



An
Coimisiún
Pleanála

Inspector's Report

ABP-323301-25

Development	10 year permission for solar farm and associated site works. A Natura Impact Statement (NIS) was submitted to the planning authority with this application
Location	Corrin, Kill Saint Anne North, Clykeel North, Ballinvarrig East, Ballinvarrig West, Deerpark, Knockaduff, Kill Saint Anne South, Ballyarra, Mohera, Spuree, Castlelyons, Fermoy, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	245211
Applicant	Amarenco Solar Rathcormac Limited
Type of Application	Permission
Planning Authority Decision	Conditional
Type of Appeal	3 rd Party
Appellant	Garrett Verling
Observer	Cllr. Peter O'Donoghue
Date of Site Inspection	29.12.2025
Inspector	Alaine Clarke

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1.0 Site Location and Description

- 1.1. The appeal site is stated to measure ca. 46.66ha in total, comprising ca. 41.72ha of solar farm and ca.4.94ha of public road. The site is located in the townlands of Corrin, Kill Saint Anne North, Clykeel North, Ballinvarrig East, Ballinvarrig West, Deerpark, Knockaduff, Kill Saint Anne South, Ballyarra, Mohera, Spuree at Castlelyons, Fermoy, Co. Cork. The solar farm sites comprises three main land parcels, two to the north and two to the south of Castlelyons village with a proposed interconnecting cable route to link up the sites running through the village.
- 1.2. Castlelyons is located ca. 5.5km southeast of Fermoy. Castlelyons and Bridebridge are two interdependent settlements, situated approximately 3km east of Rathcormack. Bridebridge is situated immediately south of Castlelyons and the proposed cable route is located along part of the public road between Castlelyons and Bridebridge.
- 1.3. The land parcels are mapped in Figure 2.1 of the Planning Report submitted with the application. Land parcels 1 and 2 adjoining one another and comprise an area of ca. 17.7ha and the land is laid out in several fields with established field boundaries. Ground levels are relatively flat with a general fall east to west.
- 1.4. Land parcel 1, in the townlands of Corrin and Kill Saint Anne North, is located ca. 1km north-west of Castlelyons and is accessed via a local road, the L-1517, to the east of the land parcel. There is an existing substation, Barrymore 110kV substation, located on the L-1517, immediately south and east of the land parcel 1.
- 1.5. Land parcel 2, in the townland of Kill Saint Anne North, is located to the south of land parcel 1. Presently, access is via an agricultural access on a local road to the south. The fields are laid out in paddocks and used for horses. Proposed construction and operational access will be via land parcel 1 (L-1517).
- 1.6. Land parcel 3 with an area of ca. 15.5ha is located ca.1.6km south-west of Castlelyons and ca. 1.7km to the east of the village of Rathcormack in the townland of Clykeel North. This land parcel is in agricultural use with established field boundaries. The site is presently accessed off a local road L-1520-11, which forms the northern boundary. Ground levels are relatively flat with a general fall from west to east and north to south. The site adjoins the River Bride and the Blackwater River

(Cork/Waterford) SAC along the southern boundary of this land parcel. There is an existing residential property which fronts the L-1520-11, is excluded from the development site, but bounds the site on three sides. A farmhouse also bounds the site along the southwestern corner of the proposed solar farm site.

- 1.7. Land parcel 4 with an area of ca. 8.5ha is located ca. 1km south-west of the Castlelyons in the townland of Ballinvarrig East. This site is accessed via an existing agricultural track off local road L-1520-11, which continues for ca. 300m before it opens into one contained agricultural field. Established field boundaries surround the land parcel, including along the existing access track. Forestry bounds the site to the east. Ground levels are relatively flat with a general fall away from the public road from north to south. At its southern-most point this land parcel is ca. 50m to the River Bride and ca. 30m to the Blackwater River (Cork/Waterford) SAC. There are existing dwellings either side of the proposed site access.
- 1.8. In addition to the aforementioned land parcels, ca. 4.9ha of the site is within the public road. An interconnecting electrical cable will be provided within the L-1520-11, L-1518-0, L-5789-0, L-1520-39 and L-1517-0 to connect the solar farm. The cable route will be undergrounded along the route, which travels through the centre of Castlelyons village, designated as an Architectural Conservation Area in the Cork County Development Plan 2022-2028. The Shanowennadrimina stream flows through the town of Castlelyons and across which the proposed cable infrastructure is proposed to traverse, at Doctor's Bridge and Aghnagearagh Bridge. The Aghnagearagh Bridge on the L-1520-11, which the proposed cable route will traverse is a national monument (CO045-005).
- 1.9. The land parcels are in the ownership of three different landowners and letters of consent to make the application are included with the planning application documentation. A letter of consent is also included from Cork County Council in respect of the proposed cable infrastructure works in the public road.

2.0 Proposed Development

2.1. Development Description

2.1.1. The proposed development site boundary encompasses four previously permitted solar farms. According to application documentation, following technological advances, each site required a new permission and, in some cases, permission had lapsed; a combined application of the four sites was considered appropriate. The development proposals are generally located within the redline of the previously permitted development sites, with the exception of the underground interconnecting electrical cable along the public roads.

2.2. Permission is sought for a 10-year permission for a solar farm consisting of:

- ca. 47,184 solar photovoltaic panels on ground mounted frames spread over four land parcels.
- A total of 10 single storey buildings are proposed with a cumulative floor area of ca. 534.3m² consisting of:
 - 4 single storey transformer stations,
 - 4 single storey spare parts storage containers,
 - 1 single storey MV electrical kiosk,
 - a 38kV substation compound with 1 single storey substation building on lands at Corrin and Kill Saint Anne North, where it expected to connect to the national grid at the existing and adjoining 110kV substation.
- Permission is also for underground electrical ducting, cabling and joint bays within the development site and within the L-1520-11, L1520-39, L1518-0, L5789-0 and L-1517-0 public roads to connect the solar farm field parcels. It will cross a watercourse twice, the Shanowennadrimina stream, over 2 no. historical stone hump bridges at L-5789, Doctor's Bridge and L-1520, Aghnagearagh Bridge.
- Permission is sought for a new entrance off the L-1520-11 to access land parcel 3 (Clykeel North), a new entrance off the L-1517 to access land parcels

1 and 2 (Corrin and Kill Saint Anne North), upgrading of an existing agricultural entrance off the L-1520-11 to access land parcel 4 (Ballinvarrig North).

- Permission is sought for:
 - 3.5m – 4.5m compacted gravel internal access tracks,
 - security fencing,
 - CCTV mounted on 4m posts,
 - landscaping
 - and all associated development site works including a total hedgerow removal of ca. 178m
 - a toilet facility connected to a holding tank.
- The solar panels are arranged within a site area covering approximately 41.72ha, the site area within the public road is approximately 4.9ha. The total development area (including ancillary works) amounts to approximately 46.66ha.
- The development has an expected lifespan of 40 years with a maximum output of 20MW.

2.3. The application was accompanied by the following documents and information:

- *Planning Report*
- *Natura Impact Statement*
- *EIA Screening Report*
- *Ecological Impact Assessment, prepared by Kelleher Ecology Services*
- *Landscape and Visual Impact Assessment prepared by Macroworks*
- *Glint and Glare Report, prepared by Macroworks*
- *Drainage Assessment and Strategy, prepared by DOSA Consulting Engineers*
- *Construction Traffic Management Plan prepared by DOSA Consulting Engineers*

- *Outline Construction and Environmental Management Plan prepared by DOSA Consulting Engineers*
- *Archaeological Resolution Strategy, prepared by Rubicon Heritage*
- *Site Restoration Plan*
- *Husbandry Management Plan*
- *Details drawings and landscaping plans prepared by DOSA Consulting Engineers*

2.4. Unsolicited Further Information

- 2.4.1. The applicant submitted unsolicited further information (dated 14/08/24) which included a Confirmation of Feasibility for a water connection. The applicant requests, in event of a grant of permission be issued, a condition is included that the cable infrastructure achieves separation distances and/or poses no risk to existing waste and wastewater infrastructure. In addition, the applicant states that the issues raised by Uisce Éireann were satisfactorily addressed and do not need to be revisited in an amended EIA Screening.

2.5. Further Information Response

- 2.5.1. Following Cork County Council's further information request of 21st August 2024, a response was received on 12th December 2024. This included the following information:

- Revised EIAR Screening Report.
- A Character Area Appraisal of Castlelyons ACA, by John Cronin & Associates.
- Revised sightline drawings.
- Technical note prepared by DOSA consulting engineers in respect of traffic issues.
- A research paper which confirms that solar farms did not have a significant effect on runoff volumes, peaks or time to peak. The research advocates the establishment of well-maintained grass underneath panels.

- Details of the proposed foul water storage tank.
- Technical Note, prepared by Kelleher Ecology Services.
- An Invasive Alien Species Management Plan, prepared by Kelleher Ecology Services.
- An Arboricultural Impact Assessment, prepared by Charles McCorkell Arboricultural Consultancy.
- A suite of tree removal and protection plans.
- A revised Ecological Impact Assessment.
- Letter of consent from landowner with respect to sightlines.

2.6. Clarification Response

2.6.1. Following Cork County Council's clarification request of 13th February 2025, a response was received on 19th May 2025. This included the following information:

- An updated Flood Risk Assessment and Drainage Strategy.
- Confirmation of Feasibility from Uisce Éireann that confirms that the proposed cabling infrastructure achieves separation distances /poses no risk to wastewater infrastructure.
- Details of on-site wastewater treatment system.
- Updated landscaping plans
- Updated site entrance detail of northern land parcel (Kill Saint Anne North/Corrin).

2.6.2. Unsolicited further information was received on 21st May 2025 and comprised a letter from Uisce Éireann advising that subject to valid agreements being put in place, the proposed build over can be facilitated.

3.0 Planning Authority Decision

3.1. A notification of the decision to grant planning permission was issued by Cork County Council by Order dated 14th June 2025 with 36 no. conditions attached.

Most conditions are standard; however the following should be noted:

- *No. 2: 35 year permission.*
- *No. 5: townland boundary at Ballinvarrig East site to be reinstated post construction.*
- *No. 6: preservation of archaeological material in-situ.*
- *No. 7, 8 and 9: protection of archaeological heritage.*
- *No. 17: bat roosts assessments to be undertaken at each bridge prior to cabling activities.*
- *No. 21: standard septic tank condition.*
- *No. 36: contribution scheme condition.*

3.2. Planning Authority Reports

There are several Planner's reports on file which inform the decision and which are summarised as follows:

Planner's Report dated 14/08/24

This Planner's Report sets out the site description, planning history, a description of the proposed development, policy context, the various internal and external referrals in respect of the planning application. The Report summarises the submissions, sets out flood risk in the area, and carries out an assessment of the proposed development in respect of development rationale, policy and principle, grid connection and associated infrastructure, EIA Screening, landscape and visual, cultural impacts, traffic impacts, emissions, appropriate assessment, ecology and surface water. States the ecology report was not received at time of writing report. The report concludes with a Request for Further Information in respect of EIA screening heritage, access and traffic, surface water disposal, site servicing, ecology, archaeology, noise and management of the site.

Senior Planner's Report dated 21/08/24

This is a replica of the Planner's report dated 14/08/24 with the exception that it includes additional further information requested from the ecologist. This report

states that it concurs with the recommendation of the Area Planner, the proposal is acceptable in principle but that further information is required.

Senior Executive Planner's Report dated 12/02/25

Following the response to a request for further information, this report assess the information submitted and requests clarification relating to surface water disposal and drainage, site servicing, tree and hedgerow removal.

Senior Planner's Report dated 13/02/25

This report states that it concurs with the planning report with a recommendation to seek clarification of further information.

Senior Executive Planner's Report dated 10/07/25

This report considers the response to the clarification request relating to surface water disposal and drainage, site servicing, tree and hedgerow removal and recommends a grant of permission subject to 35 no. conditions.

Senior Planner's Report dated 10/07/25

This report endorses the Senior Executive Planner's Report dated 10/07/25 and recommends a grant of permission subject to 36 no. conditions.

3.3. Other Technical Reports – Cork County Council Internal Departments

Area Engineer (report dated 08/08/24)

- No objection in principle subject to normal planning and sustainable development considerations. A special contribution may be needed for the upgrade of the local secondary road (L-5790).
- No details of bridge crossings are provided - details required.
- Further information with respect to sightlines at proposed entrances are required.
- Is satisfied that the proposed surface water regime should not be affected once is in constructed as detailed.
- Applicant to clarify proposals to dispose of sewage from the substation.

Conservation Officer (report dated 31/07/24)

- Sets out CDP objectives, HE 16-15 Protection of Structures on the NIAH, HE 16-16, Protection of non-structural elements of the built heritage and HE 16-18, Architectural Conservation Areas.
- The above ground elements including a bridge, cast iron water pump may be impacted, these aspects are protected.
- The potential impacts on features within the Architectural Conservation Area (ACA) of Castlelyons is not clear. Further information was requested to engage a built heritage profession to undertake a brief character assessment of the ACA, supported by illustrations and mapping. The statement shall identify any features of heritage which may be impacted, and proposed mitigation for same. Any proposed mitigation or alteration shall include all pertinent details.

Environment Report (dated 08/08/24)

- Surface water is unlikely to be impacted by construction activities on site subject to good management. The sites are relatively level, land is generally dry and well drained.
- Groundwater is unlikely to be impacted subject to good site management.
- No objection to grant of permission on environmental grounds subject to stated conditions.

Environment Report (dated 13/08/24)

- No objection to grant of permission subject to stated conditions (relates to noise, vibration and dust suppression).

Environment Report (dated 14/08/24)

- No objection to grant of permission subject to stated conditions (relates to waste management, storage of materials).

Environment Report (dated 31/01/25 and 28/05/25)

- Report of 08/08/24 remains valid, no objection subject to conditions.

Environment Report (dated 07/02/25 and 30/06/25)

- No additional comments to make.

Environment Report (dated 12/02/25 and 14/07/25))

- The applicant to comply with all prior to commencement environmental conditions.

Archaeologist's Report (dated 08/08/24)

- Refers to CDP objectives, HE 16-2 – HE16-13 including HE 16-9: Archaeology and Infrastructure – large scale planning applications for infrastructure schemes are subjected to archaeological assessment.
- Ballinvarrig East: geophysical survey identified 3 anomalies of archaeological potential;
- Clykell North: geophysical survey identified a semi-circular ditch of unknown provenance;
- Corrin/Kill Saint Anne North: geophysical survey identified a townland boundary, enclosure, linear features and 2 possible pits. There is one RMP at this site.
- Archaeological testing was undertaken and informed a draft Mitigation Document which was submitted as part of pre-planning consultation. A revised imitation strategy document was included with the application.
- No objection subject to listed conditions including provision for exclusion zones, archaeological monitoring and some limited preservation by record comprising 7 features in total.

Ecology Report (dated 19/08/24) (post Planner's 1st Report).

- The report notes the hydrological link with the Clykeel North site and Ballinvarrig East site with the River Bride/SAC. Invasive species, Himalayan balsam, recorded on SE corner of SW site. A summary of the ecological impact assessment is set out. An Appropriate Assessment cannot be concluded until surface water drainage issues are addressed, referring to the request for further information.
- Further information is required:
 - Dedicated bird surveys.
 - A site species Alien Invasive Species Management Plan.

- Details of tree/hedgerow removal at proposed entrance to the northern site, and compensatory measures.
- Queried if the cable trenches will require works within the Root Protection Zone of trees and seeks further information in this regard.
- Queried level of disturbance to birds and bats at the bridge crossings; bat roost assessment and bird nesting sites to be submitted.

Ecology Report (dated 12/02/25)

- Considered the response of the applicant as to why dedicated bird surveys were not carried out to be acceptable.
- The invasive species management plan is acceptable.
- A revised landscaping plan which includes the areas where hedgerow and tree removal is proposed (for sightlines to the northern site) and where biodiversity enhancement measures are proposed is required.
- In reference to the submitted Arboricultural Report, the proposed development is achievable in both arboricultural terms and in relation to local planning policy as it relates to trees.
- Re the ecological surveys on Doctor’s Bridge and Aghnagearagh Bridge: nesting birds and roosting bats are not currently relevant to these bridges. Proposals to check the most-up-date status of same prior to cabling activities are acceptable.
- Clarification required with respect to hedgerow removal at site entrance to Kill-Saint Anne North/Corrin lands.

Ecology Report (dated 09/07/25)

- Given the extent of removal and proposed subsequent planting of hedgerow and wet woodland, I consider the response to be acceptable.
- No objection subject to conditions.

3.4. Prescribed Bodies

3.4.1. IFI

- Not opposed in principle to the development. Request that the assessment considers:
 - Drainage network should mimic the current drainage regime;
 - Where new or temporary watercourse crossing structures are required to access the site these should be of a design to afford free passage to migratory fish species or where existing, crossing points should be upgraded for free fish passage.
 - Mitigation of road surface run-off.
 - Mitigation to avoid discharge of polluting matter to receiving surface water, which can lead to loss or degradation of valuable habitat.

