



Inspector's Report

PL-500038-CK

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| Development | 10-year permission for the development of a solar farm with an operational period of 40 years and all associated site works. |
| Location | Farrangalway, Mellifontstown, Kinsale, Co. Cork. |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 25/4167 |
| Applicant(s) | Integer Energy LTD |
| Type of Application | Permission |
| Planning Authority Decision | Grant of Permission |
| Type of Appeal | Third Party v. Grant of Permission |
| Appellant(s) | Integer Energy LTD |
| Observer(s) | Oliver Coakley |
| Date of Site Inspection | 22 nd December 2025. |
| Inspector | Enda Duignan |

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1. Site Location and Description

- 1.1.** The appeal site has an address at Farrangalway, Mellifontstown, Kinsale, County Cork and is located c. 2.5km to the north of the town of Kinsale. The site has a stated area of 8.9ha. and comprises a portion of a productive arable field. In terms of topography, the site is generally flat with a gentle rise in its north-western corner. Kinsale Golf Club bounds the site its north and west. The remainder of the arable agricultural field is located to the east and a working farm with a dwelling and associated agricultural buildings are located to the south. There are also a number of residential dwellings to the south, east and north-east of the site along the surrounding local road network. Hedgerows and a mature treeline form the western and northern boundaries, and the majority of the eastern and southern boundaries are currently open, with no delineated boundary. The exception to this is the existing farm to the south.
- 1.2.** The site is to be accessed from an existing agricultural entrance off the L2472 to the east. A hedgerow which is interspersed by a number of mature trees forms this boundary with the L2472. New tracks will run along the eastern and southern boundaries, providing access to the proposed solar farm site. An existing solar farm which is at an advanced stage of construction is located to the east of the site, on the opposite side of the L2472.

2. Proposed Development

2.1. Description

- 2.1.1.** The Applicant is seeking a 10 year permission for a solar PV development with a 40-year operational lifespan. In summary, the development shall comprise:
- Solar panels on ground mounted frames,
 - 2 no. single storey electrical inverter/transformer stations,
 - 2 no. containerised energy storage modules,
 - 1 no. single storey spare parts container,
 - 1 no. medium voltage control/switching substation (comprising either single-storey building or 2 no. modular units),
 - 1 no. weather station,
 - Underground electrical ducting and cabling within the development site, security fencing,

- CCTV,
- Access tracks,
- Temporary construction compound,
- Landscaping and all associated ancillary development and drainage works.

2.1.2. The PV panels will be installed using a ground-mounted system that avoids undue ground disturbance and works with the existing site topography. The PV panels will sit on angled racks comprised of galvanized steel and will either be screw or driven-piled and positioned on the rack with a maximum height of up to 3.25m. The PV panels will be orientated to the south and positioned at a tilt angle between 15-30 degrees from the horizontal, depending on the natural site topographical and orientation conditions to ensure the best solar absorption. It is noted that the panels will be stationary with no movable parts.

2.1.3. As detailed in the submitted layout drawings, 2 no. inverter/transformer stations are proposed to convert direct current generated by the PV panels into alternating current which can be subsequently used by the electricity network. It is confirmed that these units are manufactured offsite and delivered installation ready. The units a maximum floor area of c. 29.8sq.m. The proposal also includes the provision a Medium Voltage (MV) control/switching substation. It is stated that this will consist of either a single storey block constructed building measuring c. 54sq.m. in area or 2 no. modular units which will be manufactured offsite and will each measure c. 14.3sq.m.

2.1.4. It is proposed to access the site via the existing entrance from the L7247 to the east. It is confirmed that the removal of c. 55m of a treelined hedgerow is required to facilitate sightlines. A compacted gravel access track (c. 4.5m wide) which extends to 568m will provide internal access to the solar arrays and associated infrastructure. It is stated that stripped soil arising from the construction of these access tracks will be sustainably reused across the site as part of landscaping, filling in the verges of access tracks and grass reinstatement in the areas of temporary construction compounds.

2.1.5. It is proposed to install a perimeter fence up to 2.4m in height to provide security and restrict unauthorised entry. It is stated that fence will be stock proof in nature and

sympathetic to the agricultural character of the site. It is also confirmed that the fencing will incorporate mammal friendly access, with a maximum 200mm gap retained at the bottom between the fence and the ground.

- 2.1.6. The proposed development includes the provision of 1 no. weather monitoring station and is required to measure ambient temperatures, wind speeds and direction, direct and diffuse irradiance etc. as part of standard operational monitoring of the solar farm. The proposed weather station will have a maximum height of c. 5m. It is also noted that a minimum 10m wide corridor has been incorporated into the proposed layout to allow for the potential routing of the future Cork to Kinsale Greenway around the site.

2.2. Grid Connection

- 2.2.1. It is confirmed by the Applicant that the solar farm will connect to the Kinsale 38kV substation to the south-west of the site by means of the proposed substation and an associated underground MV grid connection cable which will be the subject of a separate consenting process. It is noted that the route and design of the underground MV grid cable connection will be subject to the specifications and minimum requirements of ESB Networks, who will take over ownership of the cable once constructed. The assumed route is expected to be c. 1,450m in length, whereby it will follow the access track route out of the site for c. 490m and then along the public road for c. 960m up to the entrance to the Kinsale substation.

2.3. Submitted Documentation

- 2.3.1. The key documents supporting the application included:
- Landscape & Visual Impact Assessment (LVIA) with Photomontages prepared by Macro Works,
 - Glint & Glare (G & C) Assessment prepared by Macro Works,
 - Ecological Impact Assessment (EclA) and Appropriate Assessment (AA) Screening prepared by Greenleaf Ecology,
 - Construction & Environmental Management Plan (CEMP) prepared by Integer Energy Ltd.,
 - Archaeological Assessment prepared by Rubicon Heritage,
 - Site Access Report and Drainage Impact Assessment prepared by MHL

Consulting Engineers, and,

- Landscape mitigation plan by Macroworks.

2.3.2. Subsequent to the request for Further Information (FI) by the Planning Authority, the following key documents were submitted by the Applicant:

- Noise Impact Assessment prepared by Wave Dynamics Acoustic Consultants,
- Updated LVIA Photomontages,
- Updated EclA,
- Updated CEMP, and,
- Updated Archaeological Impact Assessment.

3. Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted planning permission for the proposed development subject to compliance with 31 no. conditions. Conditions note include:

- Condition No. 1 confirms that the period during which the development may be carried out shall be 10 years from the date of the Order.
- Condition No. 2 stipulates that the permission shall be for a period of 40 years from the date of commissioning. In addition, it requires the solar array and related ancillary structures to be then removed unless, prior to the end of the period, permission had been granted for their retention for a further period.
- Condition No. 3 requires revisions to the site layout and landscaping proposals.
- Condition No. 5 requires pre-development archaeological testing.
- Condition No. 12 & 13 relate to noise restrictions and specifies details of acoustic fencing.
- Condition Nos. 14-22 relate to pollution control measures for surface and groundwater protection.
- Condition Nos. 27-31 relate to surface water management and drainage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1. From a review of the planning file, there are a total of 4 no. reports from the Executive Planner (EP) and Senior Executive Planner (SEP) which form the basis of the Planning

Authority's decision. I will provide a summary of matters raised in each of these reports in chronological order. The initial EP report provides a description of the site and the subject proposal, an outline of the relevant planning policy context and a summary of the public submissions and referral responses received in relation to the subject proposal. The report also confirms that positive feedback had been provided during the pre-planning consultation. Whilst the principle of development was deemed to be acceptable, a FI request was recommended, and the Applicant was requested to undertake/submit the following:

1. *Archaeology*

- Carry out a Geophysical survey under licence from the National Monuments Service (NMS) by a suitably qualified Geophysical archaeologist.
- Carry out a programme of archaeological testing.
- Submit a report compiling the results of the archaeological testing for consideration of the NMS and the Planning Authority.
- Clarification of the proposed mitigation measures to alleviate visual impacts to RMP C0111-042.
- Submit revised site layout and landscape plans that identify the Zone of Archaeological potential.

2. *Landscape*

- Clarify discrepancies regarding the extent of proposed hedgerow planting.
- Submit details of replacement hedgerow planting at site entrance and an updated Bat Risk Assessment. The Applicant was also requested to submit details of compensatory native tree planting.

3. *Visual Impacts (Cumulative)*

- Submit an updated LVIA and Photomontages to show the proposed development on its own and in conjunction with the nearby solar park (under construction Planning Reg:16/4204), c.280m to east.

4. *Glint and Glare*

- Submit an updated analysis and results as 2 no. dwellings (H16 and H36) were

incorrectly identified as single storey dwellings.

5. *Environment*

- Submit a Noise Impact Assessment.
- Submit a site-specific Resource & Waste Management Plan.
- Submit a site-specific Restoration Waste Management Plan for the Restoration/demolition Phases of the proposed development.

3.2.1.2. The report of the SEP (1st April 2025) indicates that it should be read in conjunction with the report of the Area Planner, and it was recommended that a decision be deferred pending the receipt of FI. The second report of file from the EP (11th September 2025) provides an assessment of the Applicant's FI response. A summary of the Planning Authority's assessment of the FI response is provided under the following headings.

1. *Archaeology*

- It is noted that archaeological testing was not undertaken as requested. Conditions were therefore recommended regarding pre-development testing.

2. *Landscape*

- The updated landscaping proposals are acknowledged. It is recommended that a planning condition be attached to agree landscaping and replanting of trees along the roadside frontage. It is stated that the Planning Authority's Ecologist is satisfied with the approach to Bats in terms of pre-commencement inspections.

3. *Visual Impacts (Cumulative)*

- The updated LVIA was acknowledged, and the EP was satisfied that the individual and cumulative visual impacts will be confined to within the valley.

4. *Glint and Glare*

- The updated analysis was acknowledged and deemed satisfactory.

5. *Environment*

- The results of the Noise Impact Assessment were accepted and suitable conditions recommended.
- It was also noted that the CEMP was updated to include sections on Waste Management and Archaeology.

6. *Other Matters*

- Discussion provided on potential corridor for future greenway and a suitable condition was recommended.

3.2.1.3. In summary, the Applicant's response was deemed acceptable, and a grant of permission was recommended. The second report on file from the SEP (12th September 2025) confirmed that the FI response received had been considered and there were no further issues with the application. A grant of permission was recommended, subject to compliance within conditions.

3.2.2. **Other Technical Reports**

3.2.2.1. Archaeologist: A report is on the planning file from the Local Authority's Archaeologist dated 31st March 2025 which indicates that the Applicant had not engaged in pre-planning consultation with their department. In the absence of undertaking a geophysical survey and testing, concerns were raised regarding the potential for impacts on unknown sub surface archaeology. A request for FI was therefore recommended on the items discussed above in Section 3.2.1 above.

3.2.2.2. Area Engineer: An initial report (31st March 2025) on file from the Local Authority's area engineer who recommended FI regarding the Applicant's drainage proposals for the site entrance. A second report (10th September 2025) which noted that FI had not been requested as recommended. However, the report confirmed that they have no objection to the proposed development subject to compliance with suitable conditions.

3.2.2.3. Conservation Officer: A report (27th March 2025) on file which noted that they have no objection to the proposed development on built heritage grounds.

3.2.2.4. Cork Roads Design Office (Greenways Team): 2 no. reports (7th March & 4th

September 2025) on file stating no objection to the proposed development subject to compliance with a suitable condition. The condition requires the routing of the proposed 10m wide greenway corridor as shown on the submitted site layout drawings to be agreed in writing with the Planning Authority prior to commencement of development.

3.2.2.5. Ecology: An initial report (28th March 2025) on file from the Local Authority's ecologist who recommended FI regarding the items discussed in Section 3.2.1 above. A second report (9th September 2025) is on file following the submission of the FI response recommending a grant of permission subject to compliance with suitable conditions.

3.2.2.6. Environment Department: I note that reports have been received from 3 no. areas (6 no. reports in total) within the Planning Authority's Environment Section. The first report (14th March 2025) relates to drainage and surface and groundwater protection. The report confirms that they have no objection subject to compliance with a suite of conditions. A report (31st March 2025) also related to potential cumulative noise impacts and an FI was sought on matters discussed above in Section 3.2.1. An additional report (1st April 2025) is also on file requesting the submission of a Resource & Waste Management Plan. Suitable conditions are also recommended in the event of a grant of permission. Reports from each area of the Environment Section are on file following the receipt of FI and all reports confirm that they have no objection to the proposed development subject to compliance with conditions.

3.3. Prescribed Bodies

3.3.1. Iarnród Éireann (Irish Rail): Report received on file stating no objection to the proposed development.

3.4. Third Party Submissions

3.4.1. Two (2) no. submissions were received from Third Parties in respect of the proposed development and a high-level summary of the issues raised is provided within the EP report on file. I note that the issues raised in the Third Party appeal are broadly similar to the issues raised at application stage which I will discuss in detail in Section 7 of this Report. I note that I have considered all submissions in my assessment of the

subject proposal.

4. Relevant Planning History

4.1. A review of the Cork County Council Planning Portal and the Commission's case files was carried out on 19th December 2025 to collate any relevant, recent (within 10 years) planning history for the site and surrounding area.

4.2. Appeal Site

4.2.1. No history of planning applications within the boundaries of the subject site.

4.3. Surrounding Area

4.3.1. There is a history of planning applications within the immediate surrounds of the site which typically relate to small scale residential and agricultural developments which are characteristic of the site's rural setting. There is also a history of permissions for commercial developments, including those within the Kinsale Golf Club which has an abuttal with the northern and western boundary of the subject site. A permission of note in the surrounding area includes a permitted solar farm to the east of the subject site. Permission was granted by Cork County Council and the Commission (ABP at the time) for the following:

- 16/4204 (ABP Ref. PL.04.247521): A solar PV array consisting of approximately 20,000 solar panels on ground mounted steel frames, 1 no. single storey delivery substation, 2.no single storey inverter/transformer units, underground cable ducts hardstanding area, boundary security fence, site entrance, access tracks, CCTV and all associated site works with an address at Farrangalway, Knocknahilan, Mullendunny, Kinsale, Co. Cork.

I note that the solar farm was at an advanced stage of construction when I undertook my inspection of the subject site and surrounding area.

5. Policy Context

5.1. International/EU Policy.

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

5.1.1.1. 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

- 5.1.2.1. The plan was prepared in response to the Russian invasion of Ukraine. It 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 Guidance

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

- 5.2.1.1. 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 2024 (“CAP24”) and 2025 (“CAP25”)

- 5.2.2.1. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland’s Climate Action Plan 2019. The plan is prepared under the Climate Action and Low Carbon Development Act 2015 (as amended, see below), which introduced economy wide carbon budgets and sectoral emission ceilings, to achieve a 51% reduction in emissions by 2030 (relative to 2018 levels) and net zero emissions by 2050. CAP24 sets out the sectoral emission ceilings for the electricity sector (Table 3.2) and, in Table 12.5, KPIs to accelerate renewable energy generation. Key objectives include deploying up to 5 GW of solar power by 2025 and at least 8 GW by 2030. The Plan also details the significant changes required to enhance the electricity grid’s capacity and flexibility.
- 5.2.2.2. 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.
- 5.2.2.3. 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 5 GW by 2025 and 8 GWs by 2030.
- #### **5.2.3. Ireland’s Long-term Strategy on Greenhouse Gas Emissions Reductions 2024**
- 5.2.3.1. 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)

5.2.4.1. 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 have been updated in 2025. The original 12 sectoral Plans prepared in 2019 and a new sectoral Plan for tourism prepared in 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)

5.2.5.1. 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. The Plan has been developed through the 6-step adaptation planning process set out in the Sectoral Adaptation Planning Guidelines, and has been informed by the latest science and stakeholder engagement. To address the risks posed by climate change to the EGN sector, the EGN SAP 2025 sets out a EGN SAP Vision underpinned by three goals: (i) Establish structures to strengthen and enable action across the EGN sector to increase resilience; (ii) Strengthen the capacity of the EGN sector to ensure long-term resilience and (iii) 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. In addition, delivery of this Plan aims to prioritise the key principles outlined in the 2024 National Adaptation Framework, to ensure just resilience, support nature-based solutions, and avoid maladaptation. Each action is linked to delivery owners, timelines, and relevant national strategies, ensuring alignment with Ireland's climate commitments.

