BPS
Planning & Development
Consultants

M 087 261 5871
T 01 539 4960
E info@bpsplanning.ie
W www.bpsplanning.ie

PO Box 13658
Dublin 14

Submitted via the An Coimisiún Pleanála online portal

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

30 October 2026

Dear Sir/Madam,

Third Party Observation on strategic infrastructure application VA04.324632, a proposed 220 kV air-insulated substation and loop-in grid connection at Greenhills Solar Farm, in the townlands of Ballyneague, Ballydaniel and Knocknagappagh, County Cork.

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute accredited town planning consultants, is instructed by the Inch Killeagh Rural Preservation Group, chair c/o Teresa Carey, Ballydaniel, Lackroe, Youghal, County Cork, and Una Fitzgerald, Barnaviddane, Killeagh, County Cork, to make this observation.

The application was lodged on 8 September 2026 by Perigus Energy Ireland Midco Ltd. It seeks a ten-year permission for a 220 kV air-insulated substation, two Type 269 single-circuit masts (195A and 195B), removal of existing mast 196, a loop-in to the Knockraha–Cullenagh 220 kV circuit, a customer building, a control building, palisade fencing, a temporary compound, drainage and associated works. A Natura Impact Statement accompanies the application. The solar farm, the battery storage compound and the access track are stated on the drawings to be the subject of separate applications. This observation is confined to VA04.324632. Our clients will address the solar-farm application, Cork County Council Reg. Ref. 26/2133, separately.

Our clients are local residents. They object to the proposed substation and grid connection for the reasons set out in the attached Planning Objection Report. The conclusion and the recommendation are in sections 8 and 9 of that report. This letter, the observation form and the report together comprise the observation.

Enclosed, uploaded to the portal:

- The prescribed fee.
- The observation form.
- The Planning Objection Report.

We act as agent. Correspondence should be sent to this office, PO Box 13658, Dublin 14, D14NY27, info@bpsplanning.ie. Please contact us if anything further is required.

With best wishes,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
Managing Director
BPS Planning & Development Consultants LTD

BPS
Planning & Development
Consultants

Third Party Planning Objection Form

An Coimisiún Pleanála case VA04.324632

1. Names and address of the observer/objector(s): Inch Killeagh Rural Preservation Group, c/o Teresa Carey, Ballydaniel, Lackroe, Youghal, County Cork, and Una Fitzgerald, Barnaviddane, Killeagh, County Cork.

2. If an agent is involved, state the name of the agent: Brendan Byrne Buck MIPI

3. Address of the agent: BPS Planning & Development Consultants Ltd, PO Box 13658, Dublin 14.

4. Subject of the observation: observation on the strategic infrastructure application for a 220 kV air-insulated substation and loop-in grid connection at Greenhills Solar Farm.

5. Development description: Perigus Energy Ireland Midco Ltd has applied to An Coimisiún Pleanála, under section 182A of the Planning and Development Act 2000 (as amended), for a ten-year permission for a 220 kV air-insulated substation and loop-in grid connection at Greenhills Solar Farm, in the townlands of Ballyneague, Ballydaniel and Knocknagappagh, County Cork. The development, as shown on the TLI Group drawings (project 300-101185) and described in the notice of 8 September 2026, consists of: a 220 kV air-insulated substation compound, including the EirGrid compound and the customer compound, control building, customer (IPP) building, transformers, gantries, palisade fencing, gates, lighting and a lightning monopole; two proposed Type 269 single-circuit masts, 195A and 195B, and removal of existing mast 196, to loop into the existing Knockraha–Cullenagh 220 kV overhead line; a temporary construction compound, internal access, cut and fill to a compound level of 109.05 m, and drainage, including foul holding tanks, oil separators and surface-water measures; associated site works. The solar farm, the battery energy storage compound and the access track are annotated on the drawings as the subject of separate planning applications. A related pre-application reference is ABP-322687-25. A Natura Impact Statement accompanies the application. The application documents are at https://greenhillsgridplanning.ie/ and on the case file.

6. Location: townlands of Ballyneague, Ballydaniel and Knocknagappagh, County Cork.

7. Planning authority area: Cork County Council.

8. Authority determining the application: An Coimisiún Pleanála.

9. Case reference: VA04.324632. Lodged 8 September 2026. https://www.pleanala.ie/en-ie/case/324632

10. Grounds for observation: The grounds of the observation, and the reasons and arguments on which they are based, are set out in the attached Planning Objection Report.

11. The prescribed fee for an observation on a strategic infrastructure application is enclosed: €50 paid via the online portal.

12. This observation is made to An Coimisiún Pleanála, through its online portal, within the period stated in the published notice and on the case page. This observation is made regarding the planning application lodged with An Coimisiún Pleanála on 8 September 2026 under section 182A of the Planning and Development Act 2000, as amended, Commission reference VA04.324632. The pre-application reference is ACP-322687-25. The observation is made within the period for submissions, which closes at 5.30 pm on 3 November 2026.

BPS
Planning & Development
Consultants

3rd Party Planning Objection Report

Observation on the strategic infrastructure application made to An Coimisiún Pleanála, case reference VA04.324632, for a ten-year permission for a 220 kV air-insulated substation and loop-in grid connection at Greenhills Solar Farm, in the townlands of Ballyneague, Ballydaniel and Knocknagappagh, County Cork.