3.4.2. HSE

- Acknowledges receipt of the notification in respect of the proposed development.

3.4.3. Uisce Éireann

- The first submission recommended that:
 - an amended EIAR be sought to demonstrate and consider all direct, indirect and cumulative effects of the development on Uisce Éireann's abstraction point. It refers to an abstraction point c. 0.75km downstream of the solar farm site at Deerpark which has not been identified with the EIAR referring to surface water runoff only and no reference to potential impacts on the river or receiving waters through potential changes to groundwater pathways.
 - As no plans or details showing the locations of overlap with UE infrastructure have been submitted, a Confirmation of Feasibility shall be obtained.
- The second submission states that the applicant has addressed the request to assess the impacts on the abstraction point. With respect to the Confirmation of Feasibility, request clarification of information with respect to interaction points.

- Of note: The unsolicited FI response received on the 21/05/2025 includes a copy of a Confirmation of Feasibility from Uisce Éireann (dated: 20/05/2025) advising, subject to valid agreement/s being put in place, the proposed build over associated with watermain service crossings can be facilitated and that the applicant shall be obligated to enter into a build over agreement with Uisce Éireann prior to the commencement of development as set out in the CoF in the event planning permission is granted.

3.5. **Third Party Observations**

3.5.1. The planning authority received 2 no. third party submissions on the original application. The issues raised in these submissions are generally reflected in the issues raised in the third-party appeal received by the Commission. Additional matters raised include:

- Potential for livestock damage of the equipment
- Right to privacy and placement of CCTV cameras
- Scale of solar farm.
- Glint and glare impact
- Noise impact
- No public consultation
- Project viability.

No further third-party submissions were invited i.e. through further advertisement / information not considered to be significant.

4.0 **Planning History**

4.1. **Subject Site**

Land Parcel 1/ Corrin/Kill Saint Anne North Solar Farm

- ABP ref. PL 04.248278 / Cork Co. Co. reg. ref. 16/4570: permission for a 5 MW solar farm within a site area of 8.7 hectares, and all associated ancillary development works.

- Cork Co. Co. reg. ref. 24/6468: permission granted to Eirgid for refurbishment works to 39.3km of overhead line.

Land Parcel 2 / Kill Saint Anne North Solar Farm

- ABP-304899-19 / Cork Co. Co. reg. ref. 18/6010: permission granted in the southern part of the site for a 5 MW solar farm and all associated ancillary development works.
- Cork Co. Co. reg. ref. 24/6468: permission granted to Eirgid for refurbishment works to 39.3km of overhead line.

Land Parcel 3/Clykeel North Solar Farm

- Cork Co. Co. reg. ref. 20/5898: permission granted for a solar farm within a site area of approximately 15.18 hectares, and all associated ancillary development works.
- Cork Co. Co. reg. ref. 24/6468: permission granted to Eirgid for the refurbishment works to 39.3km of overhead line.

Land Parcel 4/Ballinvarrig East Solar Farm:

- Cork Co. Co. reg. ref. 16/4290: Permission refused for A 5MW solar farm for one reason relating to the proposed vehicular access:

“... The Planning Authority is not satisfied on the basis of the submissions made that the traffic likely to be generated by the proposed development would not endanger public safety by reason of traffic hazard...”
- ABP ref. PL 04.248400 / Cork Co. Co. reg. ref. 16/5414: Permission granted for A 5 MW solar farm.

4.2. Other Relevant Developments within the vicinity

- ABP-300228 / Cork Co. Co. reg. ref. 17/4369: permission granted for a solar farm with an export capacity of 5MW.

5.0 Policy Context

5.1. National Policy and Legislation

5.1.1. Climate Action and Low Carbon Development Act, 2015, as amended.

5.1.2. The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principle act such that Section 15(1) requires:

“(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- a) the most recent approved climate action plan,*
- b) the most recent approved national long term climate action strategy,*
- c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- d) the furtherance of the national climate objective, and*
- e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

“Relevant body” means a prescribed body or a public body.

5.1.3. Climate Action Plan (CAP) 2024 (“CAP24”) and 2025 (“CAP25”)

5.1.4. Under the Climate Action and Low Carbon Development Act, 2015, as amended, Irelands national climate objective requires the State to transition to a resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than the end of 2050. This national climate objective meets Irelands obligations under EU and international treaties, including the Paris Agreement (2015), the European Green Deal and the EU’s objective to reduce GHG emissions by at least 51% by 2030 (compared to 2018) and achieve climate neutrality by 2050.

5.1.5. To meet its targets and obligations CAP 24 sets a course for Ireland to halve emissions by 2030 and reach net-zero no later than 2050. In terms of the electricity sector a 75% reduction in emissions based on 2018 levels is required by 2030 and

CAP 24 provides that central to achieving this is the strategic increase in the share of renewable electricity to 80% by 2030 including ambitious targets of deploying 9GW of onshore wind, 8GW of solar power and at least 5GW from offshore wind projects. CAP 2025 was published on 15th April, 2025. It re-affirms the previous commitment to increase the share of renewable electricity generation to 50% by 2025 and 80% by 2030 including solar targets of up to 5GWs by 2025 and 8 GWs by 2030.

5.1.6. Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024

5.1.7. The National long-term Climate Action Strategy, entitled Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. The Strategy provides a pathway to a whole-of-society transformation and serves as a vital link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland's National Climate Objective.

5.1.8. The National Adaptation Framework; Planning for a Climate Resilient Ireland (June 2024)

5.1.9. The most recent approved national adaptation framework, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 (NAF) is Ireland's second statutory National Adaptation Framework (NAF) and was published on 5th of June 2024. The NAF and its successors do not identify specific locations or propose adaptation measures or projects in individual sectors, but sets out the context to ensure local authorities, regions and key sectors can assess the key risks and vulnerabilities of climate change, implement climate resilience actions and ensure climate adaptation considerations are mainstreamed into all local, regional and national policy making. The NAF identifies 13 (previously 12) priority sectors under 7 lead Departments that are required to prepare sectoral adaptation plans under the Climate Act in accordance with the Sectoral Planning Guidelines for Climate Change Adaptation which were published in 2018 and updated in 2024. The original 12 sectoral Plans prepared in 2019 and a new sectoral Plan for tourism are to be updated/prepared by end of Q3 2025. The following Electricity and Gas Sectoral Plan is relevant to the subject proposal.

5.1.10. **Electricity and Gas Sectoral Plan 2019**

5.1.11. The aim of the Plan is to address the risks posed by climate change to the electricity and gas networks. The plan focuses on identifying vulnerabilities such as extreme weather and changing temperature patterns and how they could affect the electricity and gas networks. Specific measures to minimise the potential negative effects of climate change are outlined including the strengthening of the grid and ensuring reliable gas supply. The Plan also seeks to exploit opportunities and the potential benefits arising from climate change adaptation such as increased energy efficiency and the development of new renewable energy sources.

5.1.12. **Project Ireland 2040: National Planning Framework (NPF), First Revision of the NPF and the National Development Plan (NDP 2018-2027)**

5.1.13. Project Ireland 2040 is the Government's long-term overarching strategy to make Ireland a better country for all and to build a more resilient and sustainable future. The NPF and the NDP combine to form Project Ireland 2040. The NPF sets out to deliver a spatial strategy through a set of National Strategic Outcomes (NSO's), including: 'Transition to a Low Carbon and Climate Resilient Society' which establishes a national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050.

5.1.14. The 'First Revision' introduces regional renewable electricity capacity allocations for each of the three Regional Assemblies to be achieved by 2030 which for Southern Regional Area is an additional 3,302MW, for solar PV or 43% of the National share in 2030. This is the minimum required for solar generation to meet the 2030 emission reductions in the electricity sector. The NDP 2018-2027 sets out the investment priorities that will underpin the implementation of the National Planning Framework, through a total investment of approx. €116 billion. It recognises that Ireland's energy system requires radical transformation in order to achieve its 2030 and 2050 targets and objectives. It recognises that investment in renewable energy sources affords Ireland an opportunity to decarbonise our energy generation, but that this must be complemented by wider measures to moderate growth in energy demand, increase energy security, diversify supply sources and facilitate more variable electricity generation on the grid

5.1.15. **National Biodiversity Action Plan 2023 – 2030 (NBAP)**

5.1.16. Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows, Objective 1 Adopt a whole of government, whole of society approach to biodiversity; Objective 2 Meet urgent conservation and restoration needs; Objective 3 Secure nature's contribution to people; Objective 4 Enhance the evidence base for action on biodiversity; Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives.

5.1.17. **National Energy Security Framework (April 2022)**

5.1.18. The Framework addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions. Theme 3 - Reducing our Dependency on Imported Fossil Fuels, focusses on three areas of work:

- Reducing demand for fossil fuels.
- Replacing fossil fuels with renewables, including solar energy.
- Diversifying fossil fuel supplies.

5.1.19. Under 7.2, the statement notes that prioritising renewables is in line with the requirements of the recast Renewable Energy Directive and the EC REPowerEU action statement. The Commission has called on Member States to ensure that renewable energy generation projects are considered to be in the overriding public interest, and the interest of public safety, and the Government supports this request.

5.2. **Regional Planning Policy**

5.2.1. **The Regional Spatial and Economic Strategy for the Southern Region**

RPO 95 Sustainable Renewables

It is an objective to support implementation of the National Renewable Energy Plan (NREAP) and the Offshore Renewable Energy Plan and the implementation of

mitigation measures outlines 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

It is an objective 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 100 Indigenous Renewable Energy Production and Grid Injection

It is an objective to support the integration of indigenous renewable energy production and grid injection.

RPO 219 New Energy Infrastructure

It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.

RPO 222 Electricity Infrastructure

It is an objective to support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy (subject to appropriate environmental assessment and the planning process) to serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection capacity.

5.3. Local Planning Policy - Cork County Development Plan (CDP) 2022-2028

5.3.1. Chapter 8, Economic Development, Section 8.21 Renewable Energy

- Renewable energy projects can contribute to the diversification of the rural economy and benefit local communities. The Council will support the

provision of appropriate renewable energy proposals in accordance with the provisions of this Plan, and in particular, the Objectives of Chapter 13 Energy and Telecommunications.

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

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

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

ET 13-14: Solar Farm Development

a) In recognition of national targets and commitments to significantly increase renewable energy production, support will be given to solar farm projects at appropriate locations, where such development does not have a negative impact on the surrounding environment, landscape, historic buildings, or local amenities.

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

c) Require that new solar farm development proposals be assessed against the criteria listed in this Plan until such time as Section 28 Guidelines on Solar Farm Developments from the Department of Housing, Planning and Local Government are published to supersede same.

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.

ET 13-21: Electricity Network

a) Support and facilitate the sustainable development, upgrade and expansion of the electricity transmission grid, storage, and distribution network infrastructure.

b) Support the sustainable development of the grid including strategic energy corridors and distribution networks in the region to international standards.

c) Facilitate where practical and feasible, infrastructure connections to wind farms, solar farms, and other renewable energy sources subject to normal proper planning considerations.

d) Proposals for development which would be likely to have a significant effect on nature conservation-sites and/or habitats or species of high conservation value will only be approved if it can be ascertained, by means of an Appropriate Assessment or other ecological assessment, that the integrity of these sites will not be adversely affected.

5.3.4. It is noted that paragraph 13.8.5 of Section 13.8, Solar Energy, lists a range of issues that should be considered in the context of solar farm developments.

5.3.5. Other policies of relevance:

Farm Diversification (Chapter 8 of the CDP)

- Objective EC: 8-13 Rural Economy (c) New development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape.
- Objective EC: 8-14 Business Development in Rural Areas
- 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...

Water Framework Directive (Chapter 11 of the CDP)

- Objective WM 11-1(a): EU Water Framework Directive and the River Basin Management Plan, Protect and improve the County's water resources....
- Objective WM 11-2: Surface Water Protection (a) Protect and improve the status and quality of all surface waters throughout the County...

Protection of the Riparian Zone (Chapter 11 of the CDP)

- Objective WM 11-11(a): Ensure adequate protection measures along watercourses, keeping them free from development by ensuring development is kept 10m or other appropriate distance from stream and river banks in line with best practice for riparian corridors....

Surface Water Management

- Objective WM 11-12: Manage surface water catchments and the use and development of lands adjoining streams, watercourses and rivers in such a way as to minimise damage to property by instances of flooding and with regard to any conservation objectives of European sites within the relevant catchments and floodplains.

Flooding

- Section 11.11 of the CDP sets out the requirements for flood risk assessment in areas of at risk of flooding. The impacts of climate change on flood risk, and in particular residual flood risk, should be considered for all proposed developments.
- Objective WM 11-13(a): Protect the County's floodplains, wetlands and coastal areas subject to flooding as vital green infrastructure...
- Objective WM 11-14 (a) and (b): support the implementation of the EU Flood Risk Directive, the Flood Risk Regulations, the Flood Risk Management Guidelines, the South Western CFRAM study...
- Objective WM 11-15: require flood risk assessment to be undertaken where appropriate.
- WM11-16: sets out the overall approach to development in areas at risk of flooding including, avoidance, sequential approach and justification.

Landscape (Chapter 14 of the CDP)

- Objective GI 14-9(a): Landscape: Protect the visual and scenic amenities of County Cork's built and natural environment.

Biodiversity and Environment (Chapter 15 of the CDP)

- Objective BE 15-2(a): Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements...
- Objective BE 15-2(b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts...
- Objective BE 15-2(c) Protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network....
- Objective BE 15-6: Biodiversity and New Development – sets out measures to be provided for in the development management process.

Built and Cultural Heritage (Chapter 16 of the CDP)

- Objective HE 16-9: Archaeology and Infrastructure Schemes All large scale planning applications and Infrastructure schemes and proposed roadworks are subjected to an archaeological assessment as part of the planning application process...
- Objective HE 16-10: Management of Monuments within Development Sites Where archaeological sites are accommodated within a development it shall be appropriately conservation/ protection...
- Objective HE 16-13: Undiscovered Archaeological Sites To protect and preserve previously unrecorded archaeological sites within County Cork as part of any development proposals...
- Objective HE 16-14 relates to the protection of structure on the record of protected structures.
- Objective HE 16-14 relates to the protection of structures on the record of protected structures.
- Objective HE 16-15 relates to the protection of structures on the NIAH.

- Objective HE 16-16: relates to the protection of non-structural elements of built heritage.
- Objectives HE 16-17 and HE 16-18: relates to the protection of areas of special planning control/Architectural Conservation Areas.

Climate Action (Chapter 17 of the CDP)

- Objective CA 17-1: Support national and local climate change objectives...
- Objective CA 17-2: Implement policies to deliver, inter-alia, renewable energy production and reduced energy consumption,...

5.3.6. **Volume Three, North Cork, of the CDP**

5.3.7. Volume Three of the CDP includes the policy for the key village of Castlelyons/Bridebridge which are stated to be two interdependent settlements.

DB-02

The green infrastructure, biodiversity and landscape assets of Castlelyons/ Bridebridge include the river corridors of the Shanowen and the River Bride, mature trees and wooded areas and other open spaces. New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity.

DB-04

Part of the settlement is at risk of flooding.

Special Policy Area

X-01 – it is an objective to protect and retain the unique demesne landscape associated with this area...

Part of the site is zoned as 'Special Policy Area' through which part of the proposed infrastructure cable passes.

5.4. Natural Heritage Designations

5.4.1. The nearest designated sites are:

- Blackwater River (Cork/Waterford) SAC (Site code 002170): 0km to the south, and ca. 4.8km to the north.
- Blackwater River Callows pNHA (Site Code 000073) (4.8km to the north).
- Blackwater Callows SPA (Site Code 004094) (5.4km to the north)

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There is one third party appeal, from Garrett Verling, the main points of which can be summarised under the following headings:

- Traffic/Critically Dangerous Entrance
- Inconsistency with Cork County Development Plan 2022-2028
- EU Birds Directive & Biodiversity
- Flood Risk and Environmental Concerns

Table 6.1 summaries the points made by the appellant. The appellant requests that permission is refused.

6.2. Applicant Response

6.2.1. The applicant's response to the third-party grounds of appeal, dated 27th August 2025 is summarised in Table 6.1. The appeal response comprises:

- Response letter, prepared by McCutcheon Halley Planning Consultants,
- Technical Note, prepared by Denis O'Sullivan & Associates,
- Technical Note, prepared by Kelleher Ecology Services.

6.2.2. A summary of planning history is presented which establishes a precedent for the solar farm development. An overview of the project is presented together with a brief description of the sites and the proposed cable route. The Commission has already

approved this development previously, having considered the same grounds for refusal. Requests that the decision to grant is upheld.

6.3. Planning Authority Response

- 6.3.1. A response from the Planning Authority was received on 5th September 2025 which stated that the Planning Authority is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Bord as part of the appeal documentation and has no further comment to make.

6.4. Observations

- 6.4.1. An observation from Cllr. Peter O'Donoghue was received on 4th September 2025. The following concerns are raised:
- Traffic safety – with reference to the Ballinvarrig site.
 - Visual impact – with reference in particular to the visual impact from the national monument site of Carntierna on Corrin Hill, that this location has not been assigned a viewpoint number in the report and has not been assessed for impact.