5.2.6. Project Ireland 2040: National Planning Framework (“NPF”), First Revision of the NPF and the National Development Plan (“NDP 2021-2030”)

5.2.6.1. The Project Ireland 2040 is the Government's long-term overarching strategy to make Ireland a better country for all and to build a more resilient and sustainable future. The NPF and the NDP combine to form Project Ireland 2040. The NPF sets out to deliver a spatial strategy through a set of National Strategic Outcomes (“NSO's”), including: ‘Transition to a Low Carbon and Climate Resilient Society’ which establishes a national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050. The first revision of the NPF has been approved by both Houses of the Oireachtas, following the decision of the Government to approve the final revised NPF on 8th April, 2025. The ‘First Revision’ introduces regional renewable electricity capacity allocations for each of the three Regional Assemblies to be achieved by 2030 which for the Eastern and Midland Regional Area is an additional 3,294MW, for solar PV or 45% of the National share in 2030. This is the minimum required for solar generation to meet the 2030 emission reductions in the electricity sector. The NDP 2021-2030 sets out the investment priorities that will underpin the implementation of the National Planning Framework, through a total investment of approx. €116 billion. It recognises that Ireland's energy system requires radical transformation in order to achieve its 2030 and 2050 targets and objectives. It recognises that investment in renewable energy sources affords Ireland an opportunity to decarbonise our energy generation, but that this must be complemented by wider measures to moderate growth in energy demand, increase energy security, diversify supply sources and facilitate more variable electricity generation on the grid.

5.2.7. 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.

5.2.8. Ireland's 4th National Biodiversity Action Plan 2023–2030

5.2.8.1. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

5.2.9. National Energy Security Framework, April 2022

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

7.1 Reducing demand for fossil fuels.

7.2 Replacing fossil fuels with renewables, including solar energy.

7.3 Diversifying fossil fuel supplies.

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

5.3. Regional Policy

5.3.1. Regional Spatial & Economic Strategy – Southern Region

- 5.3.1.1. This document seeks to support the delivery of the programme for change set out in Project Ireland 2040, the National Planning Framework (NPF) and the National Development Plan 2018-27 (NDP), and to ensure coordination between the City & County Development Plans and Local Enterprise & Community Plans. It seeks to facilitate the sustainable development of additional electricity generation capacity throughout the region and to support the sustainable expansion of the transmission network. The Regional Authority seeks to ensure that future strategies and plans for the development of renewable energy, and associated infrastructure, will promote the development of renewable energy resources in a sustainable manner.
- 5.3.1.2. The following relevant Regional Policy Objectives (RPOs) 87, 95, 98, 219 and 221 deal with renewable energy.
- RPO 87 - Low Carbon Energy Future: The RSES is committed to the implementation of the Government's policy under Ireland's Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019. It is an objective to promote change across business, public and residential sectors to achieve reduced GHG emissions in accordance with current and future national targets, improve energy efficiency and increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.
 - RPO 95 - Sustainable Renewable Energy Generation: It is an objective to support implementation of the National Renewable Energy Action Plan (NREAP), and the Offshore Renewable Energy Plan and the implementation of mitigation measures outlined in their respective SEA and AA and leverage the

Region as a leader and innovator in sustainable renewable energy generation.

- RPO 98 - Regional Renewable Energy Strategy: It is an objective to support the development of a Regional Renewable Energy Strategy with relevant stakeholders.
- RPO 219 - New Energy Infrastructure: It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.
- RPO 221 - Renewable Energy Generation and Transmission Network:
 - a. Local Authority City and County Development Plans shall support the sustainable development of renewable energy generation and demand centres such as data centres which can be serviced with a renewable energy source (subject to appropriate environmental assessment and the planning process) to spatially suitable locations to ensure efficient use of the existing transmission network;
 - b. The RSES supports strengthened and sustainable local/community renewable energy networks, micro renewable generation, climate smart countryside projects and connections from such initiatives to the grid. The potential for sustainable local/community energy projects and micro generation to both mitigate climate change and to reduce fuel poverty is also supported;
 - c. The RSES supports the Southern Region as a Carbon Neutral Energy Region.

5.3.2. Other Relevant Guidelines

5.3.2.1. Regard is also given to:

- EU Energy Directives and Roadmaps and associated national targets for renewable energy by sector.
- National Renewable Energy Action Plan, 2010.
- Strategy for Renewable Energy, 2012-2020.

- Ireland's Transition to a Low Carbon Energy Future, DCENR, 2015-2030.
- Renewable Energy Policy and Development Framework, DCENR, 2016.
- Architectural Heritage Protection Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2011. (updated in 2022).
- Ireland's 4th National Landscape Strategy for Ireland 2015-2025,
- The Planning System and Flood Risk Management, 2009,
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.4. Local Policy

5.4.1. Cork County Development Plan, 2022 – 2028

5.4.1.1. The operative Development Plan for the purpose of this assessment is the Cork County Development Plan, 2022 – 2028 (referred to herein as the Development Plan). The site is located within a rural area of the county, outside the settlement boundary of any designated settlements.

5.4.1.2. Section 13.7 (Solar Energy) of the Development Plan notes that as large solar farms technology has rapidly improved in recent years and can potentially affect the landscape and natural and built heritage. Large solar farms have potential to be built on agricultural land and leave room for a hybrid land use by allowing farming practices to co-locate with the ground mounted solar panels. It is acknowledged within the Development Plan that there are no national planning guidelines to guide the future development of solar farm proposals. In the absence of same, it is stated that the Council will assess the appropriateness of individual applications received having regard to all other statutory requirements and guidelines, environmental sensitivity factors (if any) of the application-site, similar development guidance internationally, and the overall proper planning and sustainable development of the area. The following County Development Plan Objective is relevant to the consideration of the

appeal:

- 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.

Transmission Network

5.4.1.3. Relevant objectives of the Development Plan include:

- **ET 13-21: Electricity Network**

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

- **ET 13-22: Transmission Network**

- a. To co-operate and liaise with statutory and other energy providers in relation to power generation in order to ensure adequate power capacity for the existing and future needs of the County including business and residential demands.
- b. Proposals for new electricity transmission networks will need to consider the feasibility of undergrounding or the use of alternative routes especially in landscape character areas that have been evaluated as being of high landscape sensitivity. This is to ensure that the provision of new transmission networks can be managed in terms of their physical and visual impact on both the natural and built environment and the conservation value of European sites.
- c. Proposals for development which would be likely to have a significant effect on nature conservation-sites and/or habitats or species of high conservation value will only be approved if it can be ascertained, by means of an Appropriate Assessment or other ecological assessment, that the integrity of these sites will not be adversely affected.

Landscape

5.4.1.4. Section 14.8 of the Development Plan notes that Cork County Council prepared a Draft Landscape Strategy in 2007. This Landscape Character Assessment (LCA) established a set of 76 landscape character areas reflecting the complexity and diversity of the entire County. However, due to the expanse and variety of Cork County's landscape the character areas have been amalgamated into a set of 16 landscape character types based on similarities evident within the various areas. These landscape character types provide a more general categorization of the County's landscape. As per Map 2 of Appendix F of the Development Plan, the site is located within the Landscape Character Type '7b - Rolling Patchwork Farmland'. This LCT is classified with a 'Medium' landscape sensitivity, 'Medium' Landscape Value,

and 'Local' level Landscape Importance.

5.4.1.5. Relevant objectives of the Development Plan include:

- **GI 14-9: Landscape**
 - a. Protect the visual and scenic amenities of County Cork's built and natural environment.
 - b. Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
 - c. Ensure that new development meets high standards of siting 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.**

Views and Prospects

5.4.1.6. Section 14.9 of the Development Plan notes that the County contains many vantage points from which views and prospects of great natural beauty may be obtained over both seascape and rural landscape. The policy indicates that all proposals should be assessed on their merits taking into account the overall character of the scenic route including the elements listed in Volume 2 Heritage and Amenity Chapter 5 Scenic Routes of the Plan and the Landscape Character Type through which the route passes. Relevant Development Plan objectives include:

- **GI 14-12: General Views and Prospects** - Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.
- **GI 14-13: Scenic Routes** - Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have

very special views and prospects identified in this Plan. The scenic routes identified in this Plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Heritage and Amenity Chapter 5 Scenic Routes of this Plan.

- **GI 14-14: Development on Scenic Routes -**

- a. Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.
- b. Encourage appropriate landscaping and screen planting of developments along scenic routes (See Chapter 16 Built and Cultural Heritage).

Biodiversity and Environment

5.4.1.7. The relevant objectives contained within Section 15.3 (Protecting Sites, Habitats and Species) of the Development Plan include:

- **BE 15-2: Protect sites, habitats and species –**

- a. Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements. Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas, proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan.
- b. Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.
- c. Protect and where possible enhance areas of local biodiversity value,

ecological corridors and habitats that are features of the County's ecological network. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 of the Plan.

- d. Recognise the value of protecting geological heritage sites of local and national interest, as they become notified to the local authority, and protect them from inappropriate development.
 - e. Encourage, pursuant to Article 10 of the Habitats Directive, the protection and enhancement of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.
- **BE 15-6: Biodiversity and New Development** - Provide for the protection and enhancement of biodiversity in the development management process and when licensing or permitting other activities...
 - **BE 15-7: Control of Invasive Alien Species.**

Built Heritage and Archaeology

5.4.1.8. Chapter 16 of the Development Plan recognises the importance of identifying, valuing and safeguarding archaeological, architectural and cultural heritage for future generations through appropriate protection, management and enhancement measures or via the sensitive development of this resource. The relevant objectives contained within the Chapter include:

- **HE 16-2: Protection of Archaeological Sites and Monuments** Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally. In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local

Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

- **HE 16-5: Zones of Archaeological Potential** - Protect the Zones of Archaeological Potential (ZAPs) located within historic towns, urban areas and around archaeological monuments generally. Any development within the ZAPs will need to take cognisance of the upstanding and potential for subsurface archaeology, through appropriate archaeological assessment.
- **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.
- **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.
- **HE 16-14: Record of Protected Structures.**
- **HE 16-15: Protection of Structures on the NIAH.**
- **HE 16-16: Protection of Non- Structural Elements of Built Heritage.**

Tourism

5.4.1.9. Objectives of note include:

- **TO 10-1: Promotion of Sustainable Tourism in County Cork** - Promote a sustainable approach to the development of the tourism sector within Cork County while;
 - a. Ensuring the protection of the natural, built and cultural heritage assets of the

county, including Natura sites, which are in themselves part of what attracts visitors to the county.

- b. Having regard to cumulative impacts increased visitor numbers and visitor facilities can have on local infrastructure, sensitive areas and sites, water quality, biodiversity, soils, ecosystems, habitats and species, climate change etc.
 - c. Supporting investment in placemaking and the regeneration of towns and villages in recognition of the role 'People and Place' make in attracting visitors to Ireland; encouraging the development of tourism and other facilities within settlements to support such regeneration and compact growth.
 - d. Work in partnership with public and private sector agencies to implement the key tourism objectives in this Plan, while first ensuring early consultation with landowners around any new proposed routes and facilities.
 - e. Assist community groups to access funding for appropriate, sustainable and beneficial tourism developments.
- **TO 10-3: Tourism Opportunities**
 - **TO 10-5: Protection of Natural, Built and Cultural Features.**

Volume Two – Heritage and Amenity

- Chapter 3 Nature Conservation Sites.
- Chapter 4 Habitats and Species Data - Table 2.4.1 (Volume 4) Habitats of Conservation Importance in County Cork
- Chapter 5 Scenic Routes - Views and Prospects & Scenic Route Profiles

5.4.2. Cork County Council Climate Action Plan

- 5.4.2.1. The Cork County Council Climate Action Plan 2024-2029 is aligned with the Government's national climate objectives and targets, which seek to transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050. The Climate Action and Low Carbon Development (Amendment) Act 2021 frames Ireland's legally binding climate ambition to deliver a reduction in greenhouse gas emissions by 51% by 2030.

6. Natural Heritage Designations

6.1.1. Natura 2000 European Sites within proposed development's Zone of Influence (Zoi) are as follows:

6.1.1.1. Special Areas of Conservation (SACs)

- Courtmacsherry Estuary (001230) (c. 11.3km from site).

6.1.1.2. Special protection Areas (SPAs)

- Sovereign Islands SPA (c. 8.1km from site);
- Courtmacsherry Bay SPA (004219) (c. 11.6km from site);
- Old Head of Kinsale SPA (004021) (c. 12.2km from site); and,
- Cork Harbour SPA (004030) (c. 13.9km from site).

6.1.2. Natural Heritage Areas (NHA) & proposed National Heritage Areas (pNHA)

- There are no Natural Heritage Areas (NHA) located within 10km of the site. However, there are 4 no. proposed National Heritage Areas (pNHA) within 10km of the site and include:
 - o James Fort pNHA (001055) - c. 3.7km, and,
 - o Bandon Valley Below Inishannon pNHA - c. 5.4km.

7. The Appeal

7.1. Grounds of Appeal

7.1.1. A Third Party appeal has been received from Mr. Oliver Coakley who is the owner and occupier of a dwelling to the east of proposed solar farm site. Mr. Coakley's grounds of appeal can be summarised under the following key headings:

Cumulative Impacts

7.1.2. It is contended that there has been a failure to assess cumulative impacts associated with the proposed development. Of note, the absence of cumulative assessments of noise and visual/landscape impacts is of particular concern. It is the appellant's view that the decision is legally and procedurally deficient.

Visual Impact and Loss of Rural Character

- 7.1.3. Concerns are raised regarding the potential visual impact of the proposed development given its scale and proximity to the appellant's property. It is noted that the proposed mitigatory planting that will take 5-10 years to become effective. During which time, the appellant's property will experience significant adverse visual effects. It is contended that the proposed development undermines Objectives HE 3-1 (Landscape Character Protection) and GI 6-2 (Green Infrastructure) of the Development Plan and the cumulative scale of solar arrays materially alters the rural landscape character.

Noise and Residential Amenity

- 7.1.4. The Appellant highlights that the application was not accompanied by any measured baseline noise survey at sensitive receptors, including the appellant's home, which directly adjoins the site. In the absence of establishing these baselines, it is contended that the Commission cannot determine whether the proposed inverter stations will cause a perceptible or significant increase in noise levels, particularly when combined with the neighbouring solar farm (16/4204). The Appellant notes that this omission leaves the impact assessment incomplete and contrary to the requirements of the EIA Directive and EPA guidance. Concerns are also raised regarding the adequacy of the conditions, the failure to consider the tonal/low frequency noise produced by the inverters, construction phase noise and compliance with Development Plan policy.

Flooding, Surface Water and Groundwater Risk

- 7.1.5. The Appellant notes that water run-off from the site causes significant flooding to the road along the site entrance and the Appellant's property. Examples and photos have been provided of times when flooding has recently occurred. It is stated that the water run-off generally flows east on this field, and results in significant ponding in the north-eastern corner of the field. The Appellant notes that their water well has been impacted by this flooding and in late 2022, the ponding seeped into the well resulting in a failed water test (attached as appendix to appeal). This occurred after heavy rainfall which resulted in ponding in the north-eastern corner of the field in which the development will be located.
- 7.1.6. Given the site is classified as a Locally Important Aquifer of High Vulnerability,

concerns are raised regarding the absence of a hydrogeological risk assessment, despite clear evidence of surface water flooding. It is the Appellant's view that the combination of flood risk, construction activity, and vulnerable aquifer conditions present an unacceptable risk to groundwater quality and local water supplies. It is stated that this omission is contrary to the Water Framework Directive, the Planning System and Flood Risk Management Guidelines (2009), and Development Plan Objective WM 5-1 and cannot be addressed by the Applicant's generic mitigation measures.

Archaeological Assessment

- 7.1.7. Given the scale of groundworks (inverter foundations, access tracks, cabling), there is a reasonable likelihood of archaeological remains being present on site. The Appellant notes that the absence of an archaeological survey or impact assessment means that the Planning Authority could not properly assess impacts on cultural heritage, contrary to the National Monuments Acts, the Planning and Development Act 2000, and Development Plan Objectives HE 3-6 and HE 4-1.

