



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318852-24

Development	10 year permission and 40 year operation period for solar farm and underground grid connection and associated site works. Works to include installation of underground cables.
Location	townlands of Rahanisky, Killeendaniel, Monard, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	23/5486
Applicant(s)	Harmony Solar Cork Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Pat, Glynis and William Casey Ms. Sheila Hyde and Mr. Michael Twomey
Observer(s)	Dublin Airport Authority
Date of Site Inspection	20 <sup>th</sup> May 2024
Inspector	Tomás Bradley

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## 1.0 Introduction

Under the provisions of Section 37 of the Planning and Development Act 2000, as amended (PDA), two third-party appellants (the appellants) have appealed the decision of Cork County Council (CCC) to grant planning permission subject to no. 40 conditions for a solar farm and associated works in the townlands of Rahanisky, Killeendaniel, Monard, Co. Cork. The applicant is Harmony Solar Cork Limited ('the applicant').

For information, a timeline of the planning application is set out below.

<b>Table 1: Timeline of the Planning Application</b>	
Planning Application lodged to CCC	21/07/2023
Further Information Request by CCC	14/09/2023
Further Information Response to CCC	24/11/2023
Decision of CCC	20/12/2023
Appeal Received	15/01/2024
Response to Appeal by Planning Authority	09/02/2024
Response to Appeal by Applicant	09/02/2024

The works will be in the jurisdiction of CCC. A concurrent planning application is lodged with Cork City Council under Section 34 of the PDA for the remainder of the underground cable along the public roads to allow connection to the Kilbarry 110 kV Substation in Blackpool, Cork City. This was granted planning permission on the 20<sup>th</sup> of May 2024.

## **2.0 Site Location and Description**

The site of approximately 63.9 hectares (ha) is located in the townlands of Rahanisky, Killeendaniel, Monard which is approximately 2 kilometres (km) south of the settlement of Whitechurch Co. Cork and in close proximity to Cork City. The boundary between city and county councils is approximately 1.5 km south of the site.

This solar farm site is accessed by the L6965 Local Road. The road acts as the western boundary and is also the route for the grid connection until it meets the Cork City Council area. The L6965 is generally bounded by hedgerows and a grass margin. Above ground utility services run along the south side of the road. Several single rural dwellings and agricultural complexes adjoin the road and have entrances and frontages onto it.

An agricultural complex and associated residential house are located centrally within the solar farm site. The solar farm site is made up of agricultural lands predominantly of grassland and are generally exposed with low hedgerows and some mature trees. There are existing agricultural tracks throughout the solar farm site as well as low/medium voltage electricity poles. The solar farm site ranges between 115 - 159 m Ordnance Datum (OD).

There are several agricultural complexes located close the solar farm site, as well as single dwellings in linear form along the L6965. Approximately residential properties would be directly bounded by the solar farm site. It is noted that lands to the west of the L6965 at this location are part of the approved (but uncommenced) planning scheme for the Monard Strategic Development Zone (SDZ).

A stream runs to the south of the solar farm site called Ballynahina (EPA Code: 19B47) which eventually runs to the River Bride. There is no flood areas or events on the site. There are no natural or built heritage designations on the site.

## **3.0 Proposed Development**

### **3.1. Development Description**

The proposed development of a solar farm and associated underground grid connection consisting of:

- 330,200 square metres of solar photovoltaic panels on ground mounted steel frames; on-site electrical substation;
- electrical skids (containing inverters, transformers and switchgear); underground power and communication cables and ducts;
- boundary security fencing;
- new internal access tracks and associated drainage infrastructure;
- new site entrance to the L6965 local road;
- 10 no. CCTV/Lighting posts and all associated site services and works.
- The development also includes underground grid connection, which is to be installed primarily within the L6965, L2951 and L2963 public roads, this includes the installation of
  - 3 no. underground medium voltage electrical cables,
  - 1 no. fibre communications cable,
  - 2 no. joint bays and associated infrastructure to allow communications and connection between the proposed 38kV on-site substation and the Kilbarry 110kV substation, Blackpool, Cork City.

The appropriate period sought for the proposed development is 10 years and it is requested that the operational period of will be 40 years. Once commenced, it is expected that the overall construction phase will take approximately 12 months.

The total length of the cable is c. 4,449m, of which c. 2,021 metres will be within the jurisdiction of CCC and c. 2,428 metres within the jurisdiction of Cork City Council.

As noted, the development description covers the particulars for which consent is sought, however, the applicant includes information on the related grid connection section in Cork City Council which was granted planning permission on the 20<sup>th</sup> of May 2024 (Ref: 23/42173). These elements of the project in the city area are factored into the report below for the purposes of assessment.

### **3.2. Documents supporting the Proposed Development**

The following documents were submitted to CCC in the first instance in support of the proposed development:

- Statutory Particulars (Application Form, Public Notices (Newspaper & Site), Letters of Consent)
- Drawing Pack including Schedule of Drawings
- Planning & Environment Report (PER)
- Construction & Environmental Management Plan (CEMP)
- Construction Methodology
- Ecological Impact Assessment including Bat Report
- Screening for Appropriate Assessment (AA)
- Invasive Species Management Plan
- Glint and Glare Report
- Landscape and Visual Impact Assessment (LVIA) including Photomontages, Zone of Theoretical Visibility (ZTV) and Landscape Mitigation Map.
- Archaeological Impact Assessment

It is noted that following a further information request of 14th September 2023, a response was received on the 24<sup>th</sup> of November 2023. This included information on:

- Landscape and Visual Assessment in relation to Cork Metropolitan Greenbelt
- Glint and Glare Assessment in relation to Monard SDZ and road receptors
- Environmental Impact Assessment Report updated regarding 'Circular Letter EUIPR 01/2023',
- Ecology regarding additional details regarding Bird and Bat survey, Hedgerows, Invasive Species and Landscaping Plan.
- Management of the Site during operation of proposed solar farm,
- Archaeology,
- Noise.



## **4.0 Planning Authority Decision**

A notification of the decision to grant planning permission was issued by CCC on the 20<sup>th</sup> of December 2023 with no. 40 conditions attached.

### **4.1. Planning Authority Reports**

The Planning Report dated 14th of September 2023 sets out the site description, planning history, pre-planning meeting, the various internal and external referrals in respect of the planning application. It lists the names and dates of the submissions made by third parties and summarises their grounds. It goes on to carry out an assessment including a substantive discussion the development plan policy, planning guidelines and international and national policy. Several topics assessed including landscape and visual, glint and glare, residential amenity, traffic and access, water, natural and built heritage.

The report concludes with a Request for Further Information in respect of seventeen items including: landscape and visual, glint and glare, EIA, ecology, archaeology, noise and management of the site

A second Planning Report dated 21<sup>st</sup> of December 2023 details the response of various internal and external reports to the response to further information. No internal departments had any objections subject to a range of conditions. On the basis of this assessment the report concludes that the proposed development is acceptable subject to no. 40 conditions. This report, prepared by the Executive Planner, was noted and largely endorsed by the Senior Executive Planner in reports dated 14th of September 2023 and 20th of December 2023.

### **4.2. Prescribed Bodies**

#### **4.2.1. Inland Fisheries Ireland**

The Inland Fisheries Ireland (IFI) seek conditions attached to any grant of planning permission. These relate to protections of fisheries, contaminants, interference with watercourses and passages for fish.

#### **4.2.2. Gas Networks Ireland**

Gas Networks Ireland (GNI) seek a condition that the applicant consult with it prior to construction to ensure any impact to its assets can be managed.

#### **4.2.3. Transport Infrastructure Ireland**

Transport Infrastructure Ireland (TII) advises that the proposed development is located in a study area for a future national road scheme.

#### **4.2.4. Dublin Airport Authority**

Dublin Airport Authority (daa) seek a condition that the applicant consult with it during operation should any impact from glint and glare arise on the management of Cork Airport.

#### **4.2.5. Department of Housing, Local Government and Heritage (Nature Conservation)**

The Department submitted information in respect of nature conservation and specifically impacts to water quality and the Great Island Channel SAC and Cork Harbour SPA through the streams present on site. It discusses potential impacts from construction activities and stresses the need for adequate mitigation measures to address these concerns. Buffer zones are also recommended to protect aquatic features on the site.

The submission discusses the removal of hedgerows and potential impact on wildlife, recommends measures to enhance biodiversity, suggests creating wetland features, emphasizes the importance of natural grassland management, and highlights the need for bird and bat collision monitoring at solar farms. Monitoring programs should have clear targets and indicators to inform future developments and prevent biodiversity issues from persisting.

Security fencing around the project should have gaps at the base to allow wildlife to pass through, as well as larger access points periodically along the fence. This will help reduce the impact on biodiversity by allowing wildlife to continue using the site. Monitoring of these access features should be included in a Biodiversity Management Plan.

A maternity roost of two bat species, common pipistrelle and soprano pipistrelle, at Glennamought Bridge requires a Derogation License from NPWS due to potential disturbance from proposed works. Bats are protected under the Habitats Directive, with regulations specified in the European Communities (Birds and Natural Habitats) Regulations 2011. Site lighting should be limited and directed away from biodiversity features to minimize impact on wildlife.

### **4.3. Third Party Observations**

There were ten observations from third parties in respect of the planning application to CCC. All these submissions are noted.

## **5.0 Planning History**

A review of the CCC Planning Portal and the Board's case files was carried out on the 15<sup>th</sup> of May 2024 to collate any relevant, recent (within 10 years) planning history for the site. At the site there was no recent relevant planning history for the subject site, save for the planning application the subject of this appeal.