6.5. Additional Circulation

- 6.5.1. An Taisce, Failte Ireland and The Heritage Council were invited to make a submission as the Commission was of the opinion that the proposed development may have an effect on the Blackwater River SAC, Castlelyons ACA and the Medieval Friary protected structure RPS 00339). No submissions were subsequently received.

6.6. Further Responses

- 6.6.1. No further responses were received from the applicant.

Table 6.1 Grounds of Appeal			
Ground	Appellant's Submission	Applicant Response	Reference to Inspector's Assessment
Traffic/Critically Dangerous Entrance	<p>Planning permission (CCC ref. 16/04290) [site at Ballinvarrig East/land parcel no. 4] was refused because the Council was not satisfied that the proposed vehicular access to the site would not endanger public safety by reason of traffic hazard. The site layout plan accompanies the appeal.</p> <p>Permission was then granted (CCC ref. 16/5414) for a vehicular entrance further down the road to a safer point.</p> <p>In this application, the applicant has reverted to the dangerous entrance that was refused permission. It appears the Council did not notice.</p>	<p>The appellants claims are entirely unfounded relying on outdated references to earlier planning applications on the site.</p> <p>ABP [ACP] determined in respect of PL04.248400, the Ballinvarrig site, that the existing entrance would be suitable for operational traffic.</p> <p>The proposed development entrance is used for agricultural purposes. During construction, it is proposed to use right-turn off the public road to the site and a left turn only on leaving the site, allowing for 60m sight distance on turning into site and 110m to the right on exiting. Signage and bankman would be present during construction. Mitigation measures eliminate risk.</p> <p>These points were discussed with Cork Co. Co. Roads Engineer prior to lodgement of application.</p>	Section 7.3

		<p>Adequate consideration has been given by Cork Co. Co.</p> <p>Previously, no mitigation measures were proposed, CCC reg. ref. 16/04290 refers.</p> <p>Since the application was submitted, the speed limit on local roads has reduced from 80kph to 60kph and sightlines have reduced from 110m to 90m. Using the proposed mitigation measures, the required sightlines, and beyond, can be achieved.</p> <p>The application is materially different from the earlier refused proposal. The appellant fails to acknowledge the comprehensive safety improvements incorporated into the design.</p>	
Inconsistency with Cork County Development Plan 2022-2028	The Cork County Development has a strong emphasis on biodiversity and includes objectives to enhance and protected biodiversity, including that national policy requires that biodiversity to be considered as part of decision making and that careful management of the countryside is required and ensure protection and enhancement of biodiversity and ecosystem services.	Appellants claims are without foundation. The appellant references Objective EC 8-13, Rural Economy of the CDP. The proposal directly aligns with this objective, referencing amount of replacement hedging and native wet woodland to be planted. Biodiversity measures represent a net gain. The applicant has advanced its own Eco Programme – corporate initiative on restoring ecosystems across all projects.	Section 7.2

	<p>Reference is made to biodiversity enhancement in the agri-food sector, the Bride Farming with Nature Project which promotes a results-based payment system for biodiversity/environmental enhancement measures on farms. Castlelyons was the centre of this project, very disappointing to see Cork Co Co ignoring biodiversity in this application.</p> <p>The CDP strategy is to support sustainable agriculture and food protection sector. Farmers in the local area have to import palm kernels and soya bean in place of native grain which in being lost to solar farms and other projects.</p> <p>The proposed development is inconsistent with objective EC:8-13 (c) new development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape and EC:8-14 the proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape.</p>	<p>In relation to Objective EC 8-14. Business Development in Rural Areas, of the CDP, the proposal satisfies the relevant criteria. Reference is also made to community funding under RESS-1.</p> <p>The proposal is consistent with National and Regional energy policy, referring to the Climate Action Plan 2025 target to increase solar generation, and RED III Directive.</p> <p>The Area Planner confirmed that CDP Objective ET 13-14 Solar Farm Development is of particular relevance and noted the principle of the development is considered relevant.</p> <p>The appellant fails to demonstrate any material contravention and ignores the national importance of renewable energy.</p>	
EU Birds Directive & Biodiversity	<p>Buzzards are protected. The NIS and Ecological report barely considered buzzards. The further information request issued by Cork Co. Co. queried</p>	<p>While buzzards are protected, it is not listed as a Special Conservation Interest (SCI) / Qualifying Interest (QI) species for any EU Designated SPA or</p>	Section 7.5

	<p>why dedicated bird surveys were not conducted – of up to 1 year, breeding, wintering and passage). The response to the request stated that surveys were undertaken for one month and was considered 'sub optimal' for breeding birds and summer migrant species. The Bird survey is worthless.</p> <p>A locally tagged Buzzard should be surveyed for movement and hunting grounds. Photo of buzzard attached.</p> <p>The NIS and Ecological Impact Statement fails to consider the specific concerns of the proposed development.</p> <p>The wood adjacent to the solar farm is teeming with birds, including red listed birds.</p> <p>Hope ACP sends the applicant back to do a proper Bird Survey so an informed decision can be made.</p> <p>The applicant has had no discussions with the Bride project.</p> <p>Appeal includes an article and solar farms, and adverse impact on biodiversity.</p>	<p>SAC in Ireland. Buzzard is not subject to NIS and AA. The issue of bird surveys was addressed in the response to the planning authority. Dedicated bird surveys were not considered necessary having regard to the improved agricultural grassland setting that dominates the study site, referencing extracts from Nature Scott Guidance 2022 where it advises that surveys of farmland passerines, especially on more intensive arable habitat are generally not required.</p> <p>Buzzard was noted during the EclA site assessment. Bird species of conservation concern are considered in the EclA.</p> <p>Buzzard is green-listed in Ireland, is not listed as an Annex 1 species on the Birds Directive and is widespread nationally and is experiencing an increasing population trend.</p> <p>The citation of the Bride Project in the EclA is a reference to a guide published by the Bride Project regarding farm habitat management, where the Landscape Plan for the solar application</p>	
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	<p>Permission should be overturned as the development is inconsistent with the Cork CDP.</p> <p>The attached 'Biodiversity and Solar Farm' is a document setting out what biodiversity is, (DEFRA) government policy and biodiversity, sets out quotes from the (UK Government's) National Planning Policy Framework. Reference is made to various reports and documents regarding the impact of solar developments on biodiversity, recommending the avoidance of solar development in or near area of high ecological value. Studies have considered biodiversity impacts on insects, birds, bats, movement of species, including preying strategies and availability of food. Several biodiversity-friendly procedures are set out, including at site and strategic level. Reference is made to a move to sustainable farming methods. Concluding that there is a lack of evidence relating to the ecological impact of solar farms, it would be premature to give approval for large space solar scheme referring to a the 'Longfields Solar Farm' near the river Ter (which is in the UK).</p>	<p>incorporated some habitat management items from the habitat management guide.</p> <p>In relation to the appended article which relates to a solar farm in England and which was granted permission in 2023, the matter of egg laying aquatic invertebrates is considered in the EclA and repeated: potential effects on aquatic insects at the study site related to disturbance /displacement associated with polarized light pollution during the operational phase are considered neutral.</p> <p>In relation to birds, reference is made to the EclA which states that evidence suggests that avian collision/barrier risk arising from glint and glare at operational PV solar panel sites is low. The primary collision examples relate to very large >800ha PV solar facilities at desert sites in California.</p> <p>In relation to bats, findings from primary studies in relation to collisions with solar panels, including the possibility that panels may be confused as water. These studies do not mention solar panels as a potential point of concern and noting that the NatureScot (2025) guidance on Solar Farms states</p>	
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		<p>that the risk of collision for solar PV farm development is low so bat activity surveys are not required.</p> <p>The steel border/frame and the grid partitions of the solar panels in rows separated by a distance of 7.2m with a 23 degrees angle so will not be an entirely extended smooth area, but will have gaps, and will be placed at a shallow horizontal position.</p> <p>Biodiversity enhancement opportunities are considered in the EclA.</p> <p>Concerns regarding birds and biodiversity have been comprehensively assessed.</p>	
Flood Risk and Environmental Concerns	<p>Bridesbridge, 750m downstream of Ballinvarrig site has serious flooding problems.</p> <p>Uisce Eireann abstracts water to supply Castlelyons, Bridesbridge and Rathcormack 700m downstream of the Ballinvarrig site. Cork Co Co. requested an updated EIA Screening Report to consider the EU abstraction point. The applicant's response sought a condition to get a Confirmation of Feasibility after the grant of permission. The</p>	<p>The location of the Uisce Eireann extraction point east of the Ballinvarrig site has been considered in the Flood Risk Assessment and Drainage Strategy report. There will be no alteration to groundwater pathways. Rainwater runoff will be directed to soak aways and percolate to the ground.</p> <p>Clarifying timelines and details with respect to the Confirmation of Feasibility and a Building-over or Near an Uisce Eireann Assessment Application – which was granted by Uisce Eireann. The</p>	Section 7.5

	<p>public have no opportunity to view and comment on stormwater proposals.</p> <p>The applicant downplays flooding at the sites. Photographs included as part of the appeal. The applicant admits the southern end of Ballinvarrig and Clykeel North sites do flood. A flood that smashes into the solar panels would be a disaster and no public water supply.</p> <p>Reference is made to Westmeath Co Co reg. ref. 2360178 which was refused permission on appeal because of risk of significant negative impact on water quality in the area, which may cause potential impacts on biodiversity, and inconsistencies with the development plan.</p>	<p>submission of this information was not considered 'significant' by the Planning Authority and no further period of consultation.</p> <p>Matters relating to stormwater have always been available to the public to view and comment on.</p> <p>Flooding has not been downplayed, the site has been assessed using available information and having regard to the future scenario.</p> <p>With reference to photo of flooding along public road – likely caused by a blocked drain. Less runoff as a result of no ploughing will result in flood reduction along public road. There is no historical record of flooding along the public at the northern end of the Clykeel North site – not possible due to land topography.</p> <p>Solar panels are not constructed from hazardous material. Grossly inaccurate to state that solar panels, if damaged will contaminate the local water supply. A statement on the components of a solar panel is provided. Panels are placed above the highest predicted flood event water level and would be surrounded by fencing, it is misleading to say</p>	
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		<p>that a tree that is washed down the river would smash into the panels.</p> <p>Reference is made to the Environment Officer report which concluded that there is little risk of impact on water quality once operational and the runoff rate would be mitigated by trench soakaway.</p> <p>Reference is made to condition no. 20 of the [Notification to Grant] permission which seeks detailed surface water/drainage drawings prior to commencement.</p> <p>The Westmeath appeal refusal reference is inappropriate which was explicitly refused on the grounds of insufficient information.</p>	
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7.0 Assessment

7.1. Introduction

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

- Principle of Development
- Traffic and Transport
- Flood Risk
- Biodiversity
- Cultural Heritage
- Landscaping and Visual Impact
- Other Matters

7.2. Principle of Development

7.2.1. Planning permission has been sought for the construction of a solar photovoltaic (PV) development on a site within the townlands of Corrin, Kill Saint Anne North, Clykeel North, Ballinvarrig East, Ballinvarrig West, Deerpark, Knockaduff, Kill Saint Anne South, Ballyarra, Mohera, Spuree at Castlelyons, Fermoy, Co. Cork.

7.2.2. The appeal site is stated to measure ca.46.66 ha in total, comprising ca. 41.72ha of solar farm and ca.4.94ha relating to cable infrastructure along the public road. The development has an expected lifespan of 40 years with a maximum output of 20MW.

7.2.3. The appeal raises concern that the proposed development is inconsistent with the following Cork CDP objectives:

- EC: 8-13 Rural Economy (c): new development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape.

- EC: 8-14 Business Development in Rural Areas: the proposed will not adversely affect the character, appearance and biodiversity value of the rural landscape.

- 7.2.4. Observers during the course of the application have raised concerns regarding the principle of development at this rural location, its overall scale and the loss of prime agricultural farmland to facilitate the development, which in their view is contrary to the policies of the Cork County Development Plan, 2022-2028 (CDP).
- 7.2.5. Renewable energy projects are supported in principle at national, regional and local policy levels, with the imperative at all policy levels being the need to reduce greenhouse gas emissions, reduce reliance on fossil fuels and combat climate change.
- 7.2.6. In line with EU ambition, the Programme for Government, Our Shared Future commits to achieving a 51% reduction in Ireland's overall GHG emissions from 2021 to 2030, and to achieving net-zero emissions no later than 2050. National Policy (including the NPF First Revision, April 2025 and Climate Action Plan 2025 and Climate Action Plan 2024) include objectives to support proposals which aim to achieve a climate neutral economy.
- 7.2.7. The National Planning Framework (First Revision) National Strategic Outcome (NSO) 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and includes National Policy Objective 70 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', while the need for new energy systems and transmission grids are recognised.
- 7.2.8. At a regional level, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, Regional Policy Objectives (RPOs) 95, 96, 100, 219 and 222 support the upgrading and provision of new energy infrastructure to integrate renewable energy sources and meet future energy needs.
- 7.2.9. At a local level, the proposal accords, inter alia, with Cork County Development Plan 2022-2028 objectives ET 13-14: Solar Farm Development a) and b) which supports solar farm projects at appropriate locations subject to environmental safeguards and ET 13-21, Electricity Network, which supports the development of electricity infrastructure and connection to solar farms. In the absence of national planning

guidance, Section 13.8 of the Development Plan confirms that the Council will assess the appropriateness of individual applications received having regard to all other statutory requirements and guidelines, environmental sensitivity factors (if any) of the application-site, similar development guidance internationally, and the overall proper planning and sustainable development of the area.

- 7.2.10. The solar farm site, comprising four parcels of land, are located within a rural area, on un-zoned lands in the environs of Castlelyons village. Whilst it is evident most of the site forms productive agricultural lands and agriculture is the predominant land use in the surrounding area, the Development Plan does not identify a preference for the location of renewable energy developments however the diversification in agriculture is supported in development plan policy (Development Plan objective EC: 8-15).
- 7.2.11. With respect to the appeal concerns that the proposed development is inconsistent with Development Plan Objectives EC: 8-13, Rural Economy and EC: 8-14, Business Development in Rural Areas as it relates to biodiversity, and the character and appearance of the rural landscape, I consider specific matters relate to biodiversity and landscaping at sections 7.5 and 7.7 of this Inspector's Report. I am satisfied having assessed the Natura Impact Statement, the Ecological Impact Assessment, Landscape and Visual Impact Assessment, the Archaeological Resolution Strategy and the environmental controls in the Outline CEMP that the proposed development is not inconsistent with Development Plan objectives EC:8-13 and EC: 8-14. With respect to character, appearance and landscape concerns, I am satisfied that the proposed development is acceptable from a landscape and visual impact perspective.
- 7.2.12. I note the Cork Co. Co. Planner's Report (dated 14/08/24) which states that the subject application essentially proposes amendments to and an amalgamation of previously permitted solar farms in the area and that the principle of the development is considered to be acceptable subject to normal proper planning and sustainable development considerations.
- 7.2.13. Having regard to national, regional and local policy, as detailed above, I am satisfied that the principle of the development of a solar farm, associated 38kV electricity substation and associated cabling connecting the solar farms is acceptable in

principle. I note that renewable energy projects must accord with Section 13.8 and Objective ET 13-14, along with other matters, these matters are addressed in detail in the following sections of this report.

7.3. **Traffic and Transport**

7.3.1. Section 5.2.4 of the Planning Report deals with Roads/Traffic and Access. The main traffic impacts will arise during the construction and decommissioning phase of the proposed development. As the site will be monitored remotely during the operational phase of development, with minimal site maintenance visits throughout the year, the report concludes that it is unlikely that the proposed development will give rise to adverse impacts during this phase. A construction traffic management plan, prepared by DOSA Consulting Engineers accompanies the application.

7.3.2. The proposed development will be accessed as follows:

Land Parcel 1 & 2 / Corrin & Kill Saint Anne North

Access will be via the L1517 local road through a new entrance located north of the existing Barrymore 110kV substation. These two land parcels will use this one access. There is an existing agricultural entrance at this point.

Land Parcel 3 / Clykeel North

Access will be via a proposed entrance onto the L-1520-11 local road. There is an existing agricultural entrance to the east which will be closed off and planted with a new hedgerow. An existing mature hedgerow will be removed to accommodate required sightlines. The road suffers from poor vertical and horizontal alignment. To the east of the site access there is a sharp bend which restricts visibility in this direction. The road has a speed limit of 60km/h, with a continuous white line at this location.

Land Parcel 4 / Ballinvarrig East

Access will be via an existing entrance onto the L-1520-11 local road. Due to the proximity of adjoining properties outside the landowner's ownership it is proposed to only allow right in and left out vehicular movements from the site to allow maximum sightlines.

The existing farmyard access to the site is located between two houses on an unimproved section of the local road. The road has a speed limit of 60km/h, with a continuous white line at this location. The road suffers from poor vertical and horizontal alignment. To the west of the site access there is a sharp bend which seriously restricts visibility in this direction.