Procedural Deficiencies

- 7.1.8. Concerns are raised that the application was not supported by a detailed arboricultural/tree survey. Instead, only general ecological descriptions of hedgerows and vegetation were provided. This falls short of the level of detail required to assess the impact on existing mature trees and hedgerows, which are critical for screening, biodiversity and local character.
- 7.1.9. The appellant highlights that a failure to consider reasonable alternatives runs contrary to Article 5(1)(d) of the EIA Directive. In addition, an over-reliance on renewable energy targets without balancing local impacts undermines Section 34(2) of the Planning and Development Act 2000, which requires consistency with proper planning and sustainable development.

7.2. First Party Response

- 7.2.1. A response to the Third Party appeal has been prepared by HW Planning on behalf of the Applicant and provides a response to the Appellant's Grounds of Appeal. The

response is summarised under the following headings:

EIA

7.2.2. Based on their reading of the appeal submission, the Applicant believes that the appellant has misunderstood the requirements to undertake EIA for this specific project. This has resulted in the repeated inaccurate assertion that the Applicant and Cork County Council have failed to appropriately apply EIA Legislation to this development. The proposed solar farm project, inclusive of the underground grid connection, is not of a type identified in Part 1 of Schedule 5, nor does it meet any prescribed thresholds for mandatory EIA under Part 2. It is considered that a sub-threshold EIA is not required for the proposed development, as adequate measures are in place to avoid, reduce or mitigate likely impacts, such that neither the construction, operational or decommissioning phases of the overall development (proposed solar farm, including proposed substation and grid connection) will have a significant impact on the environment.

7.2.3. Notwithstanding the non-applicability of EIA in this case, it is confirmed that the Noise Impact Assessment and Landscape and Visual Impact Assessment (LVIA) lodged as part of this application specifically include sections that detail with the impact of the development when assessed in a cumulative context. The findings of which were accepted by the Planning Authority.

EIA

7.2.4. Based on their reading of the appeal submission, the Applicant believes that the appellant has misunderstood the requirements to undertake EIA for this specific project and resulted in the repeated inaccurate assertion that the applicant and Cork County Council have failed to appropriately apply EIA legislation to this development. The proposed solar farm project, inclusive of the underground grid connection, is not of a type identified in Part 1 of Schedule 5, nor does it meet any prescribed thresholds for mandatory EIA under Part 2. It is considered that a sub-threshold EIA is not required for the proposed development, as adequate measures are in place to avoid, reduce or mitigate likely impacts, such that neither the construction nor operational, nor decommissioning phases of the overall development (proposed solar farm,

including proposed substation and grid connection) will have a significant impact on the environment.

Landscape and Visual Impact

- 7.2.5. On the issue of cumulative impacts, the Applicant notes that it was very evident that the potential for cumulative impacts was fully considered having regard to the landscape submission made at FI stage which included an updated photomontage booklet. This photomontage outlines of the consented Farrangalway development. It is noted that only three of the six representative viewpoints used to assess the proposed development include cumulative outline views, as all other viewpoints are fully screened from the consented development by the surrounding intervening terrain. Once existing screening in the form of vegetation and built development is taken into account, the Applicant notes that there would be limited, if any, combined views of the 2 no. developments.
- 7.2.6. It is stated that the Applicant has made every effort to appropriately screen the development from nearby residential receptors throughout the design process. A setback in excess of 200m between the nearest solar panel and the appellant's dwelling has been provided and it is the Applicant's view that this setback demonstrates their commitment to mitigate impacts on any nearby properties. Additionally, there is a significant level of mitigation planting included as part of the design of the solar farm.

Landscaping

- 7.2.7. In response to the concerns that a tree survey was not submitted, it is confirmed that all trees to be removed have been inspected by the project landscape consultant and ecologist, with no environmental implications confirmed. The loss of trees will be offset by greater compensatory planting and existing trees to be retained will be safeguarded. It is the Applicant's view that the provision of new hedgerows and bolstering of further existing hedgerow will result in a net gain for biodiversity across the site and accords with the principles of ecological protection and sustainable development.

Noise

- 7.2.8. It is confirmed that the Applicant commissioned Wave Dynamics to carry out a noise impact assessment and subsequently submitted the required report in response to the FI request. It is highlighted that this report identified 7 no. Noise Sensitive Locations (NSLs) within close proximity to the development and provided a map showing the location of each of these NSLs. The mapping in the report confirms that the appellant's property was appropriately identified among key NSLs for the assessment. Included within the report is a baseline noise survey and full consideration of cumulative noise impacts.
- 7.2.9. It is also highlighted that the submitted noise impact assessment proposed a number of general recommendations for the control of noise from construction works. This includes focused mitigation for inverters / transformers in the form of 3m high noise barrier, which the applicant has subsumed into the design. With this in place, compliance with EPA NG4 and BS4142 2014 A1+ 2019 Methods has been demonstrated.

Surface Water

- 7.2.10. Notwithstanding the Appellant's flooding concerns, the Applicant notes that the solar farm will not contribute to any surface water issues in the local environment and it is highlighted that the solar panel lands are located a considerable distance from the Appellant's house. Subject to appropriate design specifications, the installation of solar PV arrays will not give rise to increased surface water runoff (volumes or rates) in an agricultural setting. It is noted that this position is supported by both academic and industry testing of pre and post-panelled ground conditions. A paper on the hydrologic response of solar farms published in the Journal of Hydrologic Engineering confirmed that "solar parks themselves did not have a significant effect on runoff volumes, peaks or times to peak". Furthermore, it is stated that this research advocates the establishment and maintenance of grass underneath erected panels promoting kinetic friction and the avoidance of bare ground in adjacent spacer sections (areas between array rows). The design of the solar farm has also included specific drainage measures that will proactively manage any surface water impacts from the development and reference is made to the measures outlined within the submitted Drainage Impact

Assessment.

Archaeology

- 7.2.11. It is confirmed an Archaeological, Architectural and Cultural Impact Assessment Report submitted to the Council as part of this application. At FI stage, the Applicant commissioned Archaeological Consultancy Services Unit (ACSU) to carry out further archaeological investigations including a geophysical survey completed under license (Licence No. 25R0222), which was submitted to the National Monuments Survey and identified one definite archaeological feature consisting of a ring-ditch in the southern portion of the site. It is confirmed that the applicant is fully committed to completing the testing works in question. Given the small scale of the solar farm, localised nature of anomalies to be tested and flexible nature of project design, the applicant is confident that the project can be delivered in close working partnership with the heritage officer in Cork County Council.

Policy

- 7.2.12. In response to the Appellant's concerns regarding the failure of the proposed development to comply with the relevant Development Plan policy, the Applicant is of the view that the development is fully in accordance with the content and general principles of the operative Development Plan and a high level summary of how the proposed development is compliant with same is outlined within the response.

7.3. Observations

- 7.3.1. No observations received in relation to the Third Party appeal.

7.4. Planning Authority Response

- 7.4.1. Correspondence is on file from the Planning Authority who note that they are of the opinion that all the relevant issues have been covered in the technical reports already supplied to the Commission and it is confirmed that they have no further comment to make in relation to the appeal.

7.5. Further Responses

- 7.5.1. None.

8. Planning Assessment

Having inspected the site and having examined the application details and all other documentation on file, including the Appellant's grounds of appeal, the reports of the Local Authority, the submissions on file and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development,
- Landscape & Visual Impact,
- Residential Amenity,
- Water,
- Biodiversity,
- Archaeology, and,
- Other Matters.

8.1. Principle of Development.

- 8.1.1. Cork County Council have granted planning permission for the construction of a solar photovoltaic (PV) development on agricultural lands located adjacent to the Kinsale Golf Club. The site comprises a portion of an arable field with a stated area of c. 8.9ha. Referred to by the Applicant as the Coolvullanane Beg Solar Farm, the development is proposed to have an electrical export capacity of up to c. 6 MW Maximum Export Capacity (MEC). Access to the site is to be provided via an existing agricultural entrance to the east on the L7247 and a new access track will lead to the ground mounted solar arrays. The solar farm will be bound by the golf course lands to the north and west and a cluster of agricultural buildings and fields to the south. Existing 38kV overhead electricity network cables traverse the south-eastern portion of the site and the Kinsale 38kV substation is located c. 350m to the site's south-west, on the southern side of the L7245. The Applicant notes that the proximity of the site to this substation is a key technical justification for the proposed solar farm. I note that the subject site is located within a rural area, on un-zoned lands at a removed distance from the nearest settlement of Kinsale. As I have outlined in Section 5 of this report, the transition to a green economy and an acceleration in the delivery of renewable energy projects is a principle that is supported in international, national, regional and local policy. The NPF seeks to reduce the country's carbon footprint (NPO 69) and

promotes 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 70). This policy is now aligned with the ambitious targets set out within CAP24 and CAP25 of achieving net zero emissions by 2050. There are also objectives included within CAP24 and CAP25 to deploy up to 5 GW of solar power by 2025 and at least 8 GW by 2030. Similar support is provided at regional level where the enormous potential for renewable energy in the region is recognised and the urgent need to transition to a low carbon future is acknowledged in RPO 56. At a local level, Chapter 17 (Climate Action) of the Development Plan identifies specific climate action objectives that seek to deliver climate mitigation and adaptation. There is also strong policy support for the delivery of renewable energy, namely Objective ET 13-1 (Energy) which seeks to 'ensure that County Cork fulfils its potential in contributing to the sustainable delivery of a diverse and secure energy supply and to harness the potential of the county to assist in meeting renewable energy targets and managing overall energy demand'. Furthermore, in recognition of national targets and commitments to significantly increase renewable energy production, Objective ET 13-14 (Solar Farm Development) confirms that 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.

- 8.1.1.1. As noted above, there is currently no national planning guidelines to guide the future development of solar farm proposals. In the absence of same, Section 13.8 of the Development Plan confirms that the Council will assess the appropriateness of individual applications received having regard to all other statutory requirements and guidelines, environmental sensitivity factors (if any) of the application-site, similar development guidance internationally, and the overall proper planning and sustainable development of the area. Overall, it is considered that the rapid acceleration and delivery of renewable energy projects of this nature is both fully supported in local through to national policy, and necessary to achieve the national targets of achieving net zero emissions by 2050. For these reasons, I am satisfied that the principle of development is acceptable at this location. As noted however, it is acknowledged that renewable energy projects must accord with the pertinent policy of the Development Plan, namely Section 13.8 and Objective ET 13-14. Along with other matters, these

are addressed in detail in the following sections of this report.

8.2. Landscape & Visual Impact

8.2.1. Section 13.8 (Solar Energy) of the Development Plan acknowledges that changes to landscape character and the potential for landscape and visual impacts are some of the key issues that arise in developments of this nature. The impact of the proposed development in terms of the degradation of the area's rural character and its overall visual impact has been raised as a key concern by the Third Party Appellant. They have also raised concerns regarding the adequacy of the Applicant's LVIA, and it is their view that cumulative visual impacts have not been adequately considered given the location of the site relative to an existing solar farm to the site's east. As per Appendix F (Landscape Character Assessment of County Cork) of the Development Plan, the site is located within the LCT 7b - Rolling Patchwork Farmland. This LCT is classified as having a 'Medium' landscape sensitivity, 'Medium' Landscape Value, and 'Local' level Landscape Importance. In terms of views of recognised scenic value, there are 5 no. scenic route designations within the LVIA's study area and include:

- Scenic route S60: Road from Kinsale to Ringville and to Ballinaclashet and Oysterhaven,
- Scenic route S61: Road between Kinsale and Clonleigh via Summercove,
- Scenic route S62: Road between Kinsale and Ballythomas (Coast Road),
- Scenic route S63: Road between Innishannon and Kinsale via Shippool, and,
- Scenic route S65: Road between Innishannon to Ballinadee to Kinsale Western Bridge.

I note that there are a number of general recommendations contained within the Draft Cork County Landscape Strategy (CCLS) regarding LCT 7b which I have had regard to in my assessment of the subject proposal.

8.2.2. The application was supported by an LVIA which describes the landscape context of the proposed development and assesses the likely landscape and visual impacts of the proposed development on the receiving environment. It is noted that the methodology for the LVIA included the following key tasks.

- Desk study and site visits in August 2023,
- Defining the Baseline Landscape setting and conditions,

- Identification and Evaluation of key components of the proposed development,
- Consideration of Mitigation Measures,
- Assessment of Landscape Effects,
- Assessment of Visual Effects, and,
- Summary Statement of Significance.

In terms of the extent of the study area, Section 1.2.2 of the Applicant's 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 in this instance. However, it is noted that there is a particular focus on receptors contained within 2km, except where iconic or designated scenic viewpoints exist at greater distances out to 5km. The LVIA includes a total of 6 no. viewpoint (VP) photomontages taken from various locations within the study area and each VP provides the existing scenario, an outline view, the proposed montage view and the montage view with the mitigation established. In support of the LVIA, a computer-generated Zone of Theoretical Visibility (ZTV) map has been prepared to illustrate where the proposed development is potentially visible from. 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. It is noted within the LVIA that as the 'bare-ground' ZTV map is theoretical, the proposed PV panels will be considerably screened by surrounding and intervening hedgerow vegetation, trees and numerous buildings, walls and embankments littered throughout the study area, resulting in a much lesser degree of actual visibility. The second form of ZTV mapping provided within the LVIA relies on a Digital Surface Model (DSM), which also accounts for terrestrial land cover elements, such as hedgerows and buildings (see Figure 1.8 of LVIA). The LVIA indicates that this is of far more value in determining the likely visibility of the solar panels and the following relevant points are noted:

- There will be a considerable reduction in visibility of the proposed panels in all directions, but most notably to the north and west of the site, where potential visibility will be entirely eliminated in some locations, whilst other areas will only afford glimpse views of the proposed development.
- To the south, there will also be a considerable reduction in visibility, most notably along the local road that traverses east-west of the site immediately

south of the proposed site entrance. For the most part, visibility of the proposed panels will be entirely screened here due to the dense hedgerow and thicket that occurs to the north of the local road carriageway.

- Due to the rolling nature of the land form to the south, there will still be potential for some comprehensive visibility of the panels along the north-facing sloping terrain some c. 500m to the south of the site boundary.

8.2.3. It is noted within the LVIA that the main mitigation measure that has been employed is the siting of the development in a relatively robust rural area that is characterised by typical rural land uses. In addition, it avails of a notable degree of existing screening to ensure that it will not form a highly prominent form of development. Furthermore, it is stated that the retention of existing hedgerow boundaries around the site will aid visual screening and will maintain the existing field pattern. In terms of landscaping and additional mitigation, it is proposed to bolster existing perimeter and internal hedgerows with under and inter-planting of whip transplants (i.e. Hedgerow Type 1) so that dense and consistent screening of the site is provided in perpetuity. It is confirmed that this will be undertaken where required to thicken and fill gaps in the existing hedgerow network prior to the construction phase. Where not already exceeded by existing vegetation, it is intended to manage hedgerows up to 3-4m in height. New 'Type 2' hedgerows, comprising whips and a high proportion of advance nursery stock trees (c. 3m planted height) are also proposed along the southern and eastern boundary of the site to further screen the proposed development from some of the nearest surrounding properties.

8.2.4. In their initial assessment of potential landscape and visual impacts, the Planning Authority noted that in the context of its immediate surrounds, the development would be prominently visible from Kinsale Golf Club (elevated lands to north), the public road entrance to east and an existing dwelling located c. 205m to the east (i.e. Third Party Appellant). In terms of its wider surrounds (i.e. beyond 1km), the Planning Authority acknowledged that the proposed development will be prominently visible from higher elevations. However, it was their view that the development would not be visually obtrusive or discordant and would integrate into the existing landscape. Notwithstanding this, concerns were raised regarding the potential for cumulative impacts, and the Applicant was requested to update the LVIA to have regard to the

existing solar farm to the east of the site. Following the submission of the updated photomontages, the Planning Authority noted that the individual and cumulative visual impacts would be confined to within the valley and the proposed development was therefore acceptable in their view.

