An Coimisiún Pleanála

Inspector's Report
ACP-323747-25

Development	Solar farm and associated site works
Location	Ballysallagh, Dundullerick East, Dundullerick West, Rathcobane, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	24/5630
Applicant	Ballysallagh Solar Farm Limited.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1st Party v. Refusal
Appellant	Ballysallagh Solar Farm Limited
Observers	125 no. (see appendix 1)
Date of Site Inspection	08/01/26
Inspector	Pauline Fitzpatrick

Contents

1.0 Site Location and Description

1.1. The site which has a stated area of c.179 hectares comprises of 3 no. land parcels across the 4 no. townlands of Ballysallagh, Dundullerick East, Dundullerick West and Rathcobane in east County Cork. At its nearest points the site is located c.1km to the north of Leamlara, c.1.25km west of Ballincurrig and c.5.5km east of Watergrasshill.

1.2. The lands are in agricultural use and comprise of small and medium sized fields, primarily used for grazing cattle, with their boundaries delineated by hedgerows. Elevations across the site range from approx. 176mOD in the north to 99mOD in the south-east.

1.3. The Ballyerra stream traverses the northern section of the site (parcel 1) with number of small streams/drainage ditches throughout the site which drain into the Owennacurra River which runs between land parcels 2 and 3 along the northern margin of parcel 3.

1.4. The lands in the vicinity are largely in comparable agricultural use with a block of commercial forestry to the west of parcel 1.

1.5. The local road network comprises of the R626 to the east, L7692 and L7691 serving the central and southern sections of the site, with a number of cul-de-sac roads within parcel 1. One off housing is prevalent along the said road network.

2.0 Proposed Development

2.1. Solar farm comprising:

- Solar panels on ground mounted frames
- 25 no. invertor/transformer stations
- 3 no. spare parts containers
- 3 no. ring main units
- 7 no. weather stations up to 5 metres in height
- Underground electrical ducting and cabling including along local roads L7691 and L7692 to connect the 3 no. parcels

- 2.4 metre high security fencing
- CCTV
- Access tracks
- 7 no. stream/drain deck crossings
- Temporary construction compounds
- Landscaping
- Ancillary works

Access to the site is to be via 4 no. entrances from the R626, L7691 and L7692.

The solar farm will connect to the existing Knockraha 220kV substation by means of a 220kV substation and associated underground cable connection which has been granted approval by the Commission under ref ABP 321518-24.

A 10 year planning permission is being sought with the operational lifespan being 40 years.

Note: Neither the MW output of the solar farm nor the number of panels to be installed are provided.

The application is accompanied by the following documents and information:

- Construction and Environmental Management Plan
- Land Owners Consent
- Ballysallagh Statutory Undertaker letter
- Environmental Impact Assessment Screening
- Planning and Environmental Statement
- Landscape and Visual Impact Assessment
- EMF/EMC Impact Assessment Report
- Site Access and Drainage Report
- Site Specific Flood Risk Assessment
- Noise Impact Assessment

- Decommissioning and Restoration Plan
- Archaeological, Architectural and Cultural Heritage Impact Assessment Report
- Ecological Impact Assessment (Parts 1 and 2)
- Glint and Glare Assessment

2.2. **Further Information (FI)**

A response to Cork County Council's further information request of 21/10/24 was received on the **19/02/25**. This included the following details:

- Updated site layout plans and landscape mitigation plans
- Landscape and Visual (including photomontages)
- Glint and Glare response
- Updated Archaeological, Architectural and Cultural Heritage Impact Assessment
- Updated Flood Risk Assessment
- Surface Water Management Plan
- Build Near Asset application to Uisce Eireann
- Noise and Vibration Technical Note and Updated Noise Impact Assessment
- Green and Blue Information Statement
- Updated EIA Screening Report
- Updated CEMP

The amendments arising include:

- Area covered by the solar farm reduced from 179ha to 173 ha
- No. of invertors reduced from 25 to 23
- Internal access track length reduced from 5015 metres to 4986 metres and increase in dry deck crossings from 7no. to 8 no.
- Relocation of access point onto R626

- 1 no. additional entrance from L7692 in lieu of use of an existing entrance.
- Provision of surface water management measures
- Removal of 55 metres of hedgerow to facilitate the site entrance, access tracks and underground cabling. To be offset by 2621 metres of new hedgerow planting with existing hedgerows augmented to fill in any gaps.

2.3. **Clarification of Further Information (CFI)**

A response to Cork County Council's clarification of further information request of 15/04/25 was received on the **08/07/25**. This included the following information:

- Updated Landscape Mitigation Drawing
- Landscape and Visual Impact Response
- Archaeological, Architectural and Cultural Heritage Impact Assessment Response
- Surface Water Drainage and Flood Risk Response

3.0 Planning Authority Decision

3.1. **Decision**

Refuse permission for the above described development for 3 reasons which can be summarised as follows:

1. In the absence of a comprehensive archaeological impact assessment it is considered that the applicant has failed to demonstrate that the proposal would not be seriously injurious to the archaeological/cultural heritage of the area. It is considered that the proposal would materially contravene objectives HE 16-9 and HE 16-13 of the County Development Plan.
2. In the absence of sufficient mitigation measures it is considered that the proposal would be a visually incongruous and overbearing feature in the rural landscape, would adversely impact on the visual amenities of the area, would materially contravene objective GI 14-9 of the County Development Plan and would depreciate the value of property in the vicinity.

3. It has not been demonstrated that there will be no net increase in discharge rates or runoff volume from the site and, therefore, it has not been demonstrated that the proposal would not have an adverse impact on the wider hydrological regime of the area and/or contribute to flood risk elsewhere.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **1st Area Planner's** report dated **21/10/24** can be summarised as follows:

- EIA is not required.
- The number of solar farms permitted in the county to date equates to 23.8% of the national target and represents a significant share of national requirements.
- Having regard to objective ET 13-14 the proposal is acceptable in principle.
- The large scale energy development would represent a considerable departure from the established rural agricultural setting baseline. In terms of landscape a number of issues require further consideration. The LVIA and viewpoints selected do not sufficiently assess the potential extent of visual impact particularly in the northern section of the site. Additional viewpoints required. Cumulative impact of other existing/permitted energy infrastructure required. Particular concerns about the visual impact associated with (a) the northern section of the site (parcel 1) which would read as a single extensive block on elevated lands with extensive long views above the R626, (b) elevated lands shown in V8 and V9, and (c) siting of substation.
- Glint and Glare Assessment to be revised to take into account of any amendments.
- Clarification of the Noise Impact Assessment re. tonal/impulsive components and construction phase noise mitigation.
- Updated landscaping proposals required.

- The applicants have not substantiated the assumption that there will be no net increase in discharge rate or runoff volume from the site which is critical to underpinning the main conclusions of the SSFRA.
- Written agreement to enter into section 47 sterilisation agreement(s) to ensure appropriate buffers from existing/potential future housing are maintained.
- The regulation of radiation comes under a separate code.
- Contents of internal reports noted.

FI recommended.

The above report and recommendation was endorsed by the Senior Executive Planner on 21/10/24.

The **2nd Area Planner's** report dated **15/04/25** notes:

- While the reduction in the extent of the arrays has been reduced it does not provide much visual relief with heavy reliance on mitigation which will take years to mature. Further reductions should be considered.
- Concerns about the extent of arrays in the vicinity of the grotto and Bealatrinagh Bridge in the southern parcel.
- Contents of internal reports noted.

CFI recommended.

The recommendation is endorsed by the Senior Executive Planner on the same date.

The **3rd Area Planner's** report dated **29/08/25** notes:

- Insufficient attempt to break up the massing of the northern section of the site. Would read as a single extensive block on elevated/visually prominent lands with extensive long views above the R626.
- Has not omitted arrays on elevated lands to the east/southeast of Bealatrinagh Bridge and Grotto.
- Has not addressed the feasibility of implementing proposed landscaping to the north of the proposed new entrance from the R626.

- Cultural heritage issues not satisfactorily addressed.
- Contents of internal reports noted.

A refusal of permission for 3 no. reasons recommended.

The recommendation is endorsed by the Senior Executive Planner and Senior Planner.

3.2.2. Other Technical Reports

The **1st Archaeologist's** report dated **09/10/24** notes that there are 4 no. recorded monuments within the site and many on the periphery. Dealing with archaeological investigations through compliance is not best practice, and in some recent solar farm cases has presented difficulties. Due to the size of the site any significant sub-surface archaeology needs to be dealt with prior to a grant of permission to provide an opportunity to comment on how best to deal with the features and achieve preservation in situ. The suggestion that there is not enough time to deal with the investigations is not acceptable. Pre-planning consultation would have been beneficial. FI recommended including details on buffer zones around newly discovered cultural heritage sites, numbering of areas of archaeological potential, geophysical survey and archaeological testing, mitigation measures and cross reference to the Landscape and Visual Assessment, adequate assessment of Monuments in State Care/Local Authority Ownership and justification for the small study area of 1km. A schedule of conditions should the PA refuse permission and the Commission grant permission on appeal are detailed. The **2nd report** dated **03/04/25** following FI states that in the absence of a geophysical survey an informed decision cannot be made. The Solar Farm Guidelines (2023) prepared by Fehily Timoney noted. The precedent cases cited predate the current County Development Plan. The request for FI was based and guided solely on Development Plan objectives. A refusal of permission recommended.

Note: No County Archaeologist report following CFI.

The **1st Conservation** report dated **16/10/24** recommends FI seeking details of all protected structures, ACAs and buildings on the NIAH within 2km of the site and unregistered features of cultural heritage be included in the Archaeological, Architectural and Cultural Heritage Impact Assessment and appropriately assessed.

Revised drawings and photomontages to include additional views and mitigation measures to be provided. The **2nd** and **3rd** reports dated **27/03/25** and **25/08/25** following FI and CFI considers the information provided to be sufficiently detailed. Continues to have some concerns due to the scale of proposal but is willing to accept that there is sufficient mitigation for visual impacts. No objection to permission subject to a condition.

The **1st report from Coastal and Flood Projects Department (undated)** stated there may be indirect impacts on the proposed Midelton Flood Relief Scheme due to loss of existing storage on upstream floodplains or increased pluvial runoff and may impact the fluvial flows to which the proposed flood relied scheme has been designed for. FI recommended on minor regrading proposed, fencing details, access tracks and certainty that they will not increase flood risk elsewhere. Further details required that existing greenfield runoff rates will not be increased and on erosion mitigation measures if necessary. A schedule of conditions is detailed should permission be granted. The **2nd report** dated **15/04/25** following FI requires further detail to substantiate the findings of the Surface Water Management Plan that the proposed measures are adequately designed to manage increased runoff from the proposed impermeable surfaces. Should identify existing baseline greenfield runoff rates and include an allowance for 20% climate change. Design calculations as appropriate should be submitted. The revised Site Specific Flood Risk Assessment is satisfactory. There is no information given about erosion control if required. CFI recommended. The **3rd report** dated **28/08/25** following CFI accepts that all elements of the proposed infiltration system have been designed to cater for 1 in 100 rainfall event including 20% for climate change and that it is not proposed to discharge surface water directly to any watercourse or field drain. The absence of baseline greenfield runoff rates and demonstration that these will be reduced/maintained fails to satisfy the CFI request. Therefore, a fully informed decision cannot be made. A refusal of permission recommended. A schedule of conditions is provided should permission be granted.

The **1st Environment report (water)** dated **11/10/24** notes that surface water is unlikely to be impacted by construction activities subject to good management. Groundwater is unlikely to be impacted by construction or operational activities subject to good site management including controls on hydrocarbon use. The

information provided indicates that there would be little risk of impact on water quality once operational. No objection subject to conditions. The **2nd** and **3rd** reports dated **20/03/25** and **07/08/25** following FI and CFI response have no objection and refer to the 1st report re. conditions.

The **1st Environment report (noise)** dated **18/10/24** recommends FI seeking map showing the locations and distances of all noise sensitive locations and details of selected noise monitoring locations used to establish the prevailing environment, clarification of the presence or otherwise of tonal/implusive noise and further reduction of construction phase noise at sensitive locations. The **2nd** and **3rd** reports dated **09/04/25** and **13/08/25** following FI and CFI have no objection subject to conditions.

The **1st Environment Report (waste)** dated **21/10/24** recommends FI seeking Outline Resource and Waste Management Plan:Tier 2 and details of temporary storage sites for materials and waste. A schedule of conditions is attached should permission be granted.

The **1st Area Engineer's** report dated **17/10/24** notes that certain roads should be strengthened to cater for the significant construction traffic by way of a special development contribution. FI recommended seeking 120 metre sightlines at proposed access onto R626, amendment of haul route and alternative to access point 2 off L-7692. The **Engineering Report** dated **04/04/25** following FI has no objection subject to conditions.

The **1st Ecology** report dated **15/10/24** recommends that the surface water drainage strategy referenced in the Site Access and Drainage Report be provided prior to a decision being made. Satisfied that the proposal does not pose a risk of significant contamination of the waters of Cork Harbour through surface water. The proposal will take the site out of intensive agricultural practices which, based on the aquatic survey report, is currently having negative impacts on ecological integrity of the watercourses within the site through siltation and eutrophication pressures. While the site does support some habitat i.e. agricultural grassland, which may be used by ex-situ foraging species of the Cork Harbour SPA, given the prevalence of similar habitat in the immediate and wider environment the site is unlikely to constitute a critical ex-situ resource for species of conservation interest. However to inform a

robust decision winter bird surveys are recommended. NatureScot Guidance on Solar Farms (2022) noted. Considers that should all the measures (mitigation and enhancement) be undertaken the proposal will achieve a biodiversity net gain in the long term. Further information recommended seeking winter bird surveys, site and species specific treatment/removal of invasive species, further assessment of the proposal on local bat activity in light of recent research/literature, submission of hedgerow management plan, clarification if deck crossing over the Owennacurra river will require removal of riparian habitat, map showing location of all bird and bat boxes and location of badger setts identified (confidential). The **2nd report** dated **09/04/25** following FI is satisfied that following the winter bird surveys no amendments to the AA are required. The responses received are acceptable. No objection subject to conditions. The **3rd report** dated **26/08/25** following CFI has no further comment.

3.3. **Prescribed Bodies**

Inland Fisheries Ireland in a letter dated **12/09/24** recommends conditions should permission be granted.

Transport Infrastructure Ireland in a letter dated **26/09/24** states that it will rely on the planning authority to abide by official policy. Where the national network is to form part of the construction traffic haul route, operational issues are required to be resolved as part of the Construction Management Plan. Any proposed works to the national road network shall be subject of a Road Safety Audit as appropriate. Any damage to national road pavement to be rectified in accordance with TII standards with detail to be agreed prior to commencement of development. In the absence of an application for the substation and grid connection which is part of the overall project it is unable to ascertain the impacts on the national road network assets/infrastructure.

Geological Survey of Ireland in a letter dated **26/09/24** recommends that its various data sets be used. Its groundwater vulnerability dataset indicates that the site is within an area of high groundwater vulnerability. The bedrock aquifer is locally important and there are a number of wells and springs recorded within 3km.

Watergrasshill public water supply is located less than 3km. to the northwest and should be considered in relation to the construction works for any such development.

Uisce Eireann in a letter dated **03/10/24** confirms that the applicant has submitted a Diversions Enquiry re. the existing watermains within the public road where the interconnecting cables for the solar farm will be located. A Diversion Confirmation of Feasibility Letter is required to be obtained prior to the granting of planning permission. Recommends FI on outcome of engagement with diversions team and assessment of potential risk to the downstream drinking water abstraction point within the EIAR screening report. The **2nd report** dated **26/03/25** following FI recommends compliance with EU directives and River Basin Management Plan and with best practice Ground Protection Schemes. A standard condition recommended.

3.4. Third Party Observations

The planning authority received 291 no. 3rd party submissions on the original application. The issues raised in these submissions are generally reflected in the issues raised in the observations to the appeal received by the Board as summarised in section 6.3 below.

4.0 Planning History

Sub-station and grid connection

ABP 321518-24 – approval granted by the Commission on 17/07/25 for a 220kV substation (to be located in the southernmost parcel of the solar farm site ('parcel 3')) and 10.2km grid connection along the local road network south-westwards to the Knockraha 220kV substation. The decision has been judicially reviewed.

Other Solar Farms in Proximity

ABP 300434-17 - permission granted on appeal for a solar farm on a 48.8ha site at Ballyvatta and Clash, Knockraha, Leamlara c. 1.5km west of the site. Amendments were granted to this permission under planning ref 23/4564 in March 2024 to increase the size of the site by 7.8ha and the lifespan of the permitted solar farm from 25 to 35 years.

18/6769, 19/5729, 19/6882 & 20/6891 – permission granted for a solar farm and subsequent modifications and extensions/additions (Lysaghtstown Solar Farm).

ABP-311238-21 – Permission granted for a solar farm with a total area of 47.2ha at Ballynaclashy and Ballycurrany East, Midleton, Co. Cork. To present as an extension to the above referenced Lysaghtstown solar farm. This site is located circa 4km south-east of the appeal site.

ABP 300602-18 – permission granted for solar farm on 27.53 hectares at Ballyspillane West c. 8km to the south-east of the appeal site.

PL04.248400 – permission granted for a solar farm on a 8.8ha site between Rathcormack and Castlelyons c. 6.8km to the north of the appeal site.

PL04.248278 – permission granted for a solar farm on a 8.7 ha site to the north-west of Castlelyons c. 9km to the north of the appeal site.

ABP 304899-19 – permission granted for a solar farm on 8.83 ha site immediately to the south of PL04.248278 .

ABP 300228-17 – permission granted for a solar farm on a 11ha site to the east of Castlelyons c. 8.5km to the north of the appeal site.

ACP 323301-25 – current appeal with the Commission for a solar farm and ancillary works on an overall site area of 46.66 ha to the south of Castlelyons c.7km to the north of the site.

Other Developments

306768-20 – Outline permission for a nursing home refused on a site to the immediate south of 'parcel 3' of the site.

5.0 Policy Context

5.1. EU Policy

5.1.1. RED III (European Renewable Energy Directive (EU/2023/2413))

The revised Directive EU/2023/2413 came into force on 20th November 2023. RED III sets an overall renewable energy target of at least 42.5% binding at EU level by

2030, but it is aiming for 45%. This target is raised from the previous 32% target. It means almost doubling the existing share of renewable energy in the EU.

The Directive introduces several provisions to facilitate the deployment of photovoltaic (PV) projects, including the designation of renewable acceleration areas by Member States, a simplified and expedited permit granting process for solar PV projects and streamlined environmental assessment procedures for solar PV projects in designated renewable acceleration areas. This Directive has been transposed by way of SI 254/2025 on 6th August 2025.

5.1.2. **REPowerEU Plan 2022 and Directive EU 2018/2001, as amended 18/05/2022**

The plan focuses on the need to end the EU's dependence on Russian fossil fuels and to tackle the climate crisis. It includes the accelerated rollout of renewable energy. It amends the Directive on the Promotion of the Use of Energy from Renewable Sources (Directive EU 2018/2001) to require that 45% of energy is from renewable sources.

5.2. National Policy and Legislation

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

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 principal 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.

5.2.2. **Climate Action Plan (CAP) 2024 ("CAP24") and 2025 ("CAP25")**

Under the Climate Action and Low Carbon Development Act, 2015, as amended, Ireland's 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 Ireland's 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 and achieve climate neutrality by 2050.

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 8GWs by 2030.

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

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.

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

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.

5.2.5. **Electricity and Gas Networks Climate Change Sectoral Adaptation Plan 2025 (EGN SAP 2025)**

This is the second Sectoral Climate Change Adaptation Plan for the Electricity and Gas Networks Sector, as required under the provisions set out in the Climate Action and Low Carbon Development Act 2015 and the National Adaptation Framework and focuses on climate adaptation. It is a strategic document designed to help Ireland's electricity and gas networks build long term resilience to climate impacts and extreme weather events and deliver a sustainable and resilient EGN sector. These goals are supported by 7 objectives and 38 actions, ranging from enhancing existing SAP governance processes, to prioritising research, and strengthening policy integration.

5.2.6. **The National Development Plan 2026 – 2035**

5.2.7. The National Development Plan 2026 – 2035 (NDP) was published in July 2025. It seeks to drive Ireland’s long term economic, environmental and social progress over

the next decade, in accordance with the spatial planning context of the NPF. The NDP is Ireland's long-term strategic investment plan, outlining how the government will invest in the country's infrastructure and development. The plan sets out:

- total investment of €275.4 billion over the period 2026 to 2035,
- sectoral capital allocations of €102.4 billion for the years 2026 to 2030, and
- a further €100 billion for 2030 to 2035.

It includes an additional €34 billion relative to the previous 2021-2030 NDP, including equity funding of €10 billion to 2030 to fund large strategic projects in energy, water and transport.