### **5.1. Grid Connection**

In May 2024, Cork City Council Ref: 23/24173 granted planning permission for the grid connection related to this solar farm for the city council area. This . Prior to making any decision in respect of this file, it is recommended the Board consider the status of this planning application and whether any appeal has been received.

### **5.2. Adjoining Development**

In August 2021, CCC Ref: 21/5622 granted planning permission for an agricultural development in the farm complex encompassed by the proposed solar farm in the townland of Rahanisky, Co. Cork.

In May 2016, the Board Ref: ZD2012 approved with modifications the Monard SDZ Planning Scheme to the west of the site.

### **5.3. Other Solar Farms in Proximity to the Site**

In November 2022, CCC Ref: 22/6051 granted planning permission for modifications to a solar farm in the townland of Dromgarraiff South, Co. Cork, approximately 3.75 km north-west of the site. Other references relate to same solar farm site include: 22/4056 and 16/4185.

In December 2023, CCC Ref: 23/4245 granted planning permission for a solar farm in the townland of Ballynahina, Co. Cork, approximately 500 m east of the site.

### **5.4. Other Developments**

There are numerous planning applications around the site in respect of residential, and agricultural developments which is to be expected in a such a location.

Additionally, as the grid connection route enters the city area, there is significant urban and commercial related developments. These are all noted and considered in the assessment below.

## 6.0 Policy Context

At a high level, the Board should note several national and regional level policies which are relied on in the assessment below. These include:

- Department of the Environment, Climate and Communications (2023) *Climate Action Plan 2023*.
- Southern Regional Assembly (2020) *Regional Spatial & Economic Strategy for the Southern Region (RSES)*.
- Government of Ireland (2019) *Project Ireland 2040: National Planning Framework (NPF)*.
- Department for Communications, Energy and Natural Resources (2015) *Ireland's Transition to a Low Carbon Energy Future 2015-2030*

These are all directly and indirectly supportive of renewable energy projects which extends to solar energy.

The Cork County Development Plan 2022-2028 (CCDP) is the relevant plan for the subject site. Its policies are detailed below.

### 6.1. Zoning Objective

There is no specific zoning objective for the site. The site is part of the wider County Metropolitan Greenbelt, for which the following objectives are noted:

Table 2: Relevant Objective of the CCDP	
Objective	Detail
RP 5-12: Purpose of Greenbelt	(a) Maintain a greenbelt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area. (b) Recognise that in order to strengthen existing rural communities' provision can be made within the objectives of this Plan to meet exceptional individual housing needs within areas where controls on rural housing apply
RP 5-13: Land Uses within the County Metropolitan Greenbelt	Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.
RP 5-17: Strategic and Exceptional Development	Recognise 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.
GI 14-16: Prominent and Strategic	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.

Metropolitan Greenbelt Map	These areas are shown on the Prominent and Strategic Metropolitan Greenbelt (Figure 14-3) and it is an objective to preserve them from development.
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## 6.2. Specific Objectives in respect of Solar Farms

Chapter 13 Energy and Telecommunications: of the CCDP has the following overarching objective for Renewable Energy (ET 13-2 a):

*Support Ireland's renewable energy commitments as outlined in Government Energy and Climate Change policies by facilitating the development of renewable energy sources such as wind, solar, geothermal, hydro and bio-energy and energy storage at suitable locations within the county where such development has satisfactorily demonstrated that it will not have adverse impacts on the surrounding environment (including water quality), landscape, biodiversity or amenities.*

Section 13.8 of the CCDP sets out detail in respect of Solar Energy The following are considered relevant:

Table 2: Relevant Objective of the CCDP	
Objective	Detail
ET 13-14: Solar Farm Development	<p>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.</p> <p>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.</p> <p>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.</p> <p>d) Encourage the use of passive solar design principles for residential building(s) in line with relevant design criteria.</p> <p>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.</p> <p>f) All proposed solar developments locating in close proximity to any roads and airport infrastructure will undergo a full glint and glare assessment.</p> <p>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.</p>

<p><i>ET 13-21: Electricity Network</i></p>	<p><i>a) Support and facilitate the sustainable development, upgrade and expansion of the electricity transmission grid, storage, and distribution network infrastructure.</i></p> <p><i>b) Support the sustainable development of the grid including strategic energy corridors and distribution networks in the region to international standards.</i></p> <p><i>c) Facilitate where practical and feasible, infrastructure connections to wind farms, solar farms, and other renewable energy sources subject to normal proper planning considerations.</i></p> <p><i>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.</i></p>
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It is noted that paragraph 13.8.5 of Section 13.8 Solar Energy lists a range of issues that should be considered in the context of solar farm developments. These are considered in Section 8.1.1 below. In addition, the plan recommends early consultation with community at the pre-design, conceptual stage, ideally utilising a local exhibition / presentation where community views can be sought and recorded.

### **6.3. Specific Objectives in respect of Rural Diversification**

It is noted that EC: 8-15 (c) Agriculture and Farm Diversification has the objective of: “encouraging farm diversification through the development of other sustainable business initiatives appropriate to the rural area (see Chapter 5 Rural)”.

### **6.4. Other relevant Policies**

The CCDP contains a range of policy objectives across a number of topics. This includes protection for designated as well as non-designated sites and environmental receptors. These are all noted.

## **7.0 The Appeal**

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

There is two third party appeal in respect of this file:

1. Pat, Glynis and William Casey,
2. Ms. Sheila Hyde and Mr. Michael Twomey.

The appellants are of the view that is submission to CCC was completely ignored and that relevant legal provisions have not been adhered to.

The appellants have not requested an oral hearing. It requests the planning application be refused. The detailed grounds are set out in Table 5.

### **7.2. Planning Authority Response**

#### **7.2.1. Cork County Council (Roads Section)**

This submission highlights a condition of the planning authority's permission which is to seek a road opening licence prior to construction. Details and conditions relating to damage and reinstatement of the public road would be conditioned further under such a process prior to construction.

### **7.3. Observations**

#### **7.3.1. Dublin Airport Authority**

A submission was received from the Dublin Airport Authority (daa) which refers to its original observation to CCC of 18<sup>th</sup> August 2023 which seeks to address concerns given the proximity of the proposed development to Cork Airport.

The observation sought a condition requiring further consultation be carried out with the Irish Aviation Authority (IAA, now AirNav Ireland) and to comply with any requirements of the daa or IAA should undue glint and glare impacts become apparent during the operation phase of the solar farm. This is in the interest of reducing risk to air traffic.



#### **7.4. Applicant's Response**

The submission is prepared by Fehily Timoney on behalf of the applicant. The applicant does not request an oral hearing. It requests the planning application be granted. The response to the appeal is summarised in Table 5.

Table 5: Grounds of Appeal			
Ground	Appellant's Submission	Applicant Response	Reference to Inspector's Assessment below
<b>Incorrect Public Notices and other legal issues</b>	<p>The public notices did not refer to the Monard SDZ. The transmission power lines are to be located in the SDZ. The appellant notes that several other applications in the area have been invalidated on the basis of not referring to same. Reference is made to a legal case, Connelly v An Bord Pleanála (2016) IHC 322, which ensured that the relevant statutory body comply with all legal requirements.</p> <p>The spelling of the townland Rahanisky is incorrect in the notices. The legal issues this raises are questioned.</p>	<p>The claim that power lines associated with any element of the solar farm development are being carried within the SDZ is incorrect, and is based on a misinterpretation of the maps, documents and drawings submitted as part of the Rahanisky Solar Farm planning application. All drawings and maps submitted as part of the planning application to CCC clearly show Rahanisky Solar Farm as being to the north east of the Monard SDZ, outside the demarcation boundary of Monard SDZ.</p> <p>All powerlines and electrical infrastructure associate with connecting the solar farm at Rahanisky to the national grid at Kilbarry 110kV Substation are being installed underground within the L6965 public roadway, also known as The Old Whitechurch Road, which is outside the boundary of Monard SDZ.</p> <p>The submitted planning application was deemed acceptable by CCC; therefore, we contend that the appellant has no grounds to challenge the validity of the Site Notice or the Newspaper Notice as the appellant has misinterpreted the maps and drawings and formed an incorrect conclusion regarding the validity of the Site Notice and Newspaper Notice.</p>	<b>Section 9.1.12.1 Incorrect Public Notices and other legal issues</b>
<b>Landscape and Visual Impact</b>	<p>The proposed development will result impact in the character of the landscape due to the installation of an industrial facility at this location.</p> <p>The planning authority did not consider the impact of the proposed development on the SDZ. No photomontages were provided from within the SDZ that would support the planning authority's assessment. Monard Town Centre and other development areas which are identified in the SDZ are higher in elevation than the proposed development and will have an significant impact. The visibility impact is up to 48% in places. The</p>	<p>Capturing photography, preparing photomontages and assessing visual impacts from within private property is not deemed to be part of normal LVIA practice in accordance with the Guidelines for LVIA.</p> <p>The visual impact on the Monard SDZ was specifically addressed in the LVIA and three nearby viewpoints (VP5, VP6 and VP7) represent the scale and nature of the development from the same direction and a slightly lesser distance to the SDZ. A residual visual impact of 'Slight / Negative' was assessed for VP5 and VP6, which Moderate-slight was assessed for VP7. These are not deemed significant impacts.</p>	<b>9.1.2. Landscape and Visual</b>