- 7.3.3. The main delivery route for the solar panels and the main components will be from Ringaskiddy port to the individual site compounds. The delivery route will be via the M8, leaving the port on the n28m continuing along the N40 before joining the M8. To access the Kill Saint Anne North site, traffic will exit the M8 at exit 15 and turn on to the R639 before turning onto the L1517. To access the Clykeel North and Ballinvarrig East sites, traffic will exit at junction 16 off the M8, travelling along the R639 for 3.4km before turning onto the L-1520-11.
- 7.3.4. The CTMP addresses the interconnecting cable route. The route will start on the Clykeel North site and exit onto the L-1520-11 local rad, continuing east along the L-1520-11 for 1.2km where it will interconnect with the Ballinvarrig site, it will continue east along the L-1520-11 for a further 0.9km where it turns north on to the L-1518-0 local road. It continues north for 1.1km until it meets the L-5792-0 local road where the route turns west and continues along the L-5792-0 for 0.4km until it meets the L-1517-0. The route turns north again for .8km where it turns into the Kill Saint Anne North site. Details of construction traffic generation are provided in section 4.3.2 of the CTMP. Mitigation measures are set out in section 4.5 of the CTMP including that a detailed CTMP will be prepared and agreed with Cork County Council prior to any works commencing. The overall construction period is expected to take ca. 12-15 months.
- 7.3.5. The appeal raises concern with the Ballinvarrig East access and consider that Cork County Council made a serious error in granting permission. The appeal states planning application reference (Cork) 16/4290 for a solar farm on the same site was refused for a reason relating to traffic hazard, and that a subsequent application 16/5414 permitted the Ballinvarrig East Solar Farm with an entrance further east. The observation submitted by Cllr. Peter O'Donoghue also raises concern with respect to the proposed Ballinvarrig East site entrance.

- 7.3.6. In response to the appeal, the applicant states that the appellant's claims are entirely unfounded. An Coimisiún Pleanála determined in respect of PL04.248400 (CCC 16/5414) that the existing entrance would be suitable for operational traffic. The right-turn in and left turn out allows for 60m sight distance on turning into site and 110m to the right on exiting. Signage and bankman would be present during construction. Mitigation measures eliminate risk. The applicant states that these points were discussed with a Cork Co. Co. Roads Engineer prior to lodgement of application and adds that since the application was submitted, the speed limit on local roads has reduced from 80kph to 60kph and sightlines have reduced from 110m to 90m; the required sightlines, and beyond, can be achieved.
- 7.3.7. For clarity, the Commission will note that PL04.248400 proposed an alternative access east of the previously refused entrance/current proposed access point for the construction phase. This was in response to the earlier refusal for permission in respect of CCC 16/4290. Neither of these applications explored mitigation measures or specific traffic management controls during the construction phase for the entrance the subject of the current appeal.
- 7.3.8. Further information was sought from the planning authority in respect of the proposed access for the Ballinvarrig East in relation to sightlines and seeking specific details of proposed measures (e.g. signage, manning of entrance, prebooking system etc.) to ensure that details as set out in the Construction Traffic Management Plan including restrictions to allow only right in and left out vehicular movements from the site will be implemented. The response to the further information request included revised sightline drawings and a technical note prepared by DOSA Consulting Engineers. The technical note reiterates measures detailed in the CTMP such as:
- The proposed entrance will always be manned during the construction by a banksman ensuring right turn in and left turn exit only.
 - Use of warning signs
 - A detailed Traffic Management Plan will be submitted to Cork County Council for prior approval.

The subsequent Area Engineer's report of the Planning Authority raised no further concerns with respect to roads/sightlines or traffic.

7.3.9. The proposed development does not generate significant traffic volumes (5/6 average vehicle trips per working day during construction phase) and access during the operational phase will be negligible. Any construction measures required are addressed in the outline CEMP and the Construction Traffic Management Plan which should be implemented in full. No concerns are raised with the carrying capacity of the local road network and having regard to the likely trip generation I am satisfied that it has the capacity to accommodate the construction traffic. The CEMP and CTMP should be finalised and agreed with the Planning Authority prior to the commencement of the proposed development. A condition ensuring same is attached. Regardless, these impacts will be temporary and short-term and would be controlled as part of standard and best practice construction measures included in the CEMP.

7.3.10. The Cork CDP 2022-2028 does not specify sight visibility standards, however Objective TM 12-8 relates to Traffic/Mobility Management and Road Safety and the following is relevant:

- d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.
- e) Improve the standards and safety of public roads and to protect the investment of public resources in the provision, improvement and maintenance of the public road network.
- f) Promote road safety measures throughout the County, including traffic calming, road signage and parking.

7.3.11. The proposed access locations will be located onto the local road network. Having reviewed the relevant drawings, I consider the access arrangement designs can achieve the sight line visibility requirements in respect of the Kill Saint Anne North site and the Clykeel North site in accordance with the TII guidelines, TII Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions) DN-GEO-03060. To achieve this a small amount of hedgerow removal is required. In respect of the Balinvarrig East access arrangement, I note the following, having regard to the proposed 'right in and left out' vehicular movements to and from the site to allow maximum sightlines:

- forward visibility sightlines are available of 60m on turning right into the development site,
- sightlines to the right on exiting and turning left are in excess of 90m.
- sightlines to the left on exiting and turning left are 43m.
- the Area Engineer, in his report, is satisfied with the proposed access arrangements and states that sightlines have been provided and appear satisfactory, following the submission of further information.

7.3.12. I note the sightline drawings (drawing nos. 0105, 0125, 0115) submitted to the Planning Authority as part of further information on 12th December 2024 indicates set back distances of 3m for the site entrance from the edge of the public road. In accordance with section 5.5.2 of TII guidelines, TII Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions) DN-GEO-03060, entrance gates across a direct access shall be set back to accommodate one vehicle in the access, clear of the carriageway and any adjacent footway/cycle facility. The vehicle to be accommodated should be of the largest type to use the access on a regular basis. In the interest of traffic safety, I consider that revised site access drawings are submitted for the written agreement of the planning authority indicating an appropriate set back at each of the site access points.

7.3.13. Notwithstanding the third-party concerns, I am satisfied, that the mitigation measures outlined in the CTMP and the CEMP, together with the inclusion of the afore-mentioned additional measure to increase the set back of proposed site entrances from the road edge, will minimise disruption on the local road network and that traffic impacts can be appropriately managed. The proposed construction period is temporary, ca. 12-15 months, with the development being undertaken in stages.

7.3.14. There is very limited operational access (2-4 times per month) required for maintenance only. Monitoring of the site is done remotely via the installed CCTV and does not necessitate site visits for same. I am therefore satisfied that the proposed development, during both construction and operational phases, is acceptable from a traffic management perspective and subject to implementation of conditions, accords with development plan policy relating to traffic safety, as detailed above.

7.3.15. The impact of the laying of the cabling infrastructure will be short-term and temporary and would have no permanent impact on the function of the road network in this area given it is underground. The submissions of the roads section in CCC are noted who generally have no objection to the proposed cabling infrastructure development subject to a range of conditions.

7.4. Flood Risk and Environmental Concerns

7.4.1. The application is accompanied by a Flood Risk Assessment and Drainage Strategy Report prepared by DOSA Consulting Engineers. This report was updated following a request for clarification of further information and submitted to the Planning Authority on 19th May 2025. The additional information included greenfield runoff calculations, estimated runoff generation and trench soakaway design details and a Site Assessment Report for a septic tank.

7.4.2. With respect to flood risk and drainage and having regard to the updated drainage strategy, the following is noted:

- Land parcels 1 and 2 / Corrin and Kill Saint Anne North solar farm sites are relatively flat and storm water percolates to the ground, there are no open drains in or around the site. There are no off-site hydrological links between the Corrin/Kill Saint Anne North sites and any watercourse or other water feature. Soakaway storage volume requirement is calculated as 66.83m³ in the form of a trench soakaway along the western boundary of the solar farm and soakways from the electrical compound.
- Land parcel 3 / Clykeel North solar farm site slopes from north to south. The River Bride adjoins the southern boundary of the Clykeel North study site for ca. 200m. A field drain that runs along the eastern boundary of the Clykeel North study site discharges into the River Bride at the southeastern corner. This field drain is piped for the most part, with the exception of the last ca. 115m before discharge into the River Bride, when it becomes an open water-feature. Soakaway storage volume requirement is calculated as 65.1m³ in the form of a trench soakaway along the eastern and southern boundaries of the solar farm.

- Land parcel 4 / Ballinvarrig East solar farm site slopes from north to south. The southeastern corner of the Ballinvarrig East site is located within an area of fluvial flood risk and is within 35m of the River Bride. There are no watercourses or drains between Ballinvarrig East site and the River Bride. Soakaway storage volume requirement is calculated as 22.7m³ in the form of a trench soakaway along the eastern and western boundaries of the solar farm.
- Details of the surface water drainage strategy are set out in section 2.2.1 of the Flood Risk Assessment and Drainage Strategy Report and include, notably:
 - A 30m buffer zone will be established between the edge of the River Bride and works area.
 - New access tracks will comprise of permeable materials.
- The applicant has not submitted drawings indicating the location/dimensions of the proposed trench soakaways. In recognition of this, condition no. 20 of the Notification of Decision to Grant Permission required disposal/drainage details to be submitted prior to commencement.

7.4.3. Of the four land parcels, a small area of both the Clykeel North and Ballinvarrig Solar Farms are located in a flood risk area associated with the River Bride. The Corrin and Kill Saint Anne North solar farm sites are not subject to flood risk.

7.4.4. The appeal states that Bridesbridge (village) 750m downstream of the Ballinvarrig East site has serious flooding problems. The appellant states that the applicant downplays flooding at the sites. Photographs are included as part of the appeal indicate road flooding which is stated to be close to the Kill Saint Anne North site and another which was submitted as part of a submission in respect of CCC planning reg. ref. 16/5414. There is a public water supply extraction point 750m downstream of the Ballinvarrig site. The appeal raises concern that a flood that smashes into the solar panels would be a disaster and could result in no public water supply. Reference is made to Westmeath Co Co reg. ref. 2360178 (ABP-317952-23) which was refused permission on appeal because of risk of significant negative impact on water quality in the area, which may cause potential impacts on biodiversity, and inconsistencies with the development plan.

7.4.5. The applicant, in response to the appeal, states that:

- Flood risk has been assessed using available information and having regard to the future scenario. The location of the Uisce Éireann extraction point east of the Ballinvarrig site has been considered in the Flood Risk Assessment and Drainage Strategy report.
- Solar panels are not constructed from hazardous material.
- With reference to photo of flooding along public road, this was likely caused by a blocked drain.
- There is no historical record of flooding along the public road at the northern end of the Clykeel North site – not possible due to land topography.
- Reference is made to the Environment Officer report which concluded that the runoff rate would be mitigated by trench soakaway. Reference is made to condition no. 20 of the [Notification to Grant] permission which seeks detailed surface water/drainage drawings prior to commencement.
- The Westmeath appeal refusal reference is inappropriate which was explicitly refused on the grounds of insufficient information.
- The panels would be above the highest predicted flood event water level again making it impossible to be damaged by flood debris.

7.4.6. The Flood Risk Assessment and Drainage Strategy, as revised, submitted by the applicant, notes:

- With respect to the Ballinvarrig East Solar Farm, the levels and land topography allow for some flooding of the site along the southern boundary adjacent to the River Bride, which is ca. 35m from the boundary of the site.
- With respect to the Clykeel North Solar Farm, the levels and land topography allow for some flooding of the site along the south-eastern boundary adjacent to the River Bride, which is ca. 35m from the boundary of the site.
- Solar farms are not a water vulnerable development. The panels would be mounted a min. of 800mm above the ground. There will be no loss in flood plain from the mounting frames and panels. There will be no buildings in the flood plain.

- 7.4.7. There is no historical record or evidence to suggest that the sites have ever flooded from the River Bride. The appeal suggestion that debris will enter the site in a flood scenario and smash the panels has no practical basis and precludes (1) the presence of a ca. 62m buffer from the River Bride to the nearest array at the Balinvarrig East site and a ca. 45m buffer from the River Bride to the nearest array at the Clykeel North site, (2) the presence of an intervening vegetative buffer at the Ballinvarrig East site and the augmentation of this buffer at the Clykeel North site which would significantly reduce any hydraulic water flows, including its capacity to transport debris, and (3) the proposal for a 2m high security fence between the southern boundary of the site and the southernmost row of arrays. Subject to appropriate design specifications including detailed drainage arrangements, the installations of solar PV arrays will not give rise to increased surface water run-off (volume or rates) in an agricultural setting.
- 7.4.8. I note that the installation frames and panels are pitched at an angle of up to 23 degrees, a minimum of 0.8m above ground rising to 3.9m. This provides two-fold benefits, namely mitigating against any concentrated rainwater runoff from the panels (compared with more pronounced angles sited closer to the ground surface) and the creation of natural conditions which allow seeded grass beneath panels to flourish and be maintained. The maintenance of grass beneath the panels is a critical component of the design scheme as it preserves peak water run-off rates at optimal natural rates.
- 7.4.9. The Commission is requested to note (i) the final planning authority Planner's Report (dated 10/07/25) assessing the application which considered that the drainage strategy as outlined (incorporating identification of the greenfield runoff rate allowing for a climate change factor of 20% and on-site mitigation of runoff via trench soakaways) represents a reasonable approach to managing runoff from the proposed development, subject to agreement of final details; (ii) the Planning Authority Environment Report which considered that the lands are generally dry and well drained in nature which will facilitate percolation of storm water to ground.
- 7.4.10. The Guidelines for Planning Authorities on Flood Risk Management (2009) refer to three flood risk zones A, B and C. According to the Guidelines, development in zone A should be avoided and/or only considered in exceptional circumstances, or in the case of essential infrastructure that cannot be located elsewhere, and where the

Justification Test has been applied. In zone B, less vulnerable development, such as utilities infrastructure, and water-compatible development might be considered appropriate. From a review of the Cork County Development Plan 2022-2028, I note that a very small part of the both the Ballinvarrig East and Clykeel North sites to the south are identified as being within Flood Zone A and B, this corresponds to OPW 'floodinfo.ie' data, as being within the CFRAM Flood Extents area.

- 7.4.11. Commercial solar farms can have elements of highly vulnerable and less vulnerable development in respect to flooding. I note that in the UK, the National Planning Policy Framework (2024) categorises solar farms as essential infrastructure. Other than a small percentage of proposed solar panels, which in my opinion have been designed to be water compatible, no other solar farm infrastructure is proposed in the flood risk area. I am of the opinion therefore that the proposed development is water compatible by virtue of the design of the solar farm infrastructure.
- 7.4.12. The proposed cable route will traverse the same watercourse twice, the Shanowennadrimina Stream (WFD name: the Bride (Blackwater)_030) at Doctor's Bridge, north of Castlelyons and at Aghnagearagh Bridge on the Castlelyons Road, south of Castlelyons. This river flows in a southerly direction where it joins the River Bride (WFD name: Bride (Blackwater)_030). I note the Ecological Impact Assessment which states (on page 4) that the interconnecting cable over the two existing bridges will not involve any in-stream works or any alterations to the associated watercourse as the cable crossing will occur within the associated road surface only.
- 7.4.13. With respect to foul water, the applicant originally proposed that foul water generated at the substation would discharge to on-site holding tanks. Following a request for clarification of further information, the applicant submitted proposals for a septic tank and percolation area. The Flood Risk Assessment and Drainage Strategy, as revised and submitted to the planning authority in May 2025, includes a Site Suitability Assessment and a revised layout drawing of the proposed substation as Appendix E. Neither the appeal nor Planning Authority documentation raise any concerns with respect to the proposed revised foul drainage. I note that the final Area Engineer's report (July 2025) states that the site suitability assessment report is acceptable adding that the percolation rate of 10.92 permits a gravity flow from a standard septic tank to a percolation trench, 4 No. 18m in length. I have reviewed the Site Suitability

Assessment Report and associated layout drawing and having regard to the Area Engineer's comments, I am satisfied that the proposal for a septic tank and percolation area is acceptable subject to the standard condition, which I have attached for the Commission's consideration.

7.4.14. In addition to flood risk, the appeal raises concerns with respect to the protection of Uisce Éireann infrastructure, in particular, the public water abstraction point ca. 750m downstream of the proposed solar farm at Ballinvarrig East. Following a submission from Uisce Éireann, the planning authority requested an updated EIA Screening Report to consider the abstraction point. This was subsequently submitted and no concerns were raised by the planning authority. Additionally, the appeal raises a concern that the public have had no opportunity to view and comment on stormwater proposals. I can confirm that a Confirmation of Feasibility and a Building-over or Near an Uisce Éireann Assessment Application, granted by Uisce Éireann, were submitted to the planning authority as unsolicited additional information. The submission of this information was not considered 'significant' by the planning authority, and no further period of consultation arose. These are matters for the utility body and there is no provision for public consultation via Uisce Éireann on these matters. I am satisfied that proposals for drainage, including surface water proposals, form part of the application and have been available to the public to view and comment on.

