adjoining solar farm.

States that they object to both.

Argues that there is no justification for the transformer station, as it is integral to a solar farm which has been refused planning permission – notes the opposition of Cork County Council and issues raised in the planning report and the significant number of objectors to the original planning application for the solar farm.

Submits arguments that the noise assessment is inadequate, as the determination of background noise is incorrect, the calculations of arising noise are not accurate, the absence of noise attenuation and a possible negative impact on wildlife claimed.

Argues that the Landscape and Visual Impact Assessment (LVIA) does not adequately address the real impacts on the local landscape.

Submits that it is contrary to the Metropolitan Green Belt zoning designation of the area.

States that there was inadequate consultation with the local community and the site notices were not erected in accordance with requirements.

Concerns outlined about disruption of local water supplies (i.e. under-road pipelines).

Concerns about impact on traffic, damage to road surfaces, and interruption to road access.

Lucy Fleming of Jamesbrook, Midleton

Argues that the installation of a transformer station in this location would significantly increase traffic on a small local road which is currently unsuitable. It is submitted that this will destroy a local amenity and will represent a road hazard.

It is argued that it would result in a significant noise nuisance with loss of amenity (report on noise emissions attached).

Argues that it would interfere with the local community and the physical and mental health of families in the area.

Steve Aherne of Jamesbrook, Midleton

It is argued that the substation would have a significant noise output, beyond the limits for a 'quiet area'. A noise study is appended arguing that it would have a greater impact than indicated in the applicants submission.

It is questioned if the local 110kV power line could take the peak power delivered by the proposed substations.

5.0 Planning History

There is no relevant planning history on the site, apart from the concurrent planning application/appeal for a solar farm. This was refused for the following 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.

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 less than 1 km of two 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 Applicants Response

In its response to the submissions, the applicant sets out a detailed overview of the proposed development and its justification.

It is noted that the planning authority has no specific objection to the proposed substation – its objection is to the solar farm.

It is emphasised that the substation is integral to the solar farm, and both cannot operate independently.

In Table 01 of the appeal, they set out a series of rebuttals to the main points of Greenbelt policy as set out in the 2022 plan raised by the planning authority and observers. In summary, it is submitted that:

- The proposed solar farm will not make the area more urban, with the exception of a small part of the substation, the land will remain agricultural and will be returned to agricultural use after decommissioning.
- It is stated that the proposed development will not give rise to any scenario where individual settlements will merge.
- It is not proposed to make the subject lands available for housing.

- It is stated that the land is in private ownership and not accessible to the public. It is argued that it will not interfere with local amenities.
- It is stated that the majority of the subject lands will be retained in agricultural use, with sheep grazing utilised as part of the development (notes Policy RP 2-14).
- In summary, it is argued that the assertion that the proposed substation is not compatible with greenbelt policy is at odds with previous decisions (**ABP-318979-20** and **17/06784**).

It is further argued that contrary to assertions in the planning authority submission, the proposed development is fully in line with national and regional policy to facilitate renewable energy sources in appropriate sites. It is further stated that the Council inaccurately indicates 1.5GW as the national target – it is stated to be 8GW by 2030 under CAP 23. Also, with regard to the zoned potential energy land at Whitegate (Special Policy Area WG-x-X01, it is argued that this land is zoned for a range of energy related uses and is not) particularly suited for solar.

With regard to landscape impacts, it is argued that:

- The land is pastoral farmland, and as such part of a dynamic and ever-changing landscape, and infrastructure is an integral part of the area.
- The LVIA is defended – it is stated that the chosen viewpoints are appropriate and give a clear indication of the impacts. Additional visualisations are attached in an appendix to the response.
- The site is said to be well offset from Cork Harbour and as such would not represent a major impact.
- It is re-stated that solar farms and related infrastructure are a compatible element of a working agricultural landscape.
-

With regard to noise impacts:

- It is stated that the NIAR report was carried out by a defined ‘competent person’ and is in line with European, British Standard and WHO guidelines.

- It is stated that the background noise levels were measured using standard guideline methodologies.
- It is denied that the alternative baseline findings submitted by the applicants represent and appropriate or accurate rebuttal.
- It is confirmed that all noise modelling is compliant with BS 4142.
- It is confirmed that there are no tonal impulse noises anticipated from the proposed type of apparatus.
- It is noted that the Environment Officer did not have any concerns about the NIAR findings.
- It is stated that there is no evidence submitted of any potential impact of wildlife from noise associated with the proposed apparatus.
- It is confirmed that the applicants would accept a condition for ongoing noise monitoring of the site, with provisions for attenuation if there are unanticipated impacts.