	<p>photomontages do not demonstrate the actual impact that will arise.</p>	<p>the colocation of the SDZ and the solar farm as a more intensive node of countryside development has a good degree of compatibility and a thematic link (Generation and use of power).</p> <p>Furthermore, on granting planning permission, CCC has imposed a condition, Condition No. 5 requiring a setback from the L6965 of a minimum of 40m, a condition the client is happy to accept. The increased set-back and provision of extensive mature native planting as shown in the LMP will further reduce any potential effects as the additional planting will be provide increased visual screening as the trees and shrubs mature.</p>	
<b>Glint and Glare</b>	<p>There will be an impact from glint and glare on the Monard Town Centre, recreation pitches in proximity to the proposed development, urban area (points UA26 to UA36), House 32, House 28 (appellant's house). The point analysis submitted by the applicant is not sufficient and are beneficial to the applicant. No assessment of glint and glare occurred for the new roads in the SDZ.</p> <p>In addition, the appellant is of the view the no glare analysis is submitted. It also raises the issue of what independent reports the planning authority sought as it seems to rely entirely on that submitted by the applicant.</p>	<p>the G&amp;G assessment submitted as part of the planning application highlights that any effects generated in the direction of the Monard SDZ and its associated playing pitches will only occur in relation to four of the 25 no. 'Urban Area' sample points used to represent the SDZ. Furthermore, these equate to very small time periods during the early morning (between 6:30 and 8am) and less than 100 minutes of glare across an entire year, at even the worst affected location.</p> <p>the impacts of glint and glare on the Monard SDZ are deemed to range between 'Very-low' and 'Negligible'. There is no material substance to the appellants claims that field sports will be adversely affected by the solar PV panels. It is noted that as part of the Further information response submitted to CCC, an additional northern portion of the SDZ was included in the G&amp;G assessment.</p> <p>In respect of independence of the reports, the applicant is of the view that if MacroWorks Who prepared the LVIA and G&amp;G assessments had been commissioned by CCC to undertake an LVIA and G&amp;G assessments for the project, the results would be the same.</p> <p>H28 which does not fall within the geometric glare potential area and was only included for full analysis out of an abundance of caution. It is directly south of the array in a location where reflectance rays are near vertical based on the angle of the incoming southerly sunlight and the shallow</p>	<b>9.1.3. Glint and Glare</b>

		angle of angle of the south facing panels. For the Appellant's own dwelling (H32) the image they provide on page 11 of the appeal highlights why they were initially shown to have potential for reflectance effects to occur (In a theoretical worst case bare-ground scenario), but once intervening vegetation is accounted for, the impact potential was eliminated. The image provided by the appellant is taken during winter with bare intervening trees, whereas the potential for reflectance at H32 only occurs during the summer months April to September, when those same trees will be in-leaf.	
<b>Road Safety</b>	<p>CCC granted planning permission on the basis that the proposed development be set back 40m from the public road in the interest of visual amenity and having regard to the site's greenbelt designation. The appellant believes this set back should have been more given the time it will take to establish vegetation screening the significant road hazard it will create.</p> <p>There is also concern about the damage to the existing road and the potential restrictions that will be put in place to development the solar farm.</p>	<p>The solar farm design allowed for a setback of 20m from the roadside in the interest of protecting the residential amenity of the area. Condition no. 5 results in this set back being increased by an additional 20m, thus, increasing the setback from the L6965 to 40m in total. This condition is acceptable to the client. Whilst openly visible, the solar arrays present as one alternative land cover within a broader agricultural context, which is not critically altered in terms of landscape character or visual amenity.</p> <p>, there is no evidence put forward by the appellant to support the claim this road is more dangerous and prone to accidents than any other local roads in the area. Any additional road use will be during the construction phase of the development, with an Outline Traffic Management Plan (OTMP) submitted as part of the planning application which was drafted following consultations with CCC's Roads and Transportation Department. Details of the OTMP are contained within the CEMP, submitted as part of the planning application, and this details traffic and safety measures on the local road network during the construction phase of the development.</p> <p>Following an in depth G&amp;G assessment, it is considered that there will not be any hazardous glint and glare effects upon the local road network and the L6965 resulting from the proposed solar PV panels as part of the development. Furthermore, no residual cumulative impacts are anticipated in conjunction with other operational, in-construction or consented solar farm developments such as the Ballynahina solar farm.</p>	<p><b>9.1.7. Traffic, Transport &amp; Road Safety</b></p> <p><b>9.1.2.1. Condition in respect of Landscape and Visual</b></p>

<p><b>Impact on Monard SDZ (Recreational and Residential Uses)</b></p>	<p>The appellant is of the view that the proposed development is in direct conflict with the recreational uses identified in the planning scheme for the SDZ. The proposed development would inhibit the enjoyment of the recreational area due to the glint and glare. Additionally, residential uses in this location would also not be compatible with the solar farm.</p>	<p>As shown within CCC's proposals and as shown in the Monard SDZ Planning Scheme (MSDZPS) published in 2018 and referenced within the appellants marked-up image of Monard SDZ shown as 'SDZ 1' of Figure 3-5, below, it is shown that there will be significant existing and introduced vegetation along the eastern border of the Monard SDZ referred to as 'Woodland Screening' to give visual screening to the playing pitches within Monard SDZ.</p> <p>The Photomontage containing VP5 provides further evidence as to the elimination of visual intrusion as referenced in the appellants claim in relation to use conflict and the recreational lands.</p> <p>The permitted solar farm at Rahanisky will be constructed many years prior to any development within the Monard SDZ, and as such, mitigation planting throughout the solar farm site, as shown in this response and within the documentation submitted as part of the planning application, will have many years to become established and mature, and therefore provide a volume vegetative growth which will enhance visual screening for many years before development begins on the Monard SDZ.</p>	<p><b>9.1.4. Impact on the Monard Strategic Development Zone and subsequent subsections</b></p>
<p><b>Impact on Monard SDZ (Construction Period of 10 Years)</b></p>	<p>The appropriate period for the proposed development is 10 years. The appellant is of the view that this will have a significant impact on the delivery of the SDZ.</p>	<p>Section 41 of the Planning and Development Act 2000 (as amended) provides for the granting of planning permission for a limited period, which can be specified by the Planning Authority or An Bord Pleanála, as appropriate, which in this case is for a period of ten years.</p> <p>A ten year planning permission adheres to 'proper planning and sustainable development' as it provides the solar farm developers with the certainty they need to invest in these projects while also ensuring that planning matters in relation to the environment, archaeology etc. are addressed and that technology advancements and the national grid can develop further to allow developments</p>	<p><b>9.1.4. Impact on the Monard Strategic Development Zone and subsequent subsections</b></p>
<p><b>Impact on Monard SDZ (Future Expansion of the SDZ)</b></p>	<p>The proposed development would inhibit the future expansion of the SDZ as a result of the solar farm's operational life. Given the topography of the area any expansion of the SDZ would have to be in the direction of the appeal site. It is considered there more</p>	<p>The current CCDP contains no zoning objective for the expansion of SDZ, and the Rahanisky Solar Farm has been granted in accordance with all policies and zoning objectives of CCC and national Planning Guidelines. Any expansion to the Monard SDZ would require the Planning Authority to prepare and submit a new Planning Scheme through the</p>	<p><b>9.1.4. Impact on the Monard Strategic Development Zone and subsequent subsections</b></p>

	suitable locations for the proposed development on less critical lands.	formal planning process. The proposed development has been deemed an acceptable use within the greenbelt and is an appropriate use within this zoning.	
<b>Biased and Fettered Discretion following the Pre-Application Consultation</b>	CCC in making the decision adopted non-statutory policies to guide them. The appellant is of the view that the principle of the development was deciding during pre-application and in advance of the formal planning application. The appellant is of the view that the same officials of CCC who were involved in the pre-application should not have been involved in the formal planning application.	It is the applicants belief the appellant has misunderstood the pre-application process and what the term 'in principle' refers to in terms of consultations as part of the planning process.  In contacting the appellant and confirming the project was "acceptable in principle", The applicant merely was informing the appellant a pre-planning meeting had taken place where the proposed project was discussed with CCCC planners, and based on this, that CCC stated the proposed development is considered compatible with the overall vision of the area in relation to Policies and Objectives within the current CCDP 2022-2028. Any pre planning meeting held is given by the Planning Authority without prejudice meaning the advice does not bind the decision making process in any way.	<b>9.1.12.2. Administrative Issues in CCC</b>
<b>Decommissioning of the Proposed Development</b>	There is no method of sustainably disposing such an amount of solar panels. There is a concern that an 'industrial wasteland' will be left at this location.	Solar Panels are primarily constructed from silicon and the electronic components are fully encased resulting in no risk of leakage or leaching of the panels over their lifetime. It is anticipated when the time comes to decommissioning, in line with the WEEE Directive, and trends in waste management, the site operators will be required to ensure used solar panels and all other electrical components will be recycled. The operators will regardless be obliged to dispose of panels using suitably licenced operators and facilities. Once decommissioned the lands can revert fully to agricultural uses.	<b>9.1.12.3. Decommissioning</b>
<b>Property Devaluation</b>	The proposed development will impact the value of adjacent and neighbouring properties.	No evidence has been put forward by the appellant as to why devaluation would occur, indeed precisely how any adverse impact to residential amenity in the area will occur is not given by the appellant. no evidence has been put forward by the appellant as to why devaluation would occur, indeed precisely how any adverse impact to residential amenity in the area will occur is not given by the appellant.	<b>9.1.12.4. Property Value</b>
<b>Biodiversity</b>	Given the large tract of land to be used by the proposed development, has the decision taken into account issues such as a loss of	We understand the appellants concerns on the micro level, and they may have a perception of a loss of agricultural land and that this somehow relates to loss of habitat and impacts of the stream. However, the assessments of the site and	<b>9.1.8. Biodiversity</b>

