



An  
Bord  
Pleanála

## Inspector's Report ABP-318915-24

### Development

Modification to permitted solar farm and all associated site works. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development and the NIS will be submitted to the Planning Authority with the application.

### Location

Ballinrea, Ballinreeshig, Kilnahone near Carrigaline, Co. Cork

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

234563

### Applicant(s)

Ballinrea Solar Farm Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Avril Kelly

### Observer(s)

None

**Date of Site Inspection**

28.05.24

**Inspector**

Una O'Neill

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	7
3.3. Prescribed Bodies .....	9
3.4. Third Party Observations .....	9
4.0 Planning History.....	10
5.0 Policy Context.....	12
5.1. National Policy Context .....	12
5.2. Regional Policy Context .....	14
5.3. Local Policy Context.....	15
5.4. Natural Heritage Designations .....	19
5.5. EIA Screening .....	19
6.0 The Appeal .....	20
6.1. Grounds of Appeal .....	20
6.2. Applicant Response .....	21
6.3. Planning Authority Response .....	23
6.4. Observations .....	24
6.5. Further Responses.....	24
7.0 Assessment .....	24
7.1. Introduction .....	24
7.2. Principle and Scope of Development .....	25

7.3. Breeding Birds and Loss of Agricultural Lands.....	27
7.4. Landscape and Visual Impact .....	30
7.5. Surface Water and Water Quality.....	32
7.6. Procedural Issues .....	32
8.0 Appropriate Assessment Stage 1 Screening and Stage AA .....	34
8.1. Compliance with Article 6(3) of the Habitats Directive.....	34
8.2. Stage 1 AA Screening.....	35
8.3. Potential Impact Mechanisms from the Project .....	37
8.4. European Sites and Identification of Likely Significant Effects .....	38
8.5. Qualifying Interests: .....	39
8.6. The Natura Impact Statement .....	41
8.7. Appropriate Assessment of Implications of the Proposed Development.....	42
9.0 Recommendation.....	49
10.0 Reasons and Considerations .....	49
11.0 Conditions .....	50
Appendix 1 – Form 1: EIA Pre-Screening	

## **1.0 Site Location and Description**

- 1.1. The site is circa 2.1 km to the northwest of the outskirts of Carrigaline, 4.5km southeast of Douglas, and 8km south of Cork City Centre. This site lies in open countryside between the N28 to the east and the L2464 to the west, with vehicular access off the L2464 (Ballinrea Road).
- 1.2. The site, which has an area of 46.92ha, is currently in agricultural use, encompassing several amalgamated fields, which are presently under grass with some of the site being grazed by sheep. The site is of elongated form on a north/south axis, with gradients falling gently in easterly directions over the northern and central portions and southerly over the southern portion. The site is served by an existing access off local road L2464 to the west that connects with a laneway to the existing farm yard and farm house sited centrally in the northern half of the site.
- 1.3. There are a number of one off housing dwellings along the L2464 as well as light industrial and commercial and community uses including auto mechanics, Ballinrea Business Park and Saint John's Cemetery.

## **2.0 Proposed Development**

- 2.1. The proposed development is described as modifications to an existing permitted solar farm (Pl. Ref. No.: 17/6784, ABP Ref. PL04.303013) and proposal for a new 33kV cable. The modifications are within the boundary of the permitted development. The proposed cable element is outside the boundary of the extant permission.
- 2.2. The proposed modifications are described as follows:
  - i) Changes to the layout and dimensions of the permitted solar photovoltaic layout which will decrease the solar photovoltaic footprint from c. 159,100 sq.m. of solar panels, to c. 145,000 sq.m of solar panels on ground mounted frames (this modification is to allow for the inclusion of a proposed 110kV substation and grid connection which will be subject to a separate application);
  - ii) Amendments to the internal track layout and the removal of the permitted battery storage unit;
  - iii) 6 no. single storey inverter/transformer stations (reduced from 10 no. permitted inverter/transformer stations).

2.3. Permission is also sought for the provision of:

- a 33kV internal network cable (c. 3,760m underground with c. 114m of overhead line) linking the Ballinrea solar farm with the Ballinvuskig solar farm (c. 1.74 km to the northwest).

2.4. A Natura Impact Statement (NIS) accompanies the application.

2.5. The applicant states that the modifications are required given the advances in renewable energy technology since the time of the original application, which was based on the industry standard design for solar photovoltaic panels relevant at the time of application. The cable link proposed is required to connect this solar farm with a permitted solar farm to the north west, known as Ballinvuskig.

2.6. Since the lodgement of this appeal, I note that a 110kV substation and grid connection has been permitted by ABP (SID application; ref ABP-317706-23), with the permitted substation located within an eastern section of this site and the new cable running from this permitted solar farm to the southeast to an existing 220kV substation at Rafeen.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following a further information request, the Planning Authority granted permission, subject to 50 conditions, including the following:

- C2: The proposed development shall comply with the terms and conditions of Planning Permission Reg. No. 17/6784 (PI.04.303013) which governs the overall development of the lands of which the site forms part, save where amended by the terms and conditions herein.
- C6: All works shall be carried out in accordance with the eight mitigation measures outlined in Section 5 of the Archaeological, Architectural and Cultural Heritage Impact Assessment submitted on 31/10/2023.
- C46: Prior to the commencement of works, the applicants shall submit to the Planning Authority for agreement, a revised Biodiversity Management and Enhancement Plan for the site. The revised plan shall include for the management of

areas not only to support breeding target species but also flocks of wintering farmland birds and waterbirds recorded during baseline surveys. Furthermore, the revised plan shall provide site-specific management details to maximize species rich meadows / grasslands which shall also have regard to potential ground nesting avian fauna and livestock grazing preferences.

- C47: All works shall be implemented in accordance with mitigation measures specified in the Ecological Impact Assessment report received by the Planning Authority on the 28/03/2023 and as updated by conditions of planning herein.
- C48: All works shall be implemented in accordance with mitigation measures specified in the Natura Impact Statement (NIS) received by the Planning Authority on the 28/03/2023 and as updated by conditions of planning herein.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- Further information was requested in May 2023 in relation to:
  - Operational implications on faunal species, eg waterfowl and waterbirds, including species of conservation interest in Cork Harbour SPA, relating to direct mortality due to attraction to solar arrays to avian species to roost, forage and/or drink; and potential impact of solar flux on avian fauna, eg singeing of feathers etc.
  - Implications on route protection zones of peripheral trees and hedgerow habitats;
  - A Biodiversity Management Plan requested to address protection and enhancement of biodiversity, including proposals for the conservation and management of areas of the site for wintering birds including Yellowhammer and Meadow pipit shall be provided, and plan to support net gain;
  - Landscape Plan requested;
  - Glint and glare study requested;
  - Glint and glare mitigation for dwelling H24 and H44;

- Revised Archaeological Architectural and Cultural Heritage Impact Assessment to include full list of mitigation measures;
  - Drainage Impact Assessment requested;
  - Flood risk assessment requested;
  - Increased separation distance from residential properties to the northwest;
  - Site Restoration Plan requested.
- Planning Authority Response to FI request, which was received on 31<sup>st</sup> October 2023:
    - Flood Risk Assessment and Drainage Assessment submitted which demonstrates proposal will not adversely affect the existing or proposed drainage regime and will not be affected from any flooding issues.
    - A portion of the proposed solar panels in the northwest corner of the site have been removed with revised drawings submitted showing separation distance of 45m from the northwest dwelling, which is acceptable.
    - Environment Dept outlines no objection to the submitted Decommissioning and Restoration Plan.
    - Applicant has addressed the issues raised in the request for further information. There are no outstanding issues. The proposed development is considered in accordance with the proper planning and sustainable development of the area subject to conditions.
    - The Ecologist report concludes that based on the applicant's response to the FI and having regard to the scientific literature review by Natural England in 2017, the Ecologist is satisfied that the proposed development does not constitute a significant risk to ex-situ species of the Cork Harbour SPA.

### 3.2.2. Other Technical Reports

Ecology Office of Cork County Council (CCC), reports dated 18.05.23 and 14.12.23 - No objection, subject to conditions.



Environment Department], CCC, reports dated 03.05.23, 17.05.23, 18.05.23, 15.11.23, 12.12.23 [separate noise and surface water reports on original application and FI response] – No objection subject to conditions.

Architects Department, CCC, report dated 22.05.23 – FI to update report recommended.

Area Engineer, CCC, report dated 18.05.23 – No objection subject to conditions.