With regard to traffic issues:

- It is stated that construction and operational impacts will be relatively minor and similar to those of an active farm. One special abnormal load vehicle will be used, and will require special permitting, and there will be an agreement with the Council to ensure deliveries are timed to minimise impacts.
- The Transport Infrastructure Ireland (TII) comments are noted, and it is confirmed that all TII requirements will be implemented with regard to abnormal loads.

With regard to ecology:

- The County Council stated position is noted – that the works are on a crop field, with minimal impacts expected.
- The County Ecologist comments are noted with regard to the NIS – that there is an absence of direct source-receptor -pathways, and so the NIS conclusions are considered reasonable.

With regard to archaeology:

The Cork County Archaeologists comments are noted – it is argued that the survey was in line with the 2016 National Monuments Services Guidelines (i.e. no requirement for geophysical survey or testing unless there are specific or verifiable indicators of archaeology identified). Notes precedent in ABP-308979-20. States that the applicant is committed to geophysical survey and testing where necessary after permission is granted.

With regard to water services:

It is submitted that there is no substantiation for any concern about an impact on water services.

The submission finally notes the recommendations for conditions by Cork County Council – states that the applicant has no issue in principle with these, except for suggested condition no.3 - to limit the life to 25 years – it is noted that the solar farm application is for 40 years. Notes five previous Board decisions on such time limits. It is also suggested that condition no.5 is unnecessary, as there is no requirement or need to decommission a substation.

In other respects, it is denied that there was inadequate community consultation, nor that there is any issue with regard to the capacity of overhead lines. The Board is also referred to the Glint and Glare report with regard to comments on this by observers.

The submission includes three separate reports: a Landscape Response Statement, a Noise Response Statement and a Traffic/Access Response Statement.

7.1. Further Responses

A subsequent letter from the applicant stated that the site notices were in place, but had to be replaced following unauthorised removal.

8.0 EIAR Screening

The pre-app determined that the proposed development did not fall within the scope of EIAR. An Environmental Impact Assessment Screening document was submitted with the application. This report concluded that sub-threshold EIA is not required and the proposal does not meet any prescribed thresholds for mandatory EIA under Part 2 of Schedule 5.

It is noted that under Part 1 of Schedule 5, the applicable class is class 20:

Construction of overhead electrical power lines with a voltage of 220kilovolts or more and a length of 15 km.

As no such powerlines for the grid connection are proposed this application does not fall within the scope of Part 1 of Schedule 5.

Relevant classes under Part 2 of Schedule 5 are as follows:

3(b): transmission of overhead cables... where the voltage would be 200kv or more.

10(b) and 10(b)(dd) under 'infrastructure projects.' - the proposed development does not fall under any of these classes by way of the nature of the proposed development and its scale.

Under Section 7 of the Regulations criteria are set out for assessing whether or not the project will have a 'likely' and/or 'significant' effect on the environment.

The Screening concluded that there were no sensitivities for the site or surrounding lands. It concluded that it would not result in any likely and significant effects on the environment, therefore an EIAR was not warranted.

I am satisfied that this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment. The Environmental Report submitted with the application addresses a variety of environmental issues and assesses the impact of the proposed development in addition to cumulative impacts with regard to other permitted developments in proximity to the site and demonstrates that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment.

I have assessed this Screening with regard to publicly available sources of information on the local environment and my observations during my site visit. I am satisfied that the screening has had full regard to the nature of the site and the surrounding area and represents an accurate assessment of the nature of the site. The site itself is grazing land with minimal environmental significance and the overall area is robust with no sensitive receptors nearby.

I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including the Environmental Report, associated documents and all plans and particulars and other related reports submitted with the application, in addition to my observations of the nature of the site and local area made during my site visit. The EIA screening report prepared by the applicant under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that this report is comprehensive and satisfies regulatory requirements. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIA.

I conclude that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility.

In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered.

This conclusion is consistent with the EIA Screening Statement submitted with the application.