	habitat and impact to the stream (Rath an Uisce) and drainage.	associated mitigation measures to preserve the visual amenity and existing natural assets within the solar farm site will not only enhance existing habitats but create new habitats such as new hedgerows and undeveloped riparian and ecological areas which will create significant biodiversity net gain directly as a result of the solar farm. It should also be noted that the proposed development will not lead to the loss of agricultural soil, and that the solar farm will complement the existing land use and field patterns on the site. The use of the lands for solar is appropriate and will not result in any permanent loss of agricultural soil, the project is of 40 years only.	
<b>Use of Agricultural Lands</b>	The proposed development will sterilise large tracts of lands and may displace and discourage the use of land for food production.	It can be expected that the intensive dairy agricultural use of the lands will reduce over the lifetime of the development being in place, and transition to a less intensive form of land use, with the land still being farmed with certain types of agricultural activity such as sheep grazing and bee-keeping for instance.	<b>9.1.6. Use of Agriculture Lands</b>
<b>Human Health</b>	The proposed development has the potential to generate a health risk including anaemia and behavioural issues especially for children who are susceptible to exposure at growing stage	Solar farms are widely recognised as safe and environmentally friendly sources of renewable energy. They produce electricity without emitting harmful greenhouse gases and have a minimal impact on the environment once installed. The solar panels used in the farm are sealed units. Any potentially hazardous materials used in their manufacture are contained within the panels and do not pose a risk to the surrounding environment or the local community	<b>9.1.12.5. Human Health</b>
<b>Scale of the Proposed Development</b>	The proposed development is in addition to several other solar farms in the Whitechurch area. The appellant considers this unacceptable, over intensification of this type of development in one area.	The P&E provides assessments for LVIA, G&G assessment and LMP showing there will be no cumulative impact with the proposed Rahanisky solar farm. Throughout the P&E submitted to CCC as part of the planning application, and in addition to the previously discussed LVIA and G&G assessment, cumulative impacts with other operational, in-construction or consented solar farm developments were conducted in relation to Hydrology and Water Quality, Noise and Vibration, Ecology and Biodiversity and Roads, Traffic & Transportation.	<b>9.1.1. Principle of the Development</b> <b>9.1.5. Scale of the Development</b>

## **8.0 Assessment**

Having examined the application and appeal documentation on file and having regard to relevant policy and guidance, it is considered that the key issues in this appeal are those raised in the grounds of appeal namely:

- Principle of the Development
- Landscape and Visual
- Glint and Glare
- Impact on the Monard Strategic Development Zone
- Scale of the Development
- Use of Agriculture Lands
- Traffic, Transport & Road Safety
- Biodiversity
- Soil, Water and Flooding
- Built Heritage
- Residential Amenity
- Operational Activity
- Other Matters
  - Incorrect Public Notices and other legal issues
  - Administrative Issues in CCC
  - Decommissioning
  - Property Value
  - Human Health

Technical matters relating to EIA and AA will also be addressed:

- Likely Effects on the Environment
- Likely Significant Effects upon a European Site

In considering the matters above, the Board should note that in relevant planning documentation submitted reflects the overall project (i.e. the solar farm and grid connection in both county and city areas).

### **8.1. Grounds of Appeal**

#### **8.1.1. Principle of the Development**



The site is located outside zoned lands as such. Such lands have no zoning objective and are not considered in any zoning matrix. However, it is noted that the site is located in the County Metropolitan Cork Greenbelt for which the planning authority has the objective to maintain (RP 5-11, RP 5-12).

Objectives for greenbelts typically arise from housing policy and primarily relate to rural areas under strong urban influence and pressure from urban generated housing. Therefore, there is a recognition in policy that agricultural (RP 5-13) and developments of a strategic and exceptional nature (RP 5-17) can be accommodated successfully within the greenbelt. It is also noted that the proposed development is not located in a Prominent and Strategic Metropolitan Cork Greenbelt Area (GI 14-16), which are specific areas within the greenbelt that have prominent landscape features.

While not the current (or familiar) agriculture practice, utilising lands for solar farms is an increasingly common agricultural practice as farmers and landowners diversify their business. This diversification in agriculture is supported in development plan policy (EC 8-15). It is therefore considered that solar farms are an appropriate agricultural land use in the greenbelt under Objective RP 5-13.

Even if one were of the view that a solar farm is not strictly 'agriculture', there is no specific zoning for solar farms and they would not be suitably located within other zoned lands. Therefore, it has to be recognised that they are a 'development of a strategic and exceptional nature' and in the absence of any specific policy prohibiting them, they could reasonably be accommodated in greenbelt locations under Objective 5-17.

On the basis that a solar farm is generally acceptable in a greenbelt, the proposed development will be considered on a case-by-case basis having regard to the proper planning and sustainable development of the area and compliance with the relevant policies and objectives, standards and requirements as set out in this CCDP, guidelines issued in accordance with Section 28 of the PDA and guidance issued by other government bodies, as relevant.

Both national (*NPF* National Policy Objective 55) and regional level policy (*RSES* Policy Objective 4.79, 4.84, 10.20), along with local policy in the CCDP (ET 13-14)

as set out in Section 7.0 of this report are clear in their support for renewable energy generation, which includes solar energy.

Therefore, the principle of a solar farm on agricultural lands in the County Metropolitan Cork Greenbelt is acceptable subject to compliance with the proper planning and sustainable development of the area and compliance with the relevant development plan and in particular landscape and visual given the primary purpose of the greenbelt is to mark the visual transition from urban to rural.

In respect of the relevant issues that require addressing in order to demonstrate compliance with the relevant development plan the Board should be satisfied that the following factors set out under Paragraph 13.8.5 of the CCDP and replicated in table below are assessed.

<b>Table 6: Range of Issues to consider for Solar Farms</b>	
<b>Provisions</b>	<b>Relevant Assessment Section</b>
Landscape Character	Section 9.1.2
Layout of the proposal including the scale of land cover, panel height, landscaping, road access, noise, etc:	Section 9.1.5
Site suitability – lands of high environmental / biodiversity value are not generally suitable for such development while brownfield land may be suitable	Section 9.1.5 Section 9.1.6
Drainage and Flooding	Section 9.1.9
Environment	Several Sections
Visual and Landscape Impact	Section 9.1.2
Glint and Glare (on neighbouring sites and transportation routes)	Section 9.1.3
Grid connections, in particular grid connections with the potential to impact on the strategic function of the national road network should be discussed and agreed with Transport infrastructure Ireland and should use alternative available routes where feasible in the first instance	Section 9.1.7
Fencing, lighting, and security	Section 9.1.5
Storage and maintenance	Section 9.1.5
Ecology and protection of habitats and species	Section 9.1.8 Section 9.3
Traffic and noise impacts	Section 9.1.7
Ensuring Heritage assets are conserved appropriately and consider how or if any implications a large solar farm may have on these sites	Section 9.1.10
Cumulative impacts	Several Sections
Decommissioning and how the land can be restored to its previous use	Several Sections Section 9.1.12.3

I am satisfied that the proposed development is in compliance with same.

The cable and associated infrastructure in the public roadway are underground and acceptable in principle having regard to the CCDP (ET 13-21) which aims to facilitate where practical and feasible, infrastructure connections to solar farms subject to

normal proper planning considerations. Such considerations are set out in subsequent sections.

### **8.1.2. Landscape and Visual**

The solar farm site (excluding the underground grid connection) is located in an area defined as 'Fissured Fertile Middleground' in the Landscape Charter Assessment of the CCDP. Such areas are considered to be of 'medium' landscape value, high landscape sensitivity and county landscape importance. Such areas are considered vulnerable landscapes with the ability to accommodate limited development pressure. However, despite this designation which encompasses a large area of the county, the solar farm site itself is not located in the 'High Value Landscape' designation under Objective GI 14-10 of the CCDP which would signify a heightened sensitivity and importance. Additionally, it is not located within a 'Prominent and Strategic Metropolitan Greenbelt Area' (Objective GI 14-16) which again heightens the sensitivity and importance of the landscape. There are no scenic views or prospects identified in the CCDP that would relate to the solar farm site. It is noted that the landscape designations for the Monard SDZ is largely the same as the subject site save for an area to the south-east of the SDZ.

The appellant is of the view that the proposed development will result in an impact to the character of the landscape due to the installation of an industrial facility at this location. In addition, there is concern regarding the potential landscape and visual impact on Monard SDZ given the topography at that location. Owing to their nature and scale, the solar farm will significantly impact the character of the area and indeed wider views to and from any area. An appellant is of the of the view that the solar farm would be visible for large areas of the SDZ in particular.

It is accepted that the proposed development will be a novel intervention in the landscape and there are potential for landscape or visual impact impacts in particular on the area of the Monard SDZ. However, it is considered the solar farm will not become a prominent feature on the skyline and will be visually contained between existing field boundaries. It is reasonably setback from public roadways and screened with existing treelines and hedgerows as well as supplemental planting – such planting will provide screening which may not have been available previously. The impacts will not be significant owing to this landscape mitigation proposed.

I am satisfied that the visual impact on the Monard SDZ was specifically addressed in the LVIA and three nearby viewpoints (VP5, VP6 and VP7) are sufficient to represent the scale and nature of the development. Despite the view from the appellant that photomontages should have been taken from locations within the SDZ, I agree with applicant that this is not required and the ZTV provides a sufficient basis to assess the proposed development's impact on the Monard SDZ. In noting the conclusions of the LVIA, a residual visual impact of 'Slight / Negative' was assessed for VP5 and VP6, which moderate-slight was assessed for VP7. All significant impacts can be mitigated successfully with existing and proposed hedgerows. The conclusions of the LVIA provided by the applicant are considered reasonable.