The development applied for by Perigus Energy Ireland Midco Ltd consists of a 220 kV air-insulated substation, including the EirGrid compound and the customer compound, a control building, a customer building, two Type 269 single-circuit masts (195A and 195B), removal of existing mast 196, a loop-in to the Knockraha–Cullenagh 220 kV overhead line, a temporary construction compound, drainage and associated works. A Natura Impact Statement accompanies the application. The solar farm and the battery energy storage compound are the subject of a separate application to Cork County Council. The site notice for this application includes the internal access road and the entrance from the R634. The drawings include that access and, at the same time, describe the access track as the subject of the other application.

This Planning Objection Report has been prepared by BPS Planning & Development Consultants Ltd for and on behalf of the Inch Killeagh Rural Preservation Group, c/o Teresa Carey, Ballydaniel, Lackroe, Youghal, County Cork, and Una Fitzgerald, Barnaviddane, Killeagh, County Cork.

.

Document Control Sheet

Project	Third Party Planning Observation on the strategic infrastructure application made to An Coimisiún Pleanála, case reference VA04.324632, for a ten-year permission for a 220 kV air-insulated substation and loop-in grid connection at Greenhills Solar Farm, in the townlands of Ballyneague, Ballydaniel and Knocknagappagh, County Cork.
Project No.	2026-124 (this observation is linked to a solar farm planning application)
Document title	Third Party Planning Objection/Observation

Contents	No. of pages
Cover page	1
Control sheet	1
Table of contents	3
Text	127
Total No. of Pages	132

Rev.	Distribution	Author	Checked	Approved	Day	Month	Year
1	Client	BB	ZB	FB	13	10	2026
2	Client	BB	ZB	FB	20	10	2026
3	An Coimisiún Pleanála	BB	ZB	FB	30	10	2026

BPS Planning & Development Consultants LTD
PO Box 13658, Dublin 14, D14NY27
Tel: 01 539 4960 / 087-2615871
Email: info@bpsplanning.ie
Web: www.bpsplanning.ie

This document has been prepared for the exclusive use of our client and unless otherwise agreed in writing with BPS Planning & Development Consultants LTD, no other party may use, make use of, or rely on the contents of this document. The document has been compiled using the resources agreed with the Client, and in accordance with the agreed scope of work. BPS Planning & Development Consultants LTD accepts no responsibility or liability for any use that is made of this document other than for the purposes for which it was originally commissioned and prepared, including by any third party, or use by others, of opinions or data contained in this document. BPS Planning & Development Consultants LTD accepts no liability for any documents or information supplied by others contained or referenced in this document. It is expressly stated that no independent verification of any documents or information supplied by others for this document has been made. BPS Planning & Development Consultants LTD has used reasonable skill, care, and diligence in compiling this document. It should be noted that no changes of whatsoever nature are to be made to any wording, information or details set out or contained in any BPS document unless the express consent has been obtained in advance, in writing, from BPS.

Date: 30 October 2026

Contents

1.0 Introduction

1.1 Rationale for this Objection
1.2 Comments on the pre-planning process with Cork County Council
1.3 Material contravention & *Coolglass Wind Farm Limited v An Bord Pleanála* [2025] IEHC 1
1.4 An Environmental Impact Assessment is required

2.0 Validation, technical and/or planning law concerns arising from the planning application

2.1 The development description and public notices are inadequate
2.2 The submitted Appropriate Assessment Screening Report and NIS are incomplete
2.3 The requirements of the Planning & Development Regulations 2001 are not met
2.4 Proposals are submitted 'subject to planning'
2.5 A ten-year permission is sought for a substation which is permanent
2.6 No adequate impact assessment on agricultural land has been submitted
2.7 Applicant did not deliver on promised photomontages viewed from residents homes
2.8 Insufficient community engagement
2.9 Works are proposed outside of the redline boundary
2.10 Inaccuracies and omissions in the drawing register
2.11 Deficiencies in site survey information and drawing accuracy
2.12 Presence of quarry and ongoing regulatory investigation
2.13 Use of agricultural underpasses and change of use
2.14 Inconsistent setbacks from residential properties
2.15 Absence of clarity regarding decommissioning liability and financial security
2.16 Prior objections relating to groundwater sensitivity at Cornaveigh
2.17 Clarification on the Glint and Glare Report required
2.18 Did the applicant use DSM modelling for hedgerows
2.19 The subject site plans exclude an entire dwelling and multiple other dwellings

3.0 Zoning & Designations

3.1 Zoning & designations pertaining to the site
3.2 Natural Heritage Designations (possible impacts on Natura 2000 sites - SACs and/or SPAs)

4.0 Description of the subject site

4.1 The history of Irish solar utility developments is defined by no planning guidelines

5.0 Relevant planning history

5.1 Planning history of the application site
5.2 Pre-planning for the current planning application
5.3 Unresolved retention applications and uncertainty regarding existing development

6.0 The proposed development

7.0 Grounds for Objection

7.1 Ground 1: Not an appropriate or compatible use of lands whose lawful use is agricultural

7.1.1 Proposal is not an appropriate use on lands whose lawful use is agricultural
7.1.2 Loss of productive agricultural land for a substation which is not removed
7.1.3 The CCDP 2022-2028 includes an appropriate zoning category 'Utilities and Infrastructure (U)'
7.1.4 Failure to consider alternative, less sensitive locations