8.2.5. The results of the Applicant's LVIA in terms of the magnitude of visual effects is provided in Section 1.6.7 of the LVIA and I have summarised same in the below table. My assessment of each representative viewpoint is also provided below. It is noted within the LVIA that the selected viewpoints are intended to reflect a range of different receptor types, distances and angles and in general, a development is assessed using up to 6 no. categories of receptor types including Key Views (from features of national or international importance) (KV), Designated Scenic Routes and Views (SR/SV), Local Community views (LCV), Centres of Population (CP), Major Routes (MR) and Amenity and heritage features (AH). In this instance, I note that the selected VPs are representative of LCVs (VP1-VP5) and MRs and SRs (VP6). Having visited the subject site and surrounding area, I am satisfied that views of the site from all designated Scenic Routes within the study area are restricted. The exception to this is S63 where views of the site can be achieved from more elevated sections of the R605 to the south and south-west of the site. As noted above, a photomontage from this Scenic Route has been provided at VP6.

Table: Magnitude of Visual Effects

| VP No. & Location | VP Sensitivity | Pre-mitigation Significance / Quality / Duration of Impact | Post-mitigation Significance / Quality / Duration of Impact | Assessment |
|---|-----------------------|---|--|--|
| VP1: Ballynamona Cross Roads | Medium - Low | Imperceptible / Neutral / Short-term | Imperceptible / Neutral / Long-term | ✓ - Agree with LVIA conclusions. This is a locally elevated view afforded through an agricultural field entrance at the intersection of the L3201 and L3211 to the north-west of the site. The solar farm will not be visible from this local community view due to the intervening distance and the layers of vegetation screening. |
| VP2: L3201 north of Ballinvar Cross | Medium - Low | Imperceptible / Neutral / Short-term | Imperceptible / Neutral / Long-term | ✓ - Agree with LVIA conclusions. This is an open view across a sloping pastoral field afforded from a local road in the townland of Mellifontstown to the west of the |

| | | | | |
|---|------------|---|-------------------------------------|--|
| Roads at Mellifontstown | | | | site. The solar farm will not be visible from this local community view due to the intervening distance and the layers of vegetation screening. |
| VP3: L7247 at Farrangal way | Medium-low | Moderate-slight / Negative / Short-term | Slight / Negative / Long-term | ✓ - Agree with LVIA conclusions. This VP is taken from the east at the site entrance on the L7247. At this location, it is proposed remove a section (c. 55m) of hedgerow to the south of the entrance to achieve the required sightlines. As a result, views of the development will be achieved along a stretch of this local road. However, the visual impact of the structures is not considered to be significant given the overall height of the solar arrays and their setback from this local road. Furthermore, landscaping in the form of hedgerow planting is proposed along both the roadside boundary at the site and to the east of the solar arrays which will further mitigate this impact in the medium to long-term. |
| VP4: L7246 at Coolvallanane Beg | Medium-low | Imperceptible / Neutral / Short-term | Imperceptible / Neutral / Long-term | ✓ - Agree with LVIA conclusions. This is a contained aspect from the local road corridor to the south of the site and is representative of local community receptors travelling along the road. The solar farm will not be visible from this local community view given the existing hedgerow screening and the variation in levels between the site and this local road. |
| VP5: L3201 at Lackenagea | Medium | Slight / Negative / Short-term | Slight / Negative / Long-term | ✓ - Agree with LVIA conclusions. This is a locally elevated view afforded from a gap in a roadside hedgerow along a local road to the south of the site. The depicted view is representative of locally elevated local community receptors in the southern extent of the study area. A relatively clear view of the proposed solar development will be afforded from this elevated landscape context. I would concur with the LVIA that proposed development will likely draw the eye here and will increase the quantum of built development in this aspect of the view. However, given the scale and profile of the proposed structures and its containment |

| | | | | |
|-------------------------------------|--------|---|--|--|
| | | | | with an existing field pattern, I am satisfied that it will not significantly detract from the character of the receiving landscape. |
| VP6: R605 at Ardmartin | Medium | Slight- imperceptible / Negative / Short- term | Slight- imperceptible / Negative / Long- term | ✓ - Agree with LVIA conclusions. A view of the development is afforded from an elevated section of the R605 regional road. This is also a designated scenic route in the current Development Plan (S63). The view is representative of the scenic designation and major route corridor. From my observations along this scenic route, it was evident that views in a south-western direction (southern end) towards the River Bandon and its tributaries are more sensitive in comparison to the north where the proposed development is located. This landscape is characteristic of its description in the Draft CCLS (LCT 7b) as comprising of a rolling and fertile patchwork of medium sized fertile fields, bounded by mature but relatively low broadleaf hedgerows. Whilst the solar arrays will contrast with the tones and textures of the surrounding landscape, given their scale, profile and containment with an existing field pattern, I am satisfied that they will not overly detract from the existing landscape character or from views from this designated Scenic Route. |

8.2.6. As discussed, the appellant has raised concerns regarding the potential for cumulative impacts given the site's location relative to an existing solar farm on the eastern side of the L7247. Furthermore, the loss of the area's rural character was also highlighted as a significant issue. I note that potential impacts of the development on residential amenity are discussed separately below in Section 8.3 of this Report. As discussed, a number of photomontages were updated at FI stage to include the existing solar farm, and it is considered that the Applicant has provided a selection of viewpoints which are generally reflective of the key receptors in the site's hinterland. Overall, I am satisfied that cumulative impacts from a landscape character perspective have been adequately addressed in both the Applicant's LVIA and the response provided at FI stage. When taking in combination with the existing solar farm, I acknowledge that the

change in land use will alter the immediate area's rural landscape character. However, it is evident from the cumulative ZTV map (Figure 3 of FI response) that many of the nearest surrounding receptors to the proposed development will have limited or no potential to afford views of the consented development. It is noted within the Applicant's FI response that only 10.7% of the study area has the potential to afford combined views of the 2 no. developments (bare-ground Digital Terrain Model scenario), which will likely further reduce by a notable degree once existing screening in the form of vegetation and built development is accounted for. Furthermore, I note that the site is not located within a Development Plan designated 'High Value Landscape' nor are there designated Scenic Routes or Viewpoints within the Study Area that would be significantly impacted by the proposed development. Except for more elevated areas in the surrounds, impacts are predominantly localised due to the area's rolling topography and the existing screening from vegetation that is present. On balance, I am satisfied that the proposed development will not have a significant adverse impact on the existing landscape character either alone or in combination with existing solar farms, and the development can be successfully absorbed at this location. However, it is considered that the proposed planting should be implemented at the earliest opportunity and a condition should be included which requires the landscaping to be implemented within the first planting season following the commencement of development. It is also my recommendation that a condition be included that requires all ancillary structures such as inverters, the substation building and other plant to be coloured in green or muted shades to help them assimilate with the surrounding countryside.

8.3. Residential Amenity

Visual Impact

- 8.3.1. As discussed above, the Appellant has raised concerns regarding the visual impact of the proposed development given its location relative to their dwelling. The Appellant resides in a dormer style dwelling located on the western side of the L7247 and located c. 130m north of the proposed entrance to the site. I note that their property shares a western and southern boundary with the larger land parcel within which the proposed solar farm is to be located. Whilst I acknowledge that the solar panels will be visible from the first floor level of the Appellant's dwelling, I note that a setback in excess of

200m has been provided from this property. Having regard to this substantial setback and the overall scale and height of the proposed solar panels (max. height of 3.25m), I am satisfied that the proposed development will not unduly compromise the residential amenity of the Appellant's dwelling or of other neighbouring dwellings by reason of visual obtrusiveness. I also note that the Applicant has proposed planting in the form a new 'Type 2' hedgerow along the eastern side of solar arrays which shall comprise a high proportion of advance nursery stock trees (c. 3m planted height). It is considered that this mitigatory planting will significantly reduce the visual impact of the development when viewed from its surrounds. As discussed above, I have recommended a condition to be included which requires the landscaping to be implemented within the first planting season given the time it would take for the hedgerow to reach maturity and to be fully effective at screening the development.

- 8.3.2. When I undertook my inspection of the site and surrounding area, I observed that the developer of the neighbouring solar farm had used steel posts for the perimeter fencing. This has a more industrial aesthetic and, in my view, detracts from an area's rural character and should be avoided. I note that in this instance the Applicant is proposing to install a timber post stockproof fence inside the perimeter of the subject site. The fence will have a maximum height of c. 2.4m and a number of CCTV poles which extend to a maximum height of 3.4m are positioned around the site boundary. Overall, I am satisfied that this is an acceptable response and the use of a timber post fence will assist in assimilating the development into the receiving landscape. It is considered that a condition should also be included which requires the CCTV cameras to be fixed and angled to face into the site and shall not be directed towards adjoining properties or public roads.

Noise

- 8.3.3. A key concern of the Appellant was the Applicant's failure to carry out baseline noise monitoring, to undertake a cumulative noise assessment and general concerns regarding the potential for noise related impacts associated with the construction and operational phases of the development. As mentioned above, the Planning Authority requested the Applicant to submit a Noise Impact Assessment (NIA) by way of FI, and this was to include a map showing the location of all noise sensitive locations (NSLs)

within the vicinity of the site (NSLs 1-7). I note that the Applicant engaged the services of a suitably qualified acoustic consultant and submitted an NIA as part of their FI response. The NIA identified noise sensitive locations within the site surrounds and undertook baseline noise measurements at locations identified in Figure 2 of the submitted NIA (L1, A1-A3). The methodology for the noise monitoring is set out in Section 4.1.2 of the assessment and has included both attended and unattended noise monitoring, the results of which are provided in Table Nos. 5 and 6. In terms of the 'EPA Quiet Area Screening', the NIA notes that the development location does not meet the EPA definition of a "Quiet Area" as it is located within 10km of Kinsale Town, an urban area with a population >5,000 people. Furthermore, it was determined on the basis of the noise measurement results from 'L1', that the background noise levels do not meet the classification of "Area of Low Background Noise" according to EPA NG4 for daytime, evening and nighttime L_{AF90} measurements undertaken at the site. Therefore, the "areas of low background noise" criteria is not applicable to the proposed development.

- 8.3.4. In terms of the construction phase, a summary of the expected equipment, durations and operating times are provided in Table 9 of the NIA, and it is indicated that the prediction methodology in BS5228 has been used to calculate the noise level over a typical day for each of the main construction stages. Table 10 summarises the predicted construction noise level at the NSLs and the results indicate that the construction noise without mitigation is predicted to be within the noise limits set out by BS 5228-1 (i.e. limit of 65dB for daytime (07:00-19:00 and Saturdays (07:00-13:00)). It is stated that the calculations are based on assumed site construction works and a combination of the plant operating at the same time i.e. worst-case scenario. Whilst it is acknowledged that no noise mitigation is required during the construction phase, general recommendations for the control of noise from construction works is set out in Section 5.1.3 of the assessment and it is confirmed that these standard noise commitments will be adhered to. Furthermore, I recommended the inclusion of condition which limit the hours of construction. Subject to compliance with this condition, I am satisfied that the construction phase of the proposed development will not result in significant noise impacts at NSLs or other sensitive receptors within the site surrounds and the Applicant's proposals are therefore acceptable.

8.3.5. In terms of the operational phase, I note that the solar arrays will be fixed structures with no moving parts. As such, there is no predicted noise emission from the solar panels themselves. It is confirmed in Section 5.3.1 (Operational Noise Solar Farm) of the NIA that the external equipment/plant that has the potential to generate operation noise are the inverters/transformer stations. It is indicated that the predicted noise levels at the NSLs are based on the worst-case peak summer time output conditions i.e. 90% load. Given the nature of the proposed development, the inverter load is highest during the summer, with a longer duration operational time versus the remainder of the year where there will be lower noise output from the development. Noise levels at the NSLs were assessed to the height of the worst-case facades (4m for all NSLs), to predict the noise levels at the first-floor bedrooms of the nearest receptors. It is confirmed within the NIA that the worst-case evening time (19:00hrs to 23:00hrs) output from the inverters will be much lower than the daytime operating load. It is confirmed within the NIA that the inverter/transformer units will require some screening as the predicted noise levels during the daytime peak operation of the development exceeded the background noise levels by more than 10dBA at some noise sensitive locations (NSLs 4-7). Based on this, the operational noise model includes screening for the noise levels of the inverter/transformers units located on the southern boundary to reduce the noise impact of the noise sources at NSLs 4, 5, 6 and 7. The NIA recommends the installation of a 3m high noise wall around the inverter/transformers at a 2m setback distance from the unit to allow for air flow, circulation and access around the units. I note that a condition has been included by the Planning Authority requiring the acoustic wall to be installed and for a noise monitoring survey to be undertaken within 3 no. months of the development's operation. From a review of the analysis provided in the NIA, it is evident that there will be no negative noise impact at all NSLs for the daytime, evening and night-time periods. The report also confirms that regard has been given to the existing solar farm to the east of the site and the predicted noise levels in the Sgurr Energy Report which accompanied that application (i.e. Ref. 16/4204). Having regard to the nature of the proposed development and its noise sources, the separation distances provided between the inverters and existing dwellings and the results of the Applicant's analysis, I am satisfied that the operation of the proposed development will not result

in significant noise impacts on surroundings properties. Subject to compliance with the conditions as recommended by the Planning Authority, I consider the proposed development to be acceptable.

Glint and Glare

- 8.3.6. In terms of potential glint and glare impacts, a Glint and Glare (G & C) assessment accompanies the application which seeks to determine the potential for solar reflectance effects upon residential receptors in the surrounding area. It is noted that the study uses a multi-step process of elimination to determine which receptors have the potential to experience the effects of glint and glare. Using a computer-generated geometric model, it then examines the times of the year and the times of the day when such effects could occur. It is noted that the majority of the photovoltaic panels are to be oriented in a south facing direction to maximise solar gain and will remain in a fixed position throughout the day and year. The height of the panels is 3.25m, with a tilt angle of between 15 – 30 degrees. Whilst ZTV analysis was undertaken as part of the LVIA, it is highlighted that areas shown on the ZTV map to have the potential for visibility do not necessarily have the potential to be impacted by glint and glare (i.e. no geometric potential for glare to the north).
- 8.3.7. The assessment notes that the potential for substantial nuisance or hazardous impacts are greatest in close proximity to the source of reflectance and the potential for adverse impacts reduces with increased distances. Therefore, a 1km buffer from the site boundary is used by default on all solar farms. In terms of the residential receptors, the results of the analysis provided for receptors that occur within the 'Area of Consideration for Further Analysis' are contained in Appendix A and summarised in Table 1.2 of the Applicant's G & C Assessment. A total of 47 no. residential receptors were included within this 'Area of Consideration for Further Analysis'. Terrain-only data (DTM) identified that glint and glare is geometrically possible at 20 of these dwellings. Further analysis, taking account of the existing screening (using a digital surface model - DSM) and on-site verification of the analysis results, indicated that all of the potentially affected dwelling receptors assessed within the study area will experience no reflectance effects due to the high degree of existing vegetation within the surrounds of the site and in the wider surrounding landscape. As part of the Applicant's

FI response, the glint and glare model was also updated to assess both H16 and H36 as two-storey dwellings and identified no potential for glare, even before accounting for existing vegetation using DSM data. Having regard to the characteristics of the site and the results of the Applicant's analysis, I am satisfied that it has been demonstrated that the proposed development will not result in significant impacts on nearby residences in terms of potential glint and glare impacts. Notwithstanding this, I note that there have been technological advancements in solar energy and the addition of an Anti-Reflective Coating (ARC) on panels has become an option that is now commonly utilised in solar farm developments. Whilst it has not been specified in this instance, it is my view that a condition should be included requiring all solar panels to include an ARC. Subject to compliance with this condition, I am satisfied that the proposed development will not result in any significant nuisance effects from glint and glare at dwellings or road receptors within the study area.

8.4. Water

Drainage & Flooding

- 8.4.1. The Appellant has raised concerns that the proposed development would exacerbate flooding in the area as surface water run-off from the site currently causes flooding to their dwelling and the road along the entrance to the subject site. Within their appeal, photos have been provided of recent flood events, and it is stated that the water run-off generally flows in an easterly direction from field, resulting in significant ponding in the north-eastern corner of the field. From my observations during my site inspection, I did not observe any noticeable drainage features within the application boundary itself. However, there was a drainage channel within the verge at the site entrance. I note that my inspection of the site followed a period of heavy rainfall and whilst I noted water within this drain, there was no flooding at the site entrance or along the public road. The application is supported by a Drainage Impact Assessment and a number of associated drainage drawings. The drawings identify the Applicant's drainage proposals and the runoff drainage route which follows the site's natural topography. Within the report of the Local Authority's Area Engineer, it was indicated that no detail had been provided in terms of the surface water drainage proposals for the site entrance. The Area Engineer therefore recommended FI to address this omission. Whilst the concerns were noted in the Area Planner's report, the Applicant was not

requested to submit this information by way of FI. This was acknowledged in the second report on file from the Area Engineer and whilst they had no objection to the proposed development, suitable conditions were recommended to be which included a requirement to provide a drainage pipe (300mm minimum diameter) across the site entrance to preserve the verge drainage along the edge of the public road.