There is no specific landscape designation in the area of the solar farm, and, therefore, it is considered the landscape at the location has the capacity to absorb the proposed development in the context of the wider rural area which is already intensively used for agriculture. While the appellants are right to be concerned about the landscape and visual impact generally and specifically the impact on Monard SDZ, the impact is not considered significant and solar farms are likely to become increasingly read as part of the rural and urban fabric and diverse agricultural sector, which is well supported by policy. There is no policy to suggest a residential dwelling should not be located adjacent to a solar farm, or vice-versa and it human being have lived adjacent to electricity infrastructure for decades. It is also noted that the solar farm is in effect temporary and the lands could revert to current farming practices or be incorporated into the urban area in future, if desired. Overall, it is considered the visibility of the proposed development is unlikely to draw attention to itself and even if noticed, is unlikely to detract from the visual character of the area and the setting of the SDZ. In terms of the greenbelt, I am satisfied that the marked transition between urban and rural will remain and the landscape character will not be significantly impacted.

On this basis and having visited the site and its surrounding area, the conclusion of the LVIA which is considered reasonable and qualified with both computer-generated ZTV mapping and an assessment of viewshed reference points with photomontages from certain locations. It concluded that the proposed development will not give rise

to any significant landscape and visual impacts and in particular on the visual setting of Monard SDZ.

The cable and associated infrastructure in the public roadway are underground and will not give rise to any significant landscape and visual impact either. In this instance, it is considered that the proposed development is consistent with the relevant landscape and visual objectives of the CCDP. While several others solar farms are proposed in proximity to the site, it is unlikely to result in any cumulative landscape and visual impact given the existing landscape fabric, topography and distance between sites.

Overall, it is considered unlikely, that significant impacts would arise in respect of landscape and visual and specifically on the Monard SDZ.

#### **8.1.2.1. Condition in respect of Landscape and Visual**

It is noted that CCC included a pre-commencement condition on the planning permission seeking a revised layout for the scheme providing for a minimum 40m setback of solar arrays from the roadside boundary (L6965) to the west. This was in the interest of visual amenity and having regard to the site's greenbelt designation. The design already provided for a 20m set back from the road. The appellant considers a 40m setback insufficient entirely.

The Board should be aware the applicant has stated in its response to the appeal (pg. 8 of 41) that it is entirely willing to comply with same. The increased set-back and provision of extensive mature native planting as shown in the LMP will further reduce any potential effects as the additional planting will be provide increased visual screening as the trees and shrubs mature.

While I am not entirely convinced such a condition is required, the principle underlying it is understood. The fact the applicant is accepting of it, and that it will further mitigate both potential and perceived visual impacts on the SDZ and appellants home, I have recommended the condition be included. It may also result in a reduced impact in terms of glint and glare. However, the Board may be of the view that such a condition is not warranted and a justification could equally be made to exclude it.

#### **8.1.3. Glint and Glare**

A Glint and Glare Assessment accompanies the planning application and was supplemented following the RFI. It concluded that there will not be any significant nuisance effects from glint and glare at dwellings within the study area, at 'Urban Area' sample points used to represent the SDZ. There is unlikely to be any hazardous glint and glare effects upon either road or aviation receptors resulting from the proposed development. In addition, there is unlikely to be any significant impact upon recreational lands proposed as part of the Monard SDZ.

However, it is noted that there is currently no regulation or guidance as to acceptable levels of glint and glare effects at receptors in Ireland. The applicant's consultant has established categories of effect to assist in the determination of the impact. I have considered the related documents submitted by the applicant and the methodology they applied and consider it a reasonable approach. Given the undeveloped status of the SDZ it is methodology of taking 'Urban Area Points' is satisfactory and provides sufficient basis to assess the impact on the SDZ and indeed House 32 and House 28.

The assessment sets out the times of day and months of the year that glint and glare effects could theoretically be experienced at residential and road receptors within the study area. Receptors (houses, urban areas points, aviation and road points) situated to the west of the solar array can only be affected by morning reflectance when the sun is rising in the east. Receptors situated to the east of the site can only be affected by evening reflectance when the sun is setting in the west. In cases where the calculated total minutes per day for a dwelling receptor is less than 15 minutes and for a small number of days, less than 36 days, the magnitude of impact is deemed to be Very Low and has been assigned accordingly

The assessment considered that 49 dwellings, 25 urban area receptors in the Monard SDZ, were within the study area and following an initial analysis considering the terrain only, it was considered that glint and glare is geometrically possible at 40 dwellings and 23 urban area receptors. When factoring in the existing vegetation at the site 13 dwellings and 5 urban area receptors are actually likely to have the potential to be materially affected by glint and glare. Following mitigation planting a potential residual impact remains for 3 dwellings and 4 urban area receptors.

The assessment considers each of these dwellings and urban area receptors separately and concludes that the impact will generally be 'very low' or 'negligible'. However, House 30 will have a magnitude of impact of medium post mitigation as a result of effects at the first floor.

In terms of road receptors, route points have been positioned along all the potentially affected roads within the study area. A total of 91 receptor points were examined. The analysis identifies that glint and glare is theoretically possible along 5 route points post mitigation which have been examined further. An assessment of each of the 5 route points was undertaken with consideration of the screening provided by existing and proposed vegetation. The analysis indicates that there is potential for glare for certain timeframes but that the glare is unlikely to present as anything more than fleeting glints to a passing motorist and that any glare will be oblique to the driving direction. A driver travelling along the roads in the study area may glance towards/at the reflecting panel, but their main focus is likely to be on the road ahead.

In terms of aviation receptors, it was determined that there is no potential for hazard glare effects at the aviation receptors which included Cork Airport. It is noted the daa on behalf of CCC seeks continuing engagement post planning to ensure any impacts that do arise in respect of glint and glare can be remedied between parties. In this instance a condition is not considered necessary given no impact is expected. But the Board may wish to include one should it be minded granting planning permission.

Overall, it is considered unlikely, that significant impacts would arise from glint and glare. I am satisfied that any effects can be eliminated once proposed mitigation planting becomes established.

#### **8.1.4. Impact on the Monard Strategic Development Zone**

##### **8.1.4.1. Landscape Impact**

Refer to Section 9.1.2.

##### **8.1.4.2. Glint and Glare**

Refer to Section 9.1.3.

##### **8.1.4.3. Impact on the Recreational Lands**

It is not that the approved scheme for the Monard SDZ identifies a 'Sports Field Zone' on lands immediately east of the L6965 and the proposed development. The

appellant is of the view that there is a direct conflict between such a recreational use and solar farms and would inhibit the enjoyment of same.

Given the solar farm is a relatively passive use, with limited noise and emissions, and will be separated by the L6965 road and extensive existing and proposed landscape screening, there is unlikely to be any significant impact on future recreational lands at this location. The same reasoning applies to the residential areas identified at this location in the SDZ.

The issue of glint and glare on the recreational lands is addressed in Section 9.1.3. It is considered unlikely, that significant impacts would arise from glint and glare.

#### **8.1.4.4. Construction Phase Impacts**

The applicant has applied for planning permission for an appropriate construction period of 10 years. Once commenced, it is expected that the construction phase will take approximately 12 months. In practice, there will not be ten years of continuous construction occurring on the site. The applicant is of the view that the solar farm will be constructed and operational long before any works in respect of SDZ commence.

The concern of the appellants in respect of construction phase impacts on the delivery of the SDZ is noted. However, given the

- the limited nature of works (no significant structures),
- the expected duration of the works (12 months) and temporal overlap,
- the location of lands to be developed (improved agricultural grassland),
- the location, distance and road network around the Monard SDZ.
- the implementation of standard and best practice construction, operation and decommissioning measures.

There would be no significant impact to the delivery of the Moard SDZ and I am satisfied that no adverse cumulative impacts would arise.

It is noted that any overlap in construction phases and interaction with the SDZ (should it arise) can be managed by the local authority through an appropriate condition agreeing the details of the CEMP, should the Board be minded granting permission for the proposed development.

#### **8.1.4.5. Future Expansion**



The proposed development will be immediately adjacent to the SDZ and it is the appellants view that the SDZ would not be able to expand to the east as a result of the solar farm. While this may be, there is no policy or specific zoning objective in the CCDP that would indicate that the SDZ needs to be expanded presently or the planning authority wish to expand the SDZ in future. The designation of an SDZ does not result in the lands adjacent being sterilised for a notional expansion at an undetermined future date – this would be entirely unreasonable.

#### **8.1.5. Scale of the Development**

While the proposed development will result in an intensification of a single type of development, this is not necessarily negative. I am of the view that the proposed development, in this instance and at this location, does not markedly affect the prevailing landscape pattern or rural character of the area. No specific evidence has been provided to indicate that there will be a negative impact as a result of the intensification, nor has any qualified evidence been supplied to indicate that this is the case elsewhere. In addition, there is already energy infrastructure within the general area. Thus, while it is acknowledged that the proposed development is a change, it is not wholly at odds with the surrounding landscape and uses and will be largely contained within existing landscape pattern.

Having considered the information provided by the applicant, I am satisfied there will be no cumulative impact with the proposed Rahanisky Solar Farm. Cumulative impacts with other operational, in-construction or consented solar farm developments in the context of landscape and visual, glint and glare, hydrology and water quality, noise and vibration, ecology and biodiversity and roads, traffic & transportation are unlikely to occur.

In the absence of any prescriptive policy prohibiting and/or directing solar farms to certain locations, the report defers to the arguments set out in Section 8.1.1 of this report which considers the principle of a solar farm on agricultural lands in the County Metropolitan Cork Greenbelt is acceptable subject to compliance with the proper planning and sustainable development of the area and compliance with the relevant plan.