7.2 Ground 2: Proposal is contrary to planning policy

7.2.1 Objection to the lack of any national/regional planning guidance on solar utility development
7.2.2 Contrary to the Action Plan for Rural Development 2017
7.2.3 Contrary to the Cork County Development Plan 2022 – 2028 [the "CCDP"]
7.2.3.1 The site is not zoned for a transmission compound
7.2.3.2 Transmission infrastructure is supported only where the Plan's tests are met
7.2.3.3 No community gain has been offered for the permanent station

7.2.3.4 The proposal is contrary to Chapter 5, Rural
7.2.3.5 The proposal is contrary to the rural-economy objectives of Chapter 8
7.2.3.6 The proposal is contrary to the biodiversity objectives
7.2.3.7 Hedgerows, boundaries and Objective GI 14-9

7.3 Ground 3: This is not a plan-led proposal, and it permanently takes agricultural land

7.3.1 Premature, both as a connection and as policy
7.3.2 The land is not flat, and the solar farm this station would enable is on the slopes the guidance discourages
7.3.3 Contrary to the EU Solar Energy Strategy
7.3.4 Granting the substation would prejudge the solar farm and set a precedent on this line.

7.4 Ground 4: Scale, existing pattern of development & overdevelopment concerns

7.4.1 The substation is an industrial use at a scale this townland has not absorbed
7.4.2 The permitted pattern of development is houses, farms and small works
7.4.3 Adjoining homes and farms

7.5 Ground 5: The road and traffic proposals are unacceptable

7.5.1 The traffic assessment is not an assessment of this application
7.5.2 The roads which the substation would use
7.5.3 Abnormal loads and the scale of construction traffic
7.5.4 The L7829 cannot be made suitable by a later traffic-management plan
7.5.5 "Slight" describes a junction model, not the road
7.5.6 What the Commission should not treat as part of this application
7.5.7 Decommissioning does not undo the traffic impact of the substation
7.5.8 Local conditions on the L7829 which the assessment does not record
7.5.9 Cumulative and precedent concerns
7.5.10 The passing bays and the eleven entrances are the solar farm's mitigation, not this application's
7.5.11 Cable-laying in the public road is not part of this application
7.5.12 "Slight" is a description of one junction model
7.5.13 The eleven entrances are not the access to this station
7.5.14 Deer and road safety
7.5.15 The substation is not decommissioned, so the construction traffic is not reversed
7.5.16 Local conditions which the assessment does not record
7.5.17 The abnormal-load route has not been assessed
7.5.18 The traffic figures do not include the stone
7.5.19 The permanent access is Site Access No. 1, on the R634

7.6 Ground 6: Landscape and visual impact concerns

7.6.1 The landscape is of high sensitivity, and the skyline is protected
7.6.2 The zone of visibility is a map of the panels, and it stops at 5 km
7.6.3 Cumulative landscape and visual effects
7.6.4 The residual effects depend on planting which does not screen the substation
7.6.5 The substation is not an agricultural use, and it is not reversible
7.6.6 The houses around the substation are not assessed
7.6.7 The conclusions do not follow from the assessment's own views
7.6.8 The Ballysallagh decisions do not support this station
7.6.9 The compound is to be lit, and the lighting is not assessed

7.7 Ground 7: The ecological assessment is an assessment of the solar farm

7.7.1 The survey record does not describe the substation
7.7.2 The screening excludes the estuary, and the Natura Impact Statement assesses the solar farm
7.7.3 The sett map and the fragmentation assessment are of the solar farm
7.7.4 The invasive-species report does not assess the substation, and its own conclusion is not supported by its measures
7.7.5 The findings of no significant effect depend on mitigation which is not part of this application
7.7.6 The oil, the fuel and the adjoining battery compound
7.7.6.1 What this application contains
7.7.6.2 The bund is assumed to work for a station which is never removed
7.7.6.3 The battery compound is a separate source on the same ground
7.7.6.4 The insulating medium in the switchgear is not stated
7.7.6.5 The cabling in this application is not the cabling of the solar farm

7.8 Ground 8: Flood risk and the drainage of the substation

7.8.1 The maps show the risk downstream, not the absence of an effect

7.8.2 The runoff calculation is of the solar farm, and the conclusion does not follow the table
7.8.3 The measured infiltration rate was not used
7.8.4 The attenuation has not been designed
7.8.5 The flood assessment uses one desk-based coefficient for every catchment
7.8.6 The finding that the development is hydrologically neutral is a finding about solar panels
7.8.7 Pluvial risk is excluded on a map, and the reported increase in flooding is not discussed
7.8.8 The design which is said to remove the increase has not been carried out
7.8.9 The Development Plan requires an assessment in Flood Zone C. This one does not assess the substation
7.8.10 Ballysallagh is a different site, and the grant does not answer this application
7.8.11 The assessment does not record the flooding the catchment has already had
7.8.12 The Tourig is a drinking water river, and the connection is admitted
7.8.13 The drainage which is said to have been designed has not been designed
7.8.14 The excavation is at the depth the same chapter treats as extreme vulnerability

7.9 Ground 9: The glint and glare report does not assess this development

7.9.1 The conclusion for the R634 depends on the solar farm
7.9.2 Report already finds residual glare from the panels, and it has not been assessed with the station
7.9.3 The Macro Works report's executive summary does not match the R634 table