7.4.15. To conclude, I am satisfied that the proposed development is acceptable from a flood risk and drainage perspective subject to conditions to include, as detailed above in sections 7.4.2 and 7.4.13 that (i) drawings indicating the location/dimensions of the proposed trench soakaways at each of the solar farm sites, to comply with the Drainage Strategy are submitted for the written approval of the Planning Authority and (ii) the standard septic tank and percolation area condition is attached.

7.5. Biodiversity

7.5.1. An Ecological Impact Assessment (EclA) of the proposed development has been carried out by ecologists, Kelleher Ecology Services and Croft Ecology, and an assessment on potential impacts on European sites was also undertaken and is

presented in the Stage 2: Natura Impact Statement, which should be read in conjunction with the EclA. Impact on European sites is considered in Section 9.0 of this Inspector's Report. The EclA was updated following a request for further information and for the purposes of this assessment I am referring to the revised report, submitted to the Planning Authority in December 2024. Additional information, following a request for clarification of further information, relating to landscaping and net biodiversity gain (May 2025) are also relevant, as are the tree survey and constraints plan and the tree removal and protection plans. Landscape Mitigation Plans to include new hedgerows, an area of native wet woodland adjoining the River Bride and field margin management to support pollinating insects, prepared by Macroworks accompany the planning application.

- 7.5.2. The assessment is informed by desk-top research and site surveys. Site surveys were undertaken in November 2023, May and June 2024. The habitat survey was undertaken in November which is outside the optimum period, however I note and accept the point in the EclA that, due to the mild winter autumn and early winter weather preceding the survey as well as the modified and intensive agricultural habitats within the proposed development is located, the survey adequately reflects the nature of the habitats within the study area. I note that the follow up surveys in 2024 afforded some opportunity to note additional taxa species.
- 7.5.3. The majority of the site comprises agricultural grassland which is used for the production of arable crops and pasture and is considered to be of lower to higher value for biodiversity overall. The principal natural or semi-natural habitat features are the River Bride, which is located to the south of the Clykeel North and Ballinvarrig East sites, and the Shanowennadrimina Stream, where the proposed cable route will traverse at Doctor's Bridge and Aghnagearagh Bridge. A forest plantation adjoins the Ballinvarrig East site to the east. There are mature hedgerows defining many of the site and field boundaries. The proposed development footprint will primarily impact habitat features of lower local value (mainly arable crops and improved agricultural grassland). Landscaping proposals will result in a net gain of pollinator-friendly native woody features (hedgerow, wet woodland) along with the retention/management of field boundaries and associated field margin as well as annual biodiversity plots (planted seed mixes) to support pollinating insects and wintering birds especially seed development species.

- 7.5.4. Himalayan balsam was recorded at the most south-easterly point of the Clykeel North site and close to Doctor's Bridge on the Shanowennadrimina Stream riverbank. Japanese knotweed was recorded off site but close to the southern boundary of the Clykeel North site. The National Biodiversity Database Centre (NBDC) records Giant hogweed within/adjacent to the eastern boundary of the Ballinvarrig East site, though no evidence of this was found by the ecology consultants.
- 7.5.5. Of the bird species recorded during surveys, two Annex I species were recorded, Merlin and Kingfisher. I note and accept the EclA findings that there is no suitable breeding habitat for Merlin at the study site, although the EclA's claim that there are no habitats of ecological significance for Kingfisher within the study site is simply inaccurate, having regard to the River Bride which adjoins two of the solar farm sites. Five red-listed species of high conservation concern were recorded at the study site, Barn Owl, Golden Plover, Meadow Pipit, Redwing and Yellowhammer. Several amber-listed species were recorded, including both Merlin and Kingfisher. The EclA states that the open arable/improved grassland fields that dominate the site are of lower ecological value for most avian species but may be of ecological significance to seed eating/dependent species such as yellowhammer.
- 7.5.6. In respect of mammals, evidence was recorded of fox and rabbit, while badger evidence was not recorded, it was previously recorded (2016) at the Kill Saint Anne North site and is known to occur historically in the 2km grid square (NBDC database). The EclA states that while there are no habitats of ecological significance for otter within the study site, they are recorded within the 2km NBDC database. One bat species, the Soprano Pipistrelle has been historically recorded within the 2km BBDC database grid. There are no structures at the solar farm site that could provide roosting opportunities, although there are mature trees that may provide roosting opportunities no such tree will need to be removed to facilitate the proposed development. Following an inspection of Aghnagearagh Bridge and Doctor's Bridge for bat roost potential, it was determined by the ecology consultants that the potential suitability of Aghnaearagh Bridge for roosting bats is considered low, while the potential suitability of Doctor's Bridge for roosting suitability is none. Linear woody features in the study area provide foraging and commuting opportunities for bats,

and the vegetated riparian corridor is likely to be used by bats. In respect of other taxa, the study area is considered to be of lower to higher local value.

- 7.5.7. While Himalayan balsam at site (Clykeel solar farm site) will not overlap the solar development area and associated activities, it is at a location where wet woodland planting is proposed as part of landscaping, which is stated to be adjacent to the River Bride and associated Blackwater River (Cork/Waterford) SAC and requires control/eradication (Appendix C of NIS, best practice guidance) prior to the commencement of wet woodland planting works. The control/eradication of invasive Himalayan balsam is listed as part of the mitigation measures in section 4.2.1 of the NIS.
- 7.5.8. No impacts to habitats, flora and fauna are expected during the operational phase. During the construction phase the proposed development will primarily impact features of lower local value. Mitigation measures during the construction phase are detailed in Section 5 of the EclA and include the following:
- Existing hedgerows and trees will largely be retained within the development site and implementation of the Landscape Mitigation Plan.
 - ca. 745m of additional hedgerow planting will be implemented with supplementary planting of existing hedgerow also.
 - All vegetation clearance works will be scheduled to take place outside of the nesting bird season.
 - Creation of native wet woodland along the River Bride (ca. 1,676msq) at the Clykeel North solar site and outside of the SAC.
 - A 30m buffer zone will be established between the edge of the River Bride and works area and 2m exclusion zone from perimeter of on-site drain.
 - Silty waters will be settled out as much as possible through drainage mitigation measures (silt traps, silt fences etc) and channelled into vegetated areas at least 50m from any drains.
 - Implementation of an invasive species management plan.
 - Construction/decommissioning phase lighting scheme will be designed to minimise light spillage.

- Creation of mammal access point at regular intervals (100m) along the perimeter fence.
- A project Ecological Clerk of Works (ECoW) will be appointed.

7.5.9. I note the concerns of the appellant, refer to section 6.1 of this Inspector's Report, which calls for a 'proper bird survey' to be undertaken and referencing the adjacent forest and local Buzzard. I note and accept the applicant's response that dedicated bird surveys were not considered necessary having regard to the improved agricultural grassland setting that dominates the study site. This opinion was endorsed by the planning authority ecologist (report of 14th of February 2025 refers). In addition, I note:

- that the forestry to the east of the Ballinvarrig East solar farm site is actively managed, i.e. with felling.
- The nearest European Special Protection Area (SPA) is the Blackwater Callows SPA (004094), ca. 5.4km to the north, and was screened out for Appropriate Assessment as there are no impact-receptor pathways having regard to the distance to the development site and the existing nature of the site which does not support habitats of significance/ site does not have historical importance for waterbirds.
- The suite of mitigation measures detailed in section 5.0 of the EclA including that existing hedgerows and trees will largely be retained and all vegetation clearance works will be scheduled to take place outside of the nesting bird season.

7.5.10. Having inspected the site and considered the application documentation I consider that the proposed development sites are currently of low ecological value. They are in an area predominantly made up of agricultural grassland (arable) and the sites themselves are not of value to any Annex I or Annex II species or Red listed birds. I note the proximity of the River Bride to the proposed solar farms at Ballinvarrig East and Clykeel North, I am satisfied, however, that subject to mitigation measures and the separation distances to proposed infrastructure works, that there will be no likely significant impact to any Annex I or Annex II species or Red listed birds.

7.5.11. In my opinion the proposed development will not result in any significant impacts on ecological receptors identified both on site and in the surrounding area following the implementation of appropriate mitigation measures / enhancement measures. I am satisfied the proposed development is acceptable from a biodiversity and ecological perspective.

7.6. Cultural Heritage

7.6.1. The planning application is accompanied by an Archaeological Resolution Strategy Document No. 2, prepared by Rubicon Heritage, which is informed by previous Archaeological Impact Assessments for each of the sites. The strategy document is informed by a geophysical survey and subsequent archaeological test-testing undertaken to verify survey results and test areas on site. The proposed mitigation strategy is set out in section 3 of the Archaeological Resolution Strategy Document. Following a request for further information, the applicant submitted a Character Assessment of the ACA, prepared by John Cronin Consultancy, which identified features of heritage significance which may be physically or visually impacted by the development and proposed appropriate mitigations for same.

7.6.2. As detailed above, An Taisce, Failte Ireland and The Heritage Council were invited to make a submission as the Commission was of the opinion that the proposed development may have an effect on the Blackwater River SAC, Castlelyons ACA and the Medieval Friary protected structure (RPS 00339). No submissions were subsequently received.

7.6.3. Cultural heritage at the proposed development site is detailed below:

- At Corrin / Kill Saint Anne North site:
 - Townland boundary
 - Geophysical survey anomalies: multi-vallate enclosure, linear features, two possible pits.
- At Kill Saint Anne North site:
 - Site and Monument Record (SMR) CO44-010 Ringfort – rath: levelled and no longer visible.
 - Townland boundary.

- Geophysical survey suggests at least one bivallate enclosure, other features may also be archaeological.
- At Clykeel North site:
 - Potential lime kiln
 - Townland boundaries bounding the site.
 - Clykeel North House adjoins the site to the west.
 - Geophysical anomaly – single ditch enclosure, burnt mound, pit.
- At Ballinvarrig East site:
 - Geophysical anomaly - archaeological pits.
 - Townland boundary borders the site.
 - Townland boundary
- Along the proposed underground cable route, from north to south to south west:
 - SMR CO045-146001 Burial ground
 - SMR CO045-146002, Cross-inscribed stone
 - SMR CO045-002 Country house
 - SMR CO045-003 Religious house – Carmelite friars
 - SMR CO045-004 Fortified house
 - SMR CO045-006 Building
 - SMR CO045-005 Bridge
- The proposed cable route passes through an Architectural Conservation Area (ACA) for the village of Castlelyons.

7.6.4. The mitigation measures detailed in the Archaeological Resolution Strategy Document are site specific and include a range of measures, such as exclusion buffer zones, archaeological excavation and subject to preservation by record, or preservation in-situ, archaeological monitoring along previously undisturbed ground for the proposed cable works. Works will be carried out by a licenced and suitably qualified archaeologist.

- 7.6.5. The appeal does not raise concerns with regard to cultural or heritage impacts. I note the comments of the County Archaeologist, wherein it is stated that the assessment and mitigation strategy includes a robust assessment of the site based on non-invasive techniques and archaeological testing to verify results. I note too, the planning Authority planning reports which do not raise an objection to the granting of permission from an archaeological perspective subject to conditions relating to exclusion zones, construction stage archaeological monitoring and preservation by record (archaeological excavation). I have reviewed the archaeological assessment and I am satisfied that the proposed development, subject to mitigation measures as detailed in the Archaeological Resolution Strategy Document is acceptable from an archaeological heritage perspective.
- 7.6.6. In relation to the potential impacts on the Castlelyons ACA, the Character Appraisal submitted by the applicant concludes that there are no features of heritage significance which would be physically or visually impacted by the proposed development/construction works, nor will there be a negative impact on historic street surface as a result of the operational phase as the proposed cables will be sited underground and along the public roadway. Following the submission of the Character Appraisal of the ACA (as further information), I note the reports of the local authority planner and Conservation Officer who raised no further concerns in this regard. Having regard to the foregoing and having reviewed the drawings and relevant documentation and following a site inspection, I am satisfied that the proposed development is acceptable from the architectural heritage perspective.

7.7. Landscaping & Visual Impact

- 7.7.1. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and a Glint and Glare Assessment prepared by Macro Works Ltd and follows best practice. Photomontages comprising eleven viewpoints submitted with the LVIA are in my opinion representative of the characteristics of the local landscape. A 5km radius study area is used with a focus on receptors contained within 2km, except where iconic or designated scenic viewpoints exist at greater distances out to 5km. Landscape Mitigation Plans and an Arboricultural Impact Assessment, submitted as further information, are relevant.

- 7.7.2. The appeal states that the proposed development would be inconsistent with Cork County Council CDP objective EC: 8-14, which relates to Business Development in Rural Areas, where the development of appropriate new businesses in rural areas will normally be encouraged under several circumstances, including the appellant states, where the proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape. The applicant responds to the concerns raised, a summary of which is set out in Table 6.1 above, of this Inspector’s Report, including that the appellant fails to demonstrate any material contravention and ignores the national importance of renewable energy. The observation by Cllr. Peter O’Donoghue raises concerns of the visual impact from the national monument site of Carntierna on Corrin Hill, which he states is one of three ‘hillforts’ in North Cork which he states has not been assessed for impact in the LVIA.
- 7.7.3. The reports of the Planning Authority do not raise concerns with respect to landscape or visual impacts.
- 7.7.4. The proposed development is situated within the landscape character area ‘LCT6c- Broad Fertile Lowland Valleys’; other landscape character types are within the study area. Details of relevant landscape character types are set out in Table 7.1 below.

Table 7.1 Landscape Character Types in the study area		
Landscape Character Type Ref.	Area of Relevance	Landscape Value, Landscape Sensitivity, Landscape Importance
Landscape character type 6c: Broad Fertile Lowland Valleys	Development area	‘medium’ landscape value, ‘medium’ landscape sensitivity and a ‘local’ landscape importance
Landscape character type 10b: Fissured Fertile Middleground	Southern half of study area	‘medium’ landscape value, ‘high’ landscape sensitivity and a ‘local’ landscape importance
Landscape character type 13b – Valleyed Marginal Middleground	Southern half of study area	‘medium’ landscape value, ‘medium’ landscape

		sensitivity and 'local' landscape importance
Landscape character type 5 – Fertile Plain with Moorland Ridge	Northern extent of study area	'very high' landscape value, 'very high, landscape sensitivity and 'county' landscape importance.

- 7.7.5. A description of character type, Broad Fertile Lowland Valleys, is set out in the Cork County Landscape Strategy and references the settlements of Rathcormack and Castlelyons along the valley of the River Bride, comprising fertile fields with mature hedgerows, adding that views are curtailed by the prevalence of hedgerows in flatter areas however extensive vistas of the landscape are afforded as one travels the R628.
- 7.7.6. Within the 5km extent there are two designated scenic views and routes: 'Scenic route S7 – Road between Bellvue Cross and Kilbarry overlooking Blackwater Valley' and Scenic Route S8 – Road over Hollymount'. Where there is potential for visibility of the proposed development, the LVIA states a representative view has been included within the visual impact appraisal.
- 7.7.7. The main mitigation measures according to the LVIA is by avoidance, though siting of the proposed development in a relatively contained and robust rural area with mature vegetation to screen the proposal, retention of the hedgerow boundaries and, additional planting which is indicated on the submitted Landscape Mitigation Plans.
- 7.7.8. The LVIA considered that construction stage impacts will generate moderate construction stage visual effects, although these will be short-term with intermittent views. Construction stage impacts on landscape are considered to be moderate and temporary in duration. Operational stage impacts are assessed are being 'moderate-slight' significance of effected within the immediate vicinity, being those lands contained within approx. 500m of the proposed development. Thereafter, the magnitude of landscape effects is deemed to reduce to 'slight or imperceptible'. With respect to the viewpoints/photomontages, the highest visual impact pre-mitigation is deemed to be a 'substantial-moderate/negative/medium-term' at VP9; reducing to 'slight/negative/medium-term' post-mitigation.

- 7.7.9. I concur with the LVIA that the landscape sensitivity is 'medium-low' and I consider that the landscape has the capacity to absorb the proposed development subject to mitigation. With respect to cumulative assessment, I concur with the LVIA that the proposed development will not generate any significant cumulative effects. The proposed substation will not introduce an unfamiliar or incongruous form of development, rather a slight intensification of an existing and substation facility, which will be read collectively.
- 7.7.10. The Glint and Glare Assessment assessed the potential for solar reflectance effects upon dwelling and transport route receptors within 1km of the proposed solar farm. The Assessment concludes that, following mitigation, glint or glare impacts are at the lower end of the spectrum, (i.e. ranging between 'medium-low' and 'negligible') on residential receptors. With respect to transport route receptors, there is potential for limited glare periods post-mitigation which are determined not to be a significant nuisance or hazardous effect. Having reviewed the content of the Glint and Glare Assessment, undertaken a site inspection and having had regard to existing and proposed screening on the site boundaries, distance to receptors and limited potential impacts, I am satisfied that no significant glint or glare impacts will arise as a result of the proposed development.
- 7.7.11. Objective GI 19-9 : Landscape, in the Cork CDP 2022-2028 seeks to protect the visual and scenic amenities of County Cork's built and natural environment and recognises that landscape issues are an important factor in land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability. It also discourages proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments. I have considered this Objective and other relevant CDP landscape-related objectives, including Objective EC: 8-14 referenced in the Appeal and I am satisfied that, subject to the provision of high quality landscaping to aid with the visual assimilation of the development into its surrounding (retention and augmentation of the existing field boundaries proposed), the development is acceptable from a landscape and visual impact perspective.
- 7.7.12. Having reviewed the LVIA, associated photomontages, application documentation including the drawings, and following a site inspection and a review of the Cork CDP

2022-2028, I am satisfied that subject to the mitigation measures that the proposed development will not have a significant effect on landscape and visual amenity of the area and is an acceptable form of development in this regard.