As part of the planning application process, careful consideration was given by the applicant to technical, engineering, environmental, health and safety and land use

planning viability in the siting and design of the solar farm, and mitigation measures were included where required. It is generally considered that the site is suitable having regard to the environmental and biodiversity value of it. The panel height, landscaping, road access, fencing lighting, security measures, storage and maintained facilities and design in respect of noise receptors is generally acceptable and in keeping with reasonable expectations for a solar farm. The overall pattern and scale of development relative to the landscape is an acceptable approach and, again, not atypical of solar farm development.

#### **8.1.6. Use of Agriculture Lands**

The displacement of the current agricultural practices on lands that make up the site is accepted – the production of dairy or beef will cease as it currently cannot be farmed concurrently with the solar farm. However, other livestock such as sheep can be farmed alongside the solar farm. While the current (or familiar) farming practice may cease, there is a strong policy support for the diversification of farming practices – it is considered that a solar farm can provide this diversification along with sheep farming and a range of biodiversity measures. It is also noted that the solar farm is in effect temporary and the lands could revert to others farming uses if desired.

The landowners are entitled to diversify their incomes and work the land in the most resourceful way possible subject to relevant consents and licences. The displacement of food production, namely beef and milk (and indeed tillage were it viable), will be negligible in the national context.

It may be preferable to direct these solar farms to brownfield and industrial use and indeed domestic and agricultural rooftops, to avoid the potential displacement of food production, however, there is similar contest for land use on this type of site which are predominantly in urban areas. It should also be assumed that promoters of solar farms may be examining this type of site concurrently with rural areas – it is not simply one or the other, both are likely required to meet the energy and climate targets.

In the absence of any prescriptive policy prohibiting and/or directing solar farms to certain locations, the report defers to the arguments set out in Section 8.1.1 of this report which considers the principle of a solar farm on agricultural lands is

acceptable subject to compliance with the proper planning and sustainable development of the area and compliance with the relevant plan.

It is considered unlikely, that significant impacts would arise on agricultural uses

#### **8.1.7. Traffic, Transport & Road Safety**

The proposed development does not generate significant traffic volumes and access during the operational phase will be negligible. Any construction measures required are addressed in the CEMP, which includes a framework for an Outline Traffic Management Plan (OTMP), which should be implemented in full. It is considered that the cumulative impacts arising from other solar farms and grid infrastructure can be reasonably mitigated through good practice. The road network, while classified as local, has the capacity to accommodate it. The CEMP and OTMP should be finalised prior to the commencement of the proposed development. Regardless, these impacts will be temporary and short-term and would be controlled as part of standard and best practice construction measures included in the CEMP. It is noted the OTMP provides for road condition surveys, road sweeping and road reinstatements as required which is sufficient to refute concerns of the appellants about potential damage to the existing road. The CEMP should be finalised prior to the commencement of the proposed development. A condition ensuring same is attached.

The appellants also consider that the presence of solar panels would distract road users and this creates a road hazard and safety issues in of itself. The applicant is of the view that the proposed development will be well set back and screened by vegetation both existing and proposed. While it is accepted the screening will take time to establish itself, the proposed development does not markedly affect the prevailing landscape pattern or rural character of the area. Thus, while it is acknowledged that the proposed development is a change, it is not wholly at odds with the surrounding landscape and uses and will be largely contained within existing landscape pattern. Therefore, it is not considered the solar panels, in of themselves, would contribute to road safety issue at this location. The issue of glint and glare on the recreational lands is addressed in Section 9.1.3.

The proposed access location will be located onto the local road network. Having reviewed the relevant drawings, it is considered the access arrangement designs

can achieve the sight line visibility requirements in accordance with the TII guidelines, TII Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions) DN-GEO-03060. To achieve this a small amount hedgerow removal is required. There is very limited operational access required for maintenance only. A condition is attached to agree the final access details, prior to commencement of development. The access and sight lines are considered acceptable.

The impact of the laying of the grid connection will be short-term and temporary and would have no permanent impact on the strategic function of the road network in this area given it is underground and notwithstanding the levels of traffic between Whitechurch and the Cork Metropolitan Area. The submissions of the roads section in CCC are noted who generally have no objection to the proposed development subject to a range of conditions.

The request from CCC to condition the requirement of a road opening licence is noted. However, all parties will be aware of their legal responsibilities and that even if planning permission has been granted and a commencement notice issued, a road opening licence is still required if it is necessary to open the road. In that context a condition is not considered necessary. Similarly, TII's advice in respect of study area for a future national road scheme is noted but extraneous at this point in time.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on the traffic, transport and road safety.

#### **8.1.8. Biodiversity**

This section concerns general biodiversity and in particular the potential for impacts on habitats and species which are not qualifying interests of European sites. Matters relating to European Sites will be considered below in Section 8.3. Similarly, issues related to soil and water will be addressed in the subsequent Section 8.1.9 to avoid repetition and duplication. However, it is acknowledged that these topics interact.

##### **8.1.8.1. Designated Sites**

The site itself does not have any specific natural heritage designations. There is a hydrological connection to the Great Island Channel SAC and the Cork Harbour SPA via the Ballynahina Stream which originates on the southern border of the solar farm

site. There is no Natural Heritage Area of relevance in this instance due to lack of any source-pathway-receptor.

#### 8.1.8.2. Flora and Fauna

The use of the site by any species is limited in any case given the existing use for agriculture. As a result of the agricultural use the majority of the site is improved agricultural grassland and public roadway in the case of the grid connection. Overall, the site is not considered to be environmentally sensitive and has capacity to absorb the proposed development subject to standard and best practice construction and operation measures.

The proposed development will result in the direct loss and potential disturbance to a certain number of trees and hedgerows as well as the loss of certain areas of improved agricultural grassland for access tracks and inverter stations. The environment of wider areas of improved agricultural grassland will be changed as a result of the installation of the solar panels. However, the improved agricultural grassland and the wider site will be enhanced through a range of measures to manage biodiversity.

Temporary construction phase impacts including noise, dust and traffic impacts may also arise and disturb streams, hedgerows, trees. The proposed development will result in some disruption of existing habitats on site and disturbance/displacement of species using the site. This includes species such as certain red and amber listed species, non-volant mammals, bats and other species. There were no rare or notable plant species recorded on the site during survey. Mitigation measures are considered sufficient in this respect. It is noted by the applicant that invasive species were identified on site which again can be suitable mitigated and managed.

From the survey work undertaken it was identified that certain trees were recorded as having bat roost potential. The hedgerows and treelines offer suitable foraging and commuting habitat for bats. In total in the region of 147 m<sup>1</sup> of hedgerow are to be removed. In addition, existing hedgerow and treelines are to be augmented and to the preponderance of comparable habitat in the vicinity, the development will not result in an adverse impact on bats.

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<sup>1</sup> Clarified in submission received by CCC on the November 2023 under Response to Further Information Item 7 and 10

While conscious that some sections of hedgerow will be removed, primarily to provide access, it is not considered to be significant and on the basis of the mitigation measures the proposed development will not have an adverse impact on any species.

The construction in proximity to streams has the potential for significant impacts. But it is a minor drainage ditch in this instance and does not, in any case, involve instream construction works and there will be no direct impacts to the watercourses subject to standard and best practice construction measures. The potential for indirect impacts from runoff of pollutants and sediment is comprehensively mitigated.

On balance I consider that adequate detail has been provided on the biodiversity of the site and it has been prepared in accordance with the methodology as set out in relevant guidelines. I am satisfied that it is of sufficient scope and detail to assess the overall ecological impact of the proposal. Given the location of the site in an area characterised by largely by improved agricultural lands and public roadway and the detailed mitigation measures to be incorporated including ecological enhancement measures. I consider that the impacts on the ecology of the site and the wider area would be acceptable.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on biodiversity.

#### **8.1.9. Soil, Water and Flooding**

It can generally be accepted that the solar farm can provide a number of longer-term benefits to the stream quality as the after use of the site is low-intensity agricultural with reduced nutrient inputs and increased setback from watercourses. In addition, the absence of more intensive farming activity will reduce soil compaction which should improve the soils water acceptance potential and run-off from the site.

A Drainage Assessment and Strategy has been submitted which indicates no significant impacts on the drainage regime during either construction or operational phases of the development. The conclusions of same is considered reasonable.

There are potential impacts through disturbance of the site and an increased risk of pollution events to soil and water during construction, however, there is limited instream works proposed. It is noted that the Ballynahina Stream is in close proximity to the site. The construction phase of the site will involve management of discharges

and emissions to ensure they do not cause pollution or deterioration in the status of surface water or groundwater bodies. These impacts will be temporary and short-term and would be controlled as part of best practice construction measures outlined in the CEMP which are undertaken by the applicant which will be in agreement with CCC. There is no likelihood of impacts to geological heritage sites.

The proposed development is within Flood Zone C and is not prone to flooding. Any pluvial flooding or ponding can be managed through SuDS principles. On the basis of the information provided by the applicant, relevant mapping and data from the OPW and the nature, characteristics of the site and design of the proposed development– the conclusion of the FRA is considered reasonable. It is considered unlikely, that significant impacts would arise from flood risk.

The request from the IFI to attach condition related to watercourses is not considered necessary given there is no instream works and there are reasonable setbacks to watercourses proposed.

Overall, it is considered unlikely, subject to mitigation measures, that significant impacts would arise on soils, water and flooding.

#### **8.1.10. Built Heritage**

In terms of built heritage and archaeology, there are no specific designations in respect of the subject site. While there are no Recorded Monuments on the site, the Archaeological Impact Assessment submitted with the planning application notes that there are four unregistered Cultural Heritage features (CH2- trackway; CH 5 and 6 - Townland boundaries; CH7- field boundaries) and two areas of Archaeological Potential (CH 3 and 4 - streams) within the site.