7.10 Ground 10: A permanent noise source in an area of low background noise

7.11 Ground 11: The effects on the houses have been assessed as one project, and they are not one application

7.12 Ground 12: Archaeological assessment does not assess the excavation of this sub station

7.12.1 The mitigation proposed for the anomalies cannot be used on this platform
7.12.2 The effects are said to be reversed on decommissioning. This station is not decommissioned
7.12.3 The Development Plan requires the assessment to guide the design before permission

7.13 Ground 13: There is no assessment of fire at the substation

7.13.1 The batteries are immediately south of the station, and their fire risk is not assessed either

7.14 Ground 14: No reason is given for a ten-year permission

7.15 Ground 15: Construction of the station is to be managed by an unwritten plan

7.15.1 The hours are not the same in the two documents which set them
7.15.2 The application does not contain one programme
7.15.3 Dust, lighting and complaints are not controlled

7.16 Ground 16: The Commission does not have the information on which an Article 8 decision could be made

7.17 Ground 17: Substation and solar farm are one project, and the applications have been split

7.18 Ground 18: The application is premature

7.19 Ground 19: The Commission cannot conclude that the Tourig would not deteriorate

7.20 Ground 20: Injury to the amenities of the houses – depreciation of property values

8.0 Conclusion

8.1 The matters on which the Commission cannot be satisfied

9.0 Recommendation

9.1 Recommended reasons for refusal of planning permission

1.0 Introduction

BPS Planning & Development Consultants Ltd., a firm of Irish Planning Institute chartered town planning consultants, is instructed by the Inch Killeagh Rural Preservation Group, c/o Teresa Carey, Ballydaniel, Lackroe, Youghal, County Cork, and Una Fitzgerald, Barnaviddane, Killeagh, County Cork, to prepare and lodge this observation with An Coimisiún Pleanála on the strategic infrastructure application VA04.324632.

The applicant is Perigus Energy Ireland Midco Ltd. The agent is Jennings O'Donovan, an RSK company. The application is made under section 182A of the Planning and Development Act 2000 (as amended). It seeks permission for a period of 10 years for a 220 kV air-insulated substation, a loop-in to the existing Knockraha to Cullenagh 220 kV overhead line, and related works, in the townlands of Ballyneague, Ballydaniel and Knocknagappagh, County Cork.

The development, as described in the notice of 8 September 2026 and on the lodged drawings, consists of the following:

- A 220 kV air-insulated loop-in substation, with an EirGrid compound and a customer compound, a control building, and an IPP customer building.
- Two new Type 269E single-circuit angle masts, 195A and 195B, breaking the existing Knockraha to Cullenagh 220 kV line between existing masts 195 and 197, with about 92 m of new overhead conductor in total, of which about 46 m runs from the new masts to the substation gantries (Section 5.5.6.2 of the Planning and Environmental Report, and the Commission's direction of 10 February 2026, describe the same loop-in as about 97 m).
- Removal of existing mast 196.
- Palisade fencing and gates, lightning monopoles of 18 m, telecom structures, lighting, internal roads, parking and a temporary construction compound.
- Drainage, including oil and water separators, foul holding tanks, soakaways and surface-water channels. A number of these items are marked on the drawings as to be confirmed at detailed design.
- Cut and fill to a compound level of 109.05 m. The cut and fill drawing gives an approximate cut of 17,304 cubic metres and an approximate fill of 34,649 cubic metres. The drawing states that these volumes are preliminary.
- An access from the R-634 (Site Access No. 1), with an access track, passing bays and site notices running south and west through the solar array lands to the substation, beside local roads L-7828 and L-7829.

The same drawings state that the solar park, the battery energy storage system, and parts of the access track are the subject of separate planning applications. The solar farm is before Cork County Council under register reference 26/2133. This group has objected to that application. The substation is the grid node for that solar farm. The two applications are one project, split between the Council and the Commission. This objection is to the substation and the loop-in.

The application is accompanied by a Planning and Environmental Report and a Natura Impact Statement. The documents may be inspected at the offices of the Commission, 64 Marlborough Street, Dublin 1, and at the Planning Department of Cork County Council, County Hall, Carrigrohane Road, Cork, and online at https://greenhillsgridplanning.ie/.[1]

The group is made up of people who live in these townlands. They object for the reasons set out in Section 7.0 of this report.

This objection has been prepared by BPS Planning & Development Consultants Ltd.

This observation is made regarding the planning application lodged with An Coimisiún Pleanála on 8 September 2026 under section 182A of the Planning and Development Act 2000, as amended, Commission reference VA04.324632. The pre-application reference is ACP-322687-25. The observation is made within the period for submissions, which closes at **5.30 pm on 3 November 2026.**

This report, the covering letter and the observation form are the group's objection in full. The conclusion and the recommendation are in Sections 8.0 and 9.0.

1.1 Rationale for this Objection

Our client's group objects to the principle of a 220 kV air-insulated transmission substation and loop-in at this location. The proposal is not plan-led. The applicant's own Planning and Environmental Report states that the subject site is in open countryside with no specific zoning or other designations. The lands are in agricultural use for tillage and grazing. The absence of a zoning objective for electricity transmission infrastructure is not a licence to introduce a permanent grid node. The Cork County Development Plan 2022–2028 still requires the protection of rural landscape character, residential amenity, biodiversity, surface water and the safe functioning of the local road network. Support in the Regional Spatial and Economic Strategy for new energy infrastructure, including RPO 219, is expressly subject to suitable environmental assessment and to the planning process. That test is not met by the application now before the Commission.