8.4.2. In terms of existing hydrological features, there is an EPA mapped watercourse (Farranamoy_010) located c. 115m to the south of the subject site which appears from the EPA mapping to be a tributary of the Farranamoy River. The watercourse flows along the western side of the Kinsale Golf Club and then in an easterly direction to the south of the site until it ultimately discharges into the Farranamoy River and then into the River Stick further downstream. From a review of the application documents, it is evident that the proposed development will generally not require any alternations to the existing onsite drainage and the majority of the surfaces on site will be permeable (including site access tracks), allowing rainwater to percolate directly to the ground. The proposed solar arrays will be constructed with spaces between each row of panels. This will allow rainwater to pass through the arrays and disperse and infiltrate to the agricultural grassland below at a natural rate in a similar manner to the current greenfield infiltration rates. Additional conservative mitigation measures are proposed in the form of swales at the south-eastern boundary of the site. These swales are to be connected via a linear drainage channel which will run under the gravel access road, and the swales will store some of the run-off volume in the event of heavy rainfall before draining to their respective soakaways.

8.4.3. As discussed, Section 13.8 of the Development Plan notes that the Council will assess the appropriateness of individual applications received having regard to all other statutory requirements and guidelines, including similar development guidance internationally. In the absence of national planning guidelines for solar developments, the 'Planning guidance for the development of large scale ground mounted solar PV systems' BRE 2013 (referred to herein as the UK Guidance) is a document that is often consulted and is therefore relevant in this regard. On the issue of drainage, Section 2(n) (Drainage, Surface Water Run-off and Flooding) of the UK Guidance acknowledges that as solar PV panels drain to the existing ground, the impact will

generally not be significant and therefore this should not be an onerous requirement. Furthermore, it states that where access tracks need to be provided, permeable tracks should be used, and localised SUDS, such as swales and infiltration trenches, should be incorporated to control any run-off where recommended. Given the temporary nature of solar PV farms, the policy states that sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses and culverting of existing watercourses/drainage ditches should be avoided. As discussed above, the solar farm has been designed to ensure that the existing hydrological regime of the site is not impacted. Appropriate spacing shall be provided between the arrays to ensure that runoff will infiltrate naturally to ground. This spacing shall also support the growth of vegetation beneath the panels and will allow rainwater to pass through the arrays and disperse and infiltrate evenly, thereby reducing the potential for runoff. Overall, the extent of impervious services across the site is limited and relates only to the proposed inverters/transformer units, energy storage containers, spare parts container and the MV substation building. It was also noted within the Environment Report (14th March 2025) that the site area will be under permanent grassland which will be managed in a non-intensive manner with no fertilizer use and minimal machinery traffic. Based on their observations of recently constructed solar farms, they did not consider that the proposed development will result in any significant change to existing greenfield runoff rates and should in fact improve infiltration of storm water into the ground when the lands in the solar farm area are in grassland. Overall, I am satisfied that the Applicant's onsite drainage proposals are acceptable subject to compliance with the drainage related conditions as recommended by the Planning Authority.

- 8.4.4. I note the Planning Authority has raised no objections to the proposed development on the grounds of flood risk nor were any flooding related issues raised by the Area Engineer. Whilst the application has not been supported by a Site Specific Flood Risk Assessment (SSFRA), the issue of flooding is briefly addressed in the Applicant's Drainage Impact Assessment. It is noted that the flood extents of the Farranamoy River (east of site) were examined using available flood mapping (floodinfo.ie) and it was deemed that there is no risk of flooding at the site. As the developable area is located outside the predicted flood extents of the nearby watercourse, it was

contended that the risk of flooding (fluvial, pluvial, groundwater and coastal flooding) to the proposed development is considered not significant, and as such the development as it is currently proposed is considered 'appropriate' in line with the Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009).

- 8.4.5. Having consulted the available flood mapping (CFRAM Flood Extents and National Indicative Flood Mapping), it was evident that the subject site falls outside any designated flood zone (i.e. Flood Zone A, B or NIFM mapping). I also note that there is no history of past flood events in the surrounding area (as per floodinfo.ie). The majority of the site consists of agricultural/permeable ground which provides varying degrees of infiltration. As discussed above, the proposed development will not increase the rate of discharge from the current pre-development runoff rates as there are limited areas of hard standing associated with the development. Furthermore, it is noted that the proposed development will have several benefits regarding runoff rates. In the absence of typical farming activity, the fields will not be ploughed or furrowed during the lifetime of solar farm, they will no longer be left without vegetation cover during the winter months, and they will no longer be regularly traversed by heavy machinery. These farming activities are known to considerably increase the rate of water runoff from a site and have the potential to also increase downstream flood risk in terms of water flow rates and silt production. I note that the absence of more intensive farming activity will reduce soil compaction, allowing soils to become naturally aerated over time which should improve the soils water acceptance potential and will serve to reduce the potential for overland flows to develop. Whilst the Appellant concerns are acknowledged, I am satisfied that the proposed development can have a positive effect on the surface water conditions onsite and can reduce the total flow compared to its pre-development (greenfield) equivalent. Therefore, having regard to the site's location within Flood Zone C, the water compatible nature of the proposed development which will not impede infiltration, the proposed installation method which will minimise impacts on drainage patterns (i.e. screw or pile driven), the sustainable drainage systems incorporated into the development's design which would reduce surface water runoff and the proposed mitigation measures outlined within the Drainage Impact Assessment, it is considered that the proposed

development would not increase the risk of flooding either on site or elsewhere downstream. The proposed development is therefore acceptable in my view.

Water Quality

- 8.4.6. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD as detailed in Appendix 4 (WFD Screening Matrix) of this report. It is the Appellant's view that the combination of flood risk, construction activity, and vulnerable aquifer conditions present an unacceptable risk to groundwater quality and local water supplies. They note that the Applicant's failure to submit a hydrogeological risk assessment is contrary to the WFD, the Planning System and Flood Risk Management Guidelines (2009) and Objective WM 5-1 of the Development Plan. The Appellant also highlights that their private well had been impacted by flooding in past, which resulted in a failed water test. I have examined the current Development Plan, and I was unable to find any reference to Objective WM 5-1. However, I note that there are objectives that seek to preserve and protect surface and groundwater quality throughout the County (i.e. Objectives WM 11-2 and WM 11-3) and I have had regard to same in my assessment of this appeal. The appeal site is located within the Bandon-Ilen WFD Catchment and the Stick_SC_010 subcatchment (Subcatchment_ID: 20_14). As discussed, there is 1 no. existing EPA mapped watercourse (Farranamoy_010) located c. 115m to the south of the subject site. As per the WFD 2019-2024 monitoring events, the water quality status within this watercourse is identified as being 'Good,' and the status of this watercourse is identified as being 'Not at Risk' of not meeting the WFD's 'good' status objective. In terms of groundwater, the appeal site is underlain by a single Groundwater Body (GWB), being the Bandon GWB. As per the most recent monitoring period (GW 2019-2024), the current status of the Bandon GWB is 'good' and it is identified as being 'not at risk' of not meeting the WFD's 'good' status objective. I note that the site sits above a Locally Important Aquifer and the entirety of the site is underlain by 'High' vulnerability.
- 8.4.7. I note that the application is accompanied by a CEMP and Section 5 (Environmental Management) of this document identifies the potential sources of pollution from the solar farm construction works which may impact upon both terrestrial and aquatic ecosystem, namely silt run-off from exposed ground, plant washing, fuel

storage/refuelling and dust emissions. The CEMP sets out the various mitigation measures that are to be employed to ensure that the environment is protected and any impacts minimised during the construction phase. The proposed measures include the prevention of any fuels or silty water from entering groundwater, drains or watercourses through the use of silt-fences, silting ponds etc., scheduling of ground disturbance works outside periods of wet weather, procedures for the handling of fuels on site, suitable wheel wash facilities, appropriate storage and management of topsoil and vegetation and mitigation measures for the temporary construction compound. As indicated, there are no existing watercourses on the subject site. Furthermore, soil disturbance and excavations across the site will be minimised due to the nature of the proposed works as the foundations for the solar arrays will be installed using steel driven piles. Having regard to the generally low impact nature of the construction works, the distance of the site from any mapped watercourse, the various mitigation measures that are to be employed by the Applicant and the suite of conditions included by the Planning Authority, I am satisfied that ground and surface water quality will be protected during the construction phase and that any potential downstream receptors will not be adversely impacted by the proposed development. However, it is my recommendation that a condition be included which requires the Applicant to submit a finalised CEMP prior to the commencement of development.

- 8.4.8. In terms of the operational phase, it is noted that the proposed development will result in a change of land-use at the site from productive agriculture to a solar PV Farm, thereby reducing the potential for fertilisers and pesticides entering into the nearby watercourses via overland flows. As I have discussed at length, the solar arrays have been designed to minimise the effect on the infiltration pattern of the site, whereby the spacing will support the growth of vegetation beneath the panels and will allow rainwater to pass through the arrays and disperse and infiltrate evenly, thereby reducing the potential for concentrated flows that could cause soil erosion. In terms of decommissioning, a Decommissioning Statement has been included within Section 7 of the CEMP. Within this document it is confirmed that at the time of decommissioning and restoration of the site, the solar farm company will lead the decommissioning and restoration process and all activities to facilitate decommissioning / site restoration will be carried out with due diligence and in accordance with available best practice

guidelines in place at that time to eliminate any potential risks to the receiving environment. 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. Having considered the nature, scale and location of the proposed development, 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. The reason for this conclusion is as follows:

- The nature and extent of the proposed development which entails minimal excavations (i.e. screw or pile driven foundations).
- The mitigation measures to be employed during the construction phase as outlined in the CEMP,
- The provision of SuDS measures, including natural infiltration between the solar arrays, the planting of a grassland habitat (i.e. program of grass reseeding and active management) and the use permeable surface for the access tracks which will result in road surfaces filtering any sediment-laden surface waters prior to soakage to groundwater,
- The conditions as recommended by the Planning Authority,

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 4 for WFD Screening Matrix).

8.5. Archaeology

- 8.5.1. Within their grounds of appeal, the Appellant has claimed that the application was not accompanied by an archaeological survey or impact assessment. Given the reasonable likelihood of archaeological remains being present on site, it was the Appellant's view that the absence of an archaeological survey means that the Planning Authority could not properly assess impacts on cultural heritage, contrary to the National Monuments Acts, the Planning and Development Act, 2000 and Objectives HE 3-6 and HE 4-1 of the Development Plan. Again, I note that I was unable to find

the objectives referenced by the Appellant in the Development Plan. Notwithstanding this, I note that there is a suite of relevant policies and objectives that seek to safeguard archaeological heritage which I have had regard to in my assessment of the Applicant's proposals. Of direct relevance to the appeal are Objectives HE 16-9 and HE 16-13 of the Development Plan. These objectives are noted in Section 5 of this Report and require developments of this nature to be subjected to an archaeological assessment, and they seek to protect and preserve previously unrecorded archaeological sites within the County as part of any proposals.

8.5.2. Notwithstanding the Appellant's concerns, I note that the application was supported by an Archaeological, Architectural and Cultural Impact Assessment (AACIA) which was considered by the Planning Authority. The AACIA included a desktop study and a field inspection which sought to assess the site and identify any potential low-visibility archaeological and/or historical sites or other elements that are not currently recorded, and which may be impacted upon negatively by the proposed development. It was also the purpose of the field inspection to survey any known monuments or sites and to consider the relationship between them and the surrounding landscape. In terms of the Record of Monuments and Places (RMPs), the AACIA confirms that there are 18 RMPs located within the 1km study area (Table 8 of AACIA). It is noted that none of the RMPs lie within the application boundary. Whilst 1 no. RMP (RMP Ref. CH001 CO111-042---- (Ringfort – rath)) has an abuttal with the site boundary and the statutory zone of notification (ZoN) of this RMP is crossed by the proposed solar farm, it is confirmed that the solar farm has been designed so that no solar panels or other development will take place within its statutory ZoN. It is also indicated that the proposed access route crosses the statutory ZoN for CH002 (RMP Ref. CO112-001-- (Country house)). I note that there are no National Monuments or sites with preservation orders located within the study area. In terms of undesignated cultural heritage sites, the analysis within the AACIA included:

- *Sites identifiable on cartographic sources*: One of the major changes in the study area shown by the 25-inch OS map is the introduction of the Cork, Bandon, and South Coast railway line (CB & SCR). The 25-inch shows the railway track (CH028) of this line running southwest to northeast through the proposed development site. In the present day, this railway track has been

removed.

- *Townland boundaries:* The proposed development site overlies or crosses a single townland boundary.
- *Sites identifiable on aerial photography and satellite imagery:* The aerial photography, in particular the Digital Globe Imagery (2011–2013) and Google Earth imagery from 2017, shows linear cropmarks which correspond to the cleared field boundaries and to the removed trackway (CH028).
- *Sites identified during field inspection:* No additional sites or features of Archaeological, Architectural and Cultural Heritage significance were identified.
- *Areas of Archaeological Potential:* There are no areas of archaeological potential incorporated by the study area.

8.5.3. I note that Section 4 of the AACIA provides an Impact Assessment of the proposed development and examines the potential direct, indirect and cumulative impacts of the proposed development. Section 5 then sets out the mitigation strategy that is proposed to be employed and includes the provision of a buffer zone for the existing ringfort (CH001) in the north-western corner of the site. In terms of unknown/subsurface archaeology, it was indicated that a combination of an advanced geophysical surveying and archaeological test trenching would be carried out by a suitably qualified archaeologist under licence as part of a programme of works prior to the commencement of development. Further monitoring of any sub-surface groundworks was also proposed. As discussed, the submitted documentation was considered by the County Archaeologist whose feedback formed the basis of the Planning Authority's FI request. Noting the relevant objectives of the Development Plan, the importance of establishing the presence or absence of subsurface archaeology in-order-to guide the development's design and layout was acknowledged. It was also noted that it was policy of the Development Plan for the preservation in situ of any identified archaeological sites/feature. The Applicant was therefore requested to undertake a geophysical survey of the site under licence from the National Monuments Service and carry out a program of archaeological testing. This testing should have targeted any geophysical anomalies, areas of most ground disturbance (roads, compounds etc) and a sample of areas with no anomalies (if applicable). Further information was also requested regarding the existing RMP (CH001) and included clarity on mitigation

measures to alleviate visual impacts, updated site layout plan to include buffer zone and clarity on the setback of the perimeter fences from the RMP.