Mitigation proposed recommends (a) buffer zone around CH 1 Moated site, (b) underwater survey for all watercourses traversed by the proposed development, (c) a geophysical survey and archaeological testing (d) protection of CH 2 and 7. The County Archaeologist concurs with the mitigation proposed however given the proximity to a known archaeological monument (CH1 the medieval moated site), the scale of the development and the Areas of Archaeological Potential as identified in the assessment, a condition was sought by the County Archaeologist to carry out a detailed programme of archaeological testing. This is considered reasonable and the applicant was willing to accept such a condition in its response to further

information. A condition on same is recommended should the Board be minded granting planning permission.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on built heritage and in particular archaeology.

#### **8.1.11. Residential Amenity**

There are several properties which adjoin or are adjacent to the proposed development. It is accepted that there is no guidance in respect of setback distances but in the absence of same direction can be derived from the prevailing development plan for the area which provides sufficient basis for an assessment. In this instance there is sufficient potential to mitigate landscape and visual impacts through appropriate siting, design and screening with hedges in spite of the proximity to residential dwellings. It is also noted that the inverter stations, which are noise generating, will be located at a 130 m distance from the nearest residential dwelling. This is considered reasonable and the solar farm generally does not give rise to significant pollution during the operation phase. A condition to manage operational noise at appropriate levels is recommended below. The cable and associated infrastructure in the public roadway are underground and will not give rise to any significant impact either – any construction phase impacts at dwellings along the roadway is noted but will be temporary.

During the construction phase there will be routine construction related pollution and nuisance generated including noise (pile driving), light, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings. These impacts will be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in the PER.

During the operational phase there will be some pollution and nuisance associated with the maintenance of the solar farm owing mainly to noise (inverter stations), light, traffic. The operational phase may see small numbers of people using the site as well as remote operation of CCTV and lighting for security purposes. These impacts will be controlled as part of the standard and best practice operation measures. In addition, a condition limiting noise output is recommended to ensure compliance with established standards for rural areas.



### **8.1.12. Other Matters**

#### **8.1.12.1. Incorrect Public Notices and other legal issues**

Having reviewed Volume 6 (Maps) of the CCDP and specifically the Development Boundaries for Settlements and correlating it with the map provided under S.I. No. 540/2010 - Planning and Development Act 2000 (Strategic Development Zone) (No. 2) Order 2010, I am satisfied that the proposed development is not located in the Monard SDZ. It is noted that the SDZ does not include or extend to the L6965 in which the grid connection is proposed. The SDZ boundary runs along the field boundary with the L6965. The other applications referred to by the appellant which were invalidated (Stafford-Shaw and Coleman) were both clearly and wholly located within the SDZ.

Having reviewed Ordnance Survey Ireland Discovery Series Maps, I am also satisfied that the spelling of the townland is correct and no issues arise in respect of public notices.

#### **8.1.12.2. Administrative Issues in CCC**

There is a raft of issue raised about how CCC has administered the planning application including biased and fettered discretion following the pre-application consultation, scrutiny of assessment and requirement for independent external assessment and its general consideration of submissions received. While these are noted, the issue of whether they are relevant are now largely immaterial. CCC's statutory powers in respect of the planning application has ceased. Those who made observations have exercised their right of third party appeal.

It is now the duty of the Board to administer the application and consider it *de novo*.

#### **8.1.12.3. Decommissioning**

The appellants are concerned about decommissioning and issues related to the appropriate disposal of the solar panels should the lands be abandoned following operation. The applicant has stated they are legally obliged to dispose of panels using suitably licenced operators and facilities.

It is noted that CCC has attached a condition for bond to secure satisfactory reinstatement of the site on cessation of the project. This ensures the financial incentive to ensure the full reinstatement of the site should CCC ever be called on to

do so. It should also be noted that the terms of this permission are subject to enforcement under Part VIII of the PDA and WCCC may take such further action necessary, through its own enforcement powers and that of the judicial system as required to ensure the permission is complied with including its decommissioning phase.

#### 8.1.12.4. Property Value

No specific evidence has been provided to indicate that there will be an impact on property prices due to the existence of a solar farm, nor has any corroborated evidence been supplied to indicate that this is the case elsewhere.

#### 8.1.12.5. Human Health

No specific evidence has been provided to indicate a health risk including anaemia and behavioural issues for children who are susceptible to exposure at growing stage nor has any corroborated evidence been supplied to indicate that this is the case elsewhere. During the construction and operation phases risk to human health arising from pollution and nuisances listed above would be controlled as part of the standard and best practice construction and operation measures. In respect of Electro-Magnetic Fields (EMF), the applicant has designed, the proposed development in accordance with recommendations made by national and international agencies including the International Commission for Non-Ionizing Radiation Protection (ICNIRP). There is no significant risk to human health.

#### 8.1.12.6. Authority Submissions and Requests for Conditions

The requests of GNI in respect of further consultation is noted, however, not considered necessary in the context of this planning application. The applicant will be aware of its obligations outside of the planning process and during the construction phase to take the relevant safety precautions in respect of gas, electricity and water infrastructure prior to any excavations.

Much of the requests from the Department in respect of mitigation measures for nature conservation are noted but already largely complied with and committed to in the PER and associated documents. A condition in respect of fencing and gaps for fauna is included in the recommended below. The Glennamought Bridge is outside the jurisdiction of CCC.

## **8.2. Likely Effects on the Environment**

### **8.2.1. EIA Screening**

In the PER Section 5.0, the proposed development was screened for EIA, where it was concluded that the proposed development is not of a type included in Schedule 5 of the PDR and an EIA is not required.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type/class of development under Schedule 5 of the PDR, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR.
- Assessment of proposed development including its likely effects on the environment as set out above in Section 8.1.

### **8.2.2. Project Types / Class of Development**

The Board should note a 2020 High Court judgment in *Sweetman -V- An Bord Pleanála and others* [2019 No. 33 J.R.] where it was concluded that solar farm infrastructure is not an EIA Project type identified in Schedule 5 of the Planning and Development Regulations 2001, as amended (PDR) and as such, does not require EIA.

This judgement concerns itself largely with the following provisions:

- Schedule 5, Part 2, Class 3 (a) Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this Schedule with a heat output of 300 megawatts or more.
- Schedule 5, Part 2, Class 10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Schedule 5, Part 2, Class 10 (d) (d) All private roads which would exceed 2000 metres in length.

The PER is dated July 2023 and since then, S.I. 383 of 2023 *Planning and Development (Amendment) (No. 2) Regulations 2023* has been introduced which, amends Part 2 of Schedule 5 of the PDR, by inserting 'Projects for the restructuring of rural landholdings'. This now requires consideration.

8.2.2.1. Schedule 5, Part 2, Class 3 (a) Industrial installations

It is not considered that this class of development is applicable. While the proposed development of a solar farm does generate electricity, there is no concomitant generation of heat and steam.

8.2.2.2. Schedule 5, Part 2, Class 10 (b) (vi) Urban Development

It is not considered that this class of development is applicable. The proposed development is not on zoned lands, as such, in the CCDP. It is located on agricultural lands, outside of the designated settlements and in a greenbelt. The site is not located in an urban environment.

8.2.2.3. Schedule 5, Part 2, Class 10 (dd) All private roads

It is not considered that this class of development is applicable. There is no private road described as part of the proposed development. It is not considered the tracks proposed constitute a private road. It is noted that the Board has previously determined that such access tracks in respect of solar developments do not fall under Class 10 (ABP-301028-18, ABP-302681-18, PL17.248146).

8.2.2.4. Projects for the Restructuring of Rural Landholdings

It is considered that this class of development may be applicable. This is a rural landholding and it is proposed to remove field boundaries removal. The threshold for this class is considered below.

**8.2.3. Project Thresholds**

As set out above, it is considered that the proposed development may be a class for the purposes of EIA, under S.I. 383 of 2023 Projects for the Restructuring of Rural Landholdings which includes:

*Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares*

The proposed development will include the removal of 147 m of field boundary<sup>2</sup>, well below the 4 km threshold. Such removal is associated with access and cable laying requirements and does not result in the amalgamation or enlargement of existing fields. It is also considered that significant effects on biodiversity are not likely as a result of such works.

There is no 'recontouring' included as part of the proposed development. While there may be localised earthworks or drainage works, it is not considered that this would amount to 'recontouring'. In practice the ground levels across this area do not vary significantly and no significant excavation will be required. Overall, the topography of the lands will not be impacted as the panels can be installed to existing topography, without excavation or alteration of levels. Access tracks, inverter and transformer stations will require some localised levelling and foundation works; however, such works are not significant in nature and would not constitute 'recontouring' of the lands.

In respect of the last clause, it is not considered that the proposed development is a project for the restructuring of rural land holdings, undertaken as part of a wider proposed development, where the area of lands to be restructured by removal of field boundaries is above 50 hectares. The overall site is 63.9 ha in total, there is no restructuring occurring – any removal does not result in the amalgamation or enlargement of existing fields.

On the basis of the field boundary removal, the proposed development is 'subthreshold'.

In conclusion, a mandatory EIA is not required. Where the development is 'subthreshold', and also considering Schedule 5, Part 2, Class 15 'Sub-Threshold' Projects, an assessment should be made against the criteria for determining whether development listed in Part 2 of Schedule 5 which are set out in Schedule 7 of the PDR.

#### **8.2.4. Schedule 7 Assessment of the Characteristics, Location and Potential Impacts**

The applicant has included a significant volume of information, in its PER and supporting reports, and AA Screening Report as amended by the Response to

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<sup>2</sup> Clarified in in Section 2.3 of submission received by CCC on the 24<sup>th</sup> of November 2023 under Response to Further Information Item 9

Further Information, in relation to the proposed development and the likely significant effects on the environment. This is coupled with the assessment carried out in Section 8.1 above and 8.3 below in this report as well as the various technical experts (both internal and external to CCC) who made submissions to the CCC planning file and who have considered the impacts of the proposed development acceptable subject to a range of conditions.