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:

- Overview
- Legal issues
- Principle of Development
- Visual impacts and local amenity
- Noise
- EMF Interference
- Traffic and infrastructure
- Cultural heritage
- Ecology
- Water and drainage
- Appropriate Assessment
- Other issues

9.1. Overview

This SID application is functionally interconnected to the concurrent planning appeal for a c 126 hectare solar farm on adjoining agricultural lands, and other land packages to the east (**ABP-317994-23**). The proposed works are for an electrical substation attached to the 110KV line running from Great Island to Whitegate to the south, across part of the landholding, and as such the chosen potential connection to the national grid for the solar farm. Both proposed developments have been subject to many objections and the issues raised are very similar in both, and as such, I consider it reasonable in both files to address the cumulative and interactive issues of the overall proposed infrastructure. Clearly the proposed substation would

not be required without the solar farm, and the solar farm could not be constructed without a suitable grid connection. As such these two reports and recommendations should be read together, with the understanding that some issues cannot reasonably be disaggregated as the key potential environmental and planning issues are cumulative.

The proposed substation is located close to the 90 metre AOD contour, around the highest point of the peninsula, on the north side of a minor L-road, and next to where a 110kV line steel lattice angle tower marks the point where the overhead line veers from an east-west alignment to the south-east downslope, before turning again towards Whitegate. The lands are high quality farmland, mostly used for grain tillage, with rough hedges along the boundaries. The connecting road is a narrow, minor third class road which runs west from the small settlement of Scartlea (or Scartleigh) Upper for around 3 km before dropping down the scarp slope to the sea at the Ballycorra River, at a point where a ferry used to operate connecting the area with Great Island and Cobh.

9.2. Legal issues

A number of submissions have argued that the application was not subject to adequate consultation with locals and there were inadequate consultations with locals – although these complaints appear to relate more to the solar farm than this proposal.

During my site visit I noted that the notices were clearly visible on field boundaries and that from file information they were advertised appropriately. The planning authority considered that the notices for the solar farm had been advertised correctly. While there is clearly disquiet among the local community about the extent and quality of consultation with the applicants, there is no statutory obligation on the applicants to go beyond a direct notification.

I therefore conclude that the application was made in accordance with all relevant regulations and should not be dismissed on this basis.

9.3. Principle of Development

As I have referred to above, the proposed development is inherently linked to the proposed solar farm, which the planning authority refused for the following 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.

The planning authority requested that the Board refuse permission for similar reasons, although it is noted that many of the particular sensitivities relate to the overall proposal, not specifically the substation lands.

The applicant in the submission 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.

With specific regard to the electricity network, policy ET13-21 of the Cork County Development Plan states that it is an objective to:.

- a) Support and facilitate the sustainable development, upgrade and expansion of the electricity transmission grid, storage, and distribution network infrastructure.*
- b) Support the sustainable development of the grid including strategic energy corridors and distribution networks in the region to international standards.*
- c) Facilitate where practical and feasible, infrastructure connections to wind farms, solar farms, and other renewable energy sources subject to normal proper planning considerations.*
- d) Proposals for development which would be likely to have a significant effect on nature conservation-sites and/or habitats or species of high conservation value will only be approved if it can be ascertained, by means of an Appropriate Assessment or other ecological assessment, that the integrity of these sites will not be adversely affected*

As such, and notwithstanding the specific local designations which I discuss further below, there is no objection in principle to such developments when they are required for permitted developments, and the balance of development plan policy points to facilitating such developments where they are not in conflict with other clear policy objectives.

Key policy on solar farms as part of the overall electricity network 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 CO₂ 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 Metropolitan 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 Ferry 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 solar

farm site can be clearly seen across the bay, although the proposed substation would be only very intermittently and occasionally visible from any part of this scenic route.

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, and ET13-22 for the transmission Network.

A number 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 14-13 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 national and regional policies favouring solar farms and associated infrastructure 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 Metropolitan Green Belt designation does not rule out infrastructure related developments.

The application/appeal for the overall development rests very much on an interpretation of the balance between a 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 to satisfy a reasonable proportion of the national quantitative objectives. With regard to the substation, I do not consider

that there are any substantial obstacles in terms of plan policy against granting permission, subject to any permission for the overall solar farm being granted on appeal by the Board.

Taken in isolation, I therefore conclude that there is no policy objection to granting permission for the proposed substation if the associated solar farm has planning permission.

9.4. Visual impacts and local amenity

The planning authority requested that the Board refuse permission for the associated solar farm for reasons connected to the qualities of the local landscape and related policy objectives for the designated Scenic Route. ABP is requested to refuse the substation for similar reasons. Almost all observers to this application outlined strong concerns about the visual impact of the proposed development, 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 (a separate set were submitted for the solar farm and this application), significantly underestimates the real impacts. Most of the specific concerns related to the solar panels, although some highlighted the elevated nature of the site within the landscape and the value of the adjoining minor road for leisure users. Several highlighted issues with the precise footprint of the substation at such a high level and questioned whether it could be located otherwise in a less visually obtrusive location.