- 8.5.4. As part of the Applicant's FI response, an Archaeological Impact Assessment (AIA) was prepared by Archaeological Consultancy Services Unit (ACSU) which incorporated the results of the geophysical survey that had been undertaken at the site. One (1) no. definite archaeological feature consisting of a ring-ditch in the southern portion of the site was identified. Some additional localised anomalies were identified throughout the site, alongside several linear features identified on historical mapping, including former field boundaries and the disused Cork- Kinsale railway line. In response to the findings of the geophysical survey and on the recommendation of the project archaeologist, the layout of the development was revised to include a 10m exclusion zone around the newly identified ring-ditch (M1). It was noted within the FI response that they were unable to carry out the trench testing due to time constraints. However, it was confirmed that testing would be undertaken in advance of any works being carried out on site. Furthermore, should any significant archaeological remains be uncovered during test trenching, it was confirmed that the Applicant will implement additional mitigation measures as required, and preservation in situ remains the preferred approach, where feasible. In terms of the existing RMP, a new section of 'Type 2' hedgerow was proposed between the proposed solar farm and the ringfort to mitigate any identified visual impacts. It was also confirmed that no planting would be provided within the exclusion zone surrounding this monument. Some brief commentary is provided within the Planner's Reports on file following the submission of the FI request which noted that they were unable to obtain a specialist report from the County Archaeologist. A suite of conditions was therefore recommended as a precautionary approach, including a requirement for archaeological testing and the submission of an archaeological impact assessment report for the written agreement of the Planning Authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks.
- 8.5.5. Whilst there is a requirement under Objective HE 16-9 for archaeological assessment on sites of 0.5ha or more, I am satisfied that this obligation has been fulfilled in the context of the AACHIA and the AIA that has accompanied the application and FI

response. Although it is acknowledged that there is potential for direct impacts on unknown sub-surface archaeology, I note that these impacts can be successfully mitigated through adherence with the measures outlined in the Applicant's AACHIA, the AIA and the Planning Authority's conditions. It is reasonable in my view to determine that the proposed development would be unlikely to have a significant impact on sub-surface archaeology when there is a strict requirement to adhere to these specified archaeological measures. I also note that the embedded mitigation will ensure that direct impacts on RMPs (CH001 & M1) are avoided through the incorporation of buffer zones and the Applicant's landscaping rationale. Whilst I accept that it may be preferable to undertake targeted archaeological testing at the earliest possible stage in the scheme's design, I am satisfied that the proposed development is in accordance with Objectives HE 16-9 and HE 16-13 of the Development Plan and that the archaeological and cultural heritage of the site and surrounding area will be safeguarded. For this reason, it is my recommendation that permission be granted for the proposed development.

8.6. Biodiversity

8.6.1. This section concerns general biodiversity and in particular, the potential for impacts on habitats and species which are not qualifying interests of European Sites. It is noted that an Ecological Impact Assessment (EclA) has been submitted with the application and seeks to:

- Establish baseline ecological data for the proposed development site,
- Determine the ecological value of the identified ecological features,
- Identify, describe and assess the likely significant effects of the proposed development on biodiversity,
- Propose effective mitigation measures to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on biodiversity, and,
- Identify any residual effects predicted to arise after mitigation.

In terms of the methodology, the EclA included a desktop study of relevant published material and a walkover survey of the proposed site which was carried out on the 24th July 2024. Flora and habitats within the proposed site were surveyed using the methodology outlined in the guidance document Best Practice Guidance for Habitat Survey and Mapping (Smith et al., 2011). Habitat potentially linked to European Annex

I habitats was assessed based on the Interpretation Manual of EU Habitats (European Commission, 2013) and The Status of EU Protected Habitats and Species in Ireland (NPWS, 2019). A survey for invasive species was conducted during the habitat and botanical survey which included the identification and mapping of Invasive Alien Plant Species (IAPS). It is confirmed that surveys were conducted for areas of habitat that might support protected mammals in addition to recording any field signs, such as well-used pathways, droppings, places of shelter and features or areas likely to be of particular value as foraging resources. Any badger setts present were recorded during the site walkover, along with potential pine marten den sites. In addition, the suitability of the habitat for pygmy shrew, hedgehog, Irish stoat, pine marten, amphibians and invertebrates were recorded. Targeted faunal surveys (i.e. badgers and bats) were also undertaken as detailed in Section 2.3.1 to Section 2.3.2 of the EclA.

- 8.6.2. I note that a habitat map (Figure 3-3) is provided within the EclA which illustrates and classifies habitats that have been identified within the site. The proposed site supports a field of arable crops (BC1) that is fringed by linear woodland habitats to the north and west (i.e. Hedgerow (WL1) & Broadleaved woodland (WD1)). The solar farm is proposed to be laid out over the existing arable field, and it is noted that there is a requirement to remove the southern section of the existing roadside boundary to facilitate access to the site. Approximately 55m of hedgerow is proposed to be removed at this location and I note that the hedgerow is interspersed with a number of mature trees. I note that some of the trees along this section of hedgerow were dead. An evaluation of the ecological features within the study area is included within Table 3-3 of EclA and the selection of the Key Ecological Receptors (KERs) is identified in the below table.

Table: Identification of KERs

| Habitat | Evaluation | Rationale |
|----------------------------|----------------------|---|
| Hedgerows WL1 | Local (Higher value) | The hedgerows at the site are variable in structure and species richness. Nonetheless, the hedgerows at the site provide potential habitat for birds and mammals and provide connectivity in the landscape. |
| Broadleaved woodland (WD1) | Local (Higher value) | The woodland bounding the site to the west is not semi-natural and is not of high botanical importance but does provide potential habitat for |

| | | |
|----------|----------------------|--|
| | | birds and mammals and improves connectivity in the landscape. Local Importance (Higher Value). |
| Avifauna | Local (Higher value) | While a low number and diversity of avifauna was recorded within the proposed site during the survey, there is potential for bird species to utilise the hedgerows and linear woodland on the field boundaries for foraging and refuge. Avifauna at the proposed site are considered to be of Local Importance (Higher Value). |
| Bats | Local (Higher value) | No potential roosting habitat was recorded within the proposed site. The habitats present are of moderate suitability for foraging and commuting bats. Bats, as they likely occur at the site, are considered to be of Local Importance (Higher Value). |
| Badger | Local (Higher value) | No evidence of badger was recorded within the proposed site. However, it is likely that the proposed site forms part of the foraging territory of the local badger population. Local Importance (Higher Value). |
| Hedgehog | Local (Higher value) | Hedgehog may utilise the hedgerows and linear woodland present at the site boundaries Local Importance (Higher Value). |

8.6.3. The Planning Authority's Ecologist reviewed the application and were of the view that no significant impacts to features of ecological importance would be impacted within the main solar farm site. In addition, they noted that the planting and bolstering of hedgerows along site boundaries would lead to a net biodiversity gain. I would generally concur with their view. In terms of avifauna, it is noted that the footprint of the proposed development will result in the loss of arable crops (BC1) and there may be the potential for disturbance to breeding avifaunal species currently utilising the arable field, adjoining hedgerow and the linear broadleaved woodland during the construction phase. It is noted that the hedgerows on site offer suitable habitat for a range of passerines, including one Amber List species and a range of Green List species that was recorded during the site survey. As hedgerow and treeline habitats are widespread within the landscape, I would concur with the Applicant that the removal of c.55m hedgerow to facilitate site access will have a negligible impact on local bird species from loss of habitat. Having regard to the presence of suitable

alternative habitat surrounding the site, the results of the site survey and the proposed mitigation measures included within the EclA and CEMP, I am satisfied that impacts to avifauna are of a negligible magnitude. In terms of mammals, it is indicated that there was no evidence of badger being recorded within the site. Applying the precautionary principle however, it is acknowledged that the construction of the proposed development has the potential to affect badger if present at the time of construction and would be significant impact at a local level. The Applicant has therefore proposed a suite of mitigation measures which includes a requirement for a pre-construction survey and additional mitigation should badger setts be identified. This is acceptable in my view. In terms of hedgehog, the potential for this species to utilise the hedgerows within the site was acknowledged. Whilst c. 55m of the existing roadside boundary is proposed to be removed, I note the network of similar habitat within the surrounding area and the Applicant's proposals for the addition and bolstering of hedgerows throughout the site. The impacts of the proposed development in terms of the loss of foraging/ commuting habitat for these species are not significant in my view.

- 8.6.4. I note that no significant adverse effects on avifauna are anticipated during the operational phase. In this regard, I am conscious of the guidance from Nature Scott (NatureScot pre-application guidance for solar farms, June 2025) which indicates that published evidence suggests that the overall risk of collision is low for solar PV proposals, and it is advised there is no need for a collision risk assessment. In this regard, I am satisfied that undue impacts will not arise. In terms of mammals, it was acknowledged there is potential for fencing at the site perimeter to exclude badger and hedgehog from accessing part of their foraging area. However, it is indicated that the project design includes for a 200mm gap at the base of the security fence for mammal access. Whilst this was deemed to be acceptable by the Council's Ecologist, it is my view that all fencing should be fitted with small mammal gates (300mm x 150mm) at appropriate points to enable access for wildlife to move freely throughout the landscape and I have included a condition recommending same, the details of which are to be agreed with the Planning Authority prior to commencement. In terms of the decommissioning phase, no significant adverse effects on habitats are anticipated. Whilst there is potential for disturbance to local fauna during decommissioning, I am

cognisant of the scope of the decommissioning works and their temporary nature and I am satisfied that significant impacts will not arise.

8.6.5. Notwithstanding the foregoing, the Council's Ecologist did raise concerns regarding the removal of the roadside treeline/hedgerow and the adequacy of the replacement hedgerow planting. The Ecologist recommended the Applicant to submit a tree survey report (prepared by an arboricultural expert) which identified all trees on the site, including those which are required to be removed to facilitate the proposed development. This was to include a map which identified the trees for retention and the proposed tree protection measures. Furthermore, it was suggested that compensatory planting consisting of predominantly native species should be provided as part of the revised landscaping proposals. I note that the commentary provided within the Area Planner's initial report differs somewhat, insofar as the Applicant was requested to submit full details of reinstatement landscaping plans at the roadside boundary. This was to include an updated Bat Risk Assessment at the site entrance where tree felling was proposed. The FI request also noted that the Tree Survey referred to in EclA, including the tree protection measures had not been submitted with the application and the Applicant was requested to submit details of compensatory native tree planting where existing trees are to be removed. Within their grounds of appeal, the appellant has raised concern that the application was not supported by a detailed arboricultural/tree survey. It was their view that this omission falls short of the level of detail required to assess the impact on existing mature trees and hedgerows.

8.6.6. I have examined the EclA that was submitted with the application and was unable to find any reference to a submitted Tree Survey. However, it is noted within Section 2.3.2 (Bats) of the EclA that a detailed inspection of each tree within the site was undertaken. It was stated that the inspection was carried out in daylight hours from ground level, and information was compiled about the tree, Potential Roost Feature (PRFs) and evidence of bats. Furthermore, it was noted that all trees were numbered and marked on a map and a description of each PRF observed was recorded. I note that this map did not accompany the application. However, it was further detailed in EclA that no trees with potential roosting habitat were recorded within the site or its

immediate environs. Therefore, no loss of potential or actual bat roosting habitat was expected to occur during the construction phase. As part of the Applicant's FI response, a revised EcIA was submitted which included additional commentary with respect to bats. It was noted that 3 no. dead trees supporting low suitability for roosting bats were present within the section of hedgerow required for removal. Whilst it was indicated that these features are not suitable to support multiple bats, it was acknowledged that they may potentially support individual bats roosting on an opportunistic basis in warmer months of the year, and suitable mitigation measures have been recommended. This includes the timing of felling (late August to late October/early November) and a requirement to undertake a pre-construction PRF inspection/presence absence survey of all trees scheduled for felling. From my observations on site, I would agree with the Applicant's Ecologist that the trees along this section of the roadside boundary offered a low suitability for roosting bats. I am cognisant of the updated guidance from DHLGH on Regulation 54 derogation process for protected species listed on Annex IV (Applications for Regulation 54 Derogations for Annex IV species, Guidance for Applicants, Version 1.0, 1 July 2025) and the requirement for any derogation to be granted before the approval of the consent to the proposed activity. However, having regard to the low suitability of these trees for roosting bats and the timing of the proposed felling which will be undertaken under supervision, I am satisfied that significant effects on bats as a result of habitat loss will not arise. I also note that the Planning Authority's Ecologist raised no objection to this approach. Furthermore, it is considered that the removal of a section of hedgerow to facilitate the site entrance will not result in a significant loss of foraging/commuting habitat for bats given the extensive network of hedgerows and treelines in the wider landscape and the Applicant's landscaping proposals in the form of additional hedgerow planting.

- 8.6.7. In terms of the operational phase, it is confirmed that no lighting is required for this phase of the proposed development and no significant adverse effects on bats are therefore anticipated. It is my view that a condition should be included which fully restricts the installation or operation of external artificial lighting on site, unless otherwise agreed with the Planning Authority. Subject to adherence with this condition and the additional mitigation measures set out within the EcIA, I am satisfied that there

will be no significant impacts on bats from light spillage during the operational phase and the proposed development is therefore considered to be acceptable in my view.

- 8.6.8. Whilst the application has not been supported by a detailed arboricultural/tree survey, the only trees that are proposed to be removed are those within the c. 55m long section of the roadside boundary. Given the mitigatory planting proposed as specified within the Applicant's FI response, I am satisfied that its removal is acceptable so that safe access/egress can be facilitated on site. However, the level of detail provided on the Applicant's landscape plan is somewhat rudimentary, particularly at the site entrance. It is therefore my recommendation that a condition be included which requires the submission of a detailed landscape plan for the site entrance to be submitted which clearly identifies the alignment of the proposed replacement hedgerow. The landscape plan shall also include an elevation of the realigned boundary and shall specify the detail of any access gates at this location. The details of which shall be agreed with the Planning Authority prior to the commencement of development. Subject to compliance with this condition, I deem the Applicant's proposals to be acceptable.

Conclusion

- 8.6.9. Having regard to the nature of the proposed development and the totality of the documentation on file, it is considered that the Applicant has provided adequate detail regarding the site's ecology. Noting the location of the site in an area characterised by predominantly arable crops, the integral design measures (i.e. avoidance), standard best practice measures and the mitigation and biodiversity enhancement measures set out within the EclA and CEMP, I am satisfied that significant impacts on biodiversity will not arise and the proposed development would therefore be acceptable from an ecological perspective.

8.7. Other Matters

Duration of Permission & Operational Life

- 8.7.1. In terms of the duration of the permission, the Applicant has sought a period of 10 years from the date of a grant of planning permission. This duration is requested as the Applicant has noted that it may take a period longer than 5-years for project implementation to be completed. It is envisaged that the application will connect to the

grid by means of a proposed substation and an associated underground MV grid connection cable, which will connect into the existing Kinsale 38kV substation. It is noted that this development will be subject to a follow-on process, the timelines for which are variable but may add 12-24 months to the overall planning process, which will sit independent of any permission for the generation element (solar farm) of the project. Post any grant of permission, the applicant will require a grid connection offer to connect the proposed development to the grid. The Applicant has also requested that the planning permission specify an operational life of 40 years from the date of the commissioning of the solar farm. I note that there has been a shift to 40 year operational periods given the significant technological advances with the lifespan of warrantied panel modules reaching 40+ years. It was evident that the Planning Authority have raised no concerns regarding the duration of the permission or the solar farm's operational life. 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.

Decommissioning and Restoration

- 8.7.2. In terms of decommissioning and restoration, the operational life of the solar farm is c. 40 years. I note that a Decommissioning Statement has been included within Section 7 of the Applicant's CEMP. It is noted within this document that decommissioning of the site is estimated to take between 1 to 2 months in order to return the site for reuse as either pasture or arable land. It will commence with removing the solar panels, followed by the mounting frames, then removal of the pile driven steel supports. This will be followed by the removal of the buried electrical cables, inverters, and pad foundations, of which there will be very few. CCTV systems, fencing and access tracks will then be removed to leave a clear field. The field will then be prepared for return to the landowner for agricultural use including the removal of the access track. I consider it prudent for a condition to be included which requires a detailed a restoration plan to

be submitted for agreement prior to the commencement of development. Subject to compliance with this condition, I deem the proposed development to be acceptable.

Greenway

- 8.7.3. When the application was submitted, the Applicant acknowledged that Cork County Council were in the early stages of developing the Cork to Kinsale Greenway. As part of the design process, it was confirmed that the Applicant had engaged with representatives of Cork County Council and the greenway project design team for the future possible greenway. Based on discussions with the Council, provision was made in the development for a c. 10m wide corridor, within which a future greenway route could be developed around the perimeter of the subject solar farm (i.e. eastern and southern boundary). It was the Applicant's view that the layout represented a practical and reasonable concession which balances the potential future needs of a greenway (if ever advanced in this area) with an important renewable energy project. Within their second report on file, the Area Planner has alluded to the fact that the proposed hedgerow mitigatory planting would encroach within this corridor. Whilst they acknowledged that the Council's Greenway Team recommended a condition for this corridor to remain free from development, the Area Planner highlighted the importance of the mitigatory planting and suitable conditions have been recommended which include for both the provision of a minimum 10m wide 'development free' corridor for the potential future greenway and the provision of the 3-4m wide proposed new hedgerow outside the potential future greenway route. Having consulted the website for the 'Cork to Kinsale Greenway', it is evident that the subject site falls broadly within the 'Emerging Preferred Route Corridor Sub-Option 1'. Overall, I am satisfied that the inclusion of the Planning Authority's condition is reasonable.