[1] https://greenhillsgridplanning.ie/

This is not a minor grid tie or a short overhead diversion. The development comprises a fenced 220 kV air-insulated compound, with an EirGrid control building and a separate customer building, 220 kV transformers, gantries, busbars and associated electrical plant, a 2.6 m palisade fence, lightning monopoles of approximately 18 m, and a lattice support structure described in the site notice as 37.5 m high and shown on the elevation drawings at 36.60 m. Two new Type 269E single-circuit strain masts, 195A and 195B, are proposed on the existing Knockraha–Cullenagh 220 kV overhead line, and existing mast 196 is to be removed. The red line also includes the internal access, with passing bays, from the compound to a new entrance, Site Access No. 1, on the R-634, crossing the L-7829. The outline construction methodology puts the substation build at about 16 months and the overall programme at about 18 months, and states that the methodology is in outline only and will be revised before construction begins. The result would be a major industrial installation in a dispersed rural landscape.

The duration of the development is a central objection. Permission is sought for ten years in order to construct infrastructure which the applicant says will be handed to EirGrid and ESB Networks and will not be decommissioned. The Planning and Environmental Report states that the solar panels, inverter stations and battery storage would be removed, and that the 220 kV substation and loop-in would remain. The access tracks and site entrances are also proposed to remain. This is not a temporary construction compound and it is not a reversible solar array. It is a permanent change in the use of agricultural land, and it would remain in the landscape if the related solar application is refused, or after that solar development, if permitted, is later removed. The application does not justify leaving a national-grid substation in this countryside on that basis, and it does not provide an enforceable restoration obligation for the substation itself.

The pre-application consultation does not address these objections. Under ACP-322687-25 the prospective applicant, then named Orsted Onshore Ireland Midco Ltd, sought a determination under section 182E. The Inspector recorded that the purpose of the consultation was solely to decide whether the proposal was strategic infrastructure. One meeting was held, on 8 December 2025. The Commission's direction of 10 February 2026 found that a 220 kV air-insulated substation and associated grid connection, comprising 97 m of overhead line in the townland of Ballyneague, as described in particulars received on 4 June 2025 and in the presentation of 8 December 2025, fell within section 182A, and that the application should be made to the Commission. That finding was jurisdictional. It was not a conclusion that the site is suitable, that the impacts are acceptable, or that the design was settled.

The development now lodged is not the development on which that determination was made. The Inspector's report records a substation compound of approximately 3.35 hectares, in the townland of Ballyneague, to serve a solar proposal then before Cork County Council under register reference 25/6876, described to the Commission as 342 hectares with an output of 250 MW. The same report records an access of about 2.15 km to a new entrance on the R-634, and a telecommunications tower which was not on the layout submitted with the consultation request. Register reference 25/6876 was deemed incomplete by Cork County Council by notice dated 10 February 2026, the same day as the Commission's direction. The application now before the Commission, VA04.324632, is made by Perigus Energy Ireland Midco Limited, in the townlands of Ballyneague, Ballydaniel and Knocknagappagh. The solar proposal now current is Cork County Council register reference 26/2133. The application documents do not reconcile these descriptions.

The Planning and Environmental Report lodged with VA04.324632 makes the position worse. It is written as a report under section 34 of the Planning and Development Act 2000, as amended, for an application to Cork County Council. It assesses, as one "Proposed Development", the solar farm, the battery storage compound and the 220 kV substation. It then states that, at the time of submitting the report, the applicant was awaiting a determination as to whether the development is strategic infrastructure under section 37A, case reference ABP-322687-25, and that an application under section 182A was "likely" to be made. That statement is not correct. The determination had been made on 10 February 2026, under section 182A, not section 37A, several months before this report was dated August 2026 and lodged on 8 September 2026. Section 37A is not the provision which governs this electricity transmission proposal. A report which still treats the jurisdictional question as open, and under the wrong section, is not a reliable assessment of the application the Commission is asked to decide.