5.2.8. **Project Ireland 2040: National Planning Framework ("NPF"), First Revision April 2025**

The National Planning Framework (NPF) sets out a vision for the future development of the country. It includes a number of strategic goals in respect of transitioning to a low carbon and climate resilient society.

Relevant National Policy Objectives (NPO) include:

- NPO 69 Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets.
- NPO 70 Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.
- NPO 71 Support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development.

The 1st Revision introduces regional renewable electricity capacity allocations for each of the three Regional Assemblies to be achieved by 2030 which, for the Southern Regional Area, is an additional 3,302MW in solar PV, which is 43% of the overall national share (Table 9.1 of the NPF refers). This is the minimum required for

solar generation to meet the 2030 emission reductions in the electricity sector. These targets form part of NPOs 74 and are required to be planned for through the Regional Spatial and Economic Strategy with NPO 75 obligating local authorities to plan for the delivery of the RSES allocations.

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

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 Irelands contribution to international biodiversity initiatives.

5.2.10. **Relevant Guidelines**

Regard is also given to:

- Architectural Heritage Protection Guidelines for Planning Authorities, 2011 (updated in 2022).
- National Landscape Strategy for Ireland 2015-2025.
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009,
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, 2018.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities, 2009.

5.3. Regional Planning Policy

Regional Spatial and Economic Strategy (RSES) for the Southern Region 2020-2032

The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region. It includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford. The strategy supports the transition towards a low carbon economy and climate resilient society across all sectors.

The following Regional Policy Objectives (RPO's are considered particularly relevant in the assessment of this case:

RPO 87 - Low Carbon Energy Future:

RPO 95 – Sustainable Renewable Energy Generation

RPO 96 – Integrating Renewable Energy Sources

RPO 100 – Indigenous Renewable Energy Production and Grid Injection

RPO 221 - Renewable Energy Generation and Transmission Network.

5.4. Local Planning Policy

5.4.1. Cork County Development Plan 2022-2028

The following objectives (not exhaustive) are noted.

Chapter 11 Water Management

WM11-10 Surface Water, SuDS and Water Sensitive urban Design

WM11-11 River Channel Protection

WM11-3 Groundwater Protection.

WM 11-15 Flood Risk Assessments

WM 11-16 Flood Risk – Overall Approach

WM 11-17 Development in Flood Risk Areas

Chapter 13 Energy and Telecommunications

ET 13-1 Energy

ET 13-2 Renewable Energy

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.

(d) Encourage the use of passive solar design principles for residential building(s) in line with relevant design criteria.

(e) Support and encourage the installation of solar collectors and panels for the production of heat or electricity in residential and commercial buildings, in line with relevant design criteria.

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

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

Chapter 14 Green Infrastructure and Recreation

The site is located within a landscape character type LC T10b identified as *Fissured Fertile Middle Ground* identified as *Medium* landscape value, *High* landscape sensitivity, and *County* level landscape importance.

GI 14-9 Landscape

(a) Protect the visual and scenic community of County Cork's built and natural environment.

(b) Landscape issues will be an important factor in all land use proposals, ensuring that a proactive fuel development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.

(c) Ensure that new development meets high standards of sighting and design.

(d) Protect skylines and ridgelines from development.

(e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

GI 14-10 Draft Landscape Strategy

GI 14-13 Scenic Routes

GI 14-14 Development on Scenic Routes

Designated Scenic routes within 4km of the site:

S 43 – Road between Leamlara and Midelton located (c. 3km to the south-east of the site)

S 44 – Road between Ardglass and Monaleen Bridge (c. 3.65km east of the site)

Chapter 16 Built and Cultural Heritage

Objective HE 16 -2 Protection of Archaeological Sites and Monuments

Objective HE 16-5 Zones of Archaeological Potential (including around archaeological monuments generally).

Objective HE 16-9 Archaeology and Infrastructure Schemes

All large scale planning applications (i.e. development of lands on 0.5 ha or more in area or 1km or more in length) and Infrastructure schemes and proposed roadworks are subjected to an archaeological assessment as part of the planning application

process which should comply with the Department of Arts, Heritage and the Gaeltacht's codes of practice. It is recommended that the assessment is carried out following pre planning consultation with the County Archaeologist, by an appropriately experienced archaeologist to guide the design and layout of the proposed scheme/development, safeguarding the archaeological heritage in line with Development Management Guidelines

Objective HE 16-10 Management of Monuments within Development Sites (buffer zones and long term management plans)

Objective HE16-11 Archaeological Landscapes (protection of same and their setting where the number and extent of monuments is significant and as a collective are considered an important archaeological landscape of heritage value).

Objective HE 16-13 Undiscovered Archaeological Sites

To protect and preserve previously unrecorded archaeological sites within County Cork as part of any development proposals. The Council will require preservation in situ to protect archaeological monuments discovered. Preservation by record will only be considered in exceptional circumstances.

Chapter 15 Biodiversity and Environment

Objective BE 15-6 Biodiversity and New Development

5.4.2. **Cork County Council Climate Action Plan 2024-2029**

This plan aims to create a low carbon and climate resilient County, by delivering and promoting best practice in climate action, at the local level and to align to the Government's overall National Climate Objective, which seeks to pursue and achieve, by no later than the end of 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

5.5. Natural Heritage Designations

The nearest European designated site is the River Blackwater River SAC (site code 002170) c. 1.7km to the north of the site. Great Island Channel SAC (site code 001058) is 15km downstream (hydrologic distance with) Cork Harbour SPA (site code 004030) 8.4km. The latter two are both to the south of the site.

Leamlara Wood pNHA is 3.5km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

The 1st Party appeal against the planning authority's notification of decision to refuse permission can be summarised as follows:

6.1.1. Project Need

- The Cork County Development Plan supports the principle of the development.
- To the extent the Commission considers the proposal materially contravenes the Cork Development Plan it is considered appropriate that it exercise its discretion under section 37(2) of the Planning and Development Act and grant permission (statement in support accompanies the appeal submission).
- There is a pronounced need to fast track renewable energy development consistent with European, national and local objectives, including legally binding commitments on the state.
- Having regard to the obligations arising from Regulation (EU) 2022/2577 and Section 15 of the Climate Act, the applicant is of the view that the Commission is obliged to exercise its discretion so as to afford priority to renewable energy projects.
- The Renewable Energy Regulations 2025 underpin renewable energy infrastructure as being of overriding public interest.
- The proposal would have a comparatively higher electricity output due to the siting in an area of high irradiance (3.7 – 4.6% above the average level across the country) and can connect to the existing Knockraha 220kV substation by means of the recently permitted onsite 220kV substation and grid connection. This is a characteristic that is limited to an increasingly small number of locations across the country. It positions the development well for critical and quick post planning development milestones relating to grid connection and route to market viability.

6.1.2. **Cultural Heritage**

- Details of pre-planning discussions provided.
- A clear rationale for not completing the geophysical survey works was set out in the FI and CFI responses, alongside commitments for the completion of such works, including application of mitigation measures which safeguard the 'preservation in situ' preference of the Council in any future scenario where unknown archaeological features are identified. These commitments, including the wider rationale set out, were not considered in any detail.
- The disruption of existing productive agricultural practices on lands to complete survey and testing works is a practical concern for farmers. The invasive nature of such works in the absence of certainty that a solar farm will be consented militates against projects progressing through the planning process. Large scale testing can have the direct impact of sterilising such land from productive use, impacting livelihoods in the short term. The proposed approach to undertake further archaeological investigations post planning consent is proportionate relative to this consideration.
- The claim that the site has the capacity to contain sub-surface archaeology which, if present, will be negatively impacted by the development has not been substantiated and has no basis in consideration of the archaeological assessment completed.
- The actual ground disturbance can be described as small relative to the overall site. Solar farm is a temporary use in the landscape. This means that a flexible approach can be taken to construction works on site where required.
- The applicant is not aware of any projects where the identification of archaeology post consent has inhibited the construction of a solar farm project in practical terms.
- The specific basis under which the proposal is deemed to contravene development plan objectives HE 16-9 and HE 16-13 is not clear. Neither state that it is necessary to undertake geophysical survey and/or testing in order to obtain a grant of permission. Objective HE 16-9 requiring an

archaeological assessment on sites of 0.5ha or more has been met. It does not prescribe that the assessment include geophysical survey and/or testing.

- The National Monuments Service document Solar Farm Developments – Internal Guidance Document (under review) has been referenced by Cork County Council, ACP and the Department on multiple occasions as a basis for decision making.
- Precedent set in Cork and nationally (see section 5.2.5 of appeal submission).
- A suitably worded condition such as that in the OPR's Practice Note PN03:Planning Conditions recommended.

6.1.3. **Landscape and Visual Impact**

- The design of the proposed development has been appropriately considered relative to the baseline context. By way of FI a considerable area of panels was removed from parcel 1 in the townland of Rathcobane either side of the Ballyerra stream. This reduces the perceived scale and intensity of the proposal at surrounding local receptors, especially those located directly to the east of the parcel.
- Receptors travelling on R626 will have limited visibility as the augmented hedgerow on the eastern boundary of the site will almost entirely screen the proposal.
- A notable section of panels was also removed along sloping lands in the northern section of parcel 3 with the layout strategically setback to the summit of the nearby ridge to fully eliminate the visibility of the panels. A new section of hedgerow is also proposed along the nearby ridge which, when established, will fully screen the panes from the nearby residential receptor and local road to the north.
- Focussed landscape mitigation measures were proposed by way of RFI and CFI, to include a new native woodland thicket in parcel 1 along the eastern boundary following the alignment of an existing hedgerow, and additional existing hedgerows internal to the site being developed into corridors of native thicket/woodland extending both east-west and north-south.

- The multi-parcel nature of the proposal contributes to a reduction in its perceived scale and intensity as surrounding intervening vegetation and terrain serve to screen and soften views. Within the immediate landscape context there is very limited potential to afford clear visibility of more than two parcels at any one time. Even where parcels are visible in combination they tend to be well offset from one another, and the parcel arrays are generally set back from the surrounding road receptors and local residential receptors. This further reduces the perceived scale and visual extent of the proposed development.
- Parcel 1 will not present as a single large 'mass'. This part of the development is subdivided into over 17 separate fields all bounded by existing hedgerows which will be augmented as either hedgerows or native thickets.
- The proposed development will result in landscape and visual effects of medium to lower magnitude and are deemed not significant.
- Cumulative visual effects are minimal due to separation distances, intervening vegetation and the comprehensive landscape mitigation proposed for the site. The Zone of Theoretical Visibility analysis confirms that visibility of the proposed development is very limited in the southeast quadrant where the two larger permitted schemes are located. It also shows that visibility to the west is almost entirely screened when existing and proposed planting is considered.
- The proposal does not materially contravene objective GI 14-9 (appeal submission goes through each line of the objective).
- No basis has been established in the Council's assessment to reach the conclusion that the proposal would depreciate the value of property in the vicinity. Section 4.11 of the Planning and Environmental Statement accompanying the application addresses issues of perceived property devaluation.

6.1.4. **Surface Water and Flooding**

- The Coastal and Flood Projects Department's report accepted that the proposal as presented is likely to result in a net reduction in runoff rates.

- It is proposed to manage and control surface water runoff from the access tracks, invertor stations and spare parts containers using Sustainable Drainage/Nature Based Solutions. These include:
    - Run off from the access tracks to drain to an adjacent swale system which provides conveyance of runoff at surface level as well as infrastructure infiltration storage in the one metre deep filter layer below. Runoff that does not infiltrate below the swale discharges into a settlement pond and then into an infiltration trench.
    - Run off from each inverter building and spare parts containers will discharge into a separate soak pit.

    There is no overflow or discharge from these infiltration based systems proposed to any existing field drains or water courses.

    These measures have been hydraulically designed using info drainage software to ensure all proposed measures can cater for a 1 in 100 year plus 20% climate change rainfall event. Proposed ongoing maintenance and management of these measures will ensure there is no increase in the greenfield run off.
- The proposal will not adversely impact on existing natural flow paths or the wider hydrological regime of the area.
- The ground beneath the solar panel arrays is to remain a permeable grassy surface through ongoing maintenance. There will be no net increase in discharge rates or runoff volume from the panels and, therefore, will mimic the existing greenfield runoff rates.
- Some rainfall will be intercepted by the surface of the arrays before reaching ground level. Gaps between each panel on the array will allow surface water to fall to ground thereby preventing water sheeting off. The potential for erosion to occur as a result of the ‘drip effect’ is mitigated by features of the arrays themselves which are designed to avoid same.
- Pre and post runoff rates from the site have been calculated using the Rational Method and Met Eireann rainfall intensity tables (Depth-Duration-Frequency) to determine the runoff rate from each sub-catchment area within

the site and are included in Appendix B of the IE Consulting statement accompanying the grounds of appeal. The calculated post development greenfield runoff rates are less than the pre-development scenario for all land parcels. The proposal will not contribute to any increase in greenfield runoff rates.

6.2. Planning Authority Response

None

6.3. Observations

125 no. observations were received on the appeal. I refer the Commission to the schedule of observers in Appendix 1 attached to this report.

The main points made can be summarised as follows:

6.3.1. Policy Context

- Absence of national policy or guidance on solar farms.
- It contravenes multiple National Policy Objectives by compromising agricultural activity, rural economic sustainability, landscape preservation, biodiversity and cultural heritage.
- The application is premature. Cork County Development Plan does not include a strategy/framework for the appropriate designation of areas deemed acceptable for solar developments.
- The proposal materially contravenes Cork County Development Plan objectives including those relating to cultural heritage, landscape, agriculture, flood risk, water quality and river channel protection.
- The Commission is restricted from granting permission where the Council refused on material contravention grounds on the basis that the proposal is not of critical national, regional or local importance. There are no conflicting objectives in the development plan. The proposal does not align with the pattern of existing development and permissions granted in the area since the plan's adoption.

- The site is zoned agricultural, which in most counties, means the protection and/or improvement of agricultural and/or rural amenity. The proposal represents a material contravention of the zoning.
- In the National Territory Mapping for Renewable Electricity (as required by Directive 2023/2413) the area is classified as Tier 4 – Unclassified/No designation
- Lack of comprehensive life cycle carbon assessment. Given the presence of metals, ploymers and glass composites in PV panels, the omission of a decommissioning and recycling framework creates uncertainty regarding carbon recovery and pollution risk at end of life.
- Climate targets cannot outweigh a substandard application.

6.3.2. **Need for Proposal**

- The 380-290 solar farm projects in development nationally, if built, could potentially provide for 9.5GW exceeding 2030 targets. This could lead to an oversupply of electricity which cannot be absorbed by the grid with knock-on impacts to the Public Service Obligation.
- The applicant's argument that solar farm applications are not being lodged fast enough is not credible. Over 110 acres of solar farm projects entered the system in July 2025 alone. There have been approvals for major sites across the country. The 5th RESS auction in September 2025 provisionally allocated 860MW of solar, signalling rapid scaling. There is no immediate supply issue with such development.
- Cork has provided a significant share of the national pipeline. The county has had approx. 80 solar farm applications since 2020 with 20+ in the Midleton/Leamlara area.
- There are viable alternatives available such as offshore wind and importing solar energy from regions where it is more efficient.
- Technological advancement in the solar industry will result in many developments becoming technologically obsolete well before their projected 40 year lifespan. This could lead to inefficiencies, reduced output and

increased maintenance costs, making long term viability questionable. It also poses a risk that older farms may be abandoned prematurely compounding issues around decommissioning and waste management.

6.3.3. **Cumulative impacts**

- No meaningful evaluation of cumulative impacts with other developments including other permitted and proposed solar farms. Cumulatively will create a continuous solar landscape covering a wide rural area, fundamentally altering its character and appearance. There are overlapping landscape, visual, ecological and infrastructural impacts.
- The EMF-EMC report assesses EMF levels but may not fully consider the cumulative exposure with the substation.
- Cumulative impact of noise with the substation not considered.

6.3.4. **Impact on Farming and Agricultural Land**

- Proposal displaces productive farming activities and is in direct conflict with Ireland's Climate Action Plan and food security goals.
- Will disrupt local agricultural practices and reduce availability of land for farming. Construction traffic, noise and dust will interfere with livestock and daily routines. Stress induced by noise during construction.
- Impact on local equine industry. Adverse impacts from construction noise, disturbance and glint and glare.
- Farms located in a High Risk TB area. Impact of proposal on active badger setts. Their dislodgement would lead to more TB Reactors on farms.
- The view that the land is extensively farmed and, as such, nuisance already exists, is flawed.
- The land will not revert to its current state.

6.3.5. **Residential Amenities**

- Adverse visual impacts and visual dominance from residential properties. Inadequate buffers to residential properties.
- Screens and hedging will block light to dwellings.

- Screening has not been demonstrated to be effective year round.
- Adverse impacts from noise, vibration and dust during the construction phase.
- Noise during operational phase from inverters, transformers and substation.
- Devaluation of property.
- Light pollution.
- Glint and glare effects. Not all dwellings were considered or evaluated for glint and glare. Study commissioned by Leamlara Preservation Group does not concur with the study conclusions. The identified screening in the form of vegetation is not predicted to sufficiently reduce the duration of reflection and sufficient mitigating factors that could reduce the level of impact have not been identified.
- CCTV and impacts on privacy.

6.3.6. **Landscape and Visual Impact**

- Proposal will be a visually incongruous and overbearing feature in the rural landscape.
- The objectivity and accuracy of the Landscape Visual Impact Assessment is queried. The photomontages are not representative of the area. A revised Landscape and Visual Impact Assessment (LVIA) should be required including photomontages from all sensitive receptors and with seasonal perspectives.
- While mitigation is proposed the appeal does not quantify how these measures will visually break up the development or demonstrate compliance with development plan objective GI 14-9 in a measurable way.
- Proposed hedgerow planting and screening will take many years to mature and cannot fully mitigate the visual intrusion, particularly during winter months or from elevated viewpoints.
- Buffer planting is only considered to be effective at close range. To maximise solar gain and given prevailing solar farm management practices, it is reasonable to expect that both existing hedgerows and new plantings will be maintained at a shorter height than initially indicated.

6.3.7. **Site Drainage and Flood Risk**

- The area is already prone to flooding so the risk to road safety and homes in the locality already exist. The proposal which would lessen the landmass on which rain can fall and be absorbed can only worsen an already present risk.
- The Flood Risk Assessment lacks detailed hydrological studies or flood modelling to assess how the development might affect local drainage patterns or increase flood risk in the area. The flood risk assessments have not taken into account the effect of flooding downstream. Potential to exacerbate the flooding pattern of the Owennacurra River as it flows into Midelton town.
- Maps available via OPW Floodinfo and Cork County Council flood mapping should be used to overlay the proposal with fluvial flood risk zones along Owennacurra River and overland flow paths (overland sheet flow) during storms, especially given noted occurrence of road washouts/bridge damage in the area which suggests local topography channels water in certain paths.
- The Cook and McCuen study presented as justification that there would be no changes in hydrology is not in accordance with the principle of Drainage Design, Sustainable Drainage or Nature based Solutions. It is factually and scientifically incorrect to portray hard panels of solar farms as rainfall runoff neutral devices. The only parts of the 179 ha development area that will receive rainfall to infiltrate are the linear strips along the lowest elevation of each panel. Given that the PV panels will cover c.75% of the development area, only 25% might be available to infiltration. Therefore the infiltration capacity of the soil and subsoil will be pushed to accommodate four times the rainfall recharge of the pre-development scenario.
- The proposal, in omitting the total area and the actual angles of each panel's drip line, fails to provide critical details and particulars pertaining to the installation. Absence of these details and particulars makes it impossible to calculate or test the degree to which the journey of the rainfall to the ground will be changed and the degree to which infiltration rates will change.
- The applicant cites literature and grass cover mitigation but did not provide site-specific empirical testing or detailed erosion control design.

- A site specific assessment is crucial for determining the correct approach for stormwater management such as attenuation or infiltration. Reliance on infiltration only SUDS sized for 1 in 100 with +20% climate change allowance fails to demonstrate long terms performance under saturation, compaction, clogging or extreme events and lacks robust redundancy/contingency design or empirical verification.
- The Rational Method is empirical, simple, and suitable for catchments with rainfall directions matching the time of concentration. The difficulty is that it assumes uniform rainfall and steady state peak. The applicant has combined the assessment with Met Eireann rainfall intensity tables to try to address this. For complex sites such as the appeal site, with a history of surface water flooding and outflows from the site which have passed as far as Midleton, it would be standard to pair it with hydrodynamic models like SWMM to verify and to validate site-specific percolation tests. The greenfield run off rate is not based on any site survey or testing but on a desk based assessment which can lead to inaccurate, generalised estimates that fails to capture site-specific hydrological variability.
- ARUP and the PA requested detailed sub catchment/parcel conveyance and temporary storage modelling (including setbacks); the submission relied mainly on rational method sub -catchment calculations and did not provide the requested parcel level hydraulic proof that greenfield rates are achieved under soil saturation and heavy storms.
- The SuDs strategy is schematic only lacking design details, ownership or long term maintenance arrangements.
- The assessment does not explicitly address the potential impacts of climate change on flood risk, which could alter precipitation patterns and increase the frequency and intensity of flooding events.
- Soakpits at the entrance are ineffective when ground is waterlogged.
- The site may lie above a locally important aquifer. The long term presence of foundations and underground cabling could interfere with groundwater flow

with impacts on private wells and Midleton's water supply. A survey of relevant private boreholes and wells in the surrounding area is needed.