The applicants submitted an LVIA and associated visualisations for the solar farm and a separate one attached to this application addressing only the substation – additionally, an addendum to this was provided in the response letter. This report (section 1.3) identified mitigation measures and with these concluded (section 1.6), that within the wider landscape context the proposed development will be barely discernible. It is also noted that the wider harbour is a robust working harbour heavily influenced by a broad array of highly anthropogenic large-scale built features and land uses, including large electricity pylons.

The landscape is characterised by open fields in pasture and tillage, bounded by generally unkempt hedgerows. There are several villages in the overall area between Midleton, Cloyne and Whitegate, and a number of recreational woodlands

in addition to leisure marinas. The site and its immediate environs are rural in nature with a small scattering of individual dwellings and farmhouses along the country road.

The landscape is generally open, with high hedges which provide substantive visual cover. The application includes landscaping plans which include for strengthening the hedges to visually reduce the impact from both adjoining areas, local houses, and from long distance views.

With regard to the long distance views towards the substation site, the lands are not clearly visible from a distance from most perspectives, including from Great Island or from the Middleton or Cloyne direction. The main open uninterrupted view is from south, along the bay, in the Aghada area around 3k away – both from the harbour area next to this village and the escarpment above the village, which has many houses located to take advantage of fine views to the north.

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 S51 Scenic route runs around the peninsula and south to Aghada. Due to the topography, I could not identify any location on the route, apart from in Aghada Lower, which would have a view towards the site. Due to the distance and vegetation and generally low profile of the substation, I would conclude that it would be at worst a minor and innocuous feature of the landscape from this latter point.

The key visual impacts would therefore be from close up to the site, primarily on the minor road with the vicinity of the substation, and possibly from some of the dwellings along the road, albeit these views would be interrupted by vegetation.

The road is an attractive rural amenity, although it does not seem to be particularly heavily used compared to the coastal loop. The high hedges on either side reduce views, although there are some intermittent but high quality views from the road over Cork Harbour to the south and south-west. These would not be interfered with by the proposed substation. With the screening proposed, I do not consider that there

would be a significant issue on the landscape, except in the short term during and immediately after the construction period. I also consider that there is no likelihood of an interference with views from any nearby dwellings that would constitute a significant impact.

There is available land within the landholding to the south-east of the site, across the road, and adjacent to the 110kV line, where there would be a possible alternative location for the substation that would be at a lower elevation and so would not break the skyline. However, this itself could potentially be more visible from the main road, so I would not recommend a refusal on the basis that this option should be pursued.

I therefore conclude that the proposed substation, in itself and cumulatively with the solar farm, would not result in an unacceptable impact on the landscape or local visual amenities.

9.5. Noise

The applicants submitted a Noise Impact Assessment Report (NIAR) with the solar farm application which also addressed the substation. The Council Environment Section considered this to be acceptable, but numerous objectors/observers raised specific concerns regarding the report, arguing that the background noise assessment was incorrectly carried out with regard to EPA guidelines. It is argued that there are incorrect assumptions within the assessment 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. I note that many of the issues raised are generic and relate to the overall solar development – the closest apparatus with the potential for noise emissions to any dwellings are within the proposed solar farm near Scartleigh.

In the application for the substation, 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 for either the transformers in the windfarm or the substation.

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 – this relates mostly to transformers within the proposed solar farm, not just the substation. 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 of this nature. 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 but is more than one kilometre from the proposed 110kV substation. The school has stated in its submission with the appeal that it has particularly sensitive neurodivergent students. I note this, but with regard to the overall location of the school relative to the substation, there does not appear to be a basis in scientific evidence that there would be any effects.

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. In particular, I note the separation distance from the substation and any potentially sensitive receptors. 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, with appropriate measures to be taken 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

A number of observers raised issues related to possible impacts on local telecoms. The applicant submitted a report with the solar farm assessing potential electro-magnetic field impacts of the proposed development, specifically on the existing mobile phone network. 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. 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 – they submitted separate documents relating to both the substation and the overall proposed development in the appeal, with a specific site access report for the substation. I note that it is not proposed to decommission the substation if and when the solar farm is to be brought out of use.

The proposed substation would have its own specific construction compound during the works, and all vehicles would come via the R630 to the east. It is anticipated

that there will be an hourly average of 1.4 return trips per day during the 18 month construction period and electrical commissioning (this is in addition to the solar farm works). It will be remotely operated so will generate minimal vehicle movements during its lifetime. There will be one oversized load – this is subject to regulatory consent from the local authority. The applicant notes that the projected traffic loads do not increase significantly from that normally associated with tillage agriculture.