### **3.3. Prescribed Bodies**

Uisce Eireann – No objection.

IAA – Glint and Glare study requested.

Inland Fisheries Ireland – Standard conditions recommended.

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

Four third party submissions were submitted to the PA with the following issues raised:

- Impact on residential amenity of dwelling due to obscured/impeded views from access to home due to additional hedgerows and planting.
- Traffic hazard.
- Use of agricultural land for an industrial development.
- Erosion of rural character of the area.
- Detrimental impact on landscape and visual amenities.
- Concern in relation to lack of health studies in relation to impact of this type of development.
- Screening reports and assessments inadequate and do not comply with regulations.
- Full EIA required.
- Description incorrect as not all of development proposed is within original redline boundary and not all modifications.

- Lack of national, regional and local level guidance regarding siting and appropriateness of solar projects.
- Split project.
- Lack of consideration of glint and glare.
- Contrary to section 32 of the Planning and Development Act.
- Lack of qualified input from agronomist in relation to impact on soils and natural drainage.
- Concern in relation to implications of development of land owned by third party in Ballinreagh.

## 4.0 Planning History

**ABP-303013-18:** Permission GRANTED for a solar farm consisting of c. 159,100 sqm of solar panels on ground mounted frames, 1 no. substation, 10 no. single storey inverter/transformer stations, battery storage module and associated equipment building, security fencing, satellite pole, CCTV and all associated ancillary development works. Construction and operational access to the site will be via the existing entrance from the L2464.

**08/8807:** Permission GRANTED for construction of cubicle house, slatted channel, lined lagoon and associated works.

### **Site to south of application site (accessed off same access road):**

**ABP-317706-23:** Permission GRANTED on 08/04/24 for development of a 110kV substation, grid connection and associated infrastructure located at Ballinrea and adjacent townlands, Co. Cork.

### **Site 1.7km to the Northwest, Ballinvuskig Solar Farm:**

**ABP-305186-19 (PA ref ref 19/5371):** Permission GRANTED for a solar farm consisting of circa 178,600 m<sup>2</sup> of solar panels on ground mounted frames, 1 no. single storey 38 kV substation and associated electrical compound with loop in to

existing 38kV overhead line on site via 2 no. new timber polesets, 12 no. single storey electrical inverter/transformer stations, battery storage module and associated equipment container, security fencing, satellite pole, CCTV, landscaping and all associated ancillary development works. Construction and operational access will be via an existing entrance from the L-2462. The proposal will be connected to the national grid via the loop-in to existing overhead wires that traverse the site. The operational lifespan of the solar farm will be 35 years.

- This permission is 1.7km to the northwest. It is intended to link the solar farm subject of this application with this permitted solar farm with an underground cable.

#### **Concurrent Appeal with ABP:**

**ABP-318925-24, PA reg ref 23/41837:** The proposed modifications are entirely within the boundary of the permitted development and will consist of (1) the exclusion of the permitted 38kV substation and grid connection which comprised of a loop in to the existing 38kV overhead line on site (2) The exclusion of the permitted battery storage unit and container unit (3) A reduction in number of inverter/transformer stations from 12 no permitted and 8 no inverter/transformer stations (4) the provision of a ring main unit to facilitate connection of the Ballinvuskig solar farm to a proposed 110kV substation at Ballinrea. (5) Assorted changes to internal access tracks and layout and dimensions of their permitted pv panels which will increase the solar photovoltaic footprint from 178,600sq.m of ground mounted solar panels to 188,000 sq.m of ground mounted solar panels; and all associated site works and infrastructure. NIS submitted with the application.

- Permission REFUSED by the PA.

**17/6351:** Permission GRANTED for A 10 MW solar farm comprising c. 44,400 photovoltaic panels on ground mounted frames on 25.8-hectare site, in the townland of Carrigaline East.

## 5.0 Policy Context

### 5.1. National Policy Context

#### **Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate Act, 2021)**

- 5.1.1. The Climate Act 2021 commits Ireland to a legally binding 51% reduction in overall greenhouse gas emissions by 2030 and to achieving net zero emissions by 2050. As part of its functions the Board must, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

#### **National Energy Security Framework (April 2022)**

- 5.1.2. Published in April 2022 – provides an overarching and comprehensive response to Ireland’s Energy security needs in the context of the war in Ukraine. The framework outlines the structures in place to monitor and manage energy supplies. The framework outlines proposals to speed up the country’s shift to increased energy efficiency and indigenous renewable energy systems.
- 5.1.3. Section 7.2, ‘Replacing Fossil Fuels with Renewables’ notes that the replacement of fossil with renewable energy (such as onshore wind, offshore and solar power) is a key method of reducing Ireland’s reliance on imported fossil fuels.
- 5.1.4. The following responses are noted:
- Response 25: Align all elements of the planning system to fully support accelerated renewable energy development.
  - Response 26: Review grid connection arrangements for renewable electricity projects and the development of system services to accelerate the growth in renewable electricity.
  - Response 27: Accelerate investment in the electricity grid and the development of storage technologies.

## **Climate Action Plan 2024**

- 5.1.5. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan. It builds on the previous CAP by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.
- 5.1.6. CAP 24 supports the acceleration of the delivery of renewable energy onto the national grid with KPIs to be achieved by 2025 as follows: 50% renewable electricity share of demand (80% by 2030); 6 GW onshore wind capacity; Up to 5 GW solar PV capacity, including at least 1 GW of new non-utility solar (8 GW by 2030, including 2.5 GW of new non-utility solar).
- 5.1.7. CAP 24 states 'A continued drive for solar energy, with an ambitious target of up to 5 GW by 2025, will support land-use diversification and enable farmers and communities to participate in the energy transition'.

## **National Planning Framework (NPF) (2018)**

- 5.1.8. The NPF is a high-level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs).
- 5.1.9. NSO 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and recognises the need to harness both on-shore and off-shore potential from energy sources including solar and deliver 40% of our electricity needs from renewable sources.
- 5.1.10. NPO 52 states the planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.
- 5.1.11. It is a National Policy Objective (NPO 55) to 'promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'.

## **National Energy & Climate Action Plan 2021-2030**

- 5.1.12. The NECP incorporates all planned policies and measures identified up to the end of 2019 and which collectively deliver a 30% reduction by 2030 in non-ETS greenhouse gas emissions (from 2005 levels).
- 5.1.13. Ireland has excellent renewable energy resources, which will be a critical and growing component of Irish energy supply to 2020 and beyond. Indigenous renewable energy already plays a vital role in our domestic fuel mix. It increases sustainability through the use of clean power sources and enhances energy security by reducing Ireland's dependence on imported fuels. Ireland has a target of increasing reliance on renewables to 70% by 2030.
- 5.1.14. Para 3.1.2. notes that the new Renewable Electricity Support Scheme (RESS) commits to 70% of electricity from renewable sources by 2030 and is expected to support up to an additional 4.5 GW of renewable electricity by 2030.

## **5.2. Regional Policy Context**

### **Regional Spatial and Economic Strategy (RSES) for the Southern Region 2040**

The following Regional Policy Objectives are noted:

- RPO1: Environmental Assessment (a) Any reference to support for all plans, projects, activities and development in the RSES should be considered to refer to 'environmentally sustainable development' that has no adverse effects on the integrity of European sites and no net loss of biodiversity, that shall be subject to appropriate feasibility studies, best practice site/route selection (to consider environmental constraints such as landscape, cultural heritage, the protection of water quality, flood risks and biodiversity as a minimum), environmental assessment including EclA to support development management and where required, the completion of statutory SEA, EIA and AA processes as appropriate...
- RPO 87: relates to a low carbon energy future.
- RPO 90: addresses regional decarbonisation.
- RPO 95 Sustainable Renewable Energy Generation: To support implementation of the National Renewable Energy Action Plan (NREAP), and the Offshore Renewable Energy Plan and the implementation of mitigation measures outlined in

their respective SEA and AA, and leverage the Region as a leader and innovator in sustainable renewable energy generation.

- RPO 96 Integrating Renewable Energy Sources: To support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.
- RPO 98: supports the development of a Regional Renewable Energy strategy.
- RPO 100: to support the integration of indigenous renewable energy production and grid injection.
- RPO 219: to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers.
- RPO 221 Renewable Energy Generation and Transmission Network:
  - a. Development Plans shall support the sustainable development of renewable energy generation and .....to spatially suitable locations to ensure efficient use of the existing transmission network;
  - c. The RSES supports the Southern Region as a Carbon Neutral Energy Region.