- Cumulative hydrological effects of adjacent solar farms within 5km not assessed.
- The Commission has refused permission on basis on insufficient baseline data particularly in hydrological assessments, flood risk evaluations or soil surveys (ABP 303636-19).
- Soil compaction can lead to increased surface run-off, flooding, erosion and transport of nutrients and agrochemicals to open water.
- Impact on the fisheries value of Owennacurra River.
- IFI in its observation recommends that should permission be granted that a condition be attached. requiring all works to be carried out in accordance with IFI Guidelines on protection of fisheries during construction works in and adjacent to water.
- Applicant has not addressed how existing drains on the site will be monitored and maintained to ensure no sediment or pollution issues occur on adjoining lands. The statement in the CEMP that any existing drainage or ditch network shall be cleaned during construction and maintained on an annual basis contradicts other reports that there will be no actions on the existing drains.

6.3.8. **Cultural Heritage**

- A comprehensive Archaeological Impact Assessment (AIA) with geophysical survey and test trenching required. Archaeological surveys may alter the site layout plan.
- The piling, trenching for cables and transformer installations pose a risk of irreversible damage to subsurface features, including those yet undiscovered.
- The County Council's archaeological policy is well documented and very clear. The precedents quoted are selective and are not comparable to this application. Precedent is set for geophysical surveying in advance of a decision ABP 318001-23, ABP 320298-24 and ABP 318091-23.

- The Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023, gives automatic legal protection for archaeological sites.
- The cumulative impact on the historic landscape has not been adequately assessed.
- The location is part of a broader historic landscape with several heritage features. The intensification of disturbance may devalue the setting of these sites, reducing their integrity, visibility and contextual significance.
- The archaeological deficiency cannot be addressed by condition.

6.3.9. **Access and Roads**

- Roads are inadequate to accommodate increased vehicular movements. The pavement widths measured by the applicant are not reflected on the ground. The proposed scale of construction traffic would rapidly deteriorate road surfaces, negating investment and compromising public safety.
- Increased risk to school transport, farm vehicles, and emergency access.
- Accesses from R626 and L7692 pose a traffic hazard.
- Insufficient detail about haul routes, timing, community liaison and emergency access. Absence of independently verified Traffic Impact Assessment, Road Safety Audit, Swept Path Analysis or Construction Management Plan.
- Lack of detailed traffic management plan. Relies heavily on compliance from construction personnel and delivery drivers.
- The glint and glare road receptors were selected to minimise the potential effects towards road users and are not taken from the worst case scenario on the roads.

6.3.10. **Biodiversity**

- Faunal and botanical surveys were undertaken outside optimal seasonal windows resulting in incomplete baseline data.
- No survey for winter populations of Golden Plover or other avifauna.
- Adverse impact on bat population. Several registered bat roosts in the area.

- Adverse impacts on insects. Would reduce floral diversity, soil permeability and the availability of nectar and nesting resources contrary to the objectives of the All-Ireland Pollinator Plan (2021 – 2025).
- Introduction of invasive species.
- Habitat fragmentation, loss of ecological connectivity and disturbance during construction and operation. Cumulative impacts with other solar farms including construction disturbance.
- NIS considered to be incomplete. No conclusive scientific evidence that there will be no adverse impacts on protected sites.
- Biodiversity mitigation measures are generic and lack site specific detail and fail to ensure no net loss.
- Concern about the amount of herbicides that may be used.
- There is a shortage in the native species proposed to be used in the hedgerows. The species to be used could carry risks.

6.3.11. **Construction**

- The construction methodology outlines standard practices but lacks specific measures to mitigate noise and dust.
- Construction Methodology does not consider cumulative impact of both the substation and the associated solar farm.
- The developer predicts that both construction and operational noise levels would comply with established standards. However the reliance on these standards does not fully account for the unique acoustic environment of the site particularly that a high proportion of the sites positioning is in a valley.

6.3.12. **Health and Safety**

- Adverse impact on the health and wellbeing of residents especially those with pre-existing health conditions.
- No Health Impact Assessment carried out.
- Potential impacts on respiratory health from dust, particulate matters and other airborne pollution from the construction stage.

- Potential health effects of electromagnetic fields (EMF) from high voltage substations and the associated solar farm infrastructure. It is stated that ENF levels will be significantly lower than the basic restriction level without providing specific quantitative data or modelling results to support this claim. Lack of empirical data undermines the report's conclusions. Does not adequately consider cumulative exposure in EMF and EMC report.
- Low frequency noise and tonal hum from substation, invertors and transformers
- No Fire Risk Assessment submitted. Concerns that solar utility has potential to catch fire or explode and there is no safety and evacuation plans in place. Proximity to woodland noted.
- Pollution from panels including cadminum. Cleaning agent of panels needs to be identified
- Risk of strikes to existing underground cables and services during construction.

6.3.13. **Public Consultation**

- Lack of consultation by developer.
- No proposed community benefit package to compensate for disruption and negative effects.
- An independent complaints process is required

6.3.14. **Other Issues**

- Inclusion of lands without the consent of the landowners to improve sight lines at site access no. 2.
- Inadequate development description and public notices.
- 10-year planning permission and 40-year lifespan are too long.
- EIA should be undertaken including assessment of cumulative impacts and human health.

- Substation approval appears to pre-empt the outcome of the solar farm application. Concern that an application for an additional battery storage will become inevitable.
- Project splitting with other solar farm proposals. In addition the substation and grid connection were subject of a separate application. Community required to respond to multiple applications.
- Tourism and amenity impacts. Adverse impacts on Leamlara Woods Walking Trail, Curragh Wood and Moanbaun Woods and trail.
- Will spoil the cultural experience of road bowling including along R626.
- Telecommunications Interference.
- Employment benefits overstated.
- Afterlife and decommissioning of the panels.
- Full cost/ benefit analysis required.
- It is queried how the conditions are to be monitored and enforced.

6.4. **Section 131 Notices**

6.4.1. On the basis that the development subject of the appeal may have effects on recorded monuments and European sites the following prescribed bodies were invited to make a submission:

- An Taisce
- Heritage Council

No submissions received.

6.4.2. The observations from Anne Jeffers and Leamlara Preservation group were circulated to the applicant and the planning authority for comment.

Applicant Response

The **applicant's** response received on **02/12/25** reiterates a number of points made in its original appeal submission. In addition, the following points are noted:

- The lands are used for agricultural purposes but are not formally zoned as such in the Cork County Development Plan.
- The suggestion that there is significant planning permissions in County Cork to meet renewable energy demand is completely unsubstantiated and has no basis in respect of the assessment of the application. A review of projects that obtain planning consent and then do not obtain a grid connection through the Enduring Connection Policy (ECP) process indicates an historical attrition rate of c. 40%. This signifies the importance of projects with viable grid connection methods being progressed through the consenting system. With the consent for the substation in place and subject to permission being secured in this instance there is a high certainty that Ballysallagh solar farm will be built.
- The submissions regarding the inadequacy of the local road network are not supported by any analytical information or evidence.
- Section 5 of the Planning and Environmental Statement includes a summary of consultations taken for the project.
- The higher sensitivity landscape character type (LCT 1) is situated well offset from the site, along the southern periphery of the wider study area. The site is located in an area 'open to consideration' for wind farm development.
- Design revisions have made tangible improvements to the perceived issues raised by the County Council.
- It is confirmed that a dwelling was omitted in error from the Glint and Glare assessment. An assessment was run to determine the impacts. The two storey dwelling is located on locally elevated lands c. 300 metres east of the panels in parcel 1. The effects are consistent with the potential reflectance effect at the neighbouring dwelling to the south (H78), and that following the mitigation measures there will be no significant nuisance effects.
- The glint and glare report accompanying the observation by Anne Jeffers is underpinned by insufficient data for an accurate analysis and is based on a highly theoretical bare-earth terrain model. It fails to account for existing screening and does not utilise detailed Digital Terrain Model (DTM) or Digital

Surface Model (DSM) data. Its reliance on high-level desk-based analysis significantly limits the validity and robustness of the overall assessment.

- The hydrology report accompanying the Leamlara Preservation Group's submission is not substantiated by way of supporting or quantitative assessment, analysis or mathematical modelling.
- The assertion that solar panels speed up runoff and behave equivalently to paving is factually incorrect. Peer reviewed research including the American Society of Civil Engineers paper Hydrologic Response of Solar Farms confirms that where a maintained vegetated surface remains beneath and between panels solar farms do not increase greenfield runoff coefficients and may slightly reduce peak runoff due to rainfall interception, evapotranspiration and distributed drip dispersal.
- It is confirmed that the existing ground beneath the solar panel arrays is to remain a permeable grassy surface through ongoing maintenance of the site. Some rainfall will be intercepted by the surface of the arrays before reaching ground level. Gaps between each panel on an array will allow surface water to fall to ground in many locations thereby preventing water sheeting off the arrays.
- The potential for erosion as a result of the 'drip effect' is mitigated by features of the solar arrays themselves which are designed to avoid sheeting/pooling/erosion.
- Infiltration capacity is verified through existing GSI and Teagasc soil datasets, observed drainage behaviour over time, conservative infiltration coefficients used in hydraulic design and full hydraulic verification of system surcharge-free operation at the design storm.
- The photographs of flooding on public roads do not demonstrate that the site is the hydraulic cause of such flooding or that a development that manages rainfall runoff from hardstanding areas entirely on site would exacerbate such flooding.
- The included ZTV map is accurate.

- The suggestion that hedgerows are to be cut back is incorrect. Best practice for solar farm hedgerow management is that they are maintained higher than the maximum height of panels to ensure effective screening.
- The applicant cannot control the removal of vegetation along 3rd party lands.

Planning Authority Response

No further comment.

7.0 EIA Screening

Solar Energy

7.1. Solar energy development is not listed as a class of development for the purposes of EIA under Part 2, 5th Schedule of 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.

7.2. The proposed development (solar energy) will require a connection to the national grid. The substation and grid connection were subject of a separate application to the Commission under ref. ABP 321518-24 and was granted approval on the 17/07/25. I refer the Commission to section 8 of the Inspector's report on that file.

Rural Re-structuring

7.3. 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 5th 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.'*

7.4. The proposed development involves the removal of a limited extent of hedgerow, in total comprising c. 55 metres linear metres. Such removal is associated with access requirements 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. I refer to Appendices 3 and 4 which contain the pre-screening and EIA screening determination.

7.5. In relation to Schedule 5, Part 2, Class 10: Infrastructure projects (dd) "all private roads which would exceed 2000 metres in length". I note the High Court Judgement in the Cummins & Ors v ACP [2025] IEHC 521 case and the Commission's decisions in previous solar farm whereby access tracks in respect of solar developments are not considered to fall under Class 10. Therefore, I am satisfied Schedule 5, Part 2, Class 10: Infrastructure projects (dd) is not applicable is this instance.

Conclusion

7.6. The proposed development has been subject to preliminary examination for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment and an EIAR is not required.

8.0 Assessment

8.1. Overview

8.1.1. 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 can be addressed under the following headings:

- Principle of Development
- Cultural Heritage
- Landscape and Visual Impact
- Drainage and Flood Risk

- Duration of Permission
- Residential Amenities
- Access and traffic
- Biodiversity
- Other Issues

8.1.2. The Commission will note that EIA Screening, AA and WFD Screening are presented in separate sections of this report. There is an overlap with issues raised in this planning assessment. I recommend that all four assessments be read in tandem.

8.1.3. At the outset the Commission is advised that the substation and grid connection to connect the proposed solar farm to the existing Knockraha 220kV/110kV substation was subject of a direct application under section 182A of the Planning and Development Act, 2000, as amended, and was approved in July 2025 under ref. ABP 321518-24. The substation is to be located in the southernmost parcel of the solar farm site ('parcel 3') with the 10.2km grid connection route travelling south-westwards along the local road network.

8.2. Principle of Development

8.2.1. The importance of renewable energy is clearly acknowledged at a national, regional and local level with a suite of policy documents that support and promote the transition to a low carbon and climate resilient society with accelerated delivery of renewable sources required to meet the binding target of 80% of electricity to be generated from renewable sources by 2030. The role assigned to solar energy is noted with 8GW required to be provided by 2030 in the latest Climate Action Plan whilst the 1st revision of the National Planning Statement (NPF) assigns an additional 3,302MW of solar PV for the Southern Regional Area to be achieved by 2030. It is noted that the figures set out in Table 9.1 of the NPF are the minimum required so as to meet the 2030 emission reductions in the electricity sector. These allocations are to be integrated into the relevant Regional Spatial and Economic Strategies and then translated to county-level targets that will inform city and county development plans.

8.2.2. This national policy support is reflected in the RSES for the Southern Region including RPOs 87, 95, 96 and 100 which seek to increase the use of renewable energy sources across the key sectors of electricity supply, to leverage the region as a leader and innovator in sustainable renewable energy generation and to integrate renewable energy sources into the grid.

8.2.3. At local level County Development Plan Policy Objectives ET 13-2 and ET 13-14 refer wherein, 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.

8.2.4. The site covering an area of approx.179 hectares is located in a rural area outside zoned lands and, as such, are not subject to zoning objectives. Contrary to the view as expressed by observers the fact that the lands are in agricultural use within an area where agriculture is the dominant use, does not confer the 'agriculture' zoning objectives on same. As per the Cork County Development Plan the zoning objectives are applicable to settlements in the County as set out in Volumes 3, 4 and 5 and Volume 6 (maps) of the plan. The site is not within such a settlement. I therefore do not consider that the provisions of objective ZU18-19 are applicable to the subject site and proposed development.

8.2.5. I note that the site is not within any designated area in the said plan including High Value Landscape with no specific policy precluding solar farm developments at this location. The corollary is that there is no map identifying areas suitable/not suitable for such type development.

8.2.6. Observers express serious reservations as to the extent of solar farm developments permitted and proposed in the vicinity of the subject site and that further development should be considered premature pending a solar farm strategy and the issuing of guidelines. To date national guidelines which would provide guidance to competent authorities, developers and the public on appropriate considerations for solar farm developments remain outstanding. Whilst such guidance would be beneficial to allow for a consistency in approach their absence, of itself, does not render the application premature with planning authorities and the Commission discharging their functions in the context of the national, regional and local policy

provisions and the proper planning and sustainable development of the area. I do not consider that the lack of guidelines or a solar energy strategy for County Cork should be a reason for refusing permission in this instance or to preclude the consideration and adjudication of applications for such type development.

8.2.7. In terms of solar farm development in the vicinity I refer the Commission to section 4 above (Planning History) and the summary of planning permissions granted. The applicant in its appeal refers to the area's favourable irradiance resource relative to other areas in the country (meaning a higher amount of green MWhrs outputted onto the grid) and the feasibility of connection to the electricity transmission grid via the 200/110kV Knockraha substation. Such issues are material considerations in the viability of solar farm developments.

8.2.8. The observation by Leamlara Preservation Group contends that the solar farm projects in development nationally, if built, could potentially provide for 9.5GW exceeding the targets of the most recent Climate Action Plan and 1st Revision of the NPF referenced above. It is also contended that County Cork provides a significant share of the national pipeline. As noted by the applicant in its section 131 response there is a high attrition rate and securing planning consent does not, per se, guarantee that the proposal would be realised. I also note that the NPF 1st Revision makes reference to the factors influencing delivery and attrition rates. Notwithstanding, and as noted above the 2030 figures cited are minimum not maximum targets. The urgency in terms of climate change has not abated with Ireland's continuing failure to meet its emissions reduction targets in almost all areas including in the electricity sector. As outlined in the Construction Environmental Management Plan the development will result in a reduction of 37,255 tonnes of carbon dioxide emissions per annum which is equivalent to approx. 1,490,200 tonnes of CO_2 over the 40 year lifetime of the project.

8.2.9. It is noteworthy that the neither the estimated capacity (MW) or the number of solar panels of the proposed solar farm have been provided and the application documentation is silent on same. As with all advancing technologies solar PV continues to evolve offering greater efficiencies and it is not unreasonable to conclude that the most up to date specifications available at the time of construction will be used which could impact on the capacity of the development. Should the development be permitted it will be required to be carried in accordance with the

plans and particulars accompanying the application. Any material alterations/differences in the proposed development from those prescribed in the application documentation would trigger the requirement for a further permission.

8.2.10. Overall, I am satisfied that sufficient detailed plans and information accompany the application to assess the proposed development by the planning authority, the Commission, prescribed bodies and the public. I consider that it is reasonable the applicant confirm the megawatt generating capacity prior to commencement of development to ensure the appropriate development contribution is provided in accordance with the relevant development contribution scheme of the Planning Authority. I recommend that a condition be attached accordingly

8.2.11. I note the reference by an observer to the National Territory Mapping for Renewable Electricity (as required by Directive 2023/2413). The details on the maps provided in support of the public consultation phase by the Department of Climate, Energy and the Environment reflect where local authorities have designated areas suitable/unsuitable for wind and solar farm development. No amendments to local planning authority mapping designations have been made as part of this national territory mapping exercise. As the current Cork County Development Plan does not identify areas for solar farm development, the area of the appeal site is classified as Tier 4 – Unclassified/No designation in the said documentation. As of the date of this report the identification of Renewable Acceleration Areas for one or more types of renewable energy sources as required by Article 15c of the Directive have not been identified.

Conclusion

8.2.12. On the basis of the above I consider that the proposed development is acceptable in principle at this location with support at European, national, regional and local policy levels. However, as noted, the suitability is predicated on other planning and environmental considerations being satisfied with due regard had to the other policies of the County Development Plan which are discussed below.

8.3. Cultural Heritage

8.3.1. This matter constituted a substantive consideration in the planning authority's assessment of the application in which it determined that in the absence of a

comprehensive archaeological impact assessment the potential for adverse effects on the archaeological/cultural heritage of the area could not be ruled out and, therefore, the proposal contravenes materially development plan policy objectives HE16-9 and HE 16-13 (reason for refusal 1). The County Archaeologist in her evaluation of the application considered that the Archaeological Impact Assessment comprising of desk based research and field inspection did not adequately characterise the baseline archaeological environment and that a geophysical survey with the potential for subsequent archaeological testing was required prior to consent. She recommended against deferral of same to post consent stage. The applicant did not cede to the requests for such surveys made in the FI and CFI on the grounds of expediency. The imperative to advance renewable energy projects and precedent set in the assessment and approach taken to the archaeological assessment of other solar farm development are detailed in defence of its stance. In addition, reference is made to the shortage of geophysical survey resources, the timelines required and the impacts of such intrusive investigative work on agricultural activities.

8.3.2. The applicant is consistent in its view that the delivery of the renewable project can be achieved without compromising archaeological heritage by means of an appropriately worded planning condition which can alleviate any archaeological concerns whilst simultaneously facilitating participation in the next available Enduring Connection Policy (ECP) process. It is contended that this approach aligns with the National Monuments Service (NMS) Solar Farm Developments – Internal Guidance Document (2016).

8.3.3. The Department of Housing, Local Government and Heritage did not make a submission to the planning authority on the application. I note that in its submission to the Commission on the direct application for the substation and grid connection under ref. ABP 321518-24 it recommended a condition requiring pre-development geophysical survey and archaeological test excavation in advance of any site preparation works or groundworks.

8.3.4. I also note the observations received on the appeal including the report from Southgate Associates Heritage Conservation Specialists which accompanies the submission by Leamlara Preservation Group which endorses the planning authority's decision. It considers that the deficiencies cannot be addressed by way of condition.

8.3.5. The NMS 1999 guidance document titled 'Framework and Principles for the Protection of the Archaeological Heritage' contains advice on appropriate methods of archaeological testing in different circumstances. This is supplemented by the Internal Guidance Document in relation to Solar Farms (November 2016) which notes that while solar developments can have large sites they present relatively low levels of ground impact and that, by their very nature, they also have design flexibility to avoid impacts. The guidance also notes that FI requests should not take the form of blanket geo-physical surveys across entire sites on the basis that the development is large scale. Any FI requests should be based on specific and verifiable indicators of archaeological potential (e.g., close proximity to known monuments, presence of potential archaeological features identified from aerial photographs or from field walking). Developers should be given the option of submitting revised plans to exclude areas close to known monuments or exclude archaeological features, and that it may be acceptable to deal with areas of unclear archaeological potential by way of a planning condition which requires geo-physical survey and/or testing followed by avoidance or appropriate mitigation.