9. EIA Screening

Solar Energy development

- 9.1.1. Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of the Fifth Schedule, within the Planning and Development Regulations, 2001 (as amended). In this regard, a requirement for preliminary examination or EIA does not arise for this type of development.

- 9.1.2. The proposed solar energy development will require a connection to the national grid. While this appeal relates to a decision under S.34 of the Act, an application for such grid connection would fall under the Strategic Infrastructure provisions of the act requiring a separate application under S.182. A grid connection of this nature would not constitute a class of development under Schedule 5 and would not require preliminary examination or EIA.

Rural Re-structuring

- 9.1.3. However, it is noted that rural restructuring is listed as development for the purposes of Part 10 under the heading of *Agriculture, Silviculture and Aquaculture*, Class 1 of Part 2 of the Fifth Schedule, with the following stated under subsection (a) '*Projects for the restructuring of rural land holdings, undertaken as part of a wider development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.*'
- 9.1.4. The proposed development involves the removal of a limited extent of hedgerow, in total comprising c. 55m. Such removal is associated with access requirements at the site entrance 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 as outlined under Planning and Development Regulations, 2001 (as amended). The development would, however, constitute sub-threshold development for rural restructuring (Class 1(a), Part 2 of Schedule 5). I refer to Appendix 2 Pre-screening and Appendix 3 which contains the EIA Preliminary Examination on file.

Conclusion

- 9.1.5. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 & 2 of this report). 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 screening and an EIAR is not required.

10. Appropriate Assessment

10.1. Screening Determination

10.1.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

10.1.2. This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report and the various documents supporting the application.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls for a development of this nature that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives.

10.1.3. I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

11. Screening the need for Water Framework Directive (WFD) Assessment

11.1. I conclude 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. (Appendix 4 refers).

12. Recommendation

- 12.1.** It is recommended that the Commission grant planning permission for the proposed development for the following reasons and considerations and subject to the conditions set out below.

13. Reasons and Considerations

- 13.1.** 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, and otherwise had regard to:

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

European Policy/Legislation including:

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

National Policy and Guidance including:

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

Regional and Local Planning Policy, including in particular:

- Regional Spatial and Economic Strategy for the Southern Region (2019-2031);

- Cork County Development Plan, 2022-2028;
- 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. Measures proposed for the construction, operation and decommissioning of the development,
- d. The range of mitigation measures set out in the Ecological Impact Assessment, Construction and Environmental Management Plan, Glint and Glare Assessment, Landscape and Visual Impact Assessment, Noise Impact Assessment, Archaeological, Architectural and Cultural Impact Assessment and the Archaeological Impact Assessment,
- e. The submission of the Third Party appellant,
- f. The documentation submitted with the application and the appeal, and,
- g. The Inspector's report and recommendation.

13.2. Proper Planning and Sustainable Development

13.2.1. It is considered that subject to compliance with the conditions set out below, the proposed development:

- Would be in accordance with European, national, and regional renewable energy policies and would align with the provisions of the Cork County Development Plan, 2022-2028,
- Would not have an adverse impact on the character of the landscape or the cultural or archaeological heritage of the site and surrounding area,
- Would not give rise to flood risk on site or elsewhere downstream,
- Would not result in adverse impacts on water quality,
- Would not seriously injure the residential amenities of the area or otherwise of property in the vicinity,
- Would not have a significant adverse impact on ecology, and,
- Would make a positive contribution to Ireland's renewable energy and security of energy supply requirements.

For these reasons, the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the Planning Authority on the 19th day of August 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

3. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment, Construction and Environmental Management Plan, Noise Impact Assessment, Archaeological, Architectural and Cultural Impact Assessment and the Archaeological Impact Assessment and other particulars submitted with the application and by way of further information, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

4. 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.

5. The MV substation building, energy storage module buildings, inverters and spare parts container shall be painted dark green in colour or other dark colour that shall be agreed with the Planning Authority. Prior to the commencement of development, the Applicant shall confirm whether the Medium Voltage (MV) control/switching substation will consist of either a single storey block constructed building or the 2 no. modular units, as detailed in the submitted documents.

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

6.

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

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

7. Archaeology

- a. Prior to any development commencing, the developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing targeting anomalies identified in geophysical survey, especially Ref:M1 as per report of ACSU Archaeology Consultancy Services Unit and shall submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/ site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements, including minimum buffer zone around anomaly Ref:M1 specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.
- b. All mitigation and recommendations in ACSU Archaeology Consultancy Services Unit report submitted as Further Information shall be implemented in full, except as may otherwise be required in order to comply with as set out in planning condition 7a. The Planning Authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all

archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

- c. Prior to any commencement of development, the Construction & Environmental Management Plan shall be updated to reflect completed archaeological assessment and submitted for written agreement of the Planning Authority.

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 hedgerow, shall be maintained and supplemented in accordance with the details submitted.
- 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).

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

9. Prior to the commencement of development, the applicant shall submit a revised Site Layout Plan and Landscape Rationale for the written approval of the Planning Authority, showing:

- a. Minimum 10m wide 'development free' corridor for potential future greenway,
- b. 3-4m wide proposed new hedgerow outside minimum 10m corridor for potential future greenway running parallel with eastern site boundary, and,

- c. Changes sought by CCC Archaeologist / National Monuments Service on foot of post-decision Archaeological testing, in respect of buffer zones etc (planning condition 7).

Reason: In the interest of visual amenity and built heritage.

10. The Applicant shall submit a detailed landscape plan for the proposed site entrance which clearly identifies the alignment and specifications of the proposed replacement hedgerow. The replacement planting shall include the provision of native trees. The landscape plan shall also include an finalised elevation of the realigned boundary and shall include the detail of any access gates at this location. The plan shall be agreed with the Planning Authority prior to the commencement of development

Reason: In the interest of visual amenity and built heritage.

11. Protective fencing in accordance with BS 5837, shall be installed to protect all trees identified to be retained. The fencing shall be installed in such a manner as to provide protection to the critical root zone of trees to be protected and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste will be stored or tipped within the fenced off area and no construction plant or vehicles will be parked within the spread of trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.

Reason: To protect biodiversity.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In addition:

- a. The positioning of all soakaways shall comply with the 2021 EPA Code of Practice entitled. All soakaways shall be designed in accordance with BRE DG 365:2016. All hard stand areas shall have separate drainage pathways and the access tracks shall be drained appropriately along its entire length, if required.
- b. To preserve the verge drainage along the edge of the public road, a

drainage pipe; sized by the Applicant's Engineer (but 300mm minimum diameter) shall be provided across the site entrance. The developer shall be responsible for the maintenance and repair of this drainage pipe in perpetuity. The capacity of the road verge to convey or store surface water shall not be decreased. No storm water runoff from the site/development shall issue onto the public road and any existing storm water drainage paths through the site & serving the public road shall be preserved.

- c. Surface water shall not be permitted to flow onto the public road from the site/landholding and any existing storm water drainage paths through the site & serving the public road shall be preserved in perpetuity.
- d. No material shall be carried onto the public road by wheels of vehicles exiting the site during construction or after construction stage of the proposed structures. No surface water from the site shall be allowed flow onto the public road in perpetuity.
- e. The minimum "Aco type" drainage channel size shall be a minimum of 1000mm in width and a minimum of a 450mm discharge pipe or equivalent as proposed to the correct sized soakaway. The owner/occupier of the landholding shall be responsible for the maintenance and repair of this drainage channel in perpetuity.

Reason: In the interest of environmental protection and reducing run-off from the site.

13. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

Reason: In the interest of the long term viability of this agricultural land, and in order to minimise impacts on drainage patterns.

14.

- a. No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

- b. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- c. Cables within the site shall be located underground.
- d. All fencing should be fitted with small mammal gates (300mm x 150mm) at appropriate points to enable access for wildlife to move freely throughout the landscape. The details of which shall be submitted to the Planning Authority.

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

15. Noise levels emanating from the operational phase of the proposed development when measured at Noise Sensitive Locations shall not exceed 55 dBA (30 minute LAR) between 0700 hours and 1900 hours, 50 dBA (30 minute LAR) between 1900 hours and 2300 hours and 45 dBA (15 minute Leq) between 2300 and 0700 hours.

Reason: In the interest of residential amenity.

16. The acoustic fencing shall be installed in tandem with the proposed development prior to first commissioning and a noise monitoring survey shall be carried out within 3 months of commissioning of the proposed development. The extent and timing of the survey and monitoring sites used shall be agreed with the Planning Authority in advance. The results of the survey shall be submitted to the Planning Authority within 1 month of completion of the survey. The developer shall carry out at their own expense such additional noise mitigation measures to comply with noise limitations in planning condition no. 15.

Reason: In the interest of residential amenity.

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

- a. location of the site and materials compound(s);
- b. location of areas for construction site offices and staff facilities;
- c. details of site security fencing and hoardings;
- d. details of on-site car parking facilities for site workers during the course of construction;
- e. details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f. measures to obviate queuing of construction traffic on the adjoining road network;
- g. measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h. details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- i. containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;
- j. off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- k. details of on-site re-fuelling arrangements, including use of drip trays;
- l. details of how it is proposed to manage excavated soil;
- m. means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- n. Hours of construction.

The CEMP shall also include:

- i. A detailed Construction and Restoration Waste Management Plan for the construction and restoration phases of the proposed development.
- ii. Resource and Waste Management Plan that is prepared in accordance with the EPA 'Best Practice Guidelines' for the preparation of resource & waste management plans for construction & demolition projects published by Environmental Protection Agency, 2021.
- iii. A Construction Dust and Noise Management plan which includes

proposals for the suppression of on-site noise, dust, vibration and to minimise any odours on site.

The finalised CEMP shall take account of the mitigation measures outlined within the EclA. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

18. The Applicant shall ensure:

- a. that all waste leaving the site shall be transported by a suitably permitted contractor and taken to a licensed/permitted facility. All waste leaving the site shall be recorded and copies of consignment delivery dockets, copies of waste collection and facility and a waste register shall be retained on site and made available to Environmental officers of the Local Authority for inspection at any time during the construction stages of the project.
- b. that Waste storage areas shall be selected so that they are set back from watercourses, ecological sensitive areas of extreme vulnerability, and away from potential floodplain areas and areas containing invasive species.
- c. that all watercourses in or adjacent to the works area (if relevant) shall be monitored on a daily basis by the Contractor to ensure they are not being impacted by silt/sediment laden storm water run-off from works area. A record of this monitoring shall be maintained on site.
- d. that access tracks shall be cambered to deflect surface water to the adjoining fields for attenuation. Service roads shall not discharge directly to open drains on site.
- e. that hydrocarbon spill kits shall be in place on all site vehicles/plant. Suitable interceptor drip trays shall be used when refuelling vehicles/plant & when vehicles/plant are parked. No servicing of vehicles/plant shall be carried out on site.
- f. that all solid wastes arising on the site shall be recycled as far as

possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the Planning Authority. Adequate on-site arrangements shall be made to the satisfaction of the Planning Authority for the storage of recyclable materials prior to collection. The developer shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.

- g. that all over ground tanks containing fuels shall be contained in a waterproof bunded area, the capacity of the bund is to be the greater of the following; 110% of the largest tank size or 25% of total volume stored in the bunded area. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking valve that shall be opened only to discharge storm water. The developer shall ensure that this valve is locked at all times.
- h. that no polluting material, rubble, waste material or contaminated surface water enters any adjacent watercourses or public roadway around the site. No burning of waste material shall take place on site.

Reason: In the interests of environmental protection

- 19. Prior to the commencement of the development, the Applicant is required to provide the location of temporary site compound and shall provide details for the management and control of waste, surface water run off and atmospheric emissions from the temporary site compound during the construction phase of the development.

Reason: In the interest of environmental protection.

- 20. Cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st of March and 31st August.

Reason: To protect biodiversity.

- 21. Biodiversity enhancement measures shall be undertaken in accordance with the Biodiversity Enhancement Plan received by the Planning Authority on 19th August 2025.

Reason: To protect biodiversity.

22. 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.

23. 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.

24. 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.

Enda Duignan
Senior Planning Inspector

14th January 2026

Appendix 1: AA Screening Determination

Test for likely significant effects (PL-500038-CK)

| Screening for Appropriate Assessment Test for likely significant effects | |
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| Step 1: Description of the project and local site characteristics | |
| Case File: PL-500038-CK | |
| Brief description of project | <p>Normal Planning Appeal</p> <p>A 10 no. year permission is sought for the solar PV development with a 40-year operational lifespan. The site has an area of c. 9ha. and the development shall comprise:</p> <ul style="list-style-type: none"> - Solar panels on ground mounted frames, - 2 no. single storey electrical inverter/transformer stations, - 2 no. containerised energy storage modules, - 1 no. single storey spare parts container, - 1 no. medium voltage control/switching substation (comprising either single-storey building or 2 no. modular units), - 1 no. weather station, - Underground electrical ducting and cabling within the development site, security fencing, - CCTV, - Access tracks, - Temporary construction compound, - Landscaping and all associated ancillary development and drainage works. <p>See Section 2.0 of Inspectors Report for further detail.</p> |
| Brief description of development site characteristics and potential impact mechanisms | <p>It is proposed to construct a solar farm development on lands that currently comprise arable crops. A detailed description of the site and subject proposal is provided in Section Nos. 1 and 2 of the Inspector's report and detailed specifications of the proposal are provided in the AA screening report, Ecological Impact Assessment, CEMP and other planning documents provided by the Applicant.</p> <p>There are no drainage ditches or watercourses on the solar farm site. However, a drainage ditch was identified along the roadside boundary, outside the development's boundary and at a removed distance from the solar arrays (excess of c. 200m). The nearest EPA mapped watercourse (Farranamoy_010) is located c. 115m to the south of the subject site which appears from the EPA mapping to be a tributary of the Farranamoy River. It is understood that this is referred to as 'Fulachtai Fia Knocknahilan stream' in the Applicant's AA Screening Report. The watercourse flows along the western side of the Kinsale Golf Club and then in an easterly direction to the south of the site until it ultimately discharges into the Farranamoy River and then into the River Stick further downstream. Although relatively flat, there is a gently sloping north-west to south gradient across the site, with the Farranamoy River located further down gradient.</p> <p>The AA Screening Report notes that there is potential for remote connectivity to Courtmacsherry Estuary SAC, Cork Harbour SPA, Old</p> |

| | | | | |
|--|--|---|--|---|
| | Head of Kinsale SPA, Courtmacsherry Bay SPA and Sovereign Islands SPA via overland flow to the 'Fulachtai Fia Knocknahilan stream', which flows into Oysterhaven transitional waterbody. | | | |
| Screening report | Yes. Prepared by Greenleaf Ecology. | | | |
| Natura Impact Statement | No. | | | |
| Relevant submissions | No issues raised by Third Parties regarding Appropriate Assessment. The Planning Authority's Ecologist concurred with the conclusions of the AA Screening Report. Having regard to the location of the site and the nature of the works, the lack of hydrological connectivity and distance (disturbance) to any EU site, they weresatisfied that there is no potential pathway for impact to any such site. | | | |
| Additional Information: N/A | | | | |
| Step 2. Identification of relevant European sites using the Source-pathway-receptor model | | | | |
| Five (5) no. European site were identified as being located within a potential zone of influence (Zoi) of the proposed development as detailed in Table 1 below. | | | | |
| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections ² | Consider further in screening ³ Y/N |
| SACs | | | | |
| Courtmacsherry Estuary SAC (001230) | Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] 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] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with | 11.3km | It is noted within the Screening Report that there is potential remote connectivity via overland flow to the 'Fulachtai Fia Knocknahilan stream' to the south of the proposed site. The Fulachtai Fia Knocknahilan stream flows into the Farranamoy River then the River Stick/ Oysterhaven transitional waterbody, which in turn flows in to the Western Celtic Sea a total of c.9.5km downstream. It is noted that this SAC is a further 21km along the coast. | Yes |