### 5.3. Local Policy Context

#### **Cork County Development Plan 2022-2028**

Core strategy - the site is within the County Metropolitan Cork Strategic Planning Area.

CS 2-3: County Metropolitan Cork Strategic Planning Area –

(c) Maintain the principles of the Metropolitan Cork Greenbelt to protect the setting of the City and the Metropolitan Towns and to provide easy access to the countryside and facilities for sports and recreation.

....

(l) Facilitate the development of renewable energy projects in support of national climate change objectives.

....

The appeal site is located within the 'Metropolitan Green Belt' - defined as a rural area under strong urban influence within close commuting distance of Cork City.

#### Chapter 5 Rural – Section 5.5 Greenbelts

The following objectives relate to the Metropolitan Green Belt:

- RP 5-11: Maintain the County Metropolitan Cork Greenbelt (as shown on Figure 5.1) which encompasses Metropolitan Towns, Strategic Employment Locations, Villages and Countryside of Metropolitan Cork
- 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.

#### Chapter 8 Economic Development

Objective EC: 8-15 Agriculture and Farm Diversification

...c) Encouraging farm diversification through the development of other sustainable business initiatives appropriate to the rural area (see Chapter 5 Rural);...

#### Chapter 14 – Green Infrastructure and Recreation

- GI 14-16: Prominent and Strategic Metropolitan Greenbelt Map - Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are shown on the Prominent and Strategic Metropolitan Greenbelt (Figure 14-3) and it is an objective to preserve them from development.



## Chapter 13 Energy and Telecommunications

It is noted that a radical transformation of our energy system is required to meet national European and international climate policy objectives.

- Objective ET 13-14: Solar Farm Development...

a) ....., support will be given to solar farm projects at appropriate locations, where such development does not have a negative impact on the surrounding environment, landscape, historic buildings, or local amenities..

b) Promote the development of solar energy infrastructure in the county, in particular for on-site energy use, including solar PV... Such projects will be considered subject to environmental safeguards and the protection of natural or built heritage features, biodiversity, views and prospects.

c) Require that new solar farm development proposals be assessed against the criteria listed in this Plan until such time as Section 28 Guidelines are published.

f) All proposed solar developments locating in close proximity to any roads and airport infrastructure will undergo a full glint and glare assessment.

g) Proposals for development of new solar developments and associated infrastructure including grid connections will be subject to ecological impact assessment and, where necessary Appropriate Assessment, with a view to ensuring the avoidance of negative impacts on designated sites, protected species and on-sites or locations of significant ecological value.

- Paragraph 13.8.5 notes that in the absence of national planning guidelines for solar farm proposals, the Council will assess the appropriateness of individual applications having regard to other statutory requirements and guidelines, environmental sensitivity factors (if any) of the site, similar development guidance internationally, and the overall proper planning and sustainable development of the area. 15 issues to be considered in solar farms are listed as follows:

- Landscape character;
- Layout of the proposal including the scale of land cover, panel height, landscaping, road access, noise, etc;

- Site suitability – lands of high environmental / biodiversity value are not generally suitable for such development while brownfield land may be suitable;
- Drainage and flooding;
- Environment;
- Visual and landscape impact;
- The effects of glint and glare on neighbouring sites and transportation routes;
- 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;
- Fencing, lighting, and security;
- Storage and maintenance;
- Ecology and protection of habitats and species;
- Traffic and noise impacts;
- Ensuring Heritage assets are conserved appropriately and consider how or if any implications a large wind farm may have on these sites;
- Cumulative impacts;
- Decommissioning and how the land can be restored to its previous use.
- ET 13-21: Electricity Network
  - ....
  - c) Facilitate where practical and feasible, infrastructure connections to wind farms, solar farms, and other renewable energy sources subject to normal proper planning considerations.

## Chapter 15 Biodiversity and Environment

BE 15-6: Biodiversity and New Development - Provide for the protection and enhancement of biodiversity in the development management process and when licensing or permitting other activities...

#### Other relevant Policies

The operative development plan 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.

### **5.4. Natural Heritage Designations**

- Cork Harbour SPA (site code 004030), c. 3km to the southeast
- Great Islands Channel SAC (001058), c. 8.5km to the northeast
- Owenboy River, pNHA (site code 001990), c. 3km to the southeast

### **5.5. EIA Screening**

- 5.5.1. Schedule 5 of the Planning and Development Regulations, 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an EIAR. Part 1, Schedule 5 outlines classes of development that require EIAR and Part 2, Schedule 5 outlines classes of developments that require EIAR but are subject to thresholds.
- 5.5.2. Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of Schedule 5, within the Planning and Development Regulations, 2001 (as amended). In this regard, a requirement for preliminary examination or EIA does not arise.
- 5.5.3. Class 2 Agriculture, Silviculture and Aquaculture (a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, relates to restructuring of rural landholdings and removal of field boundaries, 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. No significant length of field boundary is to be removed as part of the proposed development. 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 this area do not vary significantly and no significant excavation will be required. I consider that issues do not arise with this class of development.

- 5.5.4. Class 10 Infrastructure Projects of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended includes for (dd) 'All private roads which would exceed 2000 metres in length'. The proposed development is for modifications to an existing permitted development and the proposed laying of the grid connection cable does not proposed new tracks. No issues arise with this class of development.

## **6.0 The Appeal**

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

The third party grounds of appeal against the planning authority decision to grant permission is summarised as follows:

- Environmental Impacts - Quantitative concerns and combined impacts:
  - Failure to complete multi seasonal assessment and surveys in order to assess any potential environmental effects, including the grid connection, on Cork Harbour SAC.
  - Non-compliance with EIA regulations.
  - Overall scheme and full cumulative assessment of split projects not undertaken therefore cumulative impact on environment, agriculture and residential amenities has not been possible.
  - Full EIAR required where within a green belt and 'with the potential to affect the Cork Harbour Special Protection Area'.
  - Adequate baseline surveys in relation to breeding birds has not been undertaken either for the original or proposed development. A single day in April 2019 does not amount to appropriate assessment. The survey extents and timing are outside of the standard survey periods for surveying breeding birds (1<sup>st</sup> April to 30<sup>th</sup> June).

- Inadequate information to allow PA to assess environmental impacts of the proposed development on water quality and seasonal birds, waterfowl, flora and fauna, arising from the proposed solar farm development.
- Birds recorded with the site are highly likely to be associated with Cork Harbour SPA and there is therefore potential for ex situ impacts.
- Previous surveys in this area show curlew, black-headed gull, lapwing, and golden plover forage where present. The site could therefore fall within the core winter range of these species during winter.
- Inadequate information submitted:
  - Level of compliance conditions inappropriate, including requirement for agreement of construction dust and noise management plan, CEMP, construction and restoration waste management plan, surface water runoff management plan, project waste management plan, revised Biodiversity Management and Enhancement Plan.
- Failure of due process
  - FI received was not readvertised as SFI.
  - Lack of input from a suitably qualified agronomist.
  - Loss of significant amount of agricultural land.
  - Development is badly designed and in incorrect location and will have detrimental impact on landscape and visual amenities of the area.
  - Lack of national, regional and local guidance with regard to siting, appropriateness of location and scale of solar projects.
  - Extremely high density and unsustainable intensive use of agricultural land on a site that is poorly configured and incapable of facilitating development of this kind.

## 6.2. Applicant Response

- 6.2.1. The applicant has submitted a response to the third party appeal. The applicant's response is summarised as follows:

- The site is an active beef, sheep and tillage farm, dominated by heavily modified and disturbed fields classified as Improved Agricultural Grassland (GA1) and Arable Crops (BC1) which predominantly comprise perennial ryegrass maintained/grazed to uniform heights.
- Winter birds surveys were undertaken as site is approx. 2.9km from Cork Harbour SPA and within foraging distance of SCIs. Surveys focussed on areas where modifications proposed but also included entire solar farm site.
- Section 3.2.1 of the EclA and Section 4.1.2.2 of the NIS detail the winter bird survey effort, which included the Irish Wetland Bird Survey methodology of the simple 'look-see' method.
  - Monthly visit to the site from October 2022 to March 2023 inclusive.
  - Surveys were undertaken at alternative high and low tides.
  - Where SCIs were observed, species, numbers and behaviours were recorded (see NIS and EclA - SCI birds recorded were Curlew, Black-headed Gull, Golden Plover, and Lapwing).
  - On each survey day, 4 VP surveys were undertaken at 30 minute checks to cover majority of solar farm site. Equipment uses include Hawke scope and binoculars. Following the VPs, a walked transect of the site was undertaken.
  - Species recorded within the site were highly mobile, and moved into/out of the site into neighbouring farmlands, utilising areas related to agricultural practices. Details recorded demonstrate species were not faithful to the site especially as the habitat type is abundant in the wider environment.
  - Sufficient information provided to allow a thorough assessment of the site.
- Breeding bird habitat appraisal was undertaken, which indicated no significant breeding habitat for breeding birds. No hedgerows being removed, therefore no significant loss of potential breeding habitat. Further survey effort was not deemed necessary.
- The assessment of the application relates to the proposed modifications and not the extant permission.