8.3.6. The Archaeological, Architectural and Cultural Heritage Impact Assessment accompanying the application (as amended by way of FI), prepared by Rubicon Heritage, is based on a desktop research and site survey. The study area originally entailing a radius of 1km of the site was increased to 5km following FI.

8.3.7. 4 no. RMPs lie within the application boundary. 1 no. is a redundant record (CH005) and has been excluded. The remaining 3 no. RMPs are CH001 (Ogham Stone site), CH006 (ringfort) and CH007 (ringfort). The former two are to be buffered from the development area by proposed fencing on their associated Zones of Notification. In terms of CH007 no solar panels or other development will take place within its respective zone of Notification. In addition, only concrete shoes will be used in a secondary 10 m outer buffer to each monument, which will facilitate the preservation of subsurface archaeology in situ.

8.3.8. A further 2 no. RMPs are adjacent to the site boundary which crosses their statutory Zone of Notification - (CH010 and CH011 (ringforts)). No solar panels or other development is to take place within their statutory zone of notification.

8.3.9. Examination of the cartographic record identified seven unrecorded cultural heritage receptors within the study area (CH0035, CH039-CH045). The former relates to a standing stone which will not be impacted directly, but an indirect visual effect on its landscape setting is predicted. In terms of CH039–CH044 relating to 19th century vernacular settlement identified on the OS maps, these have been excluded from the proposed development by proposed fencing. In the case of CH045, also relating to the above referenced 19th century vernacular settlement, the proposed solar farm has been designed so that no solar panels or other development is with 20 m of the site.

8.3.10. 11 no. additional Areas of Archaeological Potential (AAPs) are identified within the application boundary of the proposed development (CH059 – CH069) with direct effects predicted on CH051, CH060, CH067 and CH069. It is acknowledged that there is potential for unknown subsurface archaeology within these areas which may be directly impacted.

8.3.11. There are no National Monuments or sites with Preservation Orders within the study area. The nearest protected structure is the Church of the Sacred Heart in Leamlara c.1.2km to the south of the site. The nearest NIAH site is Aghnahan Bridge also c.1.2km to the south. The probability of potential for theoretic visibility from these sites is predicted to be low with no landscape or visual impact due to the high degree of existing vegetation.

8.3.12. On the basis of the above and as evidenced in the layouts provided and documented in the archaeological impact assessment, the overall design of the proposed development has been fully informed by the archaeological context, with any areas of recorded sensitivity being omitted from works areas and with use of concrete shoes within secondary 10 metre outer buffers.

8.3.13. The application and first party appeal commits the applicant to carrying out geophysical surveys to further inform and confirm both the archaeological mitigation measures and the development design. Having regard to the relatively low level of ground impact associated with solar farm installation and inherent flexibility in their design and layout, the arrays could be amended to exclude any sensitive feature uncovered during pre-construction tests. I therefore consider the post consent approach to surveys as advocated to be reasonable.

8.3.14. Observers make reference to the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 and the provisions which will give legal protection to archaeological sites. As of the date of this report I note that not all sections of the Act have commenced. Any grant of permission in this instance would not override the obligations to comply with the provisions of the said Act as applicable

8.3.15. I note that the Commission has permitted other solar farm developments subject to condition(s) requiring geophysical testing to be undertaken prior to commencement of development. Examples of this approach include ABP-302475-18, ABP-305953-19 and 311760-21, 312712-22 and ABP 317994–23.

8.3.16. The planning authority in its refusal considers the proposal to contravene materially development plan objectives HE16-9 and HE 16-13 pertaining to cultural heritage. I note that the said objectives have no explicit requirement for the carrying out of a geophysical survey or the inference that the required archaeological assessment must include same. I submit that the proposal has been subject to an archaeological assessment as required by objective HE16-9 undertaken by an appropriately qualified person. The above referenced 2016 NMS guidance document on solar farms states that the need for geophysical survey is not a prerequisite. Whilst the objective recommends that the assessment be carried out following consultation with the County Archaeologist I submit that this does not translate into a mandatory requirement where it shall be required. On this basis I do not agree with the planning authority's conclusion that the objective is materially contravened.

8.3.17. As noted above following post consent investigations there is the flexibility to amend and/or omit arrays so as to exclude any sensitive feature uncovered during pre-construction tests. On this basis I do not consider that objective HE 16-13 which seeks to protect and preserve previously unrecorded archaeological sites with the Council requiring preservation in situ to protect archaeological monuments discovered would be materially contravened.

Conclusion

8.3.18. I do not concur with the planning authority's reason for refusal and, subject to appropriate requirements by way of condition, the archaeological and cultural heritage of the site and its environs would not be adversely affected. In this regard I recommend that the condition specifies testing, reporting and further agreement with

NMS and/or Cork County Council prior to commencement of development. Should the Commission not concur with this approach then I recommend that it seeks such testing by way of further information.

8.4. **Landscape and Visual Impact**

8.4.1. The planning authority in its 2nd reason for refusal considers the mitigation measures to reduce the visual impact of the proposal to be insufficient, that the proposal would be a visually incongruous and overbearing feature in the rural landscape, would adversely impact on the visual amenities of the area and would materially contravene policy objective GI14-9 of the County Development Plan. Observers to the appeal endorse this conclusion and consider that the scale and extent of the proposal to be excessive, impacting adversely on the rural character of the area.

8.5. In summary the panels will sit on angled racks of galvanized steel arranged in portrait or landscape configuration depending on the final system deployed. The panels will be positioned on the rack at a minimum height of 0.8 metres above the ground and will rise to a maximum height of up to 3.25 metres. The panels will be orientated south so as to capture maximum solar energy and will be stationary. They will be positioned at a tilt angle of between 10-25 degrees from the horizontal having regard to natural site topographical and orientation conditions to ensure the best solar absorption. As amended by way of FI 23 no. invertor/transformer stations and 3 no. equipment containers are to be provided each with a maximum floor area of approx. 29.8 sq.m. There will also be 3 no. Ring Main Units which are similar to kiosks with an area of approx. 2.4 sq.m. 7 no. weather monitoring stations are also proposed each with a maximum height of 5 metres.

8.5.1. The application is accompanied by a Landscape and Visual Impact Assessment prepared by MacroWorks which was amended following FI whereby panels were removed from parcels 1 and 3. Whilst a number of observers query the veracity of the LVIA I note that regard is had to best practice guidance in its preparation. In this regard I refer the Commission to section 1.1.1 of the assessment.

8.5.2. As per the Cork County Development Plan, which is informed by the draft county landscape strategy, the proposed development is located within Landscape Character Type 10b –Fissured Fertile Middleground), which is classified with a

'Medium' landscape value, 'High' landscape sensitivity, and 'County' level landscape importance. This landscape type, as a middleground, has characteristics of both the flatter fertile farmland type (Fertile Plain with Moorland Ridge) and the higher marginal hilly or rugged type (Rolling Marginal and Forested Middleground). It is not within a High Value Landscape as designated in the plan.

8.5.3. In terms of the extent of the study area section 1.1.4 of the LVIA notes that based on similar studies, the proposed development is likely to be difficult to discern beyond c. 5km and is not likely to give rise to significant landscape or visual impacts beyond c. 2km. In the interests of a comprehensive appraisal a 5km radius study area has been used. I accept that this approach has been deemed acceptable in the assessment of other solar farm proposals by planning authorities and the Commission.

8.5.4. In support of the application a computer-generated Zone of Theoretical Visibility (ZTV) map has been prepared to illustrate where the proposed development is potentially visible from (Figure 1.7). The ZTV map is based solely on terrain data (bare ground visibility), and ignores features such as trees, hedges or buildings, which may screen views. The 2nd form of ZTV mapping is more nuanced encompassing the Digital Surface Model (DSM) which take account of terrestrial land cover elements such as hedgerows and buildings (Figure 1.8). The comparison of the two show that the potential for areas of visibility are limited to areas to the east and south. Otherwise sporadic areas of visibility of between 20% and 40% are available.

8.5.5. Following on from same viewshed reference points as a basis for assessment were identified. The 14 no. viewpoints submitted with the application (a number of which were amended following the FI request) were supplemented by a further 4 no. in the FI response. The viewpoints range from points immediately adjoining to over 4km within the 5km study area and are intended to provide a representative expression of the proposal highlighting the key impacts and accord with best practice. They provide for pre and post mitigation views. The applicant has confirmed that the photomontages have been modelled to represent a worst case scenario i.e. the maximum panel height of 3.25 metres. I consider that the methods used for viewpoint analysis, landscape assessment and visual assessment are satisfactory and in accordance with industry standards.

8.5.6. I have visited the site (winter period with seasonal absence of foliage) and its environs including the viewpoints from where photomontages are provided by the applicant and from the viewpoints provided in the Leamlara Preservation Group's report. I consider that the photomontages provided accord with the recommendations of the Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLVIA3) in that they are representative of different types of visual receptors and are sufficient to allow for a proper assessment and are accessible by the public. Whilst observers consider that photomontages should be provided from all residential receptors I do not consider such a requirement to be proportionate or reasonable. As noted by Macro Works in its assessment the GLVIA3 defines representative viewpoints as '*selected to represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ' (paragraph 6.19)*. I also submit that photomontages are only a tool, albeit a useful tool, in assisting in the assessment of the landscape and visual impact of the proposal.

8.5.7. The study area is characterised by undulating lands predominately in agricultural use in small to medium fields, the boundaries of which are delineated largely by hedgerows. One off housing is prevalent along the local and regional road network.

The site is divided into 3 no. parcels:

8.5.8. **Parcel 1**: The northern most parcel comprising of 17 no. fields slopes from north/west to south with dwellings along the local and regional road network(L6262-0, L96262-1 and R626), to the north, north-east and east. Many of the dwellings (mix of single and two storey) avail of locally elevated locations. There are also a number of dwellings accessed from L7692 to the south which back onto the site. Following the FI request panels have been omitted from the site to the south of L6262-0 and west of R626 resulting in a setback distance of over 200 metres from the R626. This amendment also results in the removal of panels to the south of the dormer dwelling accessed from L6262-0.

8.5.9. Coupled with the proposed hedgerow augmentation along the R626 I submit that views along the regional road will be intermittent with the panels setback from the road. The amendments are evident when viewpoints V4 and V5 as originally submitted are viewed alongside the amended V4 and V5 submitted with the FI

response. The Commission is also directed to RFI3 and RFI4 provided with the FI response. I accept that views from the dwellings accessed from and to the east of the regional road which are located on locally elevated lands will not benefit from the said screening with views of the site available especially from 1st floor level. This is also the case for the dwellings to the north and north-east which also avail of locally elevated locations. VP 3 and VP RF 1 are representative of views available from the cul-de-sac roads L6262-0 and L6262-1. VP6 is illustrative of potential views to the rear of dwellings along L7692.

8.5.10. **Parcel 2**: To the north of the Owennacurra River this parcel comprises of in the region of 5 fields which surround an existing farmyard. The lands are relatively level. Whilst the hedgerow retention and augmentation will assist in screening the arrays from view at ground/road level, views will be possible at 1st floor level from the cluster of dwellings on L7692 to the north and west. I refer the Commission to VP7 and VP9.

8.5.11. **Parcel 3**: The southern most parcel to the south of Owennacurra River straddles the L7691 with falls generally from west to east. Following the FI request arrays are omitted from the northern most section in proximity to the grotto at Bealatrinagh Bridge. I accept that the amendments reduce the visual impact from the road and the dwellings accessed from same. I refer the Commission in particular to VP8 and RFI5 of the FI response.

8.5.12. **Scenic Routes and Amenity Areas**: There are two scenic routes within the 5km radius. Scenic route S43 (road between Leamlara and Midleton) is outside of the DTM ZTV and was scoped out for further assessment. Scenic route S44 (road between Ardglass and Monaleen Bridge) is to the east of the site with VP1 and VP RFI representative of the route alignment. Due to the intervening topography and roadside vegetation the proposed development is not visible from same.

8.5.13. The proposed development would not be visible from Leamlara Woods recreation area to the south, Curragh Wood to the south-east or from Moanbaun Woods recreation trails located to the north-west.

Assessment

8.5.14. I submit that although the area has an innate rural quality it is a working rural landscape and is highly managed. The established field and roadside hedgerow

boundaries largely reduce any sense of openness save for locations to the north and along the R626 to the east where more open and/or elevated views are available. I would also concur with the applicant that there is a material difference in how the development is perceived on the ground compared to its representation in plan view. The solar farm is spread across dispersed land parcels which assist in some measure to reduce the perceived scale and extent of the development in the immediate vicinity. In addition, the existing hedgerows to be retained and augmented where necessary, will assist to break up the mass of the proposal.

8.5.15. There is no doubt that the proposed development would change the local landscape from a visual perspective. I would concur with the applicant that the tone and texture of the panel array is clearly 'built form' and will represent an increase in the intensity of built development in the landscape context. I consider that the landscape is capable of absorbing the change. It will read as a modern intervention within such a managed landscape. In the immediate vicinity (500 metres) the magnitude of landscape effect is medium. Thereafter, the magnitude of the operational stage landscape impact is deemed to reduce to Low and Negligible, as the proposed development becomes a progressively smaller component of the overall landscape fabric.

8.5.16. The extent of the visual impact varies across the site with greater impact arising from the more elevated lands to the north, northeast and east. Whilst the proposed hedgerow retention and augmentation will provide for screening the views from dwellings which avail of locally elevated locations will be altered. Having regard to the mitigation measures proposed I am satisfied that the proposed development would not adversely impact on the visual amenities of the area to an extent as to warrant a refusal of permission.

8.5.17. I would not subscribe to the planning authority's view that the mitigation measures are inadequate in addressing the visual impact. The said measures entail retention, protection and enhancement of all existing hedgerows within and surrounding the site. In addition new sections of hedgerows are proposed along specific sections of the site boundary to help screen and soften views of the development from nearby receptors. In summary 55 metres of hedgerow, only, is proposed to be removed to facilitate site entrance, access tracks and underground cabling. 2,621 linear metres of new hedgerow with augmentation of 16,631 metres of existing hedgerow where

necessary. In addition, setbacks of a minimum of 78 metres to residential properties are to be maintained with hedgerow planting proposed on the offset boundaries with 2,540 sq.m. of native thicket/woodland is to be planted at specific locations to assist in screening the development from nearby residential properties. The applicant in defence of its approach considers that that the inclusion of hedgerow along the proposed offsets provides a balance of retaining a sense of openness whilst also screening the proposed panel array. I would concur with the applicant that the planting of areas of native woodland where there was once pastoral farmland, can often be seen as counterproductive in terms of providing a balance between screening developments and retaining some sense of visual amenity as it can lead to a strong sense of visual enclosure, which was previously not a characteristic feature of these aspects of views.

8.5.18. The planting is to be undertaken in the 1st month of the 24 month construction period. Whilst it will benefit from up to 2no. growing seasons prior to the installation of the panels I accept that the level of visibility in the short term will be greater than when the planting has established and matured.

8.5.19. In view of the above I do not concur with the planning authority that the proposal would contravene materially objective GI 14-9 of the County Development Plan. Having regard to the provisions of the objective I submit that landscape issues have been given material consideration with due cognizance of siting and design and detailed mitigation measures proposed so as to protect the environment.

8.5.20. The LVIA gives due consideration to cumulative impact. There are 3 no. permitted solar farm developments within the 5km study area, the nearest being 1.7km to the west of the site at its nearest point (Ballyvatta solar). The other two are over 4km to the south (Ballynaclashy solar and Lysaghtstown solar). In terms of landscape effects solar farm development will become a more prominent single land use within the wider study area but I accept the applicant's appeal submission that the potential for intervisibility is limited due to the separation distances, the topography of the area and the low nature of the development.

Conclusion

8.5.21. I consider that the proposed development is acceptable from a landscape and visual impact perspective, and that its impact would not be so significant as to outweigh the benefits of providing a significant renewable energy source.

8.6. Drainage and Flood Risk

8.6.1. This is a material consideration in the planning authority's assessment of the proposed development and also in observations to the appeal. The planning authority's 3rd reason for refusal cites that as it has not been demonstrated that there will be no net increase in discharge rates or runoff volume from the site it has not been demonstrated that the proposal would not have an adverse impact on the wider hydrological regime of the area and/or contribute to flood risk elsewhere. Observers state that the site already suffers from flooding and overtops the local road network with photographs of flooding of local roads provided in support. Concern has also been raised that the development will exacerbate the flood risk downstream. The Commission is advised that the submission by Hydro G accompanying the observation by Leamlara Preservation Group specifically addresses hydrology.

8.6.2. The Owennacurra River generally flows in a west to east direction to Midleton and separates parcels 1 and 2 from parcel 3. The Ballyerra Stream flows is a north to south direction traversing the north-eastern corner of parcel 1. It flows into the Owennacurra River to the east of the site.

8.6.3. Midleton has suffered a number of devastating flood events in recent years. The Office of Public Works has carried out a Catchment Flood Risk Assessment and Management (CFRAM) Study for the Lee Catchment, which includes the Owennacurra and Dungourney River catchments, as well as tidal flood risk. It is recognised that groundwater and pluvial flooding are also very significant sources of flood risk in Midleton. Cork County Council, acting as Agents for the OPW, has commissioned ARUP to develop a Flood Relief Scheme for Midleton and is currently at planning stage. The site is approx. 7.5km northwest of the most upstream works of the Midelton Flood Relief Scheme.

8.6.4. The application is accompanied by a Site Specific Flood Risk Assessment prepared by IE Consulting on behalf of the applicant. The majority of the site is within Flood Zone C with small areas of Parcels 1 and 3 located within Flood Zones A and B,

being susceptible to an extreme fluvial flood event in the Owennacurra River and Ballyerra Stream. A small area in parcel 3 is within an area of pluvial flood risk. Notwithstanding the provisions of the 2009 Guidelines on the Planning System and Flood Risk Management which notes that solar farms are classified as a water compatible use, the solar arrays originally proposed in the areas susceptible to fluvial flood risk on the basis of compatibility and that they would not impede surface water were omitted following FI with an amended Site Specific Flood Risk Assessment submitted. No development is proposed in the area of mapped pluvial flooding. I note that the Coastal and Floods Projects Department considers the amended Flood Risk Assessment to be satisfactory.

8.6.5. In addition, a Surface Water Management Plan has been prepared and submitted by way of FI (author IE Consulting). It has due regard to Table 2 of the Practice Note No.2 Surface Water Management prepared as part of the County Development Plan. Any surface water runoff generated from invertor stations, spare parts containers and access roads is to be managed using infiltration based source control SuDS/NBS measures. Runoff from these areas will be collected and controlled at source using settlement ponds and infiltration trenches. All measures have been designed as infiltration based systems to cater for the 1 in 100 year rainfall event including 20% for climate change. There will be no off site drainage to field drains, streams or rivers within the site boundary. I refer the Commission to the amended plans accompanying the FI response with the proposed measures delineated thereon (Sheets 1 to 19). The proposed surface water management measures have been hydraulically modelled using Info Drainage software.

8.6.6. Further explanation and justification of the proposed measures are provided by way of CFI in which it is stated that existing baseline greenfield runoff rates were not undertaken as there is no off site discharge and, that if there is no off site discharge, there is nothing to compare to baseline conditions. It is reiterated that all runoff is to be managed within the site which utilising infiltration based systems, only, with no off site discharge to any watercourse or field drain. Therefore, the proposal will not adversely impact on existing natural flow paths of the wider hydrological regime of the area.

8.6.7. The contention by a number of observers that solar panels can accelerate runoff with behaviour comparable to paving is refuted by the agent for the applicant with

reference to peer-reviewed 'Hydrologic Response of Solar Farms' (Cook & McCuen 2013). In same it is noted that where a maintained vegetated surface remains beneath and between panels, solar farms do not increase greenfield runoff coefficients and may slightly reduce peak runoff due to rainfall interception, evapotranspiration and distributed drip disposal. The arrays are designed to avoid sheeting/pooling/erosion and are constructed with spaces of between 2.5 and 4 metres between each row of panels. To address risk of erosion potential underneath the panels it is proposed to plant and maintain a grassy field cover beneath and in between the panels. Whilst Hydro G in its submission is critical of the above research no alternative peer reviewed papers are presented to refute the findings.