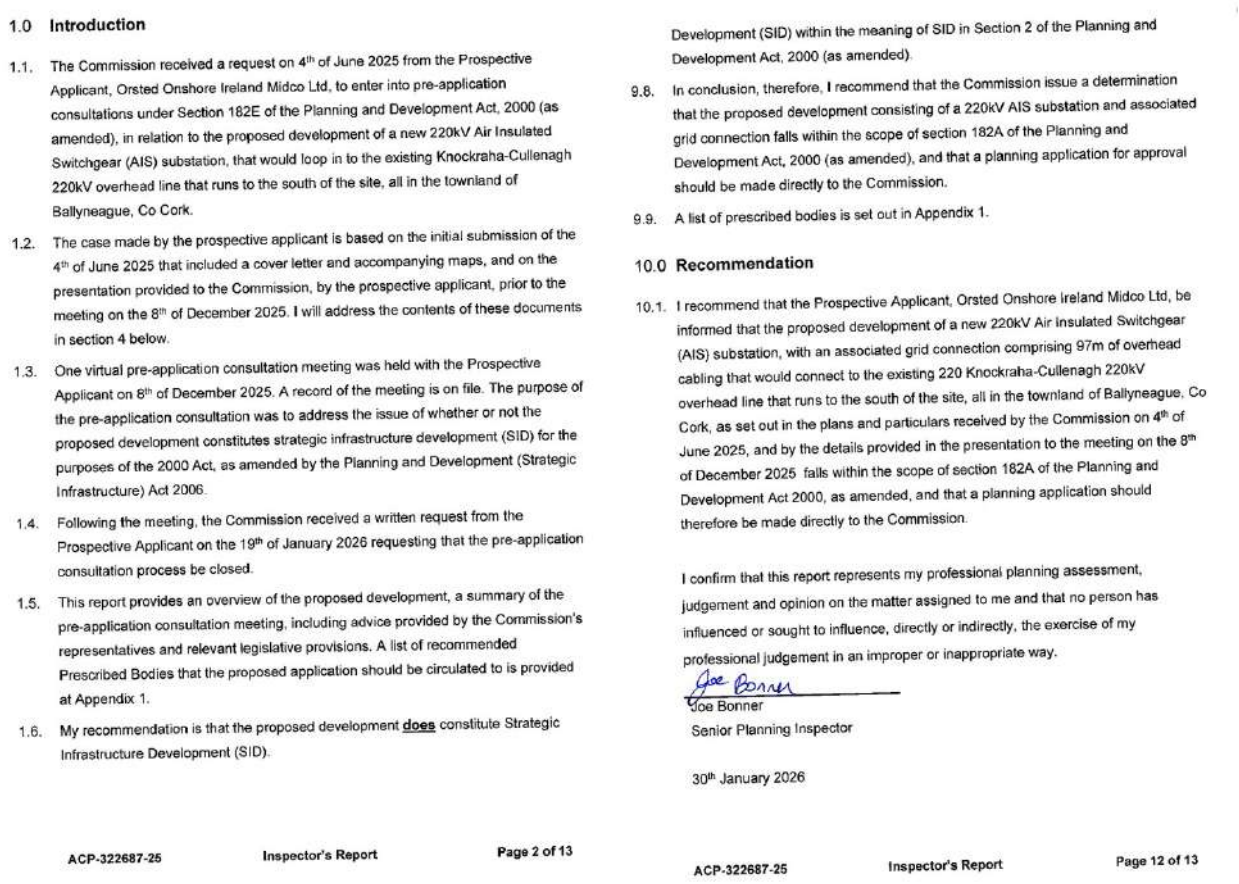
The same documents split the project and then assess it as if it had not been split. The site layout drawings place the solar arrays, the battery storage footprint and the access track on the drawings, include the access and Site Access No. 1 inside the red line, and at the same time state that the solar park, the battery storage system and the access track are subject to approval as a separate planning application. The cut and fill drawing still refers to separate planning application 25/6876, which had already been deemed incomplete. The Natura Impact Statement and the Planning and Environmental Report assess the solar farm, the battery storage and the substation together. The substation is the grid connection for that solar proposal, and the application drawings rely on an access which the same drawings exclude from the consent sought. The Commission is nevertheless asked to authorise a permanent EirGrid asset which would remain if the solar application is refused. Cumulative and in-combination effects, including effects on the Blackwater European sites downstream of the lands, cannot be closed out on that basis.

The group is also concerned that impacts which must be judged now are left to later design. The drainage layout marks soakaways, oil separators, foul holding tanks and bunds as matters to be confirmed at detailed design. The cut and fill drawing states that the volumes are approximate for preliminary design only, and that material classification and geotechnical design are still to be completed. That drawing records approximately 17,304 cubic metres of cut, 34,649 cubic metres of fill, a net fill of approximately 17,345 cubic metres, and approximately 8,519 cubic metres of topsoil. Section 5.5.6.1 of the Planning and Environmental Report estimates the cut and fill at 25,013 m^3, states that all

excavated material will be used as fill, and adds about 9,320 m^3 of imported stone. The cut and fill drawing gives an approximate cut of 17,304 m^3 and an approximate fill of 34,649 m^3, and states that the volumes are preliminary. The two cannot be reconciled. The drainage of the platform has not been designed. The outline construction methodology, which is stated to be outline only, still requires two further boreholes or trial pits at the tower locations and along the access, and at least twelve further boreholes at the substation. The new overhead line is given as approximately 97 m in the pre-application determination and the Planning and Environmental Report, and as approximately 92 m, in two lengths of approximately 46 m, in the construction methodology, with the lengths to be confirmed at detailed design. Where the Commission must be satisfied that impacts can be avoided or reduced to an acceptable level, the information lodged must allow that judgment to be made now.

No environmental impact assessment report has been submitted. The screening conclusion in the Planning and Environmental Report is a conclusion on the combined solar farm, battery storage and substation, reached with reliance on mitigation, and it finds that an environmental impact assessment is not required. That conclusion is not accepted. It is reached in a report prepared for a different consent, under the wrong pre-application section, on a project which the applicant has divided between Cork County Council and the Commission, and for a substation which is intended to be permanent.

The receiving environment is a working agricultural landscape, with dispersed dwellings, local roads of limited standard, and a drainage path towards the River Blackwater. National and regional policy support for renewable energy and for grid infrastructure does not displace the requirement that this particular development be properly described, properly assessed, and acceptable in this place. For these reasons, and for the grounds set out later in this observation, the group submits that the proposed development would be contrary to the proper planning and sustainable development of the area, and that permission should be refused.



1.0 Introduction

1.1. The Commission received a request on 4th of June 2025 from the Prospective Applicant, Orsted Onshore Ireland Midco Ltd, to enter into pre-application consultations under Section 182E of the Planning and Development Act, 2000 (as amended), in relation to the proposed development of a new 220kV Air Insulated Switchgear (AIS) substation, that would loop in to the existing Knockraha-Cullenagh 220kV overhead line that runs to the south of the site, all in the townland of Ballyneague, Co Cork.