7.8. Other Matters

7.8.1. Duration of Permission

Planning permission for a ten-year period is sought, during which the development may be carried out. Having regard to the nature of the development, I consider it appropriate to specify a period of validity of this permission in excess of five years. A condition to this effect is included for the Commission's consideration.

7.8.2. Operational Life and Decommissioning

The proposed solar farm has been designed for an expected operational life of 40 years which is considered acceptable and can be extended subject to a further permission. A Site Restoration Plan accompanied the planning application and indicates that all components of the solar farm including the electrical substation will be decommissioned and removed from site. I consider decommissioning and reinstatement conditions for this application are therefore necessary.

8.0 EIA Screening

8.1. Solar Energy Development

- 8.1.1. Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of the Fifth Schedule, within the Planning and Development Regulations, 2001 (as amended). In this regard, a requirement for preliminary examination or EIA does not arise for this type of development. The proposed solar energy development will require a connection to the national grid. The applicant states it is intended to connect to the adjoining Barrymore substation, adjacent to the proposed substation via underground connection, which the applicant states would be exempted development under the provisions of Class 26 of the Planning and Development Regulations, 2001, as amended. A grid connection of this nature would not constitute a class of development under Schedule 5 and would be subject to EIA screening.

8.2. Rural Re-structuring

- 8.2.1. It is noted that rural restructuring is listed as development for the purposes of Part 10 under the heading of Agriculture, Silviculture and Aquaculture, Class 1 of Part 2 of the Fifth Schedule, with the following stated under subsection (a) 'Projects for the restructuring of rural land holdings, undertaken as part of a wider development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.'
- 8.2.2. The proposed development involves the removal of hedgerow, in total comprising c. 203m. Such removal is associated with access requirements across all sites and construction of the proposed substation and does not result in the amalgamation or enlargement of existing fields. This proposed removal of hedgerow is significantly below the EIA threshold of 4km. The development would, however, constitute sub-threshold development for rural restructuring (Class 1(a), Part 2 of Schedule 5).
- 8.2.3. The applicant has submitted Schedule 7A information as detailed in the EIA Screening Report. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix 1 Pre-screening and Appendix 2 EIA Screening Determination of this Inspector's Report).

8.3. EIA Screening Determination

Having regard to: -

- a) the nature of the existing site and the existing and permitted pattern of development in the surrounding area,
- b) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised,
- c) the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm which is not, of itself, a class for the purposes of the EIA Directive,

- d) the criteria set out in Schedule 7, in particular, the location of the proposed solar farm development outside of the designated adjoining SAC, the Blackwater River (Cork/Waterford) SAC (002170), and;
- e) the type and characteristics of potential impacts, the results of relevant assessments of the effects on the environment submitted by the applicant, including the NIS, Flood Risk Assessment, the LVIA, the EclA and archaeological impact assessment,
- f) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular, the Construction Environmental Management Plan, the landscape strategy, the drainage strategy and the Archaeology Resolution Strategy.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

9.0 Appropriate Assessment

9.1. Screening Determination

- 9.1.1. Appendix 4 to this Inspector's Report contains the AA Screening. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Blackwater River (Cork/Waterford) SAC (002170) in view of the sites conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

9.2. Appropriate Assessment Conclusion: Integrity Test

- 9.2.1. Appendix 5 to this Inspector's Report contains the Appropriate Assessment.
- 9.2.2. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Blackwater River

(Cork/Waterford) SAC (002170) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

9.2.3. Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC (002170) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Distance of the proposed works to the SAC.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures propose.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Blackwater River (Cork/Waterford) SAC (002170).

10.0 Recommendation

Having regard to the documentation on file, the observations and submissions received, the site inspection and the assessment above, I recommend that permission for the above-described development be granted, subject to conditions, for the following reasons and considerations and subject to attached conditions.

11.0 Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and the relevant sectoral adaptation plans in particular the Electricity and Gas Sectoral Plan 2025 and

in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State), and otherwise had regard to:

- (a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

European Policy/Legislation including:

- Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive);
- Directive 2000/60/EC (Water Framework Directive).

National Policy and Guidance including:

- Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF;
- National Development Plan 2021-2030
- The objectives and targets of the National Biodiversity Action Plan 2023-2030;
- Policy Statement on Security of Electricity Supply (November 2021);
- National Energy Security Framework (April 2022);
- National Energy and Climate Action Plan (2021-2030);

Regional and Local Planning Policy, including in particular:

- Regional Spatial and Economic Strategy for the Southern Region (2019-2031);
- Cork County Development Plan 2022-2028;

- (b) The nature, scale and extent of the proposed development,

- (c) The pattern of development within the area and context of the receiving environment,
- (d) The range of mitigation measures set out in the Ecological Impact Assessment, Construction and Environmental Management Plan, Glint and Glare Assessment, Landscape and Visual Impact Assessment, Flood Risk Assessment and Drainage Strategy, Arboricultural Report, Landscape Mitigation Plans, Construction Traffic Management Plan, Archaeological Resolution Strategy and Site Restoration Plan,
- (e) The range of mitigation measures set out in the Natura Impact Statement,
- (f) The submission of the third party appellant,
- (g) The documentation submitted with the application and the appeal,
- (h) The Inspector's report and recommendation.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and would align with the provisions of the Cork County Development Plan, 2022-2028, would make a positive contribution to Ireland's renewable energy and security of energy supply requirements, would not have an adverse impact on the character of the landscape or the cultural or archaeological heritage of the site and surrounding area, would not give rise to flood risk on site or elsewhere downstream, would not result in adverse impacts on water quality, would not seriously injure the residential amenities of the area or otherwise of property in the vicinity, would not have a significant adverse impact on ecology and would be acceptable in terms of traffic impacts and safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1 Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I

conclude that the proposed development could result in significant effects on the Blackwater River (Cork/Waterford) SAC (002170) in view of the sites conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Appropriate Assessment Stage 2 Conclusion

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Blackwater River (Cork/Waterford) SAC (002170) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC (002170) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Distance of the proposed works to the SAC.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures propose.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Blackwater River (Cork/Waterford) SAC (002170).

EIA Screening Determination

Having regard to: -

- a) the nature of the existing site and the existing and permitted pattern of development in the surrounding area,

- b) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised,
- c) the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm which is not, of itself, a class for the purposes of the EIA Directive,
- d) the criteria set out in Schedule 7, in particular, the location of the proposed solar farm development outside of the designated adjoining SAC, the Blackwater River (Cork/Waterford) SAC (002170), and;
- e) the type and characteristics of potential impacts, the results of relevant assessments of the effects on the environment submitted by the applicant, including the NIS, Flood Risk Assessment, the LVIA, the EclA and archaeological impact assessment,
- f) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular, the Construction Environmental Management Plan, the landscape strategy, the drainage strategy and the Archaeology Resolution Strategy.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the Planning Authority on the 27 th day of June 2024, 12 th of December 2024, 19 th of May 2025 and 21 st May 2025 and further particulars received by the Commission on 5 th September 2025 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
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	<p>in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development revised drawings shall be submitted for the written agreement of the planning authority indicating:</p> <ul style="list-style-type: none"> a) An appropriate set back distance from the edge of the public road at each of the proposed site entrances to accommodate one vehicle in the access, clear of the carriageway and any adjacent footway/cycle facility. The vehicle to be accommodated should be of the largest type to use the access on a regular basis and shall designed in accordance with section 5.5.2 of TII guidelines, TII Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions) DN-GEO-03060. b) Revised site layout plans drawings indicating the location and dimensions of the proposed trench soakaways at each of the solar farm sites, to comply with the updated Drainage Strategy submitted to the planning authority on 19th May 2025. <p>Reason: In the interests of clarity, traffic safety and protection of the environment.</p>
3.	<ul style="list-style-type: none"> a) The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order. b) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures, shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period. c) Prior to commencement of development, a restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors,

	<p>inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.</p> <p>d) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with restoration plan, and all decommissioned structures shall be removed within three months of decommissioning.</p> <p>Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years and to enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration upon cessation of the project.</p>
4.	<p>The developer shall ensure that all mitigation measures and commitments as set out in the Natura Impact Statement shall be implemented in full as part of the proposed development.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
5.	<p>All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, Construction and Environmental Management Plan, Drainage Strategy, Archaeological Resolution Strategy, Construction traffic Management Plan, Glint and Glare Assessment, Landscape and Visual Impact Assessment, Landscape Mitigation Plans and other particulars submitted with the application and by way of further information, 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.</p>

	<p>Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.</p>
6.	<p>This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.</p> <p>Reason: In the interest of clarity.</p>
7.	<p>a) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>b) The transformer stations and fencing shall be dark green in colour or other dark colours, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenity of the area.</p>
8.	<p>a) Existing field boundaries, including trees and hedgerow, shall be maintained and supplemented in accordance with the details submitted except where removal is proposed to facilitate access to roadways and sightlines.</p> <p>b) All proposed landscaping and planting shall take place in the first planting season following commencement of development and in accordance with the details proposed. The landscaping and screening shall be maintained at regular intervals. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of the visual and residential amenity of the area.</p>

9.	<p>Prior to the commencement of development, the developer shall submit a final Invasive Species Management Plan (ISMP), which shall be carried out by a suitably qualified individual for the review of the planning authority. No works shall commence onsite until the developer has received the written agreement of the planning authority with regard to this assessment.</p> <p>Reason: In the interests of public safety and biodiversity.</p>
10.	<ul style="list-style-type: none"> 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) each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level, d) the solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission, e) cables within the site shall be located underground, and f) cables/services are permitted to run in the carriageway over the bridge structures unless otherwise authorised by a separate grant of planning permission. <p>Reason: In the interests of clarity, of visual and residential amenity and biodiversity.</p>
11.	<p>Prior to the commencement of construction, the developer shall comply with the requirements of the planning authority for drainage arrangements, including the attenuation and disposal of surface water. Such works and services and shall otherwise comply with submitted updated Drainage Strategy.</p> <p>Reason: In the interest of environmental protection and reducing run-off from the site.</p>

12.	<p>a) All road surfaces, culverts, 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.</p> <p>b) Prior to the commencement of construction, a road condition survey shall be taken along the full extent of the construction haul route and the cable connection route to provide a basis for future reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>c) Prior to the commencement of construction, final details of the proposed haul route for the construction phase shall be agreed in writing with the planning authority.</p> <p>d) Where any of the proposed entrances to the site are widened to facilitate access/egress by HGV's adequate drainage measures must be installed.</p> <p>Reason: In order to ensure a satisfactory standard of development</p>
13.	<p>Prior to commencement of development, the developer shall satisfy the requirements of Uisce Éireann in relation to their requirements for working in the vicinity of Uisce Éireann assets.</p> <p>Reason: in the interest of protecting the public water infrastructure at this location.</p>
14.	<p>a) Access for fire brigade vehicles shall comply with the requirements of the Chief Fire Officer.</p> <p>b) Water supplies for firefighting purposes shall comply with the requirements of the Chief Fire Officer.</p> <p>Reason: In the interest of public safety.</p>
15.	<p>All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Resolution Strategy, included in the application documents, shall be implemented in full, except as may</p>

	<p>otherwise be required in order to comply with the below conditions. relating to the protection of the archaeological heritage. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest</p>
16.	<p>a) Noise levels emanating from the operational phase of the proposed development when measured at Noise Sensitive Locations shall not exceed 55 dBA (30 minute LAR) between 0700 hours and 1900 hours, 50 dBA (30 minute LAR) between 1900 hours and 2300 hours and 45 dBA (15 minute Leq) between 2300 and 0700 hours.</p> <p>b) A noise monitoring survey shall be carried out within 3 months of commissioning of the proposed development. The extent and timing of the survey and monitoring sites used shall be agreed with the Planning Authority in advance. The results of the survey shall be submitted to the Planning Authority within 1 month of completion of the survey.</p> <p>c) The developer shall carry out at their own expense such additional noise mitigation measures to comply with noise limitations.</p> <p>Reason: In the interest of residential amenity.</p>
17.	<p>a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>b) This plan should be subject to periodic review and shall specify the construction practice, including measures for the suppression and mitigation of on-site noise and vibration.</p>

	<p>c) The plan shall be developed having regard to, and all construction activity shall be undertaken in accordance with, best practise guidelines, including BS 5228-1:2009+A1:2014, parts 1 & 2.</p> <p>d) The mitigation measures described in the Construction Traffic Management Plan and shall be implemented in full.</p> <p>e) Prior to the commencement of development, a plan for the phased development of the site shall be submitted to and agreed in writing with the planning authority which shall seek to maximise separation from site boundaries at commencement of works and move progressively across the site.</p> <p>Reason: In order to protect the amenities of the area.</p>
18.	<p>The construction of the development shall be managed in accordance with a finalised Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The finalised CEMP shall provide details of intended construction practice for the development, including:</p> <p>a) location of the site and materials compounds;</p> <p>b) location of areas for construction site offices and staff facilities;</p> <p>c) details of site security fencing and hoardings;</p> <p>d) details of on-site car parking facilities for site workers during the course of construction;</p> <p>e) the preparation of the Construction Traffic Management Plan to include details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>f) measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p>

- h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;
- j) off-site disposal of construction/demolition waste and the preparation of a Resource Waste Management Plan (RWMP);
- k) details of how it is proposed to manage excavated soil;
- l) details of on-site re-fuelling arrangements, including use of drip trays;
- m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- n) Hours of construction.
- o) The finalised Construction and Environmental Management Plan shall take account of the mitigation measures outlined within the NIS.
- p) The finalised Construction and Environmental Management Plan shall take account of the mitigation measures outlined within the Archaeological Resolution Strategy. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- q) A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
20.	<p>a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.</p> <p>b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>c) Within three months of the installation of the wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or</p>

	<p>such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, 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 Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Alaine Clarke
Senior Planning Inspector

24th February 2026

Appendix 1: EIA Screening

Form 1 - EIA Pre-Screening

Case Reference	ACP-323301-25
Proposed Development Summary	10 year permission for solar farm and associated site works to include 4.7km of underground cabling and a substation. A Natura Impact Statement (NIS) was submitted to the planning authority with this application. Refer to section 2 of the Inspector's Report for further details.
Development Address	Corrin, Kill Saint Anne North, Clykeel North, Ballinvarrig East, Ballinvarrig West, Deerpark, Knockaduff, Kill Saint Anne South, Ballyarra, Mohera, Spuree, Castlelyons, Fermoy, Co. Cork.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>The development of a solar farm is not a specified class of development in Part 1 or Part 2 of Schedule 5 of the Regulations. In the interests of completeness, the assessment of the proposed solar farm development in relation to the following classes of Part 2 of Schedule 5 of the Regulations is as follows:</p> <p>Schedule 5, Part 2, Class 1 (a) Rural Restructuring. This includes: “Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment)(Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-countering is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares”.</p> <p>The proposed solar farm development will involve some hedgerow removal to facilitate access to the site and construction works (c. 203m) but significantly below the 4km threshold. This will not involve the amalgamation, enlargement or restructuring of existing fields. Re-contouring is not proposed as a part of the development. It is considered that the development does come within the scope of this class on the basis that it involves the removal of field boundary hedgerow but that it is subthreshold. Accordingly, an EIA preliminary Examination is required.</p> <p>Schedule 5, Part 2, Class 10 (dd) All private roads. It is not considered that the private internal access tracks proposed as a part of the development constitute a private road. In this regard I would note that the Board has previously determined that these are tracks and not roads in respect of solar farm developments and do not fall under this Class. (ACP-322347-25, 322PL-500038-CK refer).</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes

Screening Determination required (Complete Form 3)