- No watercourses within the development. 33kV cable crosses overhead the Ballinrea Stream and no instream works are proposed. While no adverse impacts on water quality or any aquatic species or habitat are predicted, detailed mitigation and best practice measures are proposed in the EclA, NIS, and CEMP.
- Project splitting does not arise as an issue with solar farms. EIA screening undertaken and no issues arise.
- Development Management Guidelines allow for the application of compliance conditions to a permission.
- In relation to procedural issues in determining if FI is significant, this is within the remit of the planning authority. No failure of process or of statutory procedures has arisen.
- With regard to issue raised of loss of agricultural land, it is proposed to graze the solar farm with sheep. The husbandry management of the solar farm will be reviewed on a regular basis and an updated Biodiversity Management Plan will be submitted to the PA prior to the commencement of works on site.
- Environmental and technical assessments have been undertaken which demonstrate the site is suitable for a solar farm.

### **6.3. Planning Authority Response**

The PA response to the grounds of appeal is summarised as follows:

- The application has been comprehensively assessed by the Councils Area Engineer, Archaeologist, Ecologist, Environment Department, and Planners.
- FI was not deemed significant as there were no material changes or revisions presented.
- Items to be agreed by condition are typical to agree through the compliance mechanism.
- PA is satisfied that the proposed development is in accordance with the proper planning and sustainable development of the area.

#### **6.4. Observations**

None.

#### **6.5. Further Responses**

None.

### **7.0 Assessment**

#### **7.1. Introduction**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the application, having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in the planning assessment are as follows:

- Principle and Scope of Development
- Breeding Birds and Loss of Agricultural Lands
- Landscape and Visual Impact
- Surface Water and Water Quality
- Procedural Issues
- Appropriate Assessment

7.1.2. I note the Cork County Development Plan 2022-2028 is the operative development plan. The parent permission relating to the part of this application where modifications are proposed was assessed under the previous county development plan. I note no significant changes in the plan in terms of the identification of the site within a greenbelt. I assess the application hereunder under the operative development plan, specifically Objective ET13014 and associated issues to be considered in solar farm applications.



## **7.2. Principle and Scope of Development**

- 7.2.1. The development is described as modifications to a solar energy development permitted under ABP-303013-18 (PA reg. ref. 234563). The modifications, which are within the boundary of the permitted solar farm, are detailed in Section 2 of this report and are summarised as follows:
- i) Changes to the layout and dimensions of the permitted solar photovoltaic layout which will decrease the solar photovoltaic footprint from c. 159,100 sqm of solar panels, to c. 145,000 sqm of solar panels on ground mounted frames (this modification is to allow for the inclusion of a proposed 110kV substation and grid connection which will be subject to a separate application);
  - ii) Amendments to the internal track layout and the removal of the permitted battery storage unit;
  - iii) 6 no. single storey inverter/transformer stations (reduced from 10 no. permitted inverter/transformer stations).
- 7.2.2. In addition to the modifications, permission is sought for the provision of a new 33kV internal network cable (c. 3,760m underground with c. 114m of overhead line) linking the permitted Ballinrea solar farm (subject of this application) with the permitted Ballinvuskig solar farm (c. 1.74 km to the northwest). The proposed development includes all associated site works and ancillary infrastructure.
- 7.2.3. The proposed development is supported by national, regional and local policies in terms of renewable energy. Objective 55 of the National Planning Framework seeks to promote renewable energy and generation at appropriate locations within the built and natural environment, whilst paragraph 130 of 'Transition to a Low Carbon Energy Future 2015-2030 - White Paper on Energy Policy' recognises that solar energy will become more cost effective as technology matures and that it will be an integral part of the mix of renewables going forward. Consequent to same, the Climate Action Plan 2024 stresses the importance of accelerating renewable energy resources available, including solar energy. To meet the required level of emissions reduction by 2030 it is required to increase electricity generated from renewable sources to 80% with solar energy comprising of up between 1.5-2.5 GW (indicative figure). At a regional level it is an objective of the Regional Spatial and Economic

Strategy for the Southern Region to increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.

- 7.2.4. To date Ministerial Guidelines have not been prepared providing guidance for planning authorities regarding the future development of solar farm proposals. This is raised as an issue within the third party appeal. I note paragraph 13.8.5 of the operative development plan notes that in the absence of national planning guidelines for solar farm proposals, the Council will assess the appropriateness of individual applications having regard to other statutory requirements and guidelines, environmental sensitivity factors (if any) of the site, similar development guidance internationally, and the overall proper planning and sustainable development of the area. Fifteen topics are listed in the development plan which are to be considered in solar farm applications. I do not consider that the lack of Ministerial Guidelines should be a reason for refusing permission in this instance or to preclude the consideration and adjudication of modifications proposed to the overall permitted solar farm development. This application has been considered on its merits, having regard to the permitted extant application, and subject to normal planning considerations of the modifications proposed and all planning issues relating to the new grid connection cable route, as governed by the operative development plan.
- 7.2.5. At a local level, it is an objective of the core strategy for the county under objective CS 2-3 relating to County Metropolitan Cork Strategic Planning Area to (among other elements) ‘....(I) Facilitate the development of renewable energy projects in support of national climate change objectives. Chapter 13 of the operative development plan addresses Energy and Telecommunications, with solar energy specifically addressed in section 13.8 in which it is stated that each application will be assessed on its merits with high level objectives set out under policy ET 13-14. I further note objective EC 8-15 supports farm diversification in agriculture through the development of other sustainable business initiatives appropriate to the rural area.
- 7.2.6. In addition to the above policy support for solar farms, I note that the subject application and appeal mainly relates to a revision, amendment or variation of an extant permission for development on these lands, and that this element of the proposed development does not relate to a stand-alone development, with the PA decision to grant permission including a condition requiring that the planning permission be carried out in accordance with the terms of the extant planning

permission, ABP-303013-18. I assess hereunder the proposed modifications only, having regard to the extant permission to which they relate, and the context of the existing environment.

- 7.2.7. I therefore consider that the principle of the proposed amendments to a previously permitted development, which is located within the Cork Metropolitan Green Belt and the Prominent and Strategic Metropolitan Green Belt Area, has already been established with an assessment of its location and potential impacts undertaken under the parent application ABP-303013-18. While the operative development plan has changed since that assessment, the policy context and location status within a greenbelt remains materially unchanged. The proposal is supported by current policy and is acceptable in principle at this location, subject to an assessment of the proposed modifications under other relevant criteria, as addressed hereunder in this report, in accordance with policy ET 13-14.
- 7.2.8. The proposal for new supporting infrastructure of a grid connection route to support the permitted development connecting with a neighbouring permitted solar farm development is supported by policy ET 13-21 and is therefore also acceptable in principle at this location.

### **7.3. Breeding Birds and Loss of Agricultural Lands**

- 7.3.1. The applicant submitted an Ecological Impact Assessment (dated 21.03.23) with the application. Following a request for FI from the Planning Authority, the applicant submitted a Biodiversity Management and Enhancement Plan for the site (dated 18.10.23) and Landscape Mitigation Plan (dwg no LD.BLLNREA 1.1). An Arboricultural Impact Assessment has been submitted to address the proposed grid connection route, as well as a Tree Protection Plan for along the route.
- 7.3.2. Third party concerns are raised in relation to the adequacy, extent and timing of baseline surveys and adequacy of assessment in relation to Cork Harbour SPA to inform the Appropriate Assessment, including potential for ex-situ impacts. The concerns raised relate to Appropriate Assessment, therefore I refer the Board to Section 8 hereunder for a detailed assessment in this regard.
- 7.3.3. The third party submission raises concerns with the timing and extent of breeding bird surveys undertaken and the impact of the development on breeding birds.

Concerns are also raised in relation to the suitability of the site for non-agricultural development and the loss of this scale of agricultural land, in conjunction with other solar farm developments in the wider area.