1.2. The case made by the prospective applicant is based on the initial submission of the 4th of June 2025 that included a cover letter and accompanying maps, and on the presentation provided to the Commission, by the prospective applicant, prior to the meeting on the 8th of December 2025. I will address the contents of these documents in section 4 below.

1.3. One virtual pre-application consultation meeting was held with the Prospective Applicant on 8th of December 2025. A record of the meeting is on file. The purpose of the pre-application consultation was to address the issue of whether or not the proposed development constitutes strategic infrastructure development (SID) for the purposes of the 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act 2006.

1.4. Following the meeting, the Commission received a written request from the Prospective Applicant on the 19th of January 2026 requesting that the pre-application consultation process be closed.

1.5. This report provides an overview of the proposed development, a summary of the pre-application consultation meeting, including advice provided by the Commission's representatives and relevant legislative provisions. A list of recommended Prescribed Bodies that the proposed application should be circulated to is provided at Appendix 1.

1.6. My recommendation is that the proposed development **does** constitute Strategic Infrastructure Development (SID).

ACP-322687-25 Inspector's Report Page 2 of 13

Development (SID) within the meaning of SID in Section 2 of the Planning and Development Act, 2000 (as amended).

9.8. In conclusion, therefore, I recommend that the Commission issue a determination that the proposed development consisting of a 220kV AIS substation and associated grid connection falls within the scope of section 182A of the Planning and Development Act, 2000 (as amended), and that a planning application for approval should be made directly to the Commission.

9.9. A list of prescribed bodies is set out in Appendix 1.

10.0 Recommendation

10.1. I recommend that the Prospective Applicant, Orsted Onshore Ireland Midco Ltd, be informed that the proposed development of a new 220kV Air Insulated Switchgear (AIS) substation, with an associated grid connection comprising 97m of overhead cabling that would connect to the existing 220 Knockraha-Cullenagh 220kV overhead line that runs to the south of the site, all in the townland of Ballyneague, Co Cork, as set out in the plans and particulars received by the Commission on 4th of June 2025, and by the details provided in the presentation to the meeting on the 8th of December 2025 falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should therefore be made directly to the Commission.

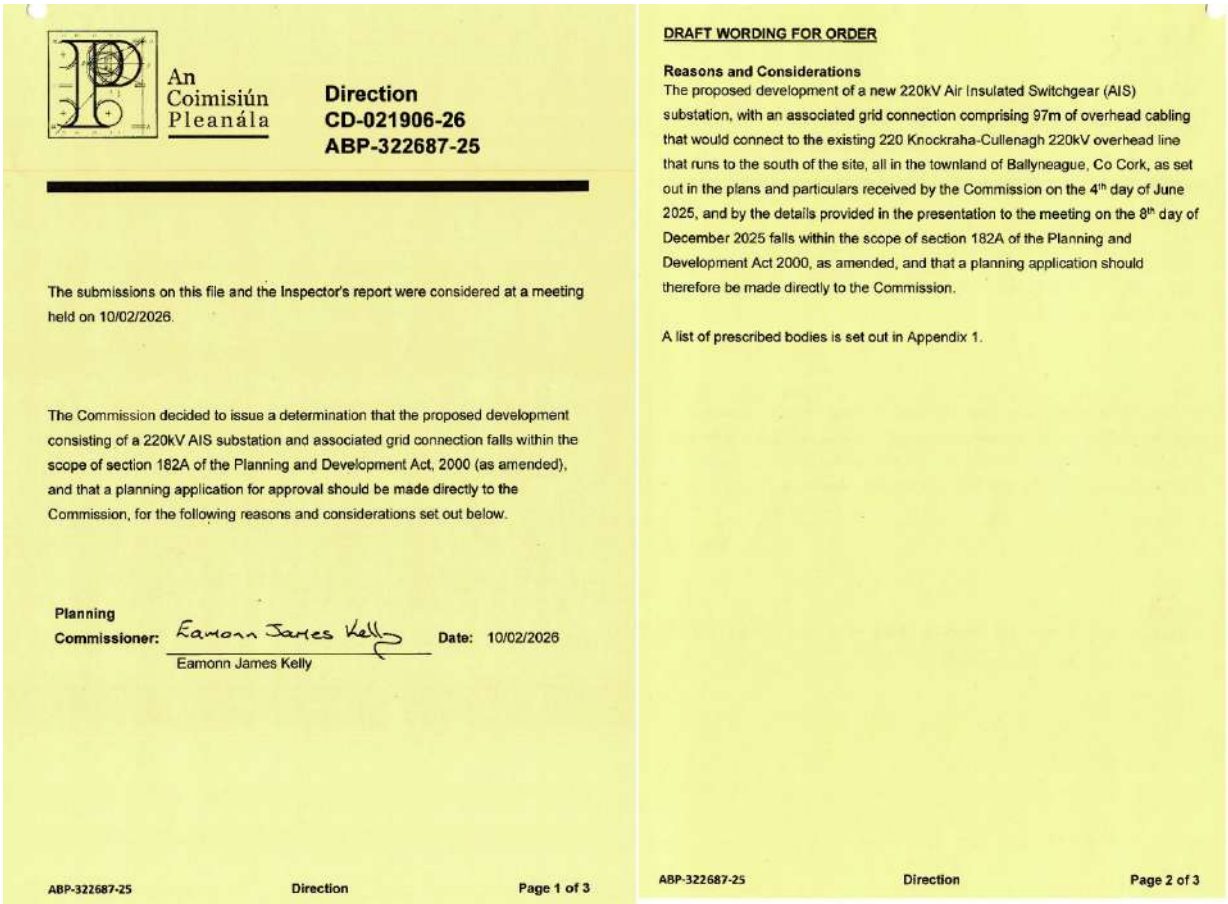
I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Joe Bonner
Senior Planning Inspector