While the proposed development will be a significant intervention in the rural area, and there will be certain impacts, it is considered that the environment has the capacity to absorb the proposed development in the context of that existing. The extent of field boundary removal is minimal and not significant in the context of this rural area, and the development will not result in significant emissions to the environment. The development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any ecological site.

The appellant raises the issue of other solar farms in the area, including Whitechurch and Ballynahina and the cumulative impact arising. However, the planning application, including the PER and AA Screening Report, have been explicit and circumspect to present and assess the any cumulative impacts with other solar farms. The cumulative impacts have been factored into this assessment for the subject application under appeal.

Should the construction of the proposed development occur in tandem with other development, considered in Section 5.0 of this report including other solar farms and the Monard SDZ, any impacts would be of a temporary nature and short-term given:

- the limited nature of works (no significant structures),
- the expected duration of the works (12 months and limited temporal overlap),
- the location of lands to be developed (improved agricultural grassland),
- the location and distance to the other existing and/or approved projects.
- the implementation of standard and best practice construction, operation and decommissioning measures.

It is considered unlikely that cumulative impacts with other existing and/or approved projects would arise.

Having regard to the nature and scale of the proposed development, the environmental impacts are not complex or intense. Furthermore, the implementation of standard best practice methodologies during the construction, operation and decommissioning phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts.

Having regard to the nature and scale of the proposed development, it is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the scheme are removed. Such removal or at least reassessment of the solar farm's continuance will be part of the terms of permission. The construction phase impacts, will be of relative short duration and limited frequency.

On this basis and when considering:

1. Characteristics of proposed development.
2. Location of proposed development.
3. Types and characteristics of potential impacts.

it is considered unlikely that there would be significant effects on the environment arising from the proposed development.

### **8.3. Likely Significant Effects upon a European Site**

The applicant has submitted an AA Screening Report which is dated May 2023. The documentation is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. The documentation was prepared by Fehily Timoney and the qualifications and experience of the main author of the report is suitable and relevant. The AA Screening Report submitted with the application concluded that the proposed development would not either alone or in combination with other plans or projects, adversely affect any European Site. Neither appellant raised any issues with the proposed development in respect of likely significant effects upon a European site. The proposed development will not be located within a Natura 2000 site and is not directly connected with or necessary to the management of a European Site and

therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development will occur primarily on improved grassland or public road. There are watercourses in proximity to the proposed development but outside the site – the Ballynahina Stream is immediately south of the proposed development and Glennamought Stream which is along the cable route. Both streams are hydrologically connected to the Bride River which follow southwards to the North Channel of the River Lee which ultimately flows to Cork Harbour and the Natura 2000 sites therein. The proposed development includes a surface water drainage system. There is no foul water drainage required. It is noted that there is no record of any protected species using the site of the proposed development.

The closest Natura 2000 site is Cork Harbour SPA (Site Code: 004030) which is 5.1 m direct from the site. The Great Island Channel SAC (Site Code 001058) is 9 km instream from the site. The closest point of the site being the cable route.

#### **8.3.1. Relevant European Sites**

The AA Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development.

No habitats or species listed as qualifying interests for any nearby European Sites or corresponding with Annex I are identified on the site in the AA Screening Report.

The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites.

The AA Screening Report considers European sites within a 15 km range and also where there is a hydrological connection to the proposed development. This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (i.e., watercourses). Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model, it is considered that this is a reasonable Zone of Influence.

Having regard to:

- the information and submissions available.



- the nature, size and location of the proposed development.
- its likely direct, indirect and in-combination effects.
- the source-pathway-receptor model; and
- the sensitivities of the ecological receptors.

It is considered that:

- Cork Harbour SPA (Site Code: 004030)
- Great Island Channel SAC (Site Code: 001058)
- Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

may be relevant as a result of the Ballynahina and Glennamought Stream. However, these sites are screened out by the applicant from the outset given there are no or very limited potential impact pathways or ecological connectivity to the proposed development. I consider this approach to screening acceptable having examined the Natura 2000 data forms and the conservation objectives supporting documents for these sites, available through the NPWS website ([www.npws.ie](http://www.npws.ie)) and in particular the separation distance from the European sites.

Where there is no potential for meaningful biological or relevant hydrological connectivity to these sites it is considered that the potential for impacts to arise from the construction, operation and decommissioning phase of the proposed development is unlikely.

It is also noted that the appellant has raised no specific grounds in respect of the Appropriate Assessment or Natura 2000 sites.

### **8.3.2. Potential In-Combination Effects**

In combination effects are examined within Section 3.2 of the AA Screening Report submitted. The proposed development was considered in combination with other developments in the area. This assessment also considers the Board's planning portal and planning histories considered in Section 6.0 of this report.

I do not consider that there are any specific in-combination effects that arise from other plans or projects. The AA Screening Report considered the combined impacts of the overall development proposal on the site including other solar farms and a range of other projects. I do not consider that any potential for in-combination effects

### **8.3.3. Conclusion**

Having regard to the separation distance from the European sites; the distance between the site and the identified watercourses; the nature of the site, which is largely improved agricultural grassland surrounded by hedgerows and trees; and the nature and scale of the proposed development it is considered that there is no significant hydrological pathway or linkages between the proposed development and the European Sites during the construction, operation and decommissioning phases.

Considering the characteristics of the qualifying interests of the European Sites, as listed by the NPWS, it is considered that no other form of pathway exists and that the site would not be likely to play a supporting or ex situ role for any of the identified habitats or species including bird species.

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

It is, therefore, reasonable to conclude, on the basis of the information on the file, which is considered adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site (including Cork Harbour SPA (Site Code: 004030), Great Island Channel SAC (Site Code: 001058), Blackwater River (Cork/Waterford) SAC (Site Code: 002170), in view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development is not required.

## **9.0 Recommendation**

It is recommended that the Board grant planning permission for the proposed development for the following reasons and considerations and subject to the conditions set out.

## 10.0 Reasons and Considerations

Having regard to the following:

- the nature and scale of the proposed development,
- the consideration of main grounds of appeal in relation to the proposed development set out in Section 7.0 of this report,
- the likely significant effects on the environment arising from the proposed development set out in Section 8.2 of this report,
- the likely significant effects on European sites arising from the proposed development set out in Section 8.3 of this report, including the location of the proposed development and the separation distance from the Natura 2000 sites,
- the likely consequences for the proper planning and sustainable development in the area arising from the proposed development and the relevant provisions of the Cork County Development Plan 2022-2028 and objectives and the results of the Strategic Environmental Assessment and Appropriate Assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),
- the planning application particulars submitted by the applicant including the response to submissions on the appeal,
- the submissions made by prescribed bodies and reports of the local authority in respect of the proposed development,
- the report and recommendation of the Inspector.

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening Determination**

Having regard to:

- (a) the nature and scale of the proposed development,
- (b) the location of the proposed development and the separation distance from the European Sites,
- (c) the hydrological connection between the site and the European Sites via an adjacent watercourse,
- (d) the submission made by the local authority, including the Appropriate Assessment Screening Report,
- (e) the submissions made by the appellants
- (f) the report and recommendation of the Inspector,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually and in combination with other plans or projects, would not be likely to have a significant effect on the identified European Sites, in view of the conservation objectives of these sites and that a Stage 2 appropriate assessment and the submission of a Natura Impact Statement for the proposed development is not required.

## **Conditions**

### *Plans and Particulars*

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

**Reason:** In the interest of clarity

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

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

3.
  - a) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
  - b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.
  - c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored

in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

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

4. Before construction commences on site, the applicant shall submit a revised layout for the scheme providing for a minimum 40 metre setback of solar arrays from the roadside boundary to the west.

**Reason:** In the interest of visual amenity

#### *Grid Connection*

5. 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.

#### *Environmental*

6. All of the environmental, construction, operation and decommissioning phase mitigation measures set out in the particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order. Where such measures require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development.

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

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

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

8. Prior to the commencement of development pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.

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

9. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for prior approval to the Planning Authority. This shall be facilitated through the provision of mammal access gates designed generally in accordance with standard guidelines for provision of mammal access (NRA 2008).

**Reason:** To allow wildlife to continue to have access across the site, in the interest of biodiversity protection.

10. A Landscape Mitigation Plan and Biodiversity Management Plan for the proposed development, in accordance with that submitted, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed plans. These plans shall cover a period of at least five years and shall include details of the arrangements for its implementation.

**Reason:** To ensure the preservation and protection of flora and fauna within the site. and provide for the satisfactory future maintenance of this development in the interest of visual amenity.

*Residential Amenity, Public Health & Safety*

11. a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- c) Cables within the site shall be located underground.



- d) The inverter stations shall be dark green in colour. The external walls of the storage containers shall be finished in a neutral colour such as light grey or off-white unless otherwise agreed in writing with the planning authority.

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

- 12. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

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

- a) Details of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Details of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) 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;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- i) 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;
- j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- k) 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 Construction Management Plan shall be kept for inspection by the planning authority.

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

14. The final details of the operational access arrangements shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. Any gates shall open inwards only.

**Reason:** In the interests of traffic safety.

15. All road surfaces, culverts, watercourses, verges 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.

16. a) 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 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.

b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

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

### *Archaeology*

17. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/ site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

## *Financial*

18. Prior to commencement of development, the developer shall lodge with the Cork County Council a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure satisfactory reinstatement of the site

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

### Professional Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Tomás Bradley,  
Senior Planning Inspector  
31<sup>st</sup> May 2024