Appendix 2: EIA Screening Determination

Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ACP-323301-25	
Development Summary	10 year permission for solar farm and associated site works to include 4.7km of underground cabling and a substation at Corrin, Kill Saint Anne North, Clykeel North, Ballinvarrig East, Ballinvarrig West, Deerpark, Knockaduff, Kill Saint Anne South, Ballyarra, Mohera, Spuree, Castlelyons, Fermoy, Co. Cork. Refer to section 2 of the Inspector's Report for further details.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	The Planning Report, which had regard to the EIA Screening Report submitted by the applicant accepted that a “mandatory/sub-threshold EIA is not required”
2. Has Schedule 7A information been submitted?	Yes	An updated EIA Screening Report was submitted by the applicant following a request for further information by the planning authority. The Screening Report included Schedule 7A information.
3. Has an AA screening report or NIS been submitted?	Yes	A NIS prepared by Kelleher Ecology Services Ltd has been submitted
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>The Cork County Development Plan 2022-2028 was subject to Strategic Environmental Assessment (Directive 2001/42/EC), Strategic Flood Risk Assessment and Appropriate Assessment.</p> <p>Other assessments included in the application are:</p> <p>Habitats Directive (92/43/EEC) and Birds Directive (79/409/EEC) –see Ecological Impact Assessment and NIS.</p> <p>Floods Directive (2007/60/EC) – See Site Specific Flood Risk Assessment (FRA).</p>	
<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</p>			
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>Yes</p>	<p>The proposed development land comprises 4 land parcels within the locality of Castlelyons village. The proposed solar farm development is located on agricultural lands which are in use for both tillage and pasture. The existing</p>	<p>No</p>

		<p>surrounding environment comprises of predominately agricultural lands and rural housing. Land parcel 4 at Ballinvarrig East adjoins a forestry plantation to the east.</p> <p>The proposed solar farm comprises an area of ca. 41.7ha, while the proposed cabling route comprises an area of ca. 4.9ha.</p> <p>The consenting of solar farm developments in this rural landscape is well established, and increasingly commonplace in terms of rural diversification; permission for solar farms on these 4 land parcels has previously been assessed and granted permission. In addition, a nearby site of 11ha was granted permission for a solar farm under ABP-300228.</p> <p>Having regard to the scale of the development which is in my opinion a medium-scale development collectively, I consider that the proposal which is subdivided across 4 sites, while is a different in character to the existing environment, is not significantly different in character having regard to scale, nature and characteristics of the project.</p>	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The land use will change from solely agricultural to a mix of solar farm and agricultural where the land can be used for grazing sheep.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The project will use land for the purposes of a solar farm, comprising ca. 41.7ha for a period for 40 years, after which it will be decommissioned and removed.	No

		The use standard construction methods, materials and equipment, and the process will be managed through the implementation of a CEMP (Construction and Environmental Management Plan). Other than the construction of the access tracks, no significant use of natural resources is anticipated.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	The construction phase activities would require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances and create waste for disposal. The use of such substances would be typical of construction sites. Any impacts would be local and temporary in nature. I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or the environment.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Conventional waste will be produced from construction activity and will be managed through the implementation of a Construction and Environmental Waste Management Plan. Pollutants or hazardous / toxic / noxious substances will not be produced.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Standard construction methods, materials and equipment are to be used, and the process would be managed through the implementation of the CEMP. A drainage strategy accompanies the application, prepared by DOSA Consulting Engineers. Surface water will continue to be accommodated by the existing infiltration	No

		patterns of the sites, where best practice guidelines and environmental controls will be implemented as part of the project design to protect water-features. Soakaways are proposed at the substation site. The risks of contamination to ground or water bodies are proposed to be mitigated and managed.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Noise and vibration impacts are likely during the site development works. The works would be short term in duration, and impacts arising would be temporary, localised, and be managed through implementation of the CEMP. There is no lighting infrastructure required.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	During construction any material or substance which could cause water contamination and risk to human health will be appropriately managed through implementation of the CEMP and the surface water drainage strategy, through the use of temporary silt fences, cut-off drains, silt traps and drainage to vegetated areas where appropriate. Air pollution during construction and decommissioning, in the form of dust, is inevitable and short-term and will be mitigated through the implementation of the CEMP. No air pollution is anticipated during operational phase. No significant effects are likely.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	The site is not located within close proximity to any Seveso / COMAH sites.	No

		<p>There is no risk of major accidents given the nature and scale of the project and the location of the site.</p> <p>There is no significant flood risk as outlined in the applicant's Site Specific Flood Risk Assessment.</p>	
1.10 Will the project affect the social environment (population, employment)	No	There will be limited increase in employment for the duration of the construction project which will be short-term. No impact on population and some economic benefit arising from the increase in short-term employment. No likely significant effects arising.	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	No	While permission has been granted in the vicinity for one other solar farm (ABP-300228-17) there are no other permitted solar farms or other renewable energy developments in the locality that would result in wider large-scale change.	No
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a 	Yes	The project adjoins a European site, the River Bride and the Blackwater River (Cork/Waterford) SAC along the southern boundary of land parcels 3 and 4 (Clykeel North and Ballinvarrig East sites). The NIS concludes that subject to mitigation measures, no significant adverse effects on the integrity of the SAC are likely.	No

development plan/ LAP/ draft plan or variation of a plan			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>The EclIA concludes that the study site is of lower to higher local value for biodiversity overall and subject to mitigation will be positive for habitats and flora. The NIS concludes that subject to mitigation measures, no significant adverse effects on the integrity of the SAC are likely.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>The interconnecting cabling route is proposed within existing public roads which traverse the zones of notification of several national monuments and the Castlelyons Architectural Conservation Area. An archaeological assessment has been carried out along the route which considered that there is a low likelihood for archaeological deposits. Archaeological monitoring will be carried out. There will be no visual impact on the Castlelyons ACA once the cable is installed (being underground).</p> <p>Having regard to the landscape impact assessment and site inspection, and subject to mitigation measures, there are no important features of landscape that could be affected.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>Yes</p>	<p>The River Bride adjoins land parcel 3 and 4 (Clykeel North and Ballinvarrig East) and forms part of the aforementioned SAC. A WFD Assessment forms part of this Inspector's Report which screens out the need for a WFD Assessment.</p>	<p>No</p>

		There are no other areas on/around the site location which contain high quality or scarce resources.	
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	<p>The River Bride adjoins land parcel 3 and 4 (Clykeel North and Ballinvarrig East) and forms part of the aforementioned SAC. A WFD Assessment forms part of this Inspector's Report which screens out the need for a WFD Assessment.</p> <p>Of the four land parcels/sites, a small area of both the Clykeel North and Ballinvarrig Solar Farms are located in a flood risk area associated with the River Bride. The Corrin and Kill Saint Anne solar farm sites are not subject to flood risk. Having regard to the flood risk assessment submitted with the application, I conclude at section 7.0 of this Inspector's Report that is acceptable from a flood risk and drainage perspective.</p>	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No		No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No		No

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?		Existing and / or approved planning consents in the vicinity of the site have been considered in the application documentation. I have referred to more recent applications in my report. One application, if permitted could result in cumulative effects, Cork Co. Co. reg. ref. 24/6468: permission granted to Eirgid for the proposed development will consist of refurbishment works to 39.3km of overhead line however these will be limited and short in duration.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION

No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature of the existing site and the existing and permitted pattern of development in the surrounding area,
- b) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised,
- c) the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm which is not, of itself, a class for the purposes of the EIA Directive,

- d) the criteria set out in Schedule 7, in particular, the location of the proposed solar farm development outside of the designated adjoining SAC, the Blackwater River (Cork/Waterford) SAC (002170), and;
- e) the type and characteristics of potential impacts, the results of relevant assessments of the effects on the environment submitted by the applicant, including the NIS, Flood Risk Assessment, the LVIA, the EclA and archaeological impact assessment,
- f) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular, the Construction Environmental Management Plan, the landscape strategy, the drainage strategy and the Archaeology Resolution Strategy.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3: WFD Assessment Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP-323301-25	Townland, address	The site is located in the townlands of Corrin, Kill Saint Anne North, Clykeel North, Ballinvarrig East, Ballinvarrig West, Deerpark, Knockaduff, Kill Saint Anne South, Ballyarra, Mohera, Spuree at Castlelyons, Fermoy, Co. Cork.
Description of project		10 year permission for solar farm and associated site works. A Natura Impact Statement (NIS) was submitted to the planning authority with this application.	
Brief site description, relevant to WFD Screening,		The River Bride that forms part of the Blackwater (Cork/Waterford) River SAC partly adjoins the southern boundary of the Clykeel North study site for ca. 200m and is within 35m of the Bllinvarrig East site. A field drain that runs along the eastern boundary of the Clykeel North study site discharges into the River Bride at the southeastern corner. This field drain is piped for the most part, with the exception of the last ca. 115m before discharge into the River Bride, when it becomes an open water-feature. The southeastern corner of the Clykeel North site is located within an area of fluvial flood risk.	

	<p>There are no direct links (watercourses or drains) between Ballinvarrig East site and the River Bride, a hydrological link is assumed given the fact that a southern portion of the site is located within an area of fluvial flood risk.</p> <p>There are no off-site hydrological links between the Corrin/Kill Saint Anne sites and any watercourse or other water feature.</p> <p>The proposed cable route will traverse the same watercourse twice, the Shanowennadrimina Stream (WFD name: the Bride (Blackwater)_030) at Doctor's Bridge, north of Castlelyons and on the Castlelyons Road, south of Castlelyons. This river flows in a southerly directions where it joins the River Bride (WFD name: Bride (Blackwater)_030).</p>
<p>Proposed surface water details</p>	<p>The application is accompanied by a Flood Risk Assessment & Drainage Strategy prepared by DOSA, consulting engineers. Surface water run-off will continue to be accommodated by the existing infiltration patterns of the sites. During construction, best practice and environmental controls will be implemented to protect water features, including use of silt-fencing, cut-off drains and silt-traps, a 30m buffer zone from the edge of the River Bride, use of spill kits, interceptor drip trays and bunded fuel storage areas, amongst others. Soakaways will be used for the proposed substation. Proposed access tracks will be of a permeable construction.</p> <p>The proposed cable route will traverse the same watercourse twice, the Shanowennadrimina Stream (WFD name: the Bride (Blackwater)_030) at Doctor's Bridge, north of Castlelyons and at Aghnagearagh Bridge on the Castlelyons Road,</p>

	<p>south of Castlelyons. This river flows in a southerly direction where it joins the River Bride (WFD name: Bride (Blackwater)_030). I note the Ecological Impact Assessment which states (on page 4) that the interconnecting cable over the two existing bridges will not involve any in-stream works or any alterations to the associated watercourse as the cable crossing will occur within the associated road surface only.</p> <p>Rainfall runoff from the control building roof in the substation will be via stormwater infiltration pits / soakaways.</p>					
Proposed water supply source & available capacity	Water supply to the proposed substation is via public water supply. A pre-connection enquiry was submitted to Uisce Eireann.					
Proposed wastewater treatment system & available capacity, other issues	During operational phase, foul water was to be diverted to a below ground holding tank, which would be periodically emptied by a licensed contractor. Following a request for clarification, the applicant submitted additional information proposed a septic tank and percolation area. Details included in the Flood Risk Assessment and Drainage Strategy prepared by DOSA, submitted to the planning authority on 19 th May 2025.					
Others?	N/A					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status (2019-2024)	Risk of not achieving WFD Objective e.g.at	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off,

					risk, review, not at risk		drainage, groundwater)
River waterbody	0m	BRIDE (BLACKWATER)_030 (IE_SW_18B050400)	Moderate	Review	None identified 18 Blackwater (Munster) Catchment Summary WFD Cycle 3.pdf		Surface water run-off
Groundwater body	0m	Tallow (IE_SW_G_074)	Good	Not at risk	None identified		Groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.

1.	Surface: Site clearance & Construction	BRIDE (BLACKWATER)_030 (IE_SW_18B0 50400)	Indirect impact via potential hydrological pathway. Flood waters.	Water Pollution from construction run off - Siltation, pH (Concrete), Hydrocarbon spillages. Flood risk.	Use of Standard Construction Practice and CEMP/ Conditions. 30m buffer from River Bride. Stockpiles of soil will be stored well away from the watercourses on site and (if appropriate) ringed with silt fences. Any silty water generated on site will be settled through drainage mitigation measures (silt fences, cut-off drains, silt traps) and channelled into vegetated areas at least 50m from any drains. Fuel delivery and storage measures.	No	Screen out at this stage.
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2.	Ground: Site clearance & Construction	Tallow (IE_SW_G_074)	Indirect impact via Potential hydrological pathway	Water Pollution from construction run off - Siltation, pH (Concrete), Hydrocarbon spillages.	Use of Standard Construction Practice and CEMP/ Conditions	No	Screen out at this stage.
OPERATIONAL PHASE							
3.	Surface waterbodies	BRIDE (BLACKWATER)_030 (IE_SW_18B050400)	No risk identified				Screen out at this stage.
4.	Ground waterbodies	Tallow (IE_SW_G_074)	No risk identified.				Screen out at this stage.
DECOMMISSIONING PHASE							
5.	As above for the construction phase.						

Appendix 4: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>10 year permission for solar farm and associated site works to include 4.7km of underground cabling and a substation at Corrin, Kill Saint Anne North, Clykeel North, Ballinvarrig East, Ballinvarrig West, Deerpark, Knockaduff, Kill Saint Anne South, Ballyarra, Mohera, Spuree, Castlelyons, Fermoy, Co. Cork.</p> <p>A Natura Impact Statement (NIS) was submitted to the planning authority with this application.</p> <p>The proposed development site boundary encompasses four previously permitted solar farms. The development proposals are generally located within the redline of the previously permitted development sites, with the exception of the underground interconnecting electrical cable along the public roads.</p> <p>Refer to section 2 of the Inspector's Report for further details.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development land comprises 4 land parcels within the locality of Castlelyons village. The proposed solar farm development is located on agricultural lands which are in use for both tillage and pasture. The existing surrounding environment comprises predominately agricultural lands and rural housing. Land parcel 4 at Ballinvarrig East adjoins a forestry plantation to the east.</p> <p>The proposed solar farm comprises an area of ca. 41.7ha, while the proposed cabling route comprises an area of ca. 4.9ha.</p> <p>The nearest European designated sites are the Blackwater River (Cork/Waterford) SAC (Site code 002170): 0km to the south, and ca. 4.8km to the north and the Blackwater Callows SPA (Site Code 004094) (5.4km to the north). The site is hydrologically connected to Blackwater River (Cork/Waterford) SAC. The River Bride which bounds the site is within the SAC. Part of the site is subject to flood risk associated with the River Bride.</p> <p>The construction period is estimated to be in the region of 12-15 months.</p> <p>Risk to surface water from water pollution from construction run off - Siltation, pH (Concrete), Hydrocarbon spillages.</p> <p>Site preparation work and construction work will require ground clearance and excavations. A Construction and Environment Management Plan (CEMP) accompanies the application. Good</p>

	<p>practice construction site management measures are integrated into project design.</p> <p>Surface water runoff from impermeable areas is to be directed to a soakaway at the substation compound via an oil interceptor. Following a request for clarification by the planning authority, the applicant is proposing a septic tank and percolation area. It was initially proposed that a holding tank would be used with waste removed to a licensed premises.</p> <p>During construction, best practice and environmental controls will be implemented to protect water features, including use of silt-fencing, cut-off drains and silt-traps, a 30m buffer zone from the edge of the River Bride, use of spill kits, interceptor drip trays and bunded fuel storage areas, amongst others. Proposed access tracks will be of a permeable construction.</p> <p>Landscaping, in the form of native woodland planting, is proposed in an area measuring c. 1,676msq adjoining the River Bridge at Clykeel North.</p>
Screening report	Yes – contained within NIS prepared by Kelleher Ecology Services Ltd.
Natura Impact Statement	Yes - prepared by Kelleher Ecology Services Ltd, as revised and submitted to the Planning Authority on 12.12.24.
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Blackwater Callows SPA (004094)	A038 Whooper Swan Cygnus cygnus A050 Wigeon Anas penelope A052 Teal Anas crecca A156 Black-tailed Godwit Limosa limosa A999 Wetlands CO004094.pdf (NPWS, March 2026)	5.4km to the north	None – there are no impact-receptor pathways having regard to the distance to the development site and the existing nature of the site which does not support habitats of significance/ site does not have historical importance for waterbirds.	No
Blackwater River (Cork/Waterford) SAC (002170)	1029 Freshwater Pearl Mussel 1092 White-clawed Crayfish 1095 Sea Lamprey 1096 Brook Lamprey 1099 River Lamprey	0m	Yes. The River Bride that forms part of the Blackwater (Cork/Waterford) River SAC partly adjoins the southern boundary of the	Yes

	<p>1103 Twaite Shad 1106 Atlantic Salmon 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1220 Perennial vegetation of stony banks 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows (Glaucopuccinellietalia maritimae) 1355 Otter 1410 Mediterranean salt meadows 1421 Killarney Fern 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles 91E0 Alluvial forests 91J0 Taxus baccata woods of the British Isles</p> <p>Site specific cons obj (NPWS, July 2012)</p>		<p>Clykeel North study site for ca. 200m and is within 35m of the Ballinvarrig East site. A field drain that runs along the eastern boundary of the Clykeel North study site discharges into the River Bride at the southeastern corner. The southeastern corner of the Clykeel North site is located within an area of fluvial flood risk. There are no direct links (watercourses or drains) between Ballinvarrig East site and the River Bride, a hydrological link is assumed given the fact that a southern portion of the site is located within an area of fluvial flood risk. The proposed cable route will traverse the same watercourse twice.</p>	
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on the Blackwater River (Cork/Waterford) SAC (002170). However, due to the risk to surface water pollution and proximity of works to the River Bride which forms part of the SAC impacts generated by the construction of the proposed development require consideration. Sources of impact and likely significant effects are detailed in the Table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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	Impacts	Effects
Blackwater River (Cork/Waterford) SAC (002170) (See QI's listed in step 2)	Direct: <ul style="list-style-type: none"> No works are proposed within the SAC. There will be no direct impact on the QI habitats or species of this site Indirect: <ul style="list-style-type: none"> Release of silt and sediment during site works, including excavation and storage of soil and release of construction related pollution including hydrocarbons to watercourses. Disturb and/or displace faunal species associated with designated conservation sites through noise and/or visual cues including ex-situ disturbance/displacement effects need in relation to highly mobile fauna. 	Potential damage to riparian and river habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase; Potential damage to the habitats and freshwater qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives. Potential spread of invasive species.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Possibility of significant effects cannot be ruled out without further analysis and assessment.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that proposed development alone would result significant effects on Blackwater River (Cork/Waterford) SAC (002170) from effects associated with surface water pollution and the spread of invasive species. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in combination with other plans and projects is not required at screening stage. Proceed to AA.		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Blackwater River (Cork/Waterford) SAC (002170) in view of the sites conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Appendix 5: Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed substation and underground cable development in view of the relevant conservation objectives of Blackwater River (Cork/Waterford) SAC (002170) based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation. The information relied upon includes the following: <ul style="list-style-type: none">• Natura Impact Statement prepared by Kelleher Ecology Services Ltd, as revised and submitted to the Planning Authority on 12/12/24.• Conservation objectives for Blackwater River (Cork/Waterford) SAC (002170) (July 2012) I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/Observations
Prescribed Bodies: n/a

Public Submission: n/a

Thid Party Appeal:

- The NIS and Ecological report barely considered buzzards. The bird survey is worthless.
- The NIS and Ecological Impact Statement fails to consider the specific concerns of the proposed development.