7.3.4. The development as permitted is situated on agricultural land. The modifications to the solar farm infrastructure proposed are all within the permitted site boundary, with the siting of the proposed cable connection beyond the existing site boundary within lands in farming use.

7.3.5. In terms of impacts on habitat, it is indicated in the submitted EcIA that the proposed modifications will not result in any loss of habitats of significance. With regard to the cable route, there will be a loss of 3m of hedgerow, which is rated as a temporary negligible negative effect on this habitat of Local Importance (higher value).

Measures are proposed along the cable connection route to ensure it does not impact on existing hedgerows in proximity, with a Tree Protection Plan and Landscape Mitigation Plan included with the application. I do not consider the loss of 3m of hedgerow a significant loss in the context of the existing landscape. I further note a landscape plan has been prepared for the permitted development which provides for the planting of approx. 2,180m of new hedgerow and the enhancement of approx. 1,822m of existing boundary hedgerows (Landscape Mitigation Plan submitted with this application), which would continue to support other birds utilising the site. The proposed amendments do not affect the provisions of the permitted Landscape Mitigation Plan.

7.3.6. The EcIA includes an assessment of breeding bird habitat and results of a bird survey undertaken in July 2022. Two red listed bird species of Birds of Conservation Concern Ireland (BOCCI) (Gilbert et al. 2021) were recorded within the proposed development site (unlinked to the SPA), namely kestrel, yellowhammer, and meadow pipit, as well as other common breeding birds associated with agricultural lands. The site provides some suitable foraging habitat in the form of agricultural grassland, however, the development site does not provide suitable habitat for breeding birds given the managed nature of the farmland in question. While the third party raises concern in relation to extent of bird surveys undertaken, I am satisfied that the EcIA and surveys undertaken are proportionate and reasonable given the results of the habitat assessment and having regard to the works proposed which amount to a

reduction in some aspects of infrastructure on the main site and a cable route through farmland tracks and agricultural fields.

- 7.3.7. I note the ecological impact of the wider solar farm was assessed and deemed acceptable under the extant permission, ref ABP-30313-18. The proposed modifications will not give rise to significant additional land take and no greater impacts above what has been permitted are predicted. The impact of the cable route has been considered and I note that no significant habitat loss will occur. Existing hedgerows within the solar farm site are to be maintained and enhanced as per the extant permission.
- 7.3.8. Overall, having regard to all the information submitted and submissions made, I consider the impact of the proposed modifications and proposed cable route on breeding birds is not significant. Given the nature of the habitat and existence of the extant permission, I consider the level of breeding bird survey undertaken, in conjunction with the multi-disciplinary approach to the EclA, to be reasonable and proportionate with regard to the works propose, having regard to cumulative impacts of the extant development.
- 7.3.9. With regard to the issue of the loss of agricultural land, I note that there is no policy which precludes the development of solar farms on agricultural land. I note the land is currently in agricultural use and therefore subject to regular grazing and fertiliser spreading. The proposed solar farm, once constructed, will entail significantly less on-site activity than experienced to date, with potential for continued use by grazing sheep once the solar farm is established. Whilst the top soil layer will be disrupted during construction, the original pasture conditions are stated to be generally returned within less than a season. I do not consider that the proposed development of the grid connection route and modifications would be unacceptable solely on grounds of the loss of productive agricultural lands.
- 7.3.10. I note the Biodiversity Management and Enhancement Plan (BMEP) and Landscape Mitigation Plan (same as permitted under ABP-303013-18) addresses issues raised by the PA in relation to compliance with Objective BE15-6 to protect and enhance biodiversity and support the principle of biodiversity net gain. The PA also requested measures be included to support yellowhammer and meadow pipit wintering bird species recorded using the site. In relation to the latter issue, field margins of 10m

from the development and the site boundaries has previously been permitted and are proposed to be maintained as part of this application. If grazing is permitted within the 10m buffer, then a 2.5m area from the base of existing hedgerows is to be maintained and protected by an electric fence and this area will support suitable breeding habitat for wintering birds such as meadow pipit and yellowhammer. Additional habitat management is proposed through addition of species rich grassland (areas identified to the northeast and southwest, see figure 3.1 of BMEP) and additional hedgerows, as well as bolstered hedgerows. The Biodiversity Management and Enhancement Plan provides for measures as set out to be implemented and monitored by a suitably qualified ecologist in the first, third and fifth year of the solar farm and every five years thereafter, with results analysed and findings produced and provided to the PA.

- 7.3.11. The assessment by the council's ecologist of the submitted BMEP notes that should the land be grazed by sheep (as per current practice) this will have an impact on flowering plants which would impact overall species diversity, and sheep may trample the nests/eggs of ground nesting species of yellowhammer and meadow pipit. In addition, a management regime to support flocks of wintering farmland birds is required, including wading birds. A condition is recommended by the PA to address this issue. I consider the maximisation of the biodiversity gain with the development in place can be further improved as suggested by the PA through additional management measures, which I note are not required as mitigation in terms of AA. The proposed measures can be adequately addressed by way of condition, should the Board be minded to grant permission.

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

- 7.4.1. Third party concerns are raised in relation to landscape and visual impacts.
- 7.4.2. The modifications proposed result in a decrease of the solar photovoltaic footprint from that previously permitted, from 159,100 sqm of solar panels to 145,000 sqm of solar panels, removal of 4 single storey inverter/transformer stations and removal of the permitted battery storage unit and associated track changes. The reason for the proposed modifications is stated as being required to allow for the provision of a 110kV substation and grid connection. I note this substation and grid connection has

since been permitted by An Bord Pleanála under planning ref ABP-317706-23 (Strategic Infrastructure Development application).

- 7.4.3. Macroworks have prepared an updated addendum to the 2017 LVIA which was undertaken for the entire solar farm site, assessed under the parent application ABP-303013-18. The LVIA Addendum assesses the proposed modifications to the permitted development and the proposed network cable and concludes that, “Based on the consideration of the changes to both landscape and visual effects and glint and glare effects resulting from the proposed alterations to the panel array, it is not considered that there will be any significant impacts. Such impacts will be very similar to those assessed for the permitted project’.
- 7.4.4. As per the operative development plan, the site is located within the Broad Fertile Lowland Valleys, which is identified as having high landscape sensitivity and high landscape value and landscape importance at County level. The modifications now proposed result in the addition/removal of solar panels from the previously permitted rows of solar panels granted under ABP-303013-18. The proposed height and orientation of the solar panels remains the same and the layout as amended will not have a significant visual impact over what was permitted, given the modest scale of the changes and given the amendments are proposed to permitted rows with no new significant additional area of development. The visual impact of the new substation and grid connection was assessed on its own merits and no significant visual impacts were determined to arise (permission granted under ABP-317706-23). Separation distances between neighbouring dwellings are maintained and I consider no significant impacts on residential amenity will arise as a result of the amendments. Overall, I consider it reasonable to conclude that the proposed modifications will be visually absorbed within the permitted solar development on this site.
- 7.4.5. The proposed new cable route is underground for c. 3,760m and overhead for c. 114m. The route is overhead for a section approx. mid-way along its length where it crosses overhead the South Ballinrea Stream which is at a lower level within a valley. The route follows in part agricultural lanes or is within agricultural fields adjacent to the existing hedgerows or treelines. The main visual impact of the cable route will be during the construction phase where topsoil will be disturbed, however, this will be a short-term impact. Once constructed, the infrastructure will not give rise

to any significant visual impact given the line is underground for the majority of its length and that section of route over an existing stream will not be obtrusive or out of character with the area. I note the Arboriculture Impact Assessment submitted indicates minimal impacts on existing trees and hedgerows, with mitigation proposed to ensure best practice measures in place where trees and hedgerows are being retained in proximity to the cable route.

- 7.4.6. Overall, I consider that the magnitude of visual impact arising from the proposed development is not significant. The proposed development, including the new cable route, will not unduly impact on the character of the wider landscape or the visual amenities of the local area.

## **7.5. Surface Water and Water Quality**

- 7.5.1. The proposed modifications will not result in additional impacts over what was previously permitted on the solar farm site, where no watercourses exist. I note best practice construction methodologies are proposed to ensure protection of the South Ballinrea Stream from potential of run-off from works to the cable route. I am satisfied that the proposed measures set out in the submitted documentation relating to prevention of water pollution and surface water management as described in the Flood Risk Assessment and Drainage Strategy, CEMP and outline Construction Methodology related to the gird connection route, as well as in the submitted NIS will ensure no contamination by way of surface water run-off and potential for impacts on the QIs of Cork Harbour SPA is therefore eliminated (I refer the Board to Section 8 hereunder in relation to Appropriate Assessment).