8.6.8. I note the Coastal and Flood Projects Department report 28/08/25 following the CFI (with technical input from ARUP Engineering Consultants for the Midleton Flood Relief Scheme) accepts that while the proposals as presented are likely to result in a net reduction in runoff rates the absence of pre and post development runoff rates fails to provide sufficient detail to allow for an informed decision. It is reasonable to conclude that it is on the basis of these comments that the planning authority decided to refuse permission.

8.6.9. As per the appeal submission IE Consulting states that pre and post development runoff rates were not provided with the application based on the experience in dealing with other applications where such detail was not sought. The technical consensus is that solar farms do not contribute to any increase in greenfield runoff rate and that this position is supported by academic and industry practitioner experience. Notwithstanding, to address the reason for refusal the quantitative calculations for pre and post-development runoff rates for each drainage sub-catchment within the site using the Rational Method and Met Eireann Depth-Duration-Frequency (DDF) rainfall data are provided in support of the appeal. The calculations submitted confirm that the proposal will not result in an increase in rainfall runoff but that there will be net reduction in runoff relative to the undeveloped baseline scenario. Whilst Hydro G questions the adequacy of the approach I would accept that alternative catchment scale hydrodynamic modelling is not required on the basis that as there is to be no discharge off site due to the proposed infiltration based system to be used no discharge hydrological pathway exists.

8.6.10. I consider that the applicant has provided sufficient information in support of the proposal that it would not increase the rate of discharge from the current pre-development runoff rates. I therefore consider the issue identified in the reason for refusal has been adequately addressed.

8.6.11. IE Consulting in response to the CFI notes that the applicant is amenable to a condition for regular reporting on these matters. I also note proposals to monitor the existing drainage network. Any existing drainage or ditch network is to be cleaned during construction and maintained on an annual basis by the site owner as per contractual obligation.

8.6.12. In the absence of national guidance I note UK's Planning guidance for the development of large scale ground mounted solar PV systems BRE 2013. In same it is noted that as solar PV panels will drain to the existing ground, the impact will not, in general, be significant and therefore drainage should not be an onerous requirement. I consider that the proposed development accords with the guidance in terms of use of permeable tracks and use of SuDS to control runoff. It also accords with the advice in terms of configuration with a setback from watercourses and drains and avoidance of culverting. The array design ensures a 10m buffer to all drains and 10-20m for all watercourses except for a small number of localised areas where a fence line or CCTV pole may marginally extend within that buffer. The guidance also recommends minimum soil disturbance to that related to essential excavations with appropriate spacing of arrays to allow runoff to infiltrate naturally to ground.

8.6.13. A number of observers have raised concerns regarding impact on groundwater and wells. The groundwater vulnerability under the site is classified as being "High". The proposed solar farm is a low impact form of development with shallow excavations which are proposed in predominantly improved pastoral lands. There are no exposed bedrock or karst features in areas where works are proposed. I do not consider that there is any significant risk arising to groundwaters from the proposed development.

8.6.14. In terms of the construction phase any soil compaction that may occur during frame and panel installation is to be chisel ploughed post construction to ensure there is no formation of rivulets. A number of observers note inconsistencies in the application

documentation as to the nature of the material to be used in the access tracks. I consider that this can be clarified by way of condition with the use of permeable stone access tracks, only, to be provided. The use of permeable stone access tracks will ensure that the underlying soil conditions are not materially affected by construction traffic.

8.6.15. Any material or substance which could cause pollution, including fuels or silty water will be prevented from entering groundwater, surface water drains or watercourses by the appropriate use of and temporary installation of silt fences, cut-off drains, silt traps and drainage to vegetated areas where appropriate. Stilling ponds will be used to minimise the risk of suspended solids, where necessary.

8.6.16. The temporary construction compound will incorporate the above described measures as relevant, with suitable provision made for a geotextile base and support silt fencing on any downslope edges to watercourses/drains. Construction works will be carried out according to best practice with standard environmental controls in place to prevent any damaging run-off from the site (see CIRIA 2010 *Environmental Good Practice on Site. CIRIA, UK;* and CIRIA 2001 *Control of water pollution from construction sites: guidance for consultants and contractors. CIRIA C532. London 2001.*)

8.6.17. Solar panel cleaning will take place annually or as required. Cleaning will most likely be undertaken using a lightweight tracked machine with a special cleaning attachment. Due to the Irish climate, which is relatively mild with high rainfall, solar panel cleaning is required less than other climates such as hot and dusty conditions. the panels will be cleaned with water only, and no chemical products will be used.

Conclusion

8.6.18. I consider that the application is accompanied by sufficient detail including a Site Specific Flood Risk Assessment and site specific Surface Water Management Plan to support the conclusions that the proposed development would not give rise to flood risk on site, in the immediate environs or exacerbate downstream flood risk. This is reinforced by the pre and post development runoff rates provided in support of the appeal. I therefore consider that the proposal accords with development plan objectives WM 11-15 (Flood Risk Assessments), WM 11-16 (Flood Risk – Overall Approach) and WM 11-17 (Development in Flood Risk Areas). I also consider that

the proposed drainage measures accord with the provisions of objective WM11-10 (Surface Water, SuDS and Water Sensitive Urban Design) and that with the proposed 10-20 m setbacks to all watercourses (except for a small number of localised areas where a fence line or CCTV pole may marginally extend within that buffer) the proposal accords with objective WM11-11 (River Channel Protection). In the context of the limited interventions required to construct the development and measures to protect both ground and surface water during the construction stage no impact on groundwater arises. Thus it accords with the provisions of objective WM11-3 (Groundwater Protection).

8.7. Residential Amenities

8.7.1. Observers to the appeal raise a myriad of concerns including visual impact, noise, glint and glare, impacts on human health and property devaluation.

8.7.2. At the outset I note that there is no guidance in respect of setback distances from residential properties. In the instant case a minimum setback of 77.5 is to be maintained from residential dwellings (see dwelling accessed from L7691 in parcel 3) with new sections of hedgerows offset from several dwellings to provide screening of the site.

Visual Amenities

8.7.3. I have addressed the issue of visual impact in section 7.3 above. In summary the extent of the visual impact varies across the site with the greatest impact arising from the more elevated lands to the north, northeast and east. Whilst the proposed hedgerow retention and augmentation will provide for screening the views from dwellings which avail of the locally elevated locations will be altered. Having regard to the mitigation measures proposed I am satisfied that the proposed development would not adversely impact on the visual amenities of the area to an extent as to warrant a refusal of permission.

Glint and Glare

8.7.4. The Commission is advised that I address the matter of glint and glare on road receptors in section 7.7 below.

8.7.5. Solar PV panels, in order to be efficient, need to absorb rather than reflect solar irradiation with 90% of commercial PV modules supplied with an anti-reflective coating. As noted above they are fixed on a rack at a minimum height of 0.8 m above the ground and rise to a maximum height of up to 3.25 m. They are to be orientated south and will be positioned at a tilt angle between 10-25 degrees from the horizontal having regard to natural site topographical and orientation conditions to ensure the best solar absorption.

8.7.6. At the outset I note that there are no specific guidance or standards for the assessment of glint and glare effects on residential or transport routes (road and rail). The approach taken is comparable to that adopted in solar farm developments to date.

8.7.7. In cases where the calculated total minutes per day for a dwelling receptor is less than 15 minutes and for a small number of days, less than 36 days, the magnitude of impact is deemed to be Very Low and has been assigned accordingly.

8.7.8. The GGA methodology is detailed in section 3 of the assessment. In summary a default 1km study area was identified in which areas theoretically exposed to glint and glare effects based on a bare-earth worst case scenario were identified as 'area of consideration for further analysis' by means of a 3D model superimposed onto a Digital Terrain Model (DTM). On identification of the relevant receptors a further analysis is executed to identify the times of the day and months of the year that glint and glare could potentially affect receptors in the absence of screening. Receptors (including houses and road points) situated to the west of the solar array can only be affected by morning reflectance when the sun is rising in the east. Receptors situated to the east of the site can only be affected by evening reflectance when the sun is setting in the west. I t is not geometrically possible for glare to occur in the terrain to the north of these south-facing PV panels; hence the study area does not extend to the north of the proposed PV panels. The analysis is repeated using a Digital Surface Model (DSM) with screening factored in (informed by site visit check) followed by a further analysis taking into account proposed mitigation. Different receptor heights were factored for residential and road receptors. Four different potential PV panel tilt angles were also analysed (10, 15, 20 and 25 degrees).

8.7.9. The model presents the worst case scenario in that it assumes that the sun is always shining and at full intensity with no account for climate and inherent weather patterns. The GGA author states with a high level of confidence that the weather, more precisely cloud cover, will account for a substantial reduction in all figures estimated i.e. frequency and duration of glare periods.

8.7.10. The GGA concludes:

- Solar reflections are possible at 65 of the 98 dwellings in a 'bare earth' scenario;
- When actual visibility is factored in (screening etc) the number of receptors with potential to be affected by solar reflections is reduced to 16 no dwellings
- Once (planting) mitigation measures are considered, the number of residential receptors with potential to be affected by solar reflection is reduced to 12 no., with the residual magnitude of effect classified ranging from Negligible to Medium. The latter classification pertains to a number of dwellings on locally elevated lands to the east of parcel 1 where the screening effect of proposed planting would be limited. They are

  H75 - 38 min a day over 111 days at ground floor and 40 mins a day over 158 days at 1st floor level.[1]

  H76 - 28 mins a day over 115 days at ground floor and 40 mins a day over 182 days at 1st floor level

  H78 – 46 mins per day over 140 days at ground floor and 52 mins a day over 162 days at 1st floor level

8.7.11. In response to the observation by Leamlara Preservation Group and the report on glint and glare prepared on its behalf by Page Power the applicant acknowledges that a dwelling was omitted in error from the GGA and was rectified and assessed. The two storey dwelling is located on locally elevated lands c. 300 metres east of the panels in parcel 1. The effects are consistent with the potential reflectance effect at the neighbouring dwelling to the south (H78) and that there will be residual magnitude of effect of 'Medium' post mitigation.

[1] I note an observation raises the fact that House 75 is not a two storey dwelling.

8.7.12. The applicant also notes that while the 7 no. receptors identified in the Page Power report have the potential to experience reflectance effects the said Page Power report does not progress to the next step in terms of use of detailed DSM data which incorporates refined terrain modelling as well as existing built development and vegetation and additional proposed mitigation measures. Following same the 4 no. dwellings referenced above have the potential to be affected by reflectance with the magnitude of effects ranging from Medium to Medium-Low.

8.7.13. The applicant did not avail of the opportunity to update the study following the proposed amendments submitted by way of FI including omission of arrays in parcel 1 in proximity to the R626 and additional areas of screen planting. I would concur with the assertion that the said amendments would not increase but most likely reduce the potential for reflectance effects at surrounding receptors.

8.7.14. As noted above the results represent the worst case scenario in terms of potential reflectance it that it is assumed that the sun is always shining and at full intensity. In addition, atmospheric conditions such as haze, mist, fog and precipitation will all have the effect of both reducing the visibility of the site overall and reducing the intensity of any glare emanating from the proposed solar farm. The authors conclude that the reflectance frequency/duration figures calculated are likely to be at least double the reality according to Met Eireann data (when considering the months where glare is likely to occur, namely between March-September the daily duration of sunshine is calculated to be 5.3 hours or approx. 45% of daylight hours). A further consideration is the incidence angle of the sun's rays when striking the reflecting surface. The most intense reflective rays occur when the receptor is at 90 degrees to the incidence rays. At decreasing angles the reflectance becomes increasingly diffused across a wider portion of the reflecting surface, thereby diminishing the intensity of the reflected rays. It is also reiterated that panels are not considered to be highly reflective surfaces as they are designed to absorb not reflective sunlight. I refer the Commission to Table 3.3 of the assessment which provides details of material reflectivity at various incidence angles.

8.7.15. I consider that the applicant has provided sufficient detail to allow for a proper assessment to be made on the issue of glint and glare and that the residual impacts represent the worst case scenario. Overall, I am satisfied that the potential for glint and glare in terms of frequency and duration would not be to a degree which would

materially impact on the enjoyment of any properties considered in this assessment as to warrant a refusal of permission.

Noise

8.7.16. The application is accompanied by a Noise Impact Assessment which is supplemented by way of further information. The assessment considers both the construction and operational phases of the operation and includes the substation and grid connection subject of an existing permission.

8.7.17. A background noise survey was conducted in May 2024. The Noise Sensitive Locations (NSLs) were grouped together in 12 no NSL's for the purpose of the assessment and the worst case NSL in each group has been assessed as a representative of the group. From the measurements it was determined that the NSL's meet the definition of an 'area of low background noise' as defined by the EPA.

8.7.18. The construction noise modelling results demonstrate that noise levels for all stages will remain below the 65dBA threshold. Therefore, no construction noise mitigation is required as all noise from construction works both for the development on its own and cumulatively with other development in the vicinity including the substation and grid connection falls within the criteria set out in BS 5228-1: 1997 "Noise Control on Construction and Open Sites -Part 1". Notwithstanding, I note noise reductive measures include the use of site hoarding, appropriate selection of plant and equipment and ensuring all construction plant and vehicles are regularly maintained.

8.7.19. Noise including noise associated with increased vehicular movements during the construction period is inevitable but will be temporary and short term and will be controlled as part of the embedded design, standard and best practice construction measures. In this regard I note the proposed location of the construction compounds with a minimum distance of 50 metres to the maintained to the nearest dwelling (construction compound in northern section of parcel 2). In this instance a intervening hedgerow provides screening.

8.7.20. It is expected that construction hours of operation will be between 08:00 and 18:00 Monday to Friday, and 08:00 and 13:00 on Saturday. No construction activities will occur outside these hours unless agreed in writing with Cork County Council. All

plant will be required to conform to the construction noise code of practice BS 5225 and to be properly maintained by contractors.

8.7.21. I am satisfied that this matter can be safely controlled and regulated by condition in accordance with industry standards.

8.7.22. As noted the panels in themselves will not generate noise. The main noise sources would be from the invertors/transformers which are located at a remove from the nearest dwellings (minimum setbacks of over 200 metres to nearest dwellings). I also note that noise would only be generated during daylight hours and consequently there will be no noise emissions at night. As clarified in the revised Noise Impact Assessment submitted with the FI response the nearest group of dwellings to a noise emitting source on the development are those grouped as NSL 5, the nearest being 214 metres from the permitted substation.

8.7.23. Predicted operational noise levels for daytime, evening and night time are set out in Tables 12, 13 and 14 of the assessment. All are in compliance with the EPA "Guidance Note for Noise: Licence Applications, Surveys and Assessment in Relation to Scheduled Activities (NG4)"- 2016 criteria and BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. These criteria are considered appropriate in the absence of specific guidance and have been used in the assessment of other solar farm applications. It is confirmed that there will be no audible tonal or implusive characteristics to the noise levels.

8.7.24. Having regard to the low level of noise that will be generated, the separation distances to dwellings and the daytime operation of the solar farm when other noise sources such as traffic and farm machinery will contribute to the noise environment, I consider that impacts would be negligible.

Property Devaluation

8.7.25. The application makes reference to both a research paper commissioned by SEAI in 2016 in which it is stated that no evidence of negative impact on property prices and to new housing prices in the area west of Midleton. In rebuttal a number of observations make reference to, with some accompanied by, a letter from an estate agent stating that properties would be devalued by the proposed solar farm. The applicant further counters this view with reference to house sales in the Midleton area in sight of an existing solar farm.

8.7.26. In the view of such conflicting viewpoints, the absence of definitive evidence and having regard to the national, regional and local policy context in support for renewable energy I do not consider a refusal of permission on the basis of devaluation of property to be reasonable or appropriate.

Construction Phase

8.7.27. It is inevitable that potential negative impacts to the local population may occur during the construction period particularly in terms of noise and traffic. However, these impacts will be temporary. An outline construction and environmental management plan accompanies the application which would be required to be finalised should permission be granted.

8.7.28. A site representative is to be appointed as a liaison officer with the local community for the duration of the construction phase. This individual will be tasked with information dissemination for the construction phase of the project and will act as the dedicated point of contract on all queries and complain

Privacy

8.7.29. The solar arrays in themselves would not give rise to loss of privacy. On completion of the construction works the site would be intermittently visited for maintenance purposes etc. Such visits would not give rise to concerns in this regard. The site is proposed to be surrounded by security fencing and a number of CCTV cameras are proposed. As per the Construction Environmental Management Plan the cameras are to be orientated towards the site rather than to 3rd party lands. Thus, privacy issues will not arise. A condition requiring the cameras to be fixed in place facing into the site is recommended in the interests of clarity. No lighting is proposed as part of the development.

Health and Safety

8.7.30. I note that a number of observations consider that the solar farm would result in a deterioration of or exacerbate pre-existing medical conditions of residents living in the vicinity.

8.7.31. In respect of Electro-Magnetic Fields (EMF), I note that the EPA is the competent authority in terms of monitoring EMF exposure and it is not a matter for determination by the Commission. The application is accompanied by an EMF/EMC

Impact Assessment in which it is concluded that while solar farms can emit low levels of EMF from inverter/transformer stations and underground interconnector cabling as well as from on-site substations, the levels of EMF emitted are substantially lower than the ICNIP recommendation of 100 μT.

8.7.32. The EPA has stated that there is no scientific evidence that exposure to low levels of EMF of any frequency causes damage to human health and that current scientific evidence does not support long-term health effects due to exposure to high or low frequency EMF. The International Commission on Non-Ionizing Radiation Protection (ICNIRP) regularly issues recommended exposure levels. The electrical works/plant proposed will be subject to the standard health and safety requirements and technical specifications ensuring that works will not give rise to adverse health impacts.

8.7.33. I refer to my assessment and conclusions in terms of glint and glare and noise. I also note that the proposal will be constructed in accordance with a finalised Construction and Environmental Management Plan which will detail measures to minimise dust.

8.7.34. There is no evidence that solar farms are susceptible to fire or explosion.

8.7.35. In conclusion I am satisfied that there is no substantive evidence to indicate that the proposed development poses a risk to public health and safety.

8.8. **Access and Traffic**

8.8.1. In my assessment I have regard to the observations received including that from Leamlara Preservation Group which is accompanied by a report from James Kelly Associates Consulting Engineers and the submission from Oliver Barry which includes a Consulting Engineers report.

8.8.2. The 3 no. parcels are to be served by 4 no. entrances from the R626, L7692 and L7691, details of which are amended by way of FI. As noted on day of inspection the local road network is relatively lightly trafficked.

8.8.3. Whilst observers to the appeal express concerns as to the location of the proposed access from the R626 and potential to give rise to traffic hazard I note that following FI and its relocation marginally to the north, increased sightlines compatible with the

requirements for such a regional road are to be attained with the removal of hedgerows to either side. The amendments were noted to be satisfactory to the County Council Area Engineer with no concerns expressed as to its design grade. I refer the Commission to drawing no.01 D03.

8.8.4. An existing access was originally proposed for 'entrance 2' off the L7692. Issues of encroachment onto 3rd party lands to attain the necessary sightlines was raised by observers to the application and this appeal. Following FI this access option has been dropped in favour of the development of a new access further south along the local road. Sight lines at the amended location are considered sufficient and do not encroach onto 3rd party lands.

8.8.5. Entrances 3 and 4 on the L7691 avail of existing accesses which are to be improved to facilitate access.

8.8.6. Construction of the solar farm within each parcel will take approximately 3-5 months with activities overlapping and construction resources shared between parcels, as required. 4 no. temporary construction compounds are proposed, 1 no. serving parcel 1, 1 no. parcel 2 and 2 no. serving parcel 3. It is expected that the overall construction programme will be 24 months with work on the associated substation and grid connection to run in parallel. The indicative construction programme provided in Figure 2 of the CEMP sets out the estimated number of monthly, weekly and daily vehicle movements with a peak daily number of 17 to 22 HGV trips occurring in months 7 to 19 which would relate to the panel installation. Onsite construction staffing numbers will vary over the construction period reaching a peak of 180 workers during the construction stage.

8.8.7. Details of the haul routes are provided all originating from the M8. The narrowest parts of the local road network are between site entrance 2 and site entrance 3 with the proposed access routes avoiding this stretch of road such that access to entrance 2 to be accessed via R626/N25 and access for Site Entrance 3 and 4 to be via the M8/L1540/L3602.

8.8.8. I note that the Area Engineer following the FI submission had no objection to the proposal subject to conditions including a special contribution towards road strengthening works should permission be granted.

8.8.9. I accept that the construction period will result in a level of increased vehicular movements along the road network which would have an impact on existing road users and residents in the vicinity but this period is short term. A detailed traffic management plan is to be agreed with Cork County Council and An Garda Siochana to include advance signage, use of appropriate delivery routes and phasing of site traffic to minimise interference with schools runs etc.