(Note: refer also to the Biodiversity section of this report).

Blackwater River (Cork/Waterford) SAC (002170)

Summary of key issues that could give rise to adverse effects (from screening stage):

- (i) Surface water pollution/water quality degradation via a hydrological pathway to River Bride which forms part of the SAC;**
- (ii) Disturbance of mobile species (otter)**
- (iii) Spread of invasive species**

See Section 4 and Table 4.6 of the NIS

Qualifying Interest feature	Conservation Objectives Targets and attributes: Site Specific Conservation Objectives, 31st July 2012	Potential adverse effects	Mitigation measures
1029 Freshwater Pearl Mussel	Restore favourable conservation condition. Maintain distribution, restore to 35,000 adults mussels, Restore to at least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length, No more than 5% decline from previous number of live adults counted; dead shells less than 1% of the adult	NO – the River Bride is not a FWPM catchment, is not identified as suitable habitat for FWPM nor is it identified for FWPM distribution.	n/a

	<p>population and scattered in distribution. Restore suitable habitat, Restore water quality- macroinvertebrates, Restore substratum quality- filamentous algae, Restore substratum quality- stable cobble and gravel substrate with very little fine material, Restore to no more than 20% decline from water column to 5cm depth in substrate, Restore appropriate hydrological regimes, Maintain sufficient juvenile salmonids to host glochidial larvae.</p>		
1092 White-clawed Crayfish	<p>Maintain favourable conservation condition.</p> <p>No reduction from baseline. Juveniles and/or females with eggs in at least 50% of positive samples. No alien crayfish species. No instances of disease. At least Q3-4 at all sites sampled by EPA. No decline in heterogeneity or habitat quality.</p>	<p>NO -Within the Blackwater River system, white-clawed crayfish is present only on the Awbeg River.</p>	n/a
1095 Sea Lamprey	<p>Restore favourable conservation condition.</p> <p>Greater than 75% of main stem length of rivers accessible from estuary. At least three age/size groups present. Juvenile density at least 1/m². No decline in extent and distribution of spawning beds. More than 50% of sample sites positive.</p>	<p>YES, recorded downstream of site on River Bride. It is impossible to distinguish between river and brook lamprey juveniles in the field.</p>	<p>See section 4.1.1.1 and 4.2 of the NIS.</p>

1096 Brook Lamprey	<p>Maintain favourable conservation condition.</p> <p>Access to all water courses down to first order streams. At least three age/size groups of brook/river lamprey present.</p>	<p>Potential overland flow of construction stage silt/pollutants from the watercourses crossing the site can result in indirect habitat loss or deterioration as well as reduction in density of qualifying aquatic species.</p>	
1099 River Lamprey	<p>Mean catchment juvenile density of brook/river lamprey at least 2/m². No decline in extent and distribution of spawning beds. More than 50% of sample sites positive.</p>		
1103 Twaite Shad	<p>Restore favourable conservation condition.</p> <p>Greater than 75% of main stem length of rivers accessible from estuary. More than one age class present. No decline in extent and distribution of spawning habitat. Oxygen levels in water -no lower than 5mg/l. Maintain stable gravel substrate with very little fine material, free of filamentous algal growth and macrophyte) growth</p>	<p>YES - sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.</p>	
1106 Atlantic Salmon	<p>Maintain favourable conservation condition.</p> <p>Distribution: 100% of river channels down to second order accessible from estuary. Conservation Limit (CL) for each system consistently exceeded. Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. No significant decline in out-migrating smolt abundance. No</p>		

	decline in number and distribution of spawning redds due to anthropogenic causes. At least Q4 water quality at all sites sampled by EPA.		
1130 Estuaries	<p>Maintain favourable conservation condition.</p> <p>The permanent habitat area is stable or increasing. Maintain the extent of the <i>Mytilus edulis</i>-dominated community. Conserve the high quality of the <i>Mytilus edulis</i>-dominated community. Conserve the following community types in a natural condition: Intertidal estuarine sandy mud community complex; Subtidal estuarine fine sand with <i>Bathyporeia</i> spp. community complex; Sand and mixed sediment with polychaetes and crustaceans community complex; Coarse sediment community complex.</p>	NO, given distance to Estuaries habitat, Map 3 of Conservation Objectives refers.	
1140 Mudflats and sandflats not covered by seawater at low tide	<p>Maintain favourable conservation condition.</p> <p>The permanent habitat area is stable or increasing. Maintain the extent of the <i>Zostera</i>- and <i>Mytilus edulis</i>-dominated communities. Conserve the high quality of the <i>Zostera</i>-dominated community. Conserve the high quality of the <i>Mytilus edulis</i>-dominated community. community types should be conserved in a natural condition: Intertidal estuarine sandy mud community complex and Sand and</p>	NO, given distance to Estuaries habitat, Map 4 of Conservation Objectives refers.	

		mixed sediment with polychaetes and crustaceans community complex.		
1220	Perennial vegetation of stony banks	<p>Maintain favourable conservation condition.</p> <p>Area stable or increasing, subject to natural processes. No decline, or change in habitat distribution. Maintain the natural circulation of sediment and organic matter.</p> <p>Maintain the range of coastal habitats including transitional zones. Maintain the typical vegetated shingle flora.</p> <p>Negative indicator species to represent less than 5% cover.</p>	NO, coastal habitat.	
1310	Salicornia and other annuals colonizing mud and sand	<p>Maintain favourable conservation condition.</p> <p>Area stable or increasing, subject to natural processes. No decline, or change in habitat distribution. Maintain the natural circulation of sediment and organic matter.</p> <p>Maintain creek and pan structure. Maintain natural tidal regime. Maintain the range of coastal habitats including transitional zones. Maintain structural variation within sward. Maintain more than 90% of area outside creeks vegetated. Maintain the presence of species-poor communities with typical species listed in saltmarsh Monitoring Project. No significant expansion of common</p>	NO - marine or interior salt marshes habitat. Refer to Map 6 of Conservation Objectives.	

	cordgrass (<i>Spartina anglica</i>), with an annual spread of less than 1%.		
1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	<p>Restore favourable conservation condition.</p> <p>Area stable or increasing. No decline or change in habitat distribution. Maintain natural circulation of sediments and organic matter. Maintain creek and pan structure. Maintain natural tidal regime. Maintain the range of coastal habitats including transitional zones. Maintain structural variation within sward. Maintain more than 90% of the saltmarsh area vegetated. Maintain range of sub- communities with typical species listed in Saltmarsh Monitoring Project. No significant expansion of common cordgrass (<i>Spartina anglica</i>), with an annual spread of less than 1%.</p>	NO - marine or interior salt marshes habitat. Refer to Map 6 of Conservation Objectives.	
1355 Otter	<p>Restore favourable conservation condition.</p> <p>No significant decline in distribution or habitat (terrestrial, marine or freshwater). No significant decline in couching sites or holts, in available fish biomass, No significant increase in barriers to connectivity.</p>	YES - sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.	See section 4.1.1.1 and 4.2 of the NIS.

<p>1410 Mediterranean salt meadows</p>	<p>Maintain favourable conservation condition.</p> <p>Area stable or increasing, subject to natural processes. No decline, or change in habitat distribution. Maintain natural circulation of sediments and organic matter. Maintain creek and pan structure. Maintain natural tidal regime.</p> <p>Maintain the range of coastal habitats including transitional zones. Maintain structural variation within sward. Maintain more than 90% of area outside creeks vegetated. Maintain range of sub- communities with typical species listed in Saltmarsh Monitoring Project. No significant expansion of common cordgrass (<i>Spartina anglica</i>), with an annual spread of less than 1%.</p>	<p>NO - marine or interior salt marshes habitat. Refer to Map 6 of Conservation Objectives.</p>	
<p>1421 Killarney Fern</p>	<p>Maintain favourable conservation condition.</p> <p>No decline in distribution. Maintain size and extent of existing colonies. No loss of suitable habitat, such as shaded rock crevices, caves or gullies in, or near to, known colonies. Maintain hydrological conditions. No increase in shading (light levels). Invasive species – absent or under control.</p>	<p>NO - none identified on River Bride. Refer to Map 10 of Conservation Objectives.</p>	

3260 Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation	<p>Maintain favourable conservation condition.</p> <p>No decline in distribution. Habitat area stable or increasing. Maintain appropriate hydrological regimes. The substratum should be dominated by the particle size ranges, appropriate to the habitat sub-type. The concentration of nutrients in the water column should be sufficiently low to prevent changes in species composition or habitat condition. Typical species of the relevant habitat sub-type should be present and in good condition. The area of active floodplain at and upstream of the habitat should be maintained.</p>	<p>YES- The full distribution of this habitat and its sub-types in this site are currently unknown.</p> <p>Potential overland flow of construction stage silt/pollutants can result in indirect habitat loss or deterioration. Potential for spread of invasive species.</p>	See section 4.1.1.1, 4.1.1.2 and 4.2 of the NIS.
91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	<p>Restore favourable conservation condition.</p> <p>Area stable or increasing. No decline in habitat distribution. Woodland stable or increasing. Diverse structure with a relatively closed canopy containing mature trees. Maintain diversity and extent of community types/no decline. Native tree cover not less than 95%. A variety of typical native species present. Negative indicator species, particularly non-native invasive species, absent or under control.</p>	NO – identified habitat not within potential range of pollutants from development site, Map 7 of Conservation Objectives refer.	
91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior	Restore favourable conservation condition.	NO – identified habitat not within potential range of pollutants from	

	<p>Area stable or increasing, no decline in habitat distribution. Woodland size area stable or increasing. Diverse woodland structure and no decline. Appropriate hydrological regime necessary for maintenance of alluvial vegetation. Native tree cover not less than 95%. A variety of typical native species present. Negative indicator species, particularly non-native invasive species, absent or under control.</p>	<p>development site, Map 7 of Conservation Objectives refer.</p>	
<p>91J0 Taxus baccata woods of the British Isles</p>	<p>currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this habitat.</p>	<p>NO, Map 7 indicates an area of Taxus baccata woods at a considerable remove from the proposed development site. In addition, the River Blackwater (Cork/Waterford) SAC (site code 2170) Conservation objectives supporting document, Version 1, 2012, refers to single area on the Lower Blackwater near Villierstown.</p>	

Assessment of issues that could give rise to adverse effects:

(i) Water quality degradation

Water quality degradation is the main risk from unmanaged site works where silt laden surface water could reach the River Bride which forms part of the SAC. Decrease in water quality would compromise conservation objectives for the identified species at risk from the proposed development – otter, salmon, Sea Lamprey, Brook Lamprey, River Lamprey and twaite shad and increase sedimentation could alter habitat quality or indirectly adversely affect the local food supplies for species. No operational phase impacts are anticipated. There is potential that pollutants could flow from the site into the river network which could lead to a deterioration of local water quality. The following mitigation measures are proposed.

Mitigation measures and conditions:

Mitigation measures are detailed in section 4.2 of the NIS and in the outline CEMP. The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), application of specific mitigation measures and monitoring effectiveness of measures. Detail is provided on sediment control, concrete and hydrocarbon control, and general biosecurity measures. Construction measures include:

- Provision of a stilling pond to reduce concentration of suspended solids at substation;
- Excavated subsoil material will be used for backfilling or removed off site to an appropriate facility;
- Temporary spoil heaps will be surrounded by silt fencing to filter sediment from surface run-off;
- Cable trenches will be excavated during dry periods and left open for minimal periods;
- A linear vehicular exclusion zone, a minimum of 2m wide, will be incorporated around the perimeter of the on-site drain.
- A 30m buffer zone will be established between the edge of the River Bride and works area (at Clykeel North and Ballinvarrig East);

- Any material or substance which could cause pollution will be prevented from entering groundwater or surface water by the installation of silt fences, cut-off drains, silt traps and drainage to vegetated areas at least 50m from any drains.
- Fuel pipes to be regularly checked and maintained.
- Use of interceptor trays under stational mobile plant.
- Any chemicals/oils will be placed within a bund on an area of hardstanding.
- All drainage from bund areas will be directed to secure containment prior to suitable disposal.
- Wheel wash facilities with silt traps;
- Qualified appointed person to ensure the effective operation and maintenance of drainage and other mitigation measures.
- Wet concrete operations are not envisaged near to existing ditches, if required a suitable risk assessment will be completed;
- Containerised toilets and welfare units will be used to provide toilet facilities and wate will be removed off site;
- Maintenance of on-site drains will be governed by best practice requirement, refer to Drainage Strategy prepared by DOSA.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to the NIS are captured in Planning condition 4.

(ii) Disturbance of mobile species (otter)

The EclA states that otter is likely to occur at the River Bride partly adjacent to the southern boundary of the Clykeel North subsite as it supports habitat of ecological value for otter although there are no habitats of ecological significance for the otter at the proposed development sites themselves. Otter was not recorded during field surveys.

Mitigation measures and conditions:

As per the surface water control measures detailed above. A sufficient buffer is provided for by design and mitigation from potential suitable habitats. A riparian zone treeline provides screening between Clykeel North study site and the River Bride (+ 30m buffer) and in the case of the Ballinvarrig East subsite, an area of mixed broadleaf woodland provides a buffer between the southeastern part of the site

and the river with hedgerows/treelines also surrounding the site and providing screening in all directions. In addition, construction will not take place at night, when Otter is active, and there will be no artificial lighting in the vicinity of the River Bride (see EclA, pg 19).

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to the NIS are captured in Planning condition 4.

(iii) Spread of invasive species

Spread of Himalayan balsam would undermine conservation objectives of the SAC by indirect habitat loss/damage. Himalayan balsam was recorded within the study site in the most southeasterly corner of the Clykeel North subsite, adjacent to the River Bridge and the SAC. Japanese Knotweed located off-site.

Mitigation measures and conditions:

- 30m buffer zone proposed between the edge of the River Bride and works area where all works (mechanical or otherwise) and other ancillary construction activities such as storage of materials etc will be excluded.
- Re invasive species – a site assessment will be undertaken by a qualified ecologist/specialist prior to construction works. All non-native invasive plant species will be managed/eradicated in line with current guidelines where available under supervision. Management of invasive plants to be incorporated into the final CEMP.
- Appendix A of the NIS includes Himalayan balsam Management Guidelines and Species Profile.

An invasive species plan with measures specific to Himalayan balsam is included in mitigation measures in the NIS. I am satisfied that the measures proposed can be implemented, supervised effectively and will be effective in preventing the spread of invasive species. Mitigation measures are captured in Planning condition 4 of the Inspectors Report.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction, operation and decommissioning of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the **Blackwater River (Cork/Waterford) SAC (002170)**. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent (i) ingress of silt laden surface water and other construction related pollutants, (ii) disturbance of protected fauna species and (iii) the spread of invasive species. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the Blackwater River (Cork/Waterford) SAC (002170). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Blackwater River (Cork/Waterford) SAC (002170) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC (002170) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Distance of the proposed works to the SAC.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures propose.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Blackwater River (Cork/Waterford) SAC (002170).