## **7.6. Procedural Issues**

### **Project Splitting**

- 7.6.1. A third party submission raises issue of lack of an EIA submitted with the application, lack of cumulative assessment and issue of project splitting.
- 7.6.2. Solar farms are not listed as a class of development for the purposes of EIA within the Planning and Development Regulations, 2001 (as amended), therefore an EIAR is not required. I note that a similar conclusion has been reached by the Board on



other solar farm developments. Project splitting to avoid EIA therefore does not arise.

- 7.6.3. I note that the concurrent application relating to a solar farm at Ballinvuskig is within the jurisdiction of Cork County Council, therefore it is reasonable that separate applications were submitted. I also note that legislative requirements in relation to the grid connection permitted under planning ref ABP-317706-23 required the application to be assessed by ABP. I note that third party participation was not hindered by the manner in which the planning applications have been submitted or assessed.

#### Cumulative Impacts

- 7.6.4. Potential impacts of the overall development, namely the entirety of the solar farm, the permitted 110kV substation within the site and associated grid connection, and consideration of solar farms in the wider area has been considered in so far as it is required within the NIS, and in documentation accompanying the application and I am satisfied that the Board has the necessary information before it to allow for a cumulative assessment of the environmental impacts for the overall development.

#### National Guidance

- 7.6.5. The third party submission raises issue with the lack of national, regional and local guidance relating to solar farms, specifically their siting, location, and scale. While I note there is no national guidance in relation to solar farms, the RSES for the southern region and Cork County Development Plan 2022-2028 do contain policies in relation to solar farms. Objective ET 13-14 of the operative development plan highlights considerations for assessing solar farm applications. As discussed elsewhere in this report, I am satisfied that the issue regarding lack of existing national guidance does not militate against the making of a decision in this case.

#### Further Information (FI) and Conditions

- 7.6.6. The third party submission raises concerns that the FI received by the PA was not deemed significant and also raises issue with the extent of items to be agreed by condition. The PA in its response states that it is satisfied that the application was comprehensively assessed by the Councils Area Engineer, Archaeologist, Ecologist, Environment Department, and Planners. FI was not deemed significant as there

were no material changes or revisions presented and items to be agreed by condition are typical to agree through the compliance mechanism.

- 7.6.7. In terms of procedural matters, I note that matters were addressed and considered acceptable by the planning authority. I am satisfied that this did not prevent any concerned party from making representations. The above assessment represents my consideration of all planning issues material to the proposed development.
- 7.6.8. With regard to conditions and third party concerns in relation to lack of input into compliance conditions, I note S28 Development Management Guidelines outlines circumstances where compliance conditions are recommended. I consider the conditions as applied by the Planning Authority are not inappropriate in the context of the S28 guidelines.

#### Glint and Glare

- 7.6.9. I note an addendum to the Glint and Glare Assessment undertaken for the parent application (AP-303013-18) has been submitted to address the proposed modifications.
- 7.6.10. I am satisfied that no significant issues arise in this regard and the proposal will not significantly impact on neighbouring sites and transportation routes.

#### Archaeology

- 7.6.11. The application is accompanied by an Archaeological, Architectural and Cultural Heritage Impact Assessment. I am satisfied that no significant impacts will arise from the proposed amendments and new cable route.

## **8.0 Appropriate Assessment Stage 1 Screening and Stage AA**

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

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.2. The proposed development comprises modifications to a permitted solar farm development and permission for a proposed grid connection route. The proposed

development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

- 8.1.3. The application is accompanied by a Natura Impact Statement (NIS) prepared by MKO dated 21<sup>st</sup> March 2023. It contains a description of the proposed development, the project site and the surrounding area. It contains a Stage 1 Screening Assessment in Appendix A. It outlines the methodology used for assessing potential impacts on the habitats and species within the European Site that has the potential to be affected by the proposed development. It predicts the potential impacts for the site and its conservation objectives (section 5), it suggests mitigation measures, and assesses cumulative effects (section 7).
- 8.1.4. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development alone, or in combination with other plans and projects on European sites.

## **8.2. Stage 1 AA Screening**

- 8.2.1. The proposed grid connection route intersects with the Ballinrea Stream, which is connected with Cork Harbour SPA. There is an unnamed stream to the south of the application site, which may be connected into by marsh from within the site, and this stream is connected to the Owenboy River, which is also connected to Cork Harbour SPA. Wintering bird surveys have recorded SCI species associated with Cork Harbour SPA at the site.
- 8.2.2. The applicants AA Screening Report concluded that 'It cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would be likely to have a significant effect on the Cork harbour SPA [004030]. As a result, an Appropriate Assessment is required, and a Natura Impact Statement shall be prepared'.
- 8.2.3. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special

Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### Background and Description of the Application

- 8.2.4. I note the habitats recorded on the site of the solar farm include, as per the submitted EclA (see habitat map, figure 5-1) primarily Improved Agricultural Grassland (GA1), with areas also classified as Arable crops (BC1), Wet grassland (GS4) dominated by soft rush and Marsh (GM1) in the southern section of the site. The proposed grid connection cable route is dominated by Improved agricultural grassland (GA1), farms roads of Artificial surfaces and buildings (BL3), and Recolonizing bare ground (ED2), which are typically delineated by Treelines (WL2) and Hedgerows (WL1). There are no annex 1 habitats on the site/along the grid connection route and no areas of significant wetland suitable for supporting wintering birds related to Cork Harbour SPA.
- 8.2.5. There are no streams or surface water bodies on the site of the solar farm where modifications are proposed, however, the marsh habitat potentially drains into a historical mapped watercourse beyond the southern boundary of the site, with this unmapped watercourse discharging into the Owenboy river, approx. 0.9 km downstream of the application site. The Owenboy river has connectivity approx. 4.1 km downstream with Cork Harbour SPA.
- 8.2.6. The cable route will cross the South Ballinrea stream, approx. 650m to the west of the solar farm site. The stream is lined by a strip of Wet willow alder ash woodland (WN7) at that location, which will not be impacted as the route is overhead over the river and over existing trees, while being underground for the rest of the route. The South Ballinrea stream discharges to the Owenboy River approximately 1.3 km downstream of the site, which is connected with Cork Harbour SPA, approx. 4.1km downstream.
- 8.2.7. The South Ballinrea stream and the Owenboy River (both assessed as the Owenboy (Cork)\_040) downstream of the proposed development have Water Framework Directive (WFD) statuses of 'Moderate' from the latest round of monitoring, 2016 – 2021, and a risk status of 'At Risk'. The Owenboy (Cork)\_040 discharges into the Owenboy Estuary, which has a Water Framework Directive (WFD) status of

‘Moderate’ from the latest round of monitoring, 2016 – 2021, and a risk status of ‘At Risk’.

- 8.2.8. Wintering bird surveys were undertaken over six dates, at alternate high/low tides, within two hours of high/low tide: the 14th of October 2022, the 8th of November 2022, the 6th of December 2022, the 18th of January 2023, the 17th of February 2023, and the 1st of March 2023. Reference is also made to the EclA submitted with the parent solar farm application, which undertook wintering bird survey September 2017 (following observation of field survey in August), where curlew were observed. I note, however, surveys were limited to September only in that assessment. The bird surveys undertaken as part of this application identified lapwing, curlew, golden plover, and black-headed gull which are indicated to use the proposed development site either on occasion or in relatively small numbers. These species are listed as SCIs for Cork Harbour SPA, which is located 2.9 km from the proposed development.
- 8.2.9. The line of the proposed gird connection route is not within an open habitat, being along existing farm tracks and beside hedgerows/trees, therefore the route is not a suitable habitat for SCI bird species of the Cork Harbour SPA.

### **8.3. Potential Impact Mechanisms from the Project**

- 8.3.1. The proposed development will occur primarily on improved grassland. The watercourse in proximity to the proposed development but outside the site has an indirect link to Cork Harbour SPA via the Owenboy River. The Ballinrea Stream, over which the cable traverses, also has indirect hydrological connectivity to Cork Harbour SPA via the Owenboy River. Following the precautionary principle, a potential pathway for indirect effects on Cork Harbour was identified due to deterioration of water quality arising from construction works associated with the proposed amended layout and design.
- 8.3.2. Low numbers of bird species associated with the SPA were recorded on the site of the permitted solar farm (including the area of the proposed modifications) during winter bird surveys, therefore an indirect link exists in relation to ex-situ effects.