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|--|---|--------|--|------------|
| | herbaceous vegetation (grey dunes) [2130] Courtmacsherry Estuary SAC National Parks & Wildlife Service | | | |
| SPAs | | | | |
| Sovereign Islands SPA (004124) | Cormorant (Phalacrocorax carbo) [A017] Sovereign Islands SPA National Parks & Wildlife Service | 8.1km | The Screening Report indicates that there is remote connectivity via overland flow to the Fulachtaí Fia Knocknahilan stream located to the south of the proposed site. The Fulachtaí Fia Knocknahilan stream flows into the Farranamoy River then the River Stick/ Oysterhaven transitional waterbody, which in turn flows in to the Western Celtic Sea a total of c.9.5km downstream. This SPA is a further 0.6km out to sea. | Yes |
| Courtmacsherry Bay SPA (Site Code: 004219) | Great Northern Diver (Gavia immer) [A003] Shelduck (Tadorna tadorna) [A048] Red-breasted Merganser (Mergus serrator) [A069] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Wigeon (Mareca penelope) [A855] | 11.6km | The Screening Report indicates that there is remote connectivity via overland flow to the Fulachtaí Fia Knocknahilan stream located to the south of the proposed site. The Fulachtaí Fia Knocknahilan stream flows into the Farranamoy River then the River Stick/ Oysterhaven transitional waterbody, which in turn flows in to the Western Celtic Sea a total of c.9.5km downstream. This SPA is located a further 20.7km along the coast. | Yes |

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|----------------------------------|--|--------|--|------------|
| | Wetland and Waterbirds [A999] Courtmacsherry Bay SPA National Parks & Wildlife Service | | | |
| Old Head of Kinsale SPA (004021) | Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Old Head of Kinsale SPA National Parks & Wildlife Service | 12.2km | The Screening Report indicates that there is remote connectivity via overland flow to the Fulachtaí Fia Knocknahilan stream located to the south of the proposed site. The Fulachtaí Fia Knocknahilan stream flows into the Farranamoy River then the River Stick/ Oysterhaven transitional waterbody, which in turn flows in to the Western Celtic Sea a total of c.9.5km downstream. This SPA is located a further 11.8km along the coast. | Yes |
| Cork Harbour SPA (004030) | Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) | 13.9km | Theoretically, there is potential remote connectivity via overland flow to the Fulachtaí Fia Knocknahilan stream, located c.78m to the south of the proposed site. The Fulachtaí Fia Knocknahilan stream flows into the Farranamoy River then the River Stick/ Oysterhaven transitional waterbody, which in turn flows in to the Western Celtic Sea a total of c.9.5km downstream. This SPA is a further 17.4km along the coast. | Yes |

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| | [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999] Cork Harbour SPA National Parks & Wildlife Service | | | |
|--|---|--|--|--|

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

The appeal 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 above referenced SAC and SPAs. However, due to the size and scale of the development, impacts generated by the construction and operation of the solar farm development require further 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 |
| Courtmacsherry Estuary SAC (001230) | Direct: None. There will be no direct impacts or effects as the site is not located within or directly adjacent to a European site, and there are no designated habitats located onsite. | The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened |

| | | |
|-----------------------|---|-----------------------------------|
| | <p>Indirect:</p> <p>A weak hydrological connection between this SAC and the subject site via overland flows exists. The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>During the construction phase, standard pollution control measures would be put in place and are outlined in the submitted Construction and Environmental Management Plan (CEMP). These include surface water management, material storage, waste management and other environmental management measures. I am satisfied that these measures are standard practices for construction sites and would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. Nonetheless, I consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.</p> <p>The scheme includes attenuation measures and in order to restrict surface water drainage and sustainable drainage systems (SuDS) will be implemented. The SUDS measures to be incorporated are not included to avoid or reduce an effect to a Natura 2000 Site.</p> <p>There are no active drainage ditches or watercourses within the proposed solar farm site. There is a buffer of arable crops, treelines and broadleaved woodland between the site boundary and nearest watercourse. Water arising within the works area will be allowed to run-off to arable land/ woodland habitat on the periphery of the works area. These habitats can effectively filter out solids from surface water, and in this instance, the buffer between the works and the Fulachtaí Fia Knocknahilan stream to the south of the site would provide effective filtration and allow surface water run-off to percolate to groundwater.</p> | out. |
| Sovereign Islands SPA | Direct: | The construction and operation of |

| | | |
|-----------------|--|--|
| <p>(004124)</p> | <p>None. The proposed development does not overlap with the boundary of the European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse the European site there is no potential for habitat fragmentation to occur.</p> <p>Indirect:</p> <p>The proposed development site does not support populations of any species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>During the construction phase, standard pollution control measures would be put in place and are outlined in the submitted Construction and Environmental Management Plan (CEMP). These include surface water management, material storage, waste management and other environmental management measures. I am satisfied that these measures are standard practices for construction sites and would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. Nonetheless, I consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.</p> <p>The scheme includes attenuation measures and in order to restrict surface water drainage and sustainable drainage systems (SuDS) will be implemented. The SUDS measures to be incorporated are not included to avoid or reduce an effect to a Natura 2000 Site.</p> <p>There are no active drainage ditches or watercourses within the proposed site. There is a buffer of arable crops, treelines and broadleaved woodland between the site boundary and nearest watercourse. Water</p> | <p>the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p> |
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| | arising within the works area will be allowed to run-off to arable land/ woodland habitat on the periphery of the works area. These habitats can effectively filter out solids from surface water, and in this instance, the buffer between the works and the Fulachtai Fia Knocknahilan stream to the south of the site would provide effective filtration and allow surface water run-off to percolate to groundwater. | |
| Courtmacsherry Bay SPA (Site Code: 004219) | As above. | The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out. |
| Old Head of Kinsale SPA (004021) | As above. | The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out. |
| Cork Harbour SPA (004030) | As above. | The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out. |
| | Likelihood of significant effects from proposed development (alone): No. | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? | |
| Step 4: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’ | | |
| <p>The proposed development is catered for through land use planning, including the Cork Development Plan, 2022-2028, covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.</p> | | |
| <p>I note that ‘In-Combination Effects with Other Plans and Projects in the Area’ are considered in Section 4.2.1 of the Applicant’s AA Screening Report. The report identifies a number of other developments that have been proposed and permitted planning permission in the area and predominantly relate to small scale residential developments. These would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Whilst the Screening Report has failed to note the solar farm to the east of the site (16/4204 (ABP Ref. PL.04.247521), I note that this development is at an advanced stage of construction and would have been subject to similar pollution control measures. In terms of the proposed grid connection, it is indicated that a underground cable will be installed in the body of the public road and will be the subject of a future application and will be subject to screening for Appropriate Assessment/ Appropriate Assessment as required. No likely significant effects on European sites in-combination with the future Coolvullanane Beg Solar Farm grid connection are anticipated.</p> | | |
| <p>The Screening Report indicates that the proposed development will have no cumulative impacts upon any designated sites when considered in combination with other developments that have been screened properly for AA (Stage I) or where AA has taken place (Stage II). In addition, I note that any future individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. Therefore, I conclude that the proposed development would have</p> | | |

no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report and the various documentation supporting the application.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls for a development of this nature that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives.

I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 2 (Form 1) - EIA Pre-Screening

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| Case Reference | PL-500038-CK |
| Proposed Development Summary | <p>A 10 no. year permission is sought for the solar PV development with a 40-year operational lifespan. The site has an area of c. 9ha. and the development shall comprise:</p> <ul style="list-style-type: none"> - Solar panels on ground mounted frames, - 2 no. single storey electrical inverter/transformer stations, - 2 no. containerised energy storage modules, - 1 no. single storey spare parts container, - 1 no. medium voltage control/switching substation (comprising either single-storey building or 2 no. modular units), - 1 no. weather station, - Underground electrical ducting and cabling within the development site, security fencing, - CCTV, - Access tracks, - Temporary construction compound, - Landscaping and all associated ancillary development and drainage works. <p>See Section 2.0 of Inspectors Report for further detail.</p> |
| Development Address | Farrangalway, Mellifontstown, Kinsale, Co. Cork |
| | In all cases check box /or leave blank |
| <p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) | <p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, no further action required.</p> |
| <p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p> | |
| <input type="checkbox"/> Yes, it is a Class specified in | |

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| Part 1. EIA is mandatory. No Screening required. EIAR to be requested. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input type="checkbox"/> 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. | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required | |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) | <p>The development of a solar farm is not a specified class of development in Part 1 or Part 2 of Schedule 5 of the Regulations. In the interests of completeness, the assessment of the proposed solar farm development in relation to the following classes of Part 2 of Schedule 5 of the Regulations is as follows:</p> <ul style="list-style-type: none"> ▪ Schedule 5, Part 2, Class 1 (a) Rural Restructuring. This includes: <i>“Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment)(Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-countering is above 5 hectares, or where the area of lands to be restructured by</i> |

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| | <p><i>removal of field boundaries is above 50 hectares”.</i></p> <p>The proposed solar farm development will involve some minor hedgerow removal to facilitate access to the site (c. 55m) access but significantly below the 4km threshold. This will not involve the amalgamation, enlargement or restructuring of existing fields. Re-contouring is not proposed as a part of the development. It is considered that the development does come within the scope of this class on the basis that it involves the removal of field boundary hedgerow but that it is subthreshold. Accordingly, an EIA preliminary Examination is required.</p> <ul style="list-style-type: none"> ▪ Schedule 5, Part 2, Class 10 (dd) All private roads. It is not considered that the private internal access tracks proposed as a part of the development constitute a private road. In this regard I would note that the Board has previously determined that these are tracks and not roads in respect of solar farm developments and do not fall under this Class. (ABP-301028-18, 302681-18 and PL 17.248146 refer). |
| | |

| 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)? | |
|--|--|
| No <input checked="" type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____ Date: 14/01/2026

Appendix 3 (Form 2) - EIA Preliminary Examination

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| Case Reference | PL-500038-CK |
| Proposed Development Summary | <p>A 10 no. year permission is sought for the solar PV development with a 40-year operational lifespan. The site has an area of c. 9ha. and the development shall comprise:</p> <ul style="list-style-type: none"> - Solar panels on ground mounted frames, - 2 no. single storey electrical inverter/transformer stations, - 2 no. containerised energy storage modules, - 1 no. single storey spare parts container, - 1 no. medium voltage control/switching substation (comprising either single-storey building or 2 no. modular units), - 1 no. weather station, - Underground electrical ducting and cabling within the development site, security fencing, - CCTV, - Access tracks, - Temporary construction compound, - Landscaping and all associated ancillary development and drainage works. <p>See Section 2.0 of Inspectors Report for further detail.</p> |
| Development Address | Farrangalway, Mellifontstown, Kinsale, Co. Cork |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | <p>The element of the project which consists of the removal of hedgerow is limited to that required for the visibility splays at the entrance to the site. It will not result in the enlargement or amalgamation of fields nor the restructuring of lands.</p> <p>The hedgerow removal required for the achievement of visibility splays is 55m which is a relatively minor area of the subject site which has an overall area of 9ha.</p> <p>The substantive pattern of hedgerow at the site will be retained and the field pattern will be maintained. Hedgerow which will be lost, will be replanted at a set back position and/or augmented by additional planting as set out in the Ecological Impact Assessment and the landscaping proposals. It is noted that the proposed development will result in enhanced hedgerow provision versus the existing conditions.</p> |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved | Briefly comment on the location of the development, having regard to the criteria listed <p>The location of the development is not considered to be environmentally sensitive. It consists of agricultural crops, mature hedgerows and treelines which are</p> |

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| <p>land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>abundant in the wider environment. It is not located within or in proximity to any National or European designated sites and the Screening for Appropriate Assessment Determination (Appendix 1) to this report has determined that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is located in a rural area, which is not densely populated and where agriculture type activities are the main land use(s). The location of the site is not visually sensitive and is not subject to any visual amenity or scenic designations. Whilst there are archaeological features within the site, I am satisfied that this matter can be satisfactorily addressed by an appropriate pre-commencement condition.</p> |
| <p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for significant effects, not just effects.</p> <p>Having regard to the minor characteristics of the proposed development and to the general absence of constraints and/or sensitivity indicators at the location of the site, it is considered that the limited removal of hedgerow associated with the project has no potential for effects including significant effects.</p> |
| <p style="text-align: center;">Conclusion</p> | |
| <p>Likelihood of Significant Effects</p> | <p>Conclusion in respect of EIA</p> |
| <p>There is no real likelihood of significant effects on the environment.</p> | <p>EIA is not required.</p> |

Inspector: _____ Date: 14/01/2026

Appendix 4 - WFD Impact Assessment Stage 1: Screening

Step 1: Nature of the Project, the Site and Locality

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| ACP ref. no. | PL-500038-CK | Townland, address | Farrangalway, Mellifontstown, Kinsale, Co. Cork |
| Description of project | A 10 year planning permission for the construction of a solar PV development and all associated ancillary development works. | | |
| Brief site description, relevant to WFD Screening, | <p>The application site has a stated area of 9ha. and is located across the rural townlands of Farrangalway, Mellifontstown, Kinsale, Co. Cork. The appeal site is located within the Bandon-Ilen WFD Catchment and the Stick_SC_010 subcatchment (Subcatchment_ID: 20_14). There is 1 no. existing EPA mapped watercourse (Farranamoy_010) located c. 115m to the south of the subject site. As per the WFD 2019-2024 monitoring events, the water quality status within the watercourse is identified as being 'Good,' and the status of this watercourse is identified as being 'Not at Risk' of not meeting the WFD's 'good' status objective. In terms of groundwater, the appeal site is underlain by a single Groundwater Body (GWB), being the Bandon GWB (IE_SW_G_086). As per the most recent monitoring period (GW 2019-2024), the current status of the Bandon GWB is 'good' and it is identified as being 'not at risk' of not meeting the WFD's 'good' status objective. I note that the site sits above a Locally Important Aquifer and the entirety of the site is underlain by 'High' vulnerability.</p> | | |
| Proposed surface water details | SUDs which include natural infiltration and permeable access tracks. | | |
| Proposed water supply source & available capacity | N/A | | |

| | | | | | | | |
|--|-----------------|---------------------------|-----------------------|--|---|--|----------------------------|
| Proposed wastewater treatment system & available capacity, other issues | | | N/A | | | | |
| Others? | | | | | | | |
| 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 risk, review, not at risk | Identified pressures on that water body | Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) | |
| River Waterbody | 115m | Farranamoy_010 | Good | Not at Risk | NA | Yes – Potential connection via overland flows. | |
| Groundwater Waterbody | Underlying site | Bandon GWB (IE_SW_G_086) | Good | Not At risk | NA | Yes – The site sits above a Locally Important Aquifer and the entirety of the site is underlain by 'High' vulnerability. | |
| 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 | Waterbody | Pathway (existing and | Potential for | Screening Stage | Residual | Determination** to proceed |

| | | receptor (EPA Code) | new) | impact/ what is the possible impact | Mitigation Measure* | Risk (yes/no) Detail | to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2. |
|--------------------------|---------|---------------------------------|---|--|---|----------------------------|---|
| 1. | Surface | Farranamoy_ 010 | Watercourse is located c. 115m to the south of the site. There is a weak pathway to this watercourse via overland flows. | Siltation, pH (Concrete), hydrocarbon spillages | Standard construction practice mitigation. Adherence to the finalised CEMP and conditions of permission as recommended by the Planning Authority. | No | Screened out |
| 2. | Ground | Bandon GWB (IE_SW_G_0 86) | Pathway exists. The site is partially located a locally Important Aquifer and is underlain by 'High' vulnerability. | Spillages | Standard construction practice mitigation. Adherence to the finalised CEMP. | No | Screened out |
| OPERATIONAL PHASE | | | | | | | |
| 3. | Surface | Farranamoy_ 010 | Watercourse is located c. 115m to the south of | Siltation, Hydrocarbon | SUDs features including natural | No | Screened out |

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| | | | the site. There is a weak pathway to this watercourse via overland flows. | spillage. | infiltration between arrays, seeding to ensure vegetation growth and permeable access tracks. | | |
| 6. | Ground | Bandon GWB (IE_SW_G_086) | Pathway exists. The site is partially located a locally Important Aquifer and is underlain by 'High' vulnerability. | Spillages | SUDs features including natural infiltration between arrays, seeding to ensure vegetation growth and permeable access tracks. | No | Screened out |
| DECOMMISSIONING PHASE | | | | | | | |
| 7. | As above for the construction phase. | | | | | | |