8.8.10. As noted above a site representative will be appointed as a liaison officer with the local community for the duration of the construction phase. This individual will be tasked with information dissemination for the construction phase of the project and will act as the dedicated point of contract on all queries and complain

8.8.11. In terms of the operational phase minimal additional vehicular movements would be generated save for maintenance etc.

8.8.12. In terms of glint and glare I refer to the GGA that accompanies the application and to my assessment in section 7.6 above. In the analysis transport routes receptor points are placed automatically at 50 metre intervals. Of the 263 road receptor points glint and glare is theoretically possible at 140. This reduces to 15 when existing screening is taken into account. With mitigation this reduces to 4no. The 4 no. points are to the north, east/southeast of the site, 2 no. of which are on the R626 along brief sections of road. As in the assessment undertaken for residential receptors the results present the worst case scenario. I concur with the conclusion that the glint and glare would not generate significant nuisance or hazard effects for road users. As noted above the County Council Area Engineer has no objection to the proposal subject to conditions.

8.8.13. On the basis of the above detail I conclude that subject to appropriate conditions and the preparation and agreement of the said construction traffic management plan the proposal would not endanger public safety by reason of traffic hazard and accords with the relevant provisions of the Cork County Development Plan including objective TM 12-13 (National, Regional and Local Road Network) in terms of access onto regional roads to protect their carrying capacity and safety considerations. In addition, a bond to ensure the reinstatement of the local road network is a standard requirement and I recommend that they be secured by way of condition

8.9. **Biodiversity**

8.9.1. A number of observers raise concerns regarding the potential impacts on biodiversity and protected species including bats and badgers.

8.9.2. An Ecological Impact Assessment accompanies the application which details the desk and field surveys undertaken and is supplemented by winter bird surveys by way of FI response. A Natura Impact Statement forms part of this documentation and I refer the Commission to the appropriate assessment in section 9 and appendices 2 and 3 below.

8.9.3. The flora as identified on site is synonymous with a managed agricultural landscape with no protected species identified. Given the use of the lands in active agricultural use largely for grazing and silage, the proposed development will entail significantly less on-site activity than heretofore experienced. Only 55 metres of hedgerow is proposed to be removed to facilitate site entrance, access tracks and underground cabling which is to be offset by 2,678 linear metres of new hedgerow in addition to augmentation of 16,331 metres of existing hedgerow where necessary. In addition 2,540 sq.m. of native woodland is to be planted throughout the site. No weed killers or chemicals will be used. An invasive species management plan will be required to address the species recorded within the site (including Japanese Knotweed and Rhododendron). Mowing will only take place where necessary to allow access between the panel rows and to ensure grass does not grow to a height which may affect electricity generation. Management of hedgerows on site will adhere to guidance within the All-Ireland Pollinator Plan and hedgerows will be trimmed once every three years, allowing plants to 'grow-out' and flower which in turn will assist in attracting native species, especially pollinators.

8.9.4. The bird surveys undertaken to inform the Ecological Impact Assessment supplemented by additional winter surveys for overwintering surveys recorded species typical for such agricultural lands. Apart from one survey visit in November 2024 which coincided with recent slurry spreading that attracted a flock of Black Headed Gulls and Common Gulls there were no field feeding species that are special conservation interests of Cork Harbour SPA. As part of the mitigation measures 3 no. barn owl nest boxes will be erected at locations chosen by a suitably qualified ecologist.

8.9.5. In terms of bats Table 3.9 of the Ecological Impact Assessment details the results of the passive detector deployments across the 3 no. land parcels. 6 no. species were confirmed to be present with the vast majority of registrations accounted for by Common and Soprano Pipistrelle. Leisler's Bat was typically the third most frequently recorded species at the site with a small number of registrations of Daubenton's Bat, Whiskered Bat and Brown Long-eared Bat. The greatest level of nightly activity was recorded at BD2 in Parcel 3 and BD5 in Parcel 1. At both locations the overwhelming majority of bat 'triggers' were from Pipistrelle species (95.3% of registrations at BD2; and 95.7% at BD5).

8.9.6. The level of activity is considered moderate-high for the time of year however, the activity pattern was not suggestive of a presence of a significant roost of any of these species on or close to the application site. Foraging and commuting patterns were noted to be sporadic and variable.

8.9.7. There are a number of dwellings and farm building in the vicinity of the solar farm that are attractive for roosting for bats and there are mature and semi-mature trees present that have the potential to provide roosting opportunities within the proposed development site with the hedgerows and treelines on the site offering suitable foraging and commuting habitat. As noted previously the hedgerow network is to be retained and augmented. Any felling of trees would be in line best practice to address the potential for bat presence.

8.9.8. Observers to the appeal contend that solar farms have a negative impact on bats in terms of avoidance of an area and reduced activity. The Ecological Impact Assessment addresses the opposite scenario in terms of the contention that such sites attract such species to forage or to drink concluding lack of peer-reviewed research papers to support same. It also addresses fatalities with reference to Natural England 2017 which concluded that there is no evidence of collision risk to bats. On balance there is no definitive evidence that solar farms have an adverse impact on bats.

8.9.9. I submit that in view of the nocturnal nature of the species, the fact that the existing hedgerows and treelines are to be augmented, the preponderance of comparable habitat in the vicinity and the erection of 30 bat roost boxes (including at least 3 maternity roost boxes), the development will not result in an adverse impact on bats.

8.9.10. As part of the site walkovers an active Badger sett was recorded outside of the application boundary. Mitigation by avoidance with a buffer of over 50m has been incorporated into the design of the proposed solar farm as part of a precautionary approach. Pre-construction (and decommissioning) surveys for Badger shall be carried out prior to the commencement of any works to assess the activity at the known setts on site and to record any new activity (or setts) that may be present. No construction/decommissioning traffic will be permitted within 50m of an active sett without the advice of a suitably qualified ecologist and in consultation with the National Parks and Wildlife Service.

8.9.11. I also note that perimeter fencing which will allow for mammal access is proposed. Save for the construction phase vehicular movements arising would be limited thus the potential for mortality would be no greater than currently exists.

8.9.12. In terms of insects the Ecological Impact Assessment notes that the proposed site management is expected to result in a semi-natural grassland community with an improved diversity of insect species over the current predominantly intensive agricultural management system

8.9.13. The watercourses in the vicinity of the site are typically small to medium-sized upland sandstone channels with varying degrees of historical modification. In terms of water quality siltation and eutrophication pressures from adjoining agricultural land uses are noted (Appendix E of the Ecological Impact Assessment). The watercourses in the vicinity were assessed with Atlantic salmon, brown trout, lamprey, European eel and otter and designated to be of local importance in terms of aquatic ecology. Having regard to the fact that a 10m metre buffer between the proposed development and any drain and 10-20m buffer between any watercourse is proposed, save for a small number of localised areas where a fence line or CCTV pole may marginally extend within that buffer no impacts are envisaged. Also have regard to the possible historical use of fertilisers etc. on the lands associated with the agricultural practices there is there is the potential for a positive impact on water quality.

Conclusion

8.9.14. Given the location of the site in an area characterised by similar habitats and the mitigation measures to be incorporated I consider that the impacts on the ecology of

the site and the wider area would be acceptable. I note that the Ecology Section of Cork County Council in its review of the detail provided has no objection to the proposal subject to conditions.

8.10. Duration of Permission

8.10.1. The application has sought planning permission for a duration of 10 years and an operational life of 40-years. Observers consider the period to be excessive and cannot be considered temporary.

8.10.2. Having regard to the nature and extent of the proposed development and the material considerations required for its development, including a grid connection and the need for financial certainty before progressing with construction, I am satisfied that 10-year permission is acceptable in this instance. Regarding the requested operational period of 40 years, this appears reasonable in the context of increased knowledge relating to the durability of the proposed infrastructure. I also note that there is significant precedent for similar operational periods being permitted by the Commission.

This section addresses other issues raised by the observers to the appeal which are outside the scope of the planning authority's reasons for refusal

8.11. Other Issues

Loss of Agricultural Land

8.11.1. The development would be sited on agricultural land primarily used for grazing. I note that there is no grading system for land in Ireland and specifically there is no policy which precludes the development of solar farms on agricultural land. In addition the County Development Plan is clear in its objective to support solar farm projects at appropriate locations with on-farm diversification encouraged at national, regional and local policy levels. Therefore, there is no impediment to solar farms being located on agricultural lands. Furthermore, the agricultural strategic vision as set out in Food Wise 2025 referenced by observers supports on-farm diversification along with a suite of recommendations and actions which do not place any restrictions on land use.

8.11.2. Save for the access tracks and the location of the inverter/transformer stations it is not intended to remove soil from the site. Whilst the top soil layer will be disrupted during construction due to the passage of heavy vehicles, the original pasture conditions are generally returned within less than a season. I do acknowledge that dairy or beef production would cease as it cannot be farmed concurrently with the proposed development but that grazing of small animals (sheep) can be accommodated. This appears to be the norm for most solar farms being proposed. This will maintain the fields in agricultural use, albeit restricted in the type of agricultural use. I note the development works themselves are relatively non-intrusive and are reversible, such that the lands could be returned to agricultural use following the completion of the decommission phase.

Impact on Equine Activities

8.11.3. A number of observers to the appeal raise concerns as to the impact on horses. There is no evidence that the PV panels of themselves raise issues in terms of impact on horses. Whilst disturbance during the construction phase is accepted it would be temporary and short term with measures detailed in the final CEMP to mitigate same as far as practicable.

3rd Party Consent

8.11.4. Reference is made to the inclusion of lands within the red line boundary to which consent has not been secured from the landowners, specifically access to 3rd party lands for the improvement of sight lines of access no. 2 from L7692. I refer the Commission to my assessment in section 7.7 above and the fact that following FI the access has been relocated resulting in no encroachment on the said lands. In this regard and in the interests of clarity I note the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

Project Splitting

8.11.5. The issue of 'project splitting' has been raised to two contexts; the first with regard to another solar farm development which it is contended would form an extension to that subject of this appeal. I am not aware of an application for a solar farm development on adjoining lands. The second context relates to the substation and

grid connection which will facilitate connection of the solar farm to the grid which was subject of a separate approval under ref. ABP 321518-24.

8.11.6. As noted in section 8 and appendices 3 and 4 below solar farms and substations are not listed as classes of development for the purposes of EIA within the Planning and Development Regulations, 2001, as amended, Therefore an EIAR is not required. Thus project splitting to avoid EIA does not arise.

8.11.7. The cumulative impacts and in-combination effects both with the above referenced substation and grid connection and other proposed and permitted development, notably other solar farm developments in the vicinity, have been appropriately assessed.

Public Consultation

8.11.8. Whilst concern is expressed as to the level of public consultation in relation to the project I note that there is no legal imperative for the applicant to engage in discussions prior to the lodgement of an application. Details of the community engagement programme is detailed in section 5 of the Planning and Environmental Statement.

8.11.9. It is clear that local residents were aware of the application and engaged in the process by making their views known through written submissions to the Planning Authority in the first instance and to the Commission at this appeal stage.

8.11.10. The absence of community benefit to local residents is raised. I consider that this matter is outside the scope of this planning appeal.

Decommissioning

8.11.11. In terms of decommissioning and restoration, the operational life of the solar farm is c. 40 years at the end of the period a decision would be made whether the solar farm would be decommissioned, and the site returned to agricultural use or to repower the solar farm.

8.11.12. A Decommissioning and Restoration Plan accompanies the application. Should the solar farm be decommissioned then the impacts arising would be comparable to those described for the construction phase with the site restored to its original use. It is established practice to attach conditions seeking a bond to secure satisfactory

reinstatement of the site on cessation of the project and the submission of an up to date decommissioning plan.

Telecommunications Interference

8.11.13. An EMF/EMC Impact Assessment Report accompanies the application in which it identifies 2no. telecom mast sites within 3km of the site. The analysis concludes that electro-magnetic emissions due to the proposed development will dissipate rapidly and as the telecoms mast-sites are sufficiently far from the proposed development there will be no EMC impacts. The applicant also advises that following consultations none of the operators raised any concerns regarding EMC due to the proposed development.

8.12. Material Contravention

8.12.1. From my assessment above I do not concur with the planning authority and consider the proposal would not contravene materially with the planning authority's refusal of permission on grounds of material contravention of a number of policy objectives of the Cork County Development Plan, notably HE16-9, HE16-13 and GI14-9.

8.12.2. Notwithstanding my conclusion should the Commission not concur Section 37(2) of the Planning and Development Act, 2000, as amended, empowers it to grant permission where certain parameters are met as set out in section 37(2)(b).

Section 37(2)(b)(i) – Strategic or National Importance

8.12.3. Under European, national and regional policy, Ireland has binding targets in relation to the delivery of renewable energy, including for the delivery of renewable energy development, such as solar farms. At a national level a target of 8MW of solar energy has been set for 2030. This objective is included in the Climate Action Plan (2024 and 2025) and is reiterated in the Programme for Government (2025). Ireland also has a binding renewable energy target of 42.5% as per the Renewable Energy Directive (RED III), and the first two carbon budgets prepared in accordance with the Climate Action and Low Carbon Development Act 2015 (as amended), commits to reducing emission by 51% over 12 years to the end of 2030.

8.12.4. I am satisfied that the proposed development is of a scale that it can be deemed to be of national importance, as its delivery and energisation would make a significant

contribution to the achievement of the binding national targets for renewable energy and reduction in carbon emissions.

Section 37(2)(b)(ii) Conflicting Objectives

8.12.5. As per my assessment above I consider that the proposal is consistent with the policy objectives of the Cork County Development Plan and that there are no conflicting or unclear objectives in the development plan.

Section 37(2)(b)(iii) Regional Spatial and Economic Strategy for the Area

8.12.6. I am satisfied that the proposal accords with the regional spatial and economic strategy for the area, in particular regional policy objectives (RPOs) 87, 95, 96 and 100 which seek to increase the use of renewable energy sources across the key sectors of electricity supply and the objective for a Carbon Neutral Energy Region. The proposal would assist in contributing towards the achievement of this goal.

Section 37(2)(b)(iv) Pattern of Development and Permissions Granted in the area since the making of the Development Plan

8.12.7. There have been several planning permissions granted for solar farm developments in the vicinity. As they pre-date the adoption of the 2022 Cork County Development Plan I consider that the provisions of this subsection are not applicable.

9.0 Appropriate Assessment

9.1. Screening Determination

9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Great Island Channel SAC and Cork Harbour SPA in view of the sites' conservation objectives.

It is therefore determined that appropriate assessment (Stage 2) is required under Section 177V of the Planning and Development Act, 2000, as amended.

9.2. Appropriate Assessment Conclusion: Integrity Test

9.2.1. In screening the need for appropriate assessment, it was determined that the proposed development could result in significant effects on Great Island Channel

SAC and Cork Harbour SPA in view of the conservation objectives of those sites and that appropriate assessment under the provisions of S177U was required.

9.2.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Great Island Channel SAC and Cork Harbour SPA 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.

9.2.3. My conclusion is based on the following:

- Detailed assessment of construction, operational and decommissioning impacts.
- The respective site-specific conservation objectives, targets and attributes, QI's and SCI's of the respective European Sites as detailed and assessed in my Stage 2 AA as appended to this report (Appendix 2).
- Effectiveness of mitigation measures proposed and adoption of CEMP.
- Application of planning conditions to ensure these measures.
- The proposed development will not affect the attainment of conservation objectives of Great Island Channel SAC and Cork Harbour SPA.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Great Island Channal SAC and Cork Harbour SPA.

10.0 Water Framework Directive (WFD) Screening

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD, which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. The reason for this conclusion is as follows:

- The nature and extent of the proposed development.

- The proposed measures contained within submitted documentation including the Surface Water Management Plan, Construction and Environmental Management Plan and Natura Impact Statement

10.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment. (See Appendix 5 for WFD Screening Matrix).

11.0 Recommendation

Having regard to the foregoing I recommend permission for the above described development be granted for the following reasons and considerations and subject to the conditions set out below.

12.0 Reasons and Considerations

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2025 and the furtherance of the national climate objective.

In coming to its decision, the Commission had regard to the following:

European Policy/Legislation including:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European

Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025)

- Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.

National Policy and Guidance including:

- National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective 70.
- 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;

and also having regard to

(a) the nature, scale and extent of the proposed development,
(b) the pattern of development within the area and context of the receiving environment,
(c) the range of mitigation measures set out in the Natura Impact Statement
(d) the range of mitigation measures set out in the Ecological Impact Assessment and the Construction and Environmental management Plan

(e) the measures set out in the Surface Water Management Plan, the Landscape and Visual Impact Assessment and the Archaeological, Architectural and Cultural Heritage Impact Assessment,
(f) the measures proposed for the construction, operation and decommissioning of the development,
(g) the submissions received in relation to the appeal
(h) the documentation submitted with the application and the appeal and,
(i) the Inspector's report and recommendation.

Appropriate Assessment Stage 1

The Commission considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the European sites in respect of which the proposed development has the potential to have a significant effects are Great Island Channel SAC and Cork Harbour SPA.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the European sites for which potential to have a significant effect had been identified, in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

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

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

EIA Screening Determination

Having regard to –

- the nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, includes a limited extent of field boundary removal (55 linear metres), thereby coming within Class 1 (a) of Part 2 of Schedule 5 of the regulations and below the threshold set out in the class,
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project - Landscape and Visual Impact Assessment, Ecological Impact Assessment, Biodiversity Management Plan, Archaeology and Architectural Heritage Impact Assessment, Flood Risk Assessment, Surface Water

Management Plan, Noise Impact Assessment, Glint and Glare Assessment, Construction Environmental Management Plan, and Decommissioning and Restoration Plan.

The Commission considered that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required

Conclusions on 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 renewal energy policies and with the provisions of the Cork County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity, nor have an unacceptable impact on the character of the landscape or the cultural or archaeological heritage of the site, would not give rise to flood risk on site or exacerbate flood risk downstream of the site, would not result in adverse impacts on water quality, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further information and revised plans and details received by the planning authority on the 19th day of February 2025 and 8th day of July 2025 and the details accompanying the appeal received by An Coimisiún Pleanála on the 26th day of 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 in writing with the planning authority prior

to the commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit details to the planning authority confirming the anticipated megawatt capacity and annual electricity generation of the solar farm.

Reason: In the interest of clarity.

3. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity

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

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

5. (a) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. All structures, [including foundations], shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.

(b) Prior to commencement of development, a detailed Site Restoration Plan and a timescale for its implementation, providing for the removal of the solar arrays and all ancillary structures and a timescale for its

implementation, shall be submitted to and agreed in writing with the planning authority.

(c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site within 3 months of decommissioning.

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

6. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, Natura Impact Statement, , Glint and Glare Assessment and the updated Landscape and Visual Impact Assessment, the Archaeological, Architectural and Cultural Heritage Impact Assessment, Flood Risk Assessment, Noise Impact Assessment, Construction and Environmental Management Plan and the Surface Water Management Plan submitted by way of further information, and other plans and particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of clarity.

7. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the National Monuments Service or Local Authority Archaeologist in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter

to include, where applicable - geophysical survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts). The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

8. (a) Existing field boundaries, including trees and hedgerows, shall be maintained and supplemented in accordance with the details submitted save where removal is proposed to facilitate access roadways and sight lines.

(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.

(c) All solar panels within the permitted development shall include an Anti-Reflective Coating (ARC). Upon commissioning of the development and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the planning authority to confirm the effectiveness of the proposed mitigation once implemented.

Reason: In the interest of the visual and residential amenity of the area.

9. Prior to commencement of development, the developer shall submit an 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.

Reason: In the interests of public safety and biodiversity.

10. (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.

(b) Prior to the commencement of construction, a road condition survey shall be taken along the full extent of the construction haul routes to provide a basis for further reinstatement works. Details in this regard shall be submitted to and agreed with the planning authority prior to the commencement of development.

(c) Where any of the proposed entrances to the site are widened to facilitate access/egress by HGV's adequate drainage measures shall be installed.

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

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be carried out strictly in accordance with the details provided in the Surface Water Management Plan and the amended plans and particulars submitted by way of further information.

Reason: In the interests of clarity

12. (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; and

(e) Cables within the site shall be located underground.

Reason: In the interest of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

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

i) details of site security fencing and hoardings,

ii) details of on-site car parking facilities for site workers during the course of construction;
iii) 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;
iv) measures to obviate queuing of construction traffic on the adjoining road network;
v) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
vi) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
vii) 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;
viii) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
ix) details of on-site re-fuelling arrangements, including use of drip trays;
x) details of how it is proposed to manage excavated soil;
xi) 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.
xii) the community liaison details including how the developer intends to engage with relevant parties and notify the local community in advance of the delivery of oversized loads and/or HGV deliveries.

(b) The finalised CEMP shall take account of the mitigation measures outlined within the Natura Impact Statement. 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.