8.3.3. I have considered links to other European sites, which have been discounted due to lack of a source-pathway-receptor connection, specifically Great Islands Channel SAC.

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

- Surface water pollution during construction and operation.
- Ex-situ habitat loss and disturbance/displacement of SCI bird species during construction and operation.

#### 8.4. European Sites and Identification of Likely Significant Effects

8.4.1. The applicant's AA Screening Report considers European Sites within a zone of influence, which has been determined by having regard to the nature and scale of the proposed works and the development, the nature of the receiving environment including ecological features and their sensitivity, and the source-pathway-receptor model.

8.4.2. There is one European site within the zone of influence and the following table highlights the potential for connectivity and likely significant effects.

Table 1 Could the project undermine the conservation objectives 'alone'				
European Site(s)	Qualifying interest/features	Potential Impact	Impact pathway/Zone of influence	Screening Conclusion
Cork Harbour SPA (004030)	<p><u>Objective</u>: to maintain the favourable conservation status of species of community interest. See <a href="http://www.NPWS.ie">www.NPWS.ie</a> for list of attributes and targets.</p> <p><u>Objective in relation to Wetlands</u>: To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the</p>	<p>Pollution from surface water run-off;</p> <p>Disturbance of SCI bird species (ex-situ).</p>	<p>Distance: c.3km at its closest to SPA to the east.</p> <p>An indirect link has been identified between the proposed development site and Cork Harbour SPA via a potential surface water pathway during construction of the development, including the cable route, and indirect</p>	Screened in.

	<p>regularly-occurring migratory waterbirds that utilise it.</p> <p><u>Qualifying Interests:</u></p> <p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p>		<p>potential for disturbance of ex-situ SCI bird species during construction/operation.</p>	
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	Black-tailed Godwit (Limosa limosa) [A156]  Bar-tailed Godwit (Limosa lapponica) [A157]  Curlew (Numenius arquata) [A160]  Redshank (Tringa totanus) [A162]  Black-headed Gull (Chroicocephalus ridibundus) [A179]  Common Gull (Larus canus) [A182]  Lesser Black-backed Gull (Larus fuscus) [A183]  Common Tern (Sterna hirundo) [A193]  Wetland and Waterbirds [A999]			
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### *Mitigation Measures*

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

### Screening Determination

- 8.5.2. Having regard to the information presented in the Screening Report, the submissions and observations, the nature, size, scale and location of the various elements of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of ecological receptors, I consider that the applicant has identified all European sites that could be significantly impacted.
- 8.5.3. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a



significant effect on European site no. 004030 (Cork Harbour SPA), in view of the sites' Conservation Objectives and therefore Appropriate Assessment (and submission of a NIS) is required.

## **8.6. The Natura Impact Statement**

- 8.6.1. An NIS was submitted by MKO Planning and Environmental Consultancy (dated 21<sup>st</sup> March 2023). The NIS examines and assesses potential adverse effects of the proposed development on one designated European Site, Cork Harbour SPA (004030).
- 8.6.2. A description of the site and its Conservation Objectives and Qualifying Interests are set out in the NIS submitted by and are summarised above in table 1. I have also examined the Natura 2000 data forms as relevant and relevant Conservation Objectives Supporting Documents for these sites available through the NPWS and European websites ([www.npws.ie](http://www.npws.ie) and <https://natura2000.eea.europa.eu>).
- 8.6.3. The NIS is supported by associated reports submitted with the application, including inter alia:
- Ecological Impact Assessment
  - Wintering and Breeding Bird Surveys (2022/23)
  - Biodiversity Management and Enhancement Plan and Landscape Mitigation Plan
  - Flood Risk Management and Drainage Plan
  - Construction and Environmental Management Plan
  - Outline Construction Methodology
- 8.6.4. Section 5 of the NIS contains an assessment of the potential impacts of the proposed development on the identified European site and identifies a series of mitigation measures and best practice measures which have been integrated into the design and into the Construction and Environmental Management Plan, which has a focus on water quality and management of potentially polluting substances.
- 8.6.5. The NIS concludes that:

Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly

blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The measures ensure that the construction and operation of the proposed development does not adversely affect the integrity of European sites. Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

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

## **8.7. Appropriate Assessment of Implications of the Proposed Development**

- 8.7.1. The following is an assessment of the implications of the project on the relevant conservation objectives of the European site using the best available scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed. I have relied on the following guidance:

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

- 8.7.2. The following site and identified SCIs in table 2 are subject to Appropriate Assessment. The Qualifying Interests (QIs)/Special Conservation Interests (SCIs) below have been selected on the basis of, inter alia, identified source-pathway-receptors and knowledge in relation to the roosting and foraging preferences of the bird species in question, including consideration of ex-situ habitats, in addition to the

ornithological survey results accompanying the application. Those SCIs of Cork Harbour SPA excluded from further assessment are dependent on coastal habitats such as estuaries and mudflats, which were not recorded within or adjacent to the proposed development site.

**Table 2:** Assessment of selected QIs of Cork Harbour SPA based on source-pathway-receptor connections.

European Site	Distance	Selected QIs for assessment on basis of identified source-pathway-receptor [hydrological pathway and/or foraging distance of birds]	Targets for achieving Conservation Objectives
<p>Cork Harbour SPA [004030]</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA (see NPWS for list of attributes and targets)</p>	c.3km east	<p>[A179] Black-headed Gull</p> <p>[A160] Curlew</p> <p>[A130] Oystercatcher</p> <p>[A183] Lesser Black-backed Gull</p> <p>[A182] Common Gull</p> <p>[A142] Lapwing</p> <p>[A140] Golden Plover</p> <p>[A999] Wetlands</p>	<p><u>Targets for QI Birds:</u></p> <p>Long term population trend stable or increasing; No significant decrease in the range, timing or intensity of use of areas by the QI, other than that occurring from natural patterns of variation.</p> <p><u>Target for QI Wetlands:</u> The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587</p>

			hectares, other than that occurring from natural patterns of variation.
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8.7.3. A description of the sites, their Conservation Objectives and Qualifying Interests (QIs)/Special Conservation Interests (SCIs), including any relevant attributes and targets for the site, are set out in the NIS and summarised in Tables 1 and 2 of this report as part of my assessment. Section 5 of the NIS assesses each attribute and target of the identified relevant SCIs of Cork Harbour SPA, identifying potential impacts on the specific SCIs and where mitigation is required. The table above (table 2) identifies those SCIs which have the potential to be affected and which require further examination. I have examined and evaluated the scientific analysis submitted. I have also examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for these sites, available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

#### Submissions and Observations

- 8.7.4. There was one third party submission which questions the survey effort undertaken in relating to wintering birds; lack of multi-seasonal assessment and surveys; and inadequate information to allow PA to assess environmental impacts of the proposed development on water quality and seasonal birds, waterfowl, flora and fauna.
- 8.7.5. A FI request from the PA was raised in relation to operational implications on faunal species, eg waterfowl and waterbirds, including species of conservation interest in Cork Harbour SPA, relating to direct mortality due to attraction to solar arrays to avian species to roost, forage and/or drink; and potential impact of solar flux on avian fauna, eg singeing of feathers etc. Following receipt of FI, the CCC ecologist report submitted as part of the councils planning report states that based on the applicant's response to the FI and having regard to the scientific literature review by Natural England in 2017, the Ecologist is satisfied that the proposed development does not constitute a significant risk to ex-situ species of the Cork Harbour SPA in terms of potential 'lake effect' and singeing of feathers.

- 8.7.6. I address hereunder the issue of impacts on the waterbird species listed for Cork Harbour SPA.

### **Cork Harbour SPA**

- 8.7.7. This SPA is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets.

#### Deterioration in Water Quality

- 8.7.8. An unnamed stream to the south of the site is connected to the Owenboy River, which in turn is connected to Cork Harbour SPA. The Ballinrea Stream, which is traversed overhead by the 38kV cable is also connected to the Owenboy River and in turn Cork Harbour SPA.
- 8.7.9. Taking into account the measures set out relating to prevention of water pollution and surface water management as described in the Flood Risk Assessment and Drainage Strategy, CEMP and outline Construction Methodology related to the gird connection route, as well as in the submitted NIS (section 5 and 6), it may be concluded that following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of Cork Harbour SPA and no reasonable doubt remains as to the absence of such effects.