A large number of submissions addressed concerns about additional traffic during construction and the potential of damage to roads and underlying utilities and interference with existing accesses.

The site access is via an existing farm gate, although it will require modification. The Site Access Report includes a Swept Path Analysis of the entrance and route and concluded that it is acceptable. I note that the planning authority have no objection on this basis.

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 (in particular, the one oversized load), 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 note that the Site Access Report and construction management plan contains normal operational proposals for surveying the road before works and ensuring that all damage is made good and sensitive infrastructure is protected. The oversized load would require a specific license from the local authority and could not be carried out without this requirement being fulfilled.

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 substation would not represent a significant increase in overall traffic load or related hazard in the area.

9.8. Cultural heritage

The applicants submitted a document entitled an Archaeological, Architectural and Cultural Heritage Impact Assessment (AACHIA) of the 110kV AIS Electrical Substation, which is site specific to this application but is part of the overall survey for the solar farm. 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 (RMPs) on the landholding, but there are two, CH023 and CH024 immediately adjacent to Area 5 and within or adjacent to the overall landholding. These are within Garranekinnefeake Graveyard, the impact on which has been raised as a concern in nearly all the submitted objections and observations. There are also quite a number of RMP's in the six townlands of the peninsula, but none are close to the site. There was a field survey which revealed that most of the site has been intensively cultivated for many years with no indications of any possible remains.

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. There is one abandoned stone agricultural building close to the site – it is not proposed to interfere with this structure.

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.

The planning authority stated that there was some concern over whether a field walk was sufficient and requested a geophysical survey. I note from national guidelines that a geophysical survey is only normally required when there is an indication that there may be remains. Given the long history of cultivation of this site, I would consider this to be highly unlikely. But notwithstanding this, I would consider a condition to ensure one is carried out prior to works taking place as part of site monitoring to be appropriate.

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.

9.9. Ecology

The applicant submitted an Ecological Impact Assessment of the proposed development which incorporates in its appendices the AA Screening and NIS prepared for the combined development. 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 tilled lands with some hedge boundaries. A small watercourse was identified in Parcel 3 of the landholding – this is not part of the substation site.

The desk top survey of all the landholding 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. A trail camera on the substation site observed fox and badger activity. Two active badger setts were identified in the field survey, but these are not on the substation site.

The survey concluded that the habitat of highest value for most bird species are the field boundaries. It is anticipated that the landscaping plan for the overall development, 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 discussion concludes that there is no basis in the existing scientific literature for concluding that this would be a significant issue.

The specific site for the substation is largely disturbed farmland – grassed at the time of my site visit but previously in tillage. As such it has minimal habitat value.

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. The substation site has minimal existing value due to intensive tillage.

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.

In other respects, given the scale and location of the substation, there is no basis for considering that there could be significant indirect effects, by way of noise or other forms of disturbance, at least relative to normal ongoing agricultural activities. I am satisfied therefore that the proposed substation is acceptable in this respect.

9.10. Water and drainage

The proposed works will result in substantial hardstanding on what is now agricultural land. There are no watercourses on the site, but there are some field drains in the vicinity (none of the land has been identified as having a history of flooding and it is naturally well drained),

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.

9.11. **Appropriate Assessment**

The applicant carried out an Appropriate Assessment Screening and a subsequent NIS covering the substation lands and the proposed solar farm. This was attached as part of the submission.

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 maritima*).

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 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.

9.12. Other issues

A number of issues were raised in submissions regarding overall non-specific impacts on amenities, health and property values – apart from the ones I have addressed above, these could be considered to be cumulative in impact with the substation.

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. I am satisfied that 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.

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 solar farm 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 application.

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 and operation of the substation,

- (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 sites conservation objectives.

12.0 Conditions

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.

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.

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.

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.

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.

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.

The applicant shall sign a connection agreement with Uisce Eireann prior to any works commencing and connecting to the Irish Water network.

Uisce Eireann does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved.

Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Uisce Eireann for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to a connection agreement.

All development shall be carried out in compliance with Irish Water Standards, Codes and Practices.

Reason: In the interest of environmental protection.

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.

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.

No oversized loads shall be delivered to the site in the absence of the written approval of the County Council.

Reason: In the interest of clarity.

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.

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.

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.

The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities facilitating development 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.

Philip Davis
Planning Inspector

25th June 2024