(c) The finalised CEMP shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development, as set out in Archaeological, Architectural and Cultural Heritage Impact Assessment and as may become relevant subsequent to the programme of pre-development test trenching and Archaeological Test Excavation. 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.

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

14. 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.
Reason: In order to safeguard the residential amenities of property in the vicinity.

15. (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.

(b) The invertor/transformer stations, spare parts containers and all fencing shall be dark green in colour or other dark colour that shall be agreed with the Planning Authority prior to the commencement of development.

Reason: In the interest of the visual amenity of the area.

16. 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.

Reason: in the interest of protecting the public water infrastructure at this location.

17. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, 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.

Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.

Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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.

Reason: in the interests of traffic safety and the proper planning and sustainable development of the area.

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

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

Senior Planning Inspector

28th January, 2026

Appendix 1: Observers to the Appeal

Adrienne Sheehan	Ellen Connolly	Michael Connolly
Aileen Howick	Esther O'Shea	Michael O'Shea
Alan & Deirdre Broderick	Fintan Lawlor	Midleton & East Cork Flood Protection Group
Alan & Miriam Forder	FrankO'Neill &Joan Cronin	Mona Stromsoe
Anne Jeffers	Gearoid McDermot	Monika Stelmach-Nowakowska
Anthony & Margaret Clifford	Geoffrey Eastway	Nellie Connelly
Barry & Aoife O'Brien	Gretta Connolly	Niamh Barry & Others
Bertie Cuffe	Hana Chan	Niamh Lawler
Breda Cronin	Inland Fisheries Ireland	Nicholas O'Sullivan & Family
Brian Duggan Ciara Duggan	James Connolly	Noel Cronin
Brian Murphy	James P Ó Súilleabháin	Noel O'Mahony
Califf Delaney & Others	Jane & Bryan O'Donovan	Noreen & Gerard Clifford
Caroline & Barry Ahern	Jean Connolly	Noreen & Seamus Forde
Caroline Leahy & Aidan Murphy	Jennifer Carey	Noreen Murphy
Cathal Cashman	Jennifer O'Mahony	Oisin & Orla O Muircheartaigh
Catherine O'Shea	Jennifer O'Mahony	Oliver Barry
Catherine Platts	Jerry Jeffers	Pam & Tony Mulcahy
Catherine Power	Jerry Singleton	Patricia O'Brien
Christine O'Mahony	Jim Symons	Patrick O'Shea
Ciara Lawlor	Joanne McCormack	Paul & Mary Prendergast
Cllr. Patrick Mulcahy	Joe & Margaret McCarthy	Paul Kennedy
Cllrs. W.O'Leary & P. O'Donoghue	John Fitzpatrick	Paul McMahon
Colm Dorgan	John Heaphy	Cllr. Rory Cocking
Con & Irene O'Mahony	John Murphy	Sara Chan
Con Connolly	John Paul O'Brien	Sarah Kelleher
Conor & Rose Bartley	Kevin & Aine Murphy	Sarah Speight
Conor Bernard & Others	Kevin Cronin	Seamus Aherne
David Leahy & Liz O'Callaghan	Krzysztof Stetmach	Sean Mullen
Declan Whelan & Others	Laurence Lynch & Family	Sean O'Mahony
Deirdre O'Brien	Leamlara Preservation Group	Sheila McMahon
Denis & Norma Murphy	Liam Nyhan	Cllr.Sheila O'Callaghan
Dennis Cotter	Liam O'Mahony	Simone Stahl
Denis O'Brien	Linda O'Donoghue	Sinéad & Matthew Martin
Dermot & Marie Johnson	Maggie Stack & Francis Maunsell	Stephen Hunt
Diana Johnson	Marguerite Cremin, Knockraha Environmental Group	Tanja Khosrawi
Eamon & Clare Daly	Mary Barry	Tanya Connery
Eco Advocacy	Mary Chandler	Theresa Powell
Eimear Lawlor	Mary Creedon	Therese & Shane O'Donnell
Eleanor Attridge	Mary Duffy	Trina Carroll
Eleanor Carey	Maurice Morrison	Una Kingston
Elizabeth Ahern	Michael & Breeda O'Sullivan	Vincent Hollestelle

		Waltraud Khosrawi
		William Roche

Appendix 2: Appropriate Assessment - Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Solar farm and ancillary works
Brief description of development site characteristics and potential impact mechanisms	The proposed solar farm has an area of c.179 ha and is located c.1km to the north of Leamlara, c.1.25km west of Ballincurrig and c.5.5km east of Watergrasshill. The site comprises of 3 no. land parcels to be connected by underground cabling. 23 no. invertors, 3 no. spare parts containers, 3 no. ring main units, 7 no. weather stations, CCTV and fencing with 4 no. construction compounds and 4 no. accesses proposed. Removal of 55 metres of hedgerow to facilitate the site entrance, access tracks and underground cabling. To be offset by 2621 metres of new hedgerow planting with existing hedgerows augmented to fill in any gaps. The Ballyerra stream traverses the northern section of the site (parcel 1) with number of small streams/drainage ditches throughout the site which drain into the Owennacurra River which runs between land parcels 1and 2 and 3. The substation into which the proposed solar is to connect with underground grid connection to Knockraha substation was granted permission by the Commission under ref. ABP 321518-24. See Section 2 above
Screening report	Yes. Prepared by Ecology Ireland
Natura Impact Statement	Yes. Prepared by Ecology Ireland
Relevant submissions	Observers to the appeal have referenced adequacy of the NIS and assessment on indirect effects on designated sites.
The NIS is in Appendix A of the Ecological Impact Assessment	

Step 2. Identification of relevant European sites using the Source-pathway-receptor model A nominal 15km hinterland area with the source-pathway-receptor model used				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	**Distance from proposed development (km)**	**Ecological connections**	**Consider further in screening Y/N**
Blackwater River (Cork Waterford) SAC (site code 002170	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	1.7 km from site and 4.5km from grid route	No – in different catchment. No hydrological connection.	**No**

	Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985] NPWS - River Blackwater (Cork./Waterford) SAC (July 2012)			
Great Island Channel SAC (site code 001058)	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] NPWS - Great Island Channel SAC (June 2014)	8km overland from the site and 3km from grid route. 15km hydraulic connection.	Yes – hydrological connection via Ballyerra Stream and Owennacurra River	**Yes**
Cork Harbour SPA (site code 004030)	Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028]	8.4km from site and 3km from grid route. 15km hydraulic connection	Yes – hydrological connection via Ballyerra Stream and Owennacurra River. Potential for ex-situ disturbance/ displacement impacts	**Yes**

	Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank Tringa nebulari [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Common Tern (Sterna hirundo) [A193] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]			

	NPWS - Cork Harbour SPA (December 2014)			
Blackwater Callows (site code 004094)	Whooper Swan (Cygnus cygnus) [A038] Teal (Anas crecca) [A052] Black-tailed Godwit (Limosa limosa) [A156] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999] NPWS - Blackwater Callows SPA (March 2024)	15km from site and 18 km from grid route	No – in different catchment. No hydrological connection. Significant separation distance Absence of suitable habitat(s) on the site.	**No**

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

The solar farm site is not located within or directly adjacent to a European site, and there are no designated habitats located onsite. Therefore, it is not considered that the proposed development will result in any direct loss or degradation to the habitats designated for the Great Island Channel SAC and Cork Harbour SPA. However, due to the size and scale of the development and its proximity and hydrological connectivity to the designated sites via the watercourses that traverse and bi-sect the site impacts generated by the construction, operation and decommissioning of the solar farm 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***	
	Impacts	**Effects**
Site 1: Great Island Channel SAC (site code 001058)	**Direct**: None **Indirect**:	Potential for indirect effects on SCI habitats via a deterioration in water quality and habitat degradation.

Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	A pathway for indirect effects on the aquatic qualifying interest habitats of the SAC in terms of water quality deterioration and habitat degradation via surface water pathways during construction, operation and decommissioning of the solar farm.	
	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? **N/A**	
	Impacts	**Effects**
Site 2: Cork Harbour SPA (site code 004030) Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149]	**Direct** None **Indirect** Potential ex-situ disturbance and displacement of SCI birds during construction, operational and decommissioning phases.	Loss of ex-situ supporting habitat. Disturbance/displacement of SCI species through noise and visual cues

Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank Tringa nebulari [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Common Tern (Sterna hirundo) [A193] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]		
	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? N/A	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the screening report, site visit, review of conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Great Island Channel SAC and Cork Harbour SPA, I concur with the applicant's findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA, specifically having regard to the stated attributes and targets, when considered on their own in relation to loss of ex-situ qualifying, supporting or functionally linked habitat and waterborne pollution or contamination of QI habitat. I am satisfied that as there is no hydrological connection between the proposed development site and Blackwater River (Cork/Waterford) SAC and the separation distance and absence of hydrological connection between the proposed development site and Blackwater Callows SPA, there is no pathway		

for effects on the qualifying interests. Therefore, I am satisfied they can be excluded from appropriate assessment.

An appropriate assessment is required on the basis of the possible effects of the project alone.

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Great Island Channel SAC and Cork Harbour SPA in view of the sites' conservation objectives.

It is therefore determined that appropriate assessment (Stage 2) is required.

Appendix 3: Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as relates to appropriate assessment of a project under part XAB, sections 177V 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 development of the proposed solar farm in view of the relevant conservation objectives of Great Island Channel SAC and Cork Harbour SPA based on scientific information provided by the applicant. The information relied upon includes the following: • Natura Impact Statement • Ecological Impact Assessment • Surface Water Drainage Management Plan • Flood Risk Assessment • Construction and Environmental Management Plan • Noise Impact Assessment I am satisfied that the information provided is adequate to allow for appropriate assessment. I am satisfied that 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 Observations: Issues raised in the course of the appeal by observers concern the survey effort in relation to impacts on flora and fauna generally. IFI recommends that should permission be granted a condition be attached requiring all works to be carried out in accordance with IFI Guidelines. Planning Authority: The 1st Ecology report dated 15/10/24 recommends that the surface water drainage strategy referenced in the Site Access and Drainage Report be provided prior to a decision being made. Satisfied that the proposal does not pose a risk of significant contamination of the waters of Cork Harbour through surface water. The proposal will take the site out of intensive agricultural practices which, based on the aquatic survey report, is currently having negative impacts on the ecological integrity of watercourses within the site through siltation and eutrophication pressures. While the site does support some habitat i.e. agricultural grassland, which may be used by ex-situ foraging species of the Cork Harbour SPA given the prevalence of similar habitat in the immediate and wider environment, this site is unlikely to constitute a critical ex-situ resource for species of conservation

interest. However to inform a robust decision winter bird surveys are recommended. Considers that should all the measures (mitigation and enhancement) be undertaken the proposal will achieve a biodiversity net gain in the long terms. The 2nd report dated 09/04/25 considers the response received to be acceptable and is satisfied that no amendments to the AA are required following the winter bird surveys.

Great Island Channel SAC (site code 001058):

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

(i) Water quality degradation (construction, operation and decommissioning)

(ii) Spread of Invasive Species

Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes**	**Potential adverse effects**	**Mitigation measures (summary)** NIS Section 5.2
Mudflats and sandflats not covered by seawater at low tide	Maintain favourable conservation condition Habitat area stable or increasing and conserve mixed sediment to sandy mud with polychaetes and oligochaetes community complex community type.	Waterborne pollution or contamination of QI habitat	Embedded design measures include: a CEMP and oversight by ECoW. Standard best practice measures include controls and contingency measures to manage run-off, control of hydrocarbons and refuelling processes, use of temporary matting for construction compounds Soil stripping and construction of the site access tracks will be carried out outside of periods of wet weather. Preparation of an Invasive Species Management Plan. Runoff during operational phase to be managed within the site utilising an infiltration based system, only, with no off site discharge to any watercourse or field drain.
Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)	Restore favourable conservation condition. Habitat area stable or increasing; no decline/change in habitat distribution; maintain/restore natural circulation of sediments and organic matter and creek and pan structure; maintain natural tidal regime, range of coastal habitats including transitional zones, structural variation within sward, 90% area outside creeks vegetated, range of subcommunities with typical species, No significant expansion of common cordgrass.		

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Construction phase elements of the project, in particular those that could result in pollution of watercourses, have the potential to impact hydrologically connected Great Island Channel SAC. Such effects can result in indirect habitat loss or deterioration of this Natura 2000 site. Likewise, it is reasonable to infer that in the absence of adequate environmental controls during the decommissioning phase that there could be similar effects on the designated site.

The operational phase could give rise to increased surface water runoff and discharge to watercourses.

Mitigation measures and conditions

Environmental control and mitigation measures are set out in the Construction and Environmental Management Plan (CEMP) and Decommissioning and Site Restoration Plan.

An Ecological Clerk of Works (ECoW) will be appointed to ensure the full and proper implementation of all environmental controls and mitigation commitments throughout construction and decommissioning phases.

In addition to the embedded design measures in the project, the CEMP incudes standard best practice measures which include (inter alia): clearly defined roles and responsibilities, an Emergency Response Plan, Site induction, Toolbox talks and training, general site management and housekeeping, working hours/periods, complaints procedures and monitoring and inspections. The measures embedded in the design of the project and in the proposed mitigation measures are focused on the control and prevention of potential contamination and pollution and the protection of the local environment, terrestrial and aquatic habitats.

In relation to waterborne pollution risks measures Include:

- Any material or substance which could cause pollution, including fuels or silty water will be prevented from entering groundwater, surface water drains or watercourses by the appropriate use of and temporary installation of silt fences, cut-off drains, silt traps and drainage to vegetated areas where appropriate. Stilling ponds will be used to minimise the risk of suspended solids, where necessary.
- Crossing of drains/minor watercourses will be by way of clear span structures and under the supervision of the ECoW.
- 10 metre buffer to be maintained to all drains and Ballyerra River. 20 metre buffer to be maintained to Owennacurra River. Where not achieved (i.e. site entrance 1) additional run-off controls e.g. silt fences will be installed.
- Materials, plant and equipment shall be stored in the proposed site compounds. Suitable provision made for a geotextile base and support silt fencing on any downslope edges to watercourses/drains.

- Stockpiles of soil will be stored well away from the watercourses on site and (if appropriate) ringed with silt fences.
- Best practice measures to mitigate dust during construction including covering of excavated material on vehicles leaving site, speed limits on internal roads, truck spraying and hosing done, road sweeper.
- As a precautionary measure, the soil stripping and construction of the site access tracks will be carried out outside of periods of wet weather. Scheduling of works will avoid insofar as practicable the wetter months of the year unless otherwise agreed with the planning authority. In addition, appropriate run-off control will be installed and maintained for the duration of the construction phase. It will help minimise the risk of run-off from the site by limiting the earthworks undertaken during wetter periods of the year.
- During the operational phase runoff shall be managed within the site utilising an infiltration based system only with no discharge to any watercourse of field drain.
- Decommissioning and Restoration Plan to be updated in advance of works.

(ii) Spread of invasive species

Mitigation measures and conditions

- Updated survey of 3rd Schedule Invasive species and preparation of an Invasive Species Management Plan.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The plans and projects considered in the assessment of in-combination effects are listed in Tables 4-1. This includes other existing and permitted solar farm developments. I am satisfied that these developments were considered and that they are not at a location, of a type and do not have a relationship with the proposed development which would give rise to significant in-combination effects. The permitted substation and grid connection has been assessed as part of the overall project. With the embedded design, best practice measures and mitigation measures to be implemented for both developments particularly in relation to pollution prevention measures and biodiversity enhancement, that there will be no significant in-combination effects. I am satisfied that no other plans or 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 and that there is no potential for in-combination effects

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation 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 aspects of the proposed development can be excluded for Great Island Channel SAC. I am satisfied that the

mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

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 of the conservation objectives of the Great Island Channel SAC (site code 001058). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Cork Harbour SPA (site code 004030):

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

(i) Water quality degradation (construction and decommissioning)
(ii) Disturbance/displacement of SCI bird species

Qualifying Interest features likely to be affected	**Conservation Objectives Targets & attributes (summary)**	**Potential adverse effects**	**Mitigation measures (summary)** NIS Section 5.2
Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130]	Maintain favourable conservation condition Long term population trend stable or increasing and no significant decrease in the range, timing or intensity of use of areas used by the species	Water quality impacts from discharges of silt/pollutants which could affect the availability of prey species. Disturbance and displacement	Embedded design measures include: a CEMP and oversight by ECoW. Standard best practice measures include controls and contingency measures to manage run-off, control of hydrocarbons and refuelling processes, use of temporary matting for construction compounds Soil stripping and construction of the site access tracks will be carried out outside of periods of wet weather.

Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank Tringa nebulari [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857]			
Common Tern (Sterna hirundo) [A193]	Maintain favourable conservation condition No significant decline in breeding population, productivity rate, distribution of breeding colonies, and available prey biomass. No significant increase in barriers to connectivity and human activities to occur at levels that do not adversely affect breeding population		
Wetland and Waterbirds [A999]	Maintain favourable conservation condition		

	Permanent area occupied by wetland habitat to be table and not significantly less than 2,587 hectares.		

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Construction phase elements of the project, in particular those that could result in pollution of watercourses, have the potential to impact hydrologically connected Cork Harbour SPA. Such effects can result in adverse impacts on prey species availability. Likewise, it is reasonable to infer that in the absence of adequate environmental controls during the decommissioning phase that there could be similar effects on the designated site.

There is no likelihood of direct disturbance of the species due to the separation distances. There is some limited potential for ex-situ disturbance/displacement. Works could attract bird species if there are foraging or scavenging opportunities.

Mitigation measures and conditions

Environmental control and mitigation measures are set out in the Construction and Environmental Management Plan (CEMP) and Decommissioning and Site Restoration Plan.

An Ecological Clerk of Works (ECoW) will be appointed to ensure the full and proper implementation of all environmental controls and mitigation commitments throughout construction and decommissioning phases.

In addition to the embedded design measures in the project, the CEMP incudes standard best practice measures which include (inter alia): clearly defined roles and responsibilities, an Emergency Response Plan, Site induction, Toolbox talks and training, general site management and housekeeping, working hours/periods, complaints procedures and monitoring and inspections. The measures embedded in the design of the project and in the proposed mitigation measures are focused on the control and prevention of potential contamination and pollution and the protection of the local environment, terrestrial and aquatic habitats.

Water Quality

In relation to waterborne pollution risks measures Include:

- Any material or substance which could cause pollution, including fuels or silty water will be prevented from entering groundwater, surface water drains or watercourses by the appropriate use of and temporary installation of silt fences, cut-off drains, silt traps and drainage to vegetated areas where appropriate. Stilling ponds will be used to minimise the risk of suspended solids, where necessary.
- Crossing of drains/minor watercourses will be by way of clear span structures and under the supervision of the ECoW.

- 10 metre buffer to be maintained to all drains and Ballyerra River. 20 metre buffer to be maintained to Owennacurra River. Where not achieved (i.e. site entrance 1) additional run-off controls e.g. silt fences will be installed.
- Materials, plant and equipment shall be stored in the proposed site compounds. Suitable provision made for a geotextile base and support silt fencing on any downslope edges to watercourses/drains.
- Stockpiles of soil will be stored well away from the watercourses on site and (if appropriate) ringed with silt fences.
- Best practice measures to mitigate dust during construction including covering of excavated material on vehicles leaving site, speed limits on internal roads, truck spraying and hosing done, road sweeper.
- As a precautionary measure, the soil stripping and construction of the site access tracks will be carried out outside of periods of wet weather. This will also minimise the risk of disturbance or displacement of any wintering SCI species should these be present. Scheduling of works will avoid insofar as practicable the wetter months of the year unless otherwise agreed with the planning authority. In addition, appropriate run-off control will be installed and maintained for the duration of the construction phase. It will help minimise the risk of run-off from the site by limiting the earthworks undertaken during wetter periods of the year.

Disturbance/Displacement

Physical disturbance by plant, machinery, contractors, noise emanating from site works and loss of ex situ habitat during the operational phase with the site covered in solar arrays.

Many of the SCI species are waterbirds and most are only typically found in or near water e.g. Little Grebe. Some of the SCI species are known to feed and roost in fields e.g. Lapwing, Golden Plover, Lesser Black-backed Gull. Apart from one survey visit in November 2024 which coincided with recent slurry spreading that attracted a flock of Black Headed Gulls and Common Gulls there were no other species recorded that are special conservation interests of Cork Harbour SPA. Subsequent winter surveys carried out, the results of which were submitted by way of further information, did not record any SCI species on the site.
Given the distance of the application site inland it is unlikely that any of the SCI species are found on site in significant numbers with any regularity. The low probability of occurrence of these species makes it far less likely that any of these species will be vulnerable to significant ex-situ displacement or disturbance impacts associated with the construction and operation of the solar farm at this location.