#### Habitat and Species Disturbance

- 8.7.10. Curlew, black-headed gull, lapwing, and golden plover were recorded foraging either occasionally or in relatively small numbers, as per the wintering bird surveys undertaken, and these birds are associated SCI species of Cork Harbour SPA. The proposed development site is located outside the core foraging range of these birds, however, it is located within the maximum foraging range for golden plover. Tables 6.1 to 6.8 of the submitted NIS consider the attributes and targets of each of these bird species and of the Wetlands QI associated with Cork Harbour SPA.
- 8.7.11. With regard to the issue of habitat, the optimal habitats of the SCI bird species listed above are typically coastal or upland areas with open habitats and different sward

heights. The wetland habitats of Monkstown Creek and Owenboy Estuary are suitable habitats for these species, which are well utilised, rather than the grassland habitat of the site. The applicant has demonstrated that the site of the proposed modifications is part of the wider network of agricultural land that is utilised occasionally for foraging/ commuting by species including curlew, black-headed gull, lapwing, and golden plover. Having reviewed the documentation and submissions made, I am satisfied that while the proposal may result in localised displacement of low numbers of wintering SCI birds, such disturbance and habitat change is highly unlikely to result in displacement of the listed waterbird species from areas within the SPA as referenced in the conservation objectives supporting document relating to Cork Harbour SPA and thus I concur with the findings that the proposal will not undermine the conservation objectives of the Cork Harbour SPA and adverse effects on site integrity can be excluded.

- 8.7.12. The proposed modifications and proposed grid connection route do not significantly alter the availability of grassland on this site and overall, the loss of foraging area for wintering birds alone or in combination with other permitted solar farms in the area is not significant given the widespread availability of similar habitat throughout the area.
- 8.7.13. The site where the modifications are proposed and to which the overall extant permission applies is a highly managed agricultural habitat with low biodiversity value. The likelihood of impacts on protected species is low, as was the case when this issue was considered under the extant permission. There has been no material alteration to the existing habitat in the intervening period between that assessment and this assessment. Due to the uniform sward height across the site and continuous disturbance from farming practices, the proposed development site does not provide optimal habitat for the QI species in question. The survey work undertaken is proportionate to the site circumstances. Furthermore, the proposed amendments do not result in any significant environmental impacts, alone or in combination with permitted or other developments, including that of the extant permission.
- 8.7.14. I note the submitted Biodiversity Management and Enhancement Plan relates to overall biodiversity gain and support for red listed species occasionally using the site, including wading birds. The measures proposed within the plan are not proposed to

mitigate impacts on SCIs of Cork Harbour SPA, as no significant effects are predicted to occur, as per the assessment above.

- 8.7.15. Overall, given the distance of the development site from the SPA, the nature of the habitat in question and its agricultural use, the abundance of similar habitat in the wider area, and the results of the wintering bird surveys, I am satisfied that the construction and operation of this proposed development and associated cable route will not adversely affect the integrity of Cork Harbour SPA and no reasonable doubt remains as to the absence of such effects.

### **Mitigation Measures Proposed**

- 8.7.16. Section 5 and 6 of the NIS details mitigation measures to be employed during the construction, which are considered to represent best construction practice measures. Measures to be implemented during the construction phase are set out in Construction and Environmental Management Plan and will be implemented by an appointed Environmental Manager.
- 8.7.17. No mitigation measures are proposed in relation to habitat loss or disturbance/displacement as they are not deemed to be required given the proposal will not result in significant loss of ex-situ habitat for SCI species associated with Cork Harbour SPA, given the minor nature of the works proposed, the distance of the proposed development site from the SPA, and the abundance of similar habitat in the wider landscape. However, best practice disturbance measures will be adhered to during construction of the proposed modifications to the design and layout of the permitted solar farm, including the proposed 33kV internal network cable:.
- 8.7.18. The conservation objectives, targets and attributes as relevant to the identified potential adverse effects have been examined and assessed in relation to all aspects of the project (alone and in combination with other plans and projects). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed.
- 8.7.19. I am satisfied that the implementation of the suite of mitigation measures outlined above will ensure that no adverse effects on the conservation objectives of the Cork Harbour SPA will arise during the construction and operational stages of the proposed development including the potential for pollution from run-off into any of the

watercourses present on site, and no significant disturbance/loss of habitat of SCI species of the SPA for wintering birds alone or in combination with other permitted solar farms in the area given the widespread availability of similar habitat throughout the area, therefore, the proposed development will not undermine the conservation objectives of the Cork Harbour SPA and adverse effects on site integrity can be excluded.

### **In-combination effects with plans, projects and activities**

8.7.20. In terms of possible in-combination effects, plans, programmes and existing and permitted developments were considered.

8.7.21. While third party concerns have been raised in relation to cumulative impacts, I am satisfied that existing and permitted developments have been considered in the submitted application, including the extant permission related to this modifications application. The NIS concludes in terms of Cumulative Impact that:

In the review of the projects that was undertaken in Section 7.2 above, no connection that could potentially result in additional or cumulative impacts was identified. Neither was any potential for different (new) impacts resulting from the combination of the various projects and plans in association with the proposed development.

Taking into consideration the reported residual impacts from other plans and projects in the area and the predicted impacts with the current proposal, no residual cumulative impacts have been identified with regard to any European Site.

8.7.22. I am satisfied that existing and permitted developments have been considered in the submitted application, including the extant permission related to this application, and potential for in-combination impacts arising from this proposed development do not arise.

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

I do not consider that there are any specific in-combination effects that arise from other plans or projects. The NIS considered the combined impacts of the overall development proposal on the site. I consider that any potential for in-combination



effects on water quality and potential for habitat disturbance/displacement of SCIs of Cork Harbour SPA is negligible. Furthermore, other projects within the area, which can influence water quality via rivers and other surface water features, are also subject to AA.

### **Appropriate Assessment Conclusion**

- 8.7.24. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that the likelihood of significant effect on the Cork Harbour SPA (004030) could not be excluded.
- 8.7.25. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.
- 8.7.26. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European site no. 004030 (Cork Harbour SPA), or any other European site, in view of the sites Conservation Objectives. This conclusion is based on a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the conservation objectives of the Cork Harbour SPA (004030), detailed assessment of in combination effects with other plans and projects, and current proposals, and there is no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Cork Harbour SPA (004030). This is consistent with the findings of the submitted NIS.

## **9.0 Recommendation**

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

Having regard to:

- national and regional policy objectives in relation to renewable energy,

- the provisions of Cork County Development Plan 2022 – 2028,
- the nature, scale, extent and layout of the proposed development,
- the topography of the area,
- the existing hedging and screening on the site,
- the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the operative Development Plan, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have significant effects on the environment, or the ecology of the area, and would not give rise to increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 31<sup>st</sup> day of October 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms

and conditions of the permission granted on 25/04/2019, reference ABP-303013-18, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in the Natura Impact Statement (dated 21<sup>st</sup> March 2023), Ecological Impact Assessment (dated 21<sup>st</sup> March 2023), Arboricultural Impact Assessment and Tree Protection Plans and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

4. The developer shall submit a revised Biodiversity Management and Enhancement Plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The revised plan shall include details to address management of grazing within the site of the solar farm having regard to the need to support species rich meadows/grasslands, breeding bird species, and wintering farmland birds and waterbirds.

**Reason:** To protect site biodiversity.

5. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.  
(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.  
(c) Cables within the site shall be located underground.  
(d) The inverter/transformer stations shall be dark green in colour.

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

6. 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.

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

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

**Reason:** In the interests of public safety, residential amenity and protection of the environment.

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

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

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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Una O'Neill  
Senior Planning Inspector

27<sup>th</sup> June 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-318915-24			
<b>Proposed Development Summary</b>	Modifications to permitted solar farm and proposed 33kV network cable linking the Ballinrea solar farm with the Ballinvuskig solar farm.			
<b>Development Address</b>	Ballinrea, Ballinreeshig, Kilnahone near Carrigaline, Co. Cork			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x	
		<b>No</b>		
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>			EIA Mandatory EIAR required	
<b>No</b>		No	Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of Schedule 5, within the Planning and Development Regulations, 2001 (as amended).  Having regard to the purpose, nature and to the limited extent of the works, the proposed		No EIAR or Preliminary Examination required

		development would not constitute rural restructuring under Class 2 of Part 2 of Schedule 5 or relate to private roads under Class 10 of Part 2 of Schedule 5.		
<b>Yes</b>		No		Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	N/A	<b>Preliminary Examination required</b>
<b>Yes</b>	N/A	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_