Mitigation measures and conditions

- As a precautionary measure, the soil stripping and construction of the site access tracks will be carried out outside of periods of wet weather. This will also minimise the risk of disturbance or displacement of any wintering SCI species should these be present. Scheduling of works will avoid insofar as practicable the wetter months of the year unless otherwise agreed with the planning authority. In addition, appropriate run-off control will be installed and maintained for the duration of the construction phase. It will help minimise the risk of run-off from the site by limiting the earthworks undertaken during wetter periods of the year.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The plans and projects considered in the assessment of in-combination effects are listed in Tables 4-1. This includes other existing and permitted solar farm developments. I am satisfied that these developments were considered and that they are not at a location, of a type and do not have a relationship with the proposed development which would give rise to significant in-combination effects. The permitted substation and grid connection has been assessed as part of the overall project and this provides that with the embedded design, best practice measures and mitigation measures to be implemented for both developments particularly in relation to pollution prevention measures and biodiversity enhancement, that there will be no significant in-combination effects. I am satisfied that no other plans or 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 and that there is no potential for in-combination effects

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation 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 aspects of the proposed development can be excluded for Cork Harbour SPA. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

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 of the conservation objectives of the Cork Harbour SPA (site code 004030). 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 Great Island Channel SAC (site code 001058) and Cork Harbour SPA (site code 004030) 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, all associated material submitted with the application, further information, clarification of further information and with the appeal I consider that adverse effects on site integrity of the Great Island Channel SAC (site code 001058) and Cork Harbour SPA (site code 004030) 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:

- detailed assessment of construction, operational and decommissioning impacts.
- effectiveness of mitigation measures proposed and the adoption of CEMP
- application of planning conditions to ensure the application of these measures
- the proposed development will not affect the attainment of the conservation objectives for Great Island Channel SAC (site code 001058) and Cork Harbour SPA (site code 004030).

Appendix 3: EIA Pre-Screening

Case Reference	**ACP 323747-25**
Proposed Development Summary	Solar farm and associated site works
Development Address	Ballysallagh, Dundullerick East, Dundullerick West, Rathcobane, 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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ 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?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	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. Class 1 of Part 2 of Schedule 5, (a) Projects for the restructuring of rural land holdings, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares. The proposed development would include the removal of c 55 linear metres of hedgerow to facilitate access between fields, which is significantly below the 4km threshold and does not relate to the enlargement of 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 hedgerows but that it is subthreshold Class 10 of Part 2 of Schedule 5: Infrastructure Projects: (dd) All private roads which would exceed 2000m in length. I note the High Court Judgement in the Cummins & Ors v ACP [2025] IEHC 521 case and the Commission's decisions in previous solar farm whereby access tracks in respect of solar developments are not considered to fall under Class 10. It is considered that schedule 5, Part 2, Class 10: Infrastructure projects (dd) is not applicable is this instance.

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)**
No ☐	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector _____ **Date**: _____

Appendix 4 – EIA Screening Determination

An Bord Pleanála Case Reference	ACP-323496-25
Development Summary	Solar farm comprising: • Solar panels on ground mounted frames • 25 no. invertor/transformer stations • 3 no. spare parts containers • 3 no. ring main units • 7 no. weather stations up to 5 metres in height • Underground electrical ducting and cabling including along local roads L7691 and L7692 to connect the 3 no. parcels • 2.4 metre high security fencing • CCTV • Access tracks • 7 no. stream/drain deck crossings • Temporary construction compounds • Landscaping • Ancillary works Access to the site is to be via 4 no. entrances from the R626, L7691 and L7692.

	The solar farm will connect to the existing Knockraha 220kV substation by means of a 220kV substation and associated underground cable connection permitted under ref. ABP 321518-24. A 10 year planning permission is being sought with the operational lifespan being 40 years. ***Note***: Neither the MW output of the solar farms nor the number of panels to be installed are provided.		
	Yes / No / N/A	**Comment (if relevant)**	
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority (PA) carried out an EIA Screening Determination and concluded that EIA is not required.	
2. Has Schedule 7A information been submitted?	Yes	The Applicant submitted an EIAR Screening Report as part of the planning application which was amended by way of FI response.	
3. Has an AA screening report or NIS been submitted?	Yes	The Applicant submitted a Natura Impact Statement in the Ecological Impact Assessment report which concludes that the proposed development, alone or in-combination, with any other plan or project, will not adversely affect the integrity of any of the European Sites concerned.	
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	NA.	
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	Yes	A Strategic Environmental Assessment and Appropriate Assessment were undertaken in respect of the Cork County Development Plan, 2022-2028.	
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)**	**Is this likely to result in significant**

		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.**	**effects on the environment?** **Yes/ No/ Uncertain**
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The site, in 3 no. parcels across 4 no. townlands, is c. 1km to the north of Leamlara village and c.5.5km east of Watergrasshill. The site mainly comprises a series of agricultural fields and mature hedgerows. Elevations across the site range from c. 176mOD in the north to 99nOD in the south-east. It is . The overall site area is split into two main areas, parcel 1 to the north and parcels 2 and 3 to the south/southeast which are to be connected by an underground cable system. The site is in the Fissured Fertile Middle Ground identified as Medium landscape value, High landscape sensitivity and County level landscape importance. The scale of the development is relatively large covering an area of roughly approximately 179ha. The LVIA states that the proposed development is suitably sited and scaled and screened by surrounding hedgerows and vegetation. Whilst the facility is of a	No

		relatively large and notable size, its perceived scale and extent would be considerably less due to the relatively contained nature of its landscape context. It is considered that the volume of hedgerow to be removed (c.55 linear metres) is insignificant given the remaining linear features present in the surrounding environment.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Given the nature of the site, and its environs, and as the proposed facility would be contained within the existing field pattern and screened with existing treelines and hedgerows The removal of hedgerows would be mostly confined to the proposed site access points where removal is needed to achieve sightlines. Hedgerow removal will equate to c. 55 linear metres. 2621 sq.m. of new hedgerow planting and augmentation of existing hedgerows proposed. No physical changes to the topography of the lands are proposed and earthworks are minimal given the nature of the proposed development.	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?	No	The project will use standard construction methods, materials and equipment, and the process will be managed though the implementation of a CEMP (Construction and Environmental Management Plan). The loss of natural resources (hedgerow) is not regarded as significant in nature. Replacement hedgerow planting is proposed.	No

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	Hedgerow removal activities will require the use of potentially harmful materials, such as fuels and other such substances to power necessary machinery. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the submitted outline Construction and Environmental Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Hedgerow removal will not give rise to significant amounts of waste. Material/fuels etc. used during the construction phase would be typical for such construction sites and controlled in accordance with the measures outlined in the CEMP.	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	It is noted that hedgerow removal works are proposed within close proximity to field drains and watercourses including Ballyerra stream and Owennacurra River. There is potential for construction related impacts due to increased sediment and runoff from works such as excavation; soil handling, removal and compaction; contamination from accidental spills and leaks. However, no significant impacts are likely to occur due to the mitigation and best practice construction measures which are proposed.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	Noise and vibration impacts are anticipated during hedgerow removal. However, these are temporary in nature and there would be a localised impact only.	No

		Mitigation measures are proposed in submitted in the CEMP. No operational impacts are anticipated	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	The construction related impacts associated with the hedgerow removal would be temporary and localised in nature and the application of standard measures within the preliminary CEMP. No significant operational impacts are anticipated with a development of this nature.	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. There is no risk of major accidents given the nature and scale of the project and the location of the site.	No
1.10 Will the project affect the social environment (population, employment)	No	It is likely that there will be a minor positive effect on local employment during the construction phase of the proposed development. The facility will not be manned during its operational phase.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	No. There are other permitted and existing solar farm developments in the surrounding area. However, these are also not a class of development for the purposes of EIA. I am satisfied that sufficient separation exists between the different proposed solar farm developments in the area, as well as intervening topography and vegetation, to means that significant cumulative impacts would not occur.	No

		Furthermore, in terms of the surrounding landscape and visual policy according to the Cork CDP is not within a High Value Landscape.	
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: 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 development plan/ LAP/ draft plan or variation of a plan	Yes	The land drains to the Ballyerra Stream and Owennacurra River. The Ballyerra stream traverses the northern section of site (parcel 1). The Owennacurra River runs between land parcels 2 and 3 along the northern margin of parcel 3. No designated European Sites apply directly to, or adjoin, the subject lands. Therefore, there is no potential for direct effects. The nearest European Site is the Great Island Channel SAC (Site Code: 001058), which is c. 8km to the south of the appeal site at the closest point. There is a hydrological connection between the subject site and this SAC via the above watercourses (15km hydraulic connection). Cork Harbour SPA (site code 004030) is c.8.4km to the south of the appeal site at the closest point. There is a hydrological connection between the subject site and this SAC via the above watercourses (15km hydraulic connection). The application is accompanied by an NIS and appropriate assessment was undertaken above (see appendices 2 and 3 above)	No

		The proposed development does not present a risk of significant effects on the Qualifying Interests and Conservation Objectives of any Natura 2000 Site.	
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?	Yes	Once operational, sheep grazing or periodic cutting, if grazing is not possible, will assist in maintaining the habitat as grassland. Ecological impacts are unlikely to give rise to any significant impacts on flora and fauna. A badger sett was recorded adjacent to the site. A suitable buffer is to be maintained to avoid disturbance of the sett. Bat activity was recorded on the site. The hedgerow network is to be retained and augmented. Any felling of trees during hedgerow removal would be in line best practice to address the potential for bat presence. All species associated with the site, including badger and bat, will retain a presence onsite for the operational phase of the development.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are archaeological features within the site, including Ogham stone site (CH006) and two ringforts (CH006 & CH007). These features are listed on National Monuments Service 'Sites and Monuments Record'. There are 2 no. RMPs adjacent to the site boundary (CH010 & CH011 ringforts). 11 no. additional areas of archaeological potential are identified within the site	No

		The application has taken into account these features and with provisions for appropriate mitigation. The applicant proposes to undertake geophysical survey works prior to commencement of development. A suitable condition can be attached to grant to protect any unidentified archaeological material resulting from said survey work.	
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?	No	The nature of the works proposed are such that there would be no foreseeable impact on any areas of high quality or scarce resources. There are no significant or important resources in proximity to the site which could be negatively affected by the project. The proposal would result in the creation of grassland in place of managed agricultural land. The proposed development would not lead to significant long-term loss of agricultural land as a resource to future generations.	No
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?	No	Prior to the commencement of any construction activities, the necessary mitigation measures will be put in place to ensure the protection of surface water during the works. An Ecological Clerk of Works (ECoW) will be appointed for the duration of the construction phase. Monitoring will be undertaken. Construction works will be setback a minimum of 10m from watercourses, storage of materials will not be permitted in these buffer strips.	No

		The Flood Risk Assessment accompanying the application confirms that portions of the subject lands are within a probable fluvial and flood zone. However, design and layout changes were made at an early stage to avoid development in said identified areas. Runoff is to be managed within the site utilising infiltration based systems, only, with no discharge to any watercourse or field drain. Calculations have been provided to confirm that there will be a net reduction in runoff relative to the undeveloped baseline scenario.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No such risks identified.	No
2.7 Are there any key transport routes (e.g. 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	Standard traffic management measures will help to minimise impact on the local road network. The impact on traffic would be short term during the construction and decommissioning phases and imperceptible during the operational phase.	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	The adjoining and surrounding lands are mostly used for livestock grazing with commercial forestry. Housing is low-density and predominantly rural. It consists primarily of detached houses on spacious plots, farmhouses, and individual dwellings facing onto local country roads. Such uses are considered typical in a rural setting. Having considered the nature of the proposed development, no significant impacts on these uses are anticipated as a result of the proposal.	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?	No	Significant environmental effects from a cumulation of the proposed hedgerow removal with other proposed developments is unlikely based on a review of the relevant technical reports, the project design and the proposed mitigation measures which effectively reduces the potential for cumulative effects. As noted above, there are other solar farm developments in the vicinity of the appeal site. However, it is unlikely that there would be any significant cumulative impacts with other existing and/or permitted developments associated with the construction and operation of the proposed development. During the simultaneous operational phase of the proposed development, and other developments in the wider vicinity, it is acknowledged that there would be potential for cumulative impacts in terms of landscape and visual impact in the absence of mitigation. However, this is unlikely and mitigation measures, such as through design and layout, screening, and landscaping measures would help to ensure there would be no significant cumulative impacts in this regard.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No other relevant considerations arise.	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to the: -

- 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,
- The nature and scale of the proposed development, which is significantly below the threshold of 4km for hedgerow removal reinserted by the 2023 amending regulations and is also below the screening threshold set out in the 2011 (Agricultural) Regulations,
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised,
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' (2022),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised,
- The features and measures proposed by the applicant to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Construction Environmental Management Plan, Ecological Impact Assessment including Screening for Appropriate Assessment and Natura Impact Statement, Flood Risk Assessment, Surface Water Management Plan and Archaeological, Architectural and Cultural Heritage Impact Assessment and the information submitted to the Planning Authority by way of further information and clarification of further information

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:** _____

Appendix 5: WFD Impact Assessment – Stage 1 Screening

Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP-323747-25	**Townland, address**	The appeal site is in 3 no. parcels across the 4 no. townlands of Ballysallagh, Dundullerick East, Dundullerick West and Rathcobane in east County Cork.
Description of project		Solar farm comprising: • Solar panels on ground mounted frames • 25 no. invertor/transformer stations • 3 no. spare parts containers • 3 no. ring main units • 7 no. weather stations up to 5 metres in height • Underground electrical ducting and cabling including along local roads L7691 and L7692 to connect the 3 no. parcels • 2.4 metre high security fencing • CCTV • Access tracks • 7 no. stream/drain deck crossings • Temporary construction compounds • Landscaping	

	• Ancillary works Access to the site is to be via 4 no. entrances from the R626, L7691 and L7692. The solar farm will connect to the existing Knockraha 220kV substation by means of a 220kV substation and associated underground cable permitted under ref. ABP 321518-24. A 10 year planning permission is being sought with the operational lifespan being 40 years. ***Note***: Neither the MW output of the solar farms nor the number of panels to be installed are provided.
Brief site description, relevant to WFD Screening	The appeal site is roughly 179ha. It is currently used for agriculture, mainly grazing. The Owennacurra River flows in a west east direction separating parcels 1 and 2 from parcel 3. The Ballyerra Stream flows in a north-south direction and traverses the north-corner of the site. It flows into the Owennacurra River to the east of the site . Land Parcel 1 is drained by the Ballyerra River, Land Parcel 2 is drained by the Owennacurra River and Parcel 3 drains to the Moanbaun River and the Owennacurra River. The site area comprises of well drained sandstone till. There are no karst landforms or rock outcrops on the site The amount of soil requiring offsite removal would be minimal given the limited ground disturbance required by the proposed works and topography of the land. Excess soil from earthworks during the construction phase would be used in landscaping and reinstating the land, where possible. All other minor drainage features, mapped or otherwise, comprise dry or partially dry agricultural ditches.

Proposed surface water details	Any surface water runoff generated from invertor stations, spare parts containers and access roads is to be managed using infiltration based source control SuDS/NBS measures. Runoff from these areas will be collected and controlled at source using settlement pounds and infiltration trenches. All measures have been designed as infiltration based systems to cater for the 1 in 100 year rainfall event including 20% for climate change. There will be no off site drainage to field drains, streams or rivers within the site boundary. Quantitative calculations for pre and post-development runoff rates for each drainage sub-catchment within the site using the Rational Method and Met Eireann Depth-Duration-Frequency (DDF) rainfall data are provided in support of the appeal. The calculations submitted confirm that the proposal will not result in an increase in rainfall runoff but that there will be net reduction in runoff relative to the undeveloped baseline scenario.
Proposed water supply source & available capacity	During construction phase a supply of drinking water to be stored on site. Portable toilet and wash facilities to be provided to be serviced on a weekly basis, or more frequently if required, by a licenced contractor to a designated wastewater treatment plant for treatment and disposal. When operational, no water supply is required by the facility.
Proposed wastewater treatment system & available capacity, other issues	Temporary, portable toilets will be provided during the construction stage and wastewater will be tankered offsite by a licenced waste provider. When operational, no welfare facilities are required by the facility.
Others	NA.

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	Risk of not achieving WFD Objective e.g.at	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-

				risk, review, not at risk		**off, drainage, groundwater)**
1. River	Ballyerra Stream and Owennacurra River immediately adjacent	Owennacurra_020 IE_SW_19O030220	Moderate	Not at Risk		Yes, via surface water runoff.
2.River	Moanbaun Stream to north of parcel 3	Owennacuura_010 IE_SW_19O030050	Moderate	At Risk	Agriculture in upper reaches. Licenced facility in lower reaches	Yes, via surface water runoff
3. Groundwater Body	Underlying the site	Ballinhassig East IE_SW_G_004	Good	Not at risk		Yes, underlying the site.

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	Owennacurra_020 IE_SW_19O030220	Downstream pathway	Runoff, siltation, pH (concrete), hydrocarbon spillages and leaks.	Standard construction practices and	No. During the construction phase, works will be	**No. Screened out.** Good construction management

				Could lead to potential negative effects in terms of the hydrological flow regime and water quality.	mitigation. See CEMP and EcIA for further details.	undertaken in accordance with the CEMP. An Ecological Clerk of Works (ECoW) will be appointed for the duration of the construction phase to ensure mitigation strategy is correctly implemented which is also advantageous from an WFD perspective.	practices will minimise the risk of pollution from construction activities.
2.	1.River	Moanbaun Stream to north of parcel 3	Owennacuura_010 IE_SW_19O030050	As above	As above	As above	**No. Screened out.** As above
3.	Ground	Ballinghassig East IE_SW_G_004	Underlying the site.	Introduction of contaminants to sub-surface flow paths, which could lead to potential negative effects in terms of hydrogeological flow regime and, therefore, effect water quality.	As above	As above	**No. Screened out.** As above.

Operational phase							
1.	Surface	Owennacurra_020 IE_SW_19O030220	Downstream pathway	Surface water runoff from roads and the impermeable areas may contain potentially contaminating compounds (petroleum hydrocarbons, metals, and suspended sediments) which could enter the watercourse. However, the level of traffic volumes onsite during the operational phase is expected to be very limited and mainly only associated with service and repair vehicles.	Surface water will be managed in accordance with SuDS and the nature-based solutions to treat and attenuate water with no discharge to drains or watercourses. The proposal will not result in an increase in runoff. There will be net reduction in runoff relative to the undeveloped baseline scenario. Development will not increase the risk of flooding elsewhere in the catchment.	Any surface water runoff generated from invertor stations, spare parts containers and access roads is to be managed using infiltration based source control SuDS/NBS measures. Runoff from these areas will be collected and controlled at source using swales, settlement ponds and infiltration trenches. All measures have been designed as infiltration based systems to cater for the 1 in 100 year rainfall event including 20% for climate change. There will be no off site drainage to field drains,	**No. Screened out.** Good management practices will minimise the risk of pollution from construction activities and avoid contaminants entering receiving waterbodies during the operational phase.

						streams or rivers within the site boundary.	
2.	1.River	Moanbaun Stream to north of parcel 3	Owennacuura_010 IE_SW_19O030050	As above	As above	As above	**No. Screened out.** As above
3.	Ground	Ballinhassig East IE_SW_G_004	Underlying the site.	Introduction of contaminants to sub-surface flow paths, which could lead to potential negative effects in terms of the hydrological and hydrogeological flow regime and, therefore, effect water quality.	As above	As above	**No. Screened out.** As above.
Decommissioning phase							
1.	Surface	Owennacurra_020 IE_SW_19O030220	Downstream pathway	Runoff, siltation, pH (concrete), hydrocarbon spillages and leaks. Potential risk of contaminants which enter the groundwater to flow laterally towards the receiving water supplies. Could lead to potential negative effects in terms of the hydrological and	Standard decommissioning practices and mitigation.	No. During the decommissioning phase, it is expected that works will be undertaken in accordance with a decommissioning plan. The solar arrays will be removed upon decommissioning of the solar farm	**No. Screened out.** Standard decommissioning practices will minimise the risk of pollution and impact upon receiving waterbodies.

				hydrogeological flow regime and water quality. After decommissioning, the land will be reinstated to its original agricultural use.		and taken offsite for disposal at a licenced waste facility. The project can be fully reversed upon decommissioning.	
2.	River	Moanbaun Stream to north of parcel 3	Owennacuura_010 IE_SW_19O030050	As above	As above	As above	**No. Screened out.** As above
3.	Ground	Underlying the site	Underlying the site.	Introduction of contaminants to sub-surface flow paths, which could lead to potential negative effects in terms of the hydrological and hydrogeological flow regime and, therefore, effect water quality.	As above	As above	**No. Screened out.** As above.

Inspector: _____ **Date**: _____