30th January 2026

ACP-322687-25 Inspector's Report Page 12 of 13

Fig. 1: Inspector's Report ACP-322687-25, pp. 2 and 12 (section 182E purpose, and the 97 m / Ballyneague determination)



An Coimisiún Pleanála

Direction
CD-021906-26
ABP-322687-25

The submissions on this file and the Inspector's report were considered at a meeting held on 10/02/2026.

The Commission decided to issue a determination that the proposed development consisting of a 220kV AIS substation and associated grid connection falls within the scope of section 182A of the Planning and Development Act, 2000 (as amended), and that a planning application for approval should be made directly to the Commission, for the following reasons and considerations set out below.

Planning Commissioner: Eamonn James Kelly **Date:** 10/02/2026

Eamonn James Kelly

ABP-322687-25 Direction Page 1 of 3

DRAFT WORDING FOR ORDER

Reasons and Considerations

The proposed development of a new 220kV Air Insulated Switchgear (AIS) substation, with an associated grid connection comprising 97m of overhead cabling that would connect to the existing 220 Knockraha-Cullenagh 220kV overhead line that runs to the south of the site, all in the townland of Ballyneague, Co Cork, as set out in the plans and particulars received by the Commission on the 4th day of June 2025, and by the details provided in the presentation to the meeting on the 8th day of December 2025 falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should therefore be made directly to the Commission.

A list of prescribed bodies is set out in Appendix 1.

ABP-322687-25 Direction Page 2 of 3

Fig. 2: Direction CD-021906-26, 10 February 2026, reasons and considerations

RSK

The substation and associated grid connection are considered to constitute 'strategic infrastructure' in accordance with the provisions of the Planning and Development (Strategic Infrastructure) Act 2006. As such, a pre-planning meeting was also held with An Coimisiún Pleanála on 8th December 2025 as part of the Strategic Infrastructure Development (SID) screening process. This meeting was held over Microsoft Teams and was attended by representatives of Perigus as well as the Client's planning and environmental consultants. At the time of submitting this PER, we are currently awaiting a formal determination from An Coimisiún Pleanála as to whether the Proposed Development is classified as a SID, in accordance with section 37A of the Planning and Development Act 2000, as amended (case reference number ABP-322687-25). The planning application for the proposed substation and grid connection elements of the Proposed Development is likely to be made to An Coimisiún Pleanála under Section 182A of the Planning and Development Act 2000 (as amended).

3.2 Public Consultation

While there is no prescribed requirement under planning legislation to carry out community engagement prior to submitting an application for a solar development, Perigus has a history of engaging positively with local communities. In line with this approach, Perigus has carried out community consultation activities to share information about the Proposed Development and to gather initial feedback. Appendix A summarises the public consultation undertaken to date for the Proposed Development and also provides copies of the newsletters issued to the local community.

Fig. 3: Planning and Environmental Report, August 2026, p. 44 (awaiting a section 37A determination, application "likely")

The solar panels, inverter/transformer stations and BESS components will be removed from site as part of the decommissioning works.

Decommissioning of the solar farm elements will involve:

- removal of solar panels, supporting frames, gabion ballast/ballasted foundations and piles
- removal of the Inverter/Transformer infrastructure such as the concrete plinths at the Inverter/Transformer base, crane hardstand and geogrid material
- Cranes will be used to disassemble each Inverter/Transformer and they will be removed from the site. The foundations of the Inverter/Transformer plinths will be removed as will the fill material and geogrid in the crane hardstand areas, and the ground will be covered by soils typical of the surrounding environment and then reseeded or left to re-vegetate according to ecological requirements.
- Cranes will be used to disassemble the BESS units and ancillary infrastructure at the BESS site.
- It is proposed that site access tracks will remain to allow access through the site for farm access, as considered appropriate at the time.
- It is proposed that site entrances will remain to allow access through the site for farm access, as considered appropriate at the time
- Underground cables will be cut back at the solar farm termination points, pulled through ducting and will be removed from site for recycled.

Decommissioning will take approximately 2 months to complete.

- It is envisaged that the Proposed 220kV AIS Substation and loop-in grid connection will be handed over to the Network Operator (EirGrid/ESB Networks) and will not be decommissioned.

The land on which the proposed development will be located is agricultural land for tillage and grazing. It is proposed that site access tracks and site entrances will remain to allow access through the site for farm access, as considered appropriate at the time. Following development, the hardstands and crane pads will be grassed over, and the internal access tracks will be utilised to access farmlands. A Decommissioning and Restoration Plan (DRP) is included as Appendix J of this PER.

Fig. 4: Same report, p. 94 (handover to EirGrid / ESB Networks, substation not decommissioned) and p. 111 (open countryside, no specific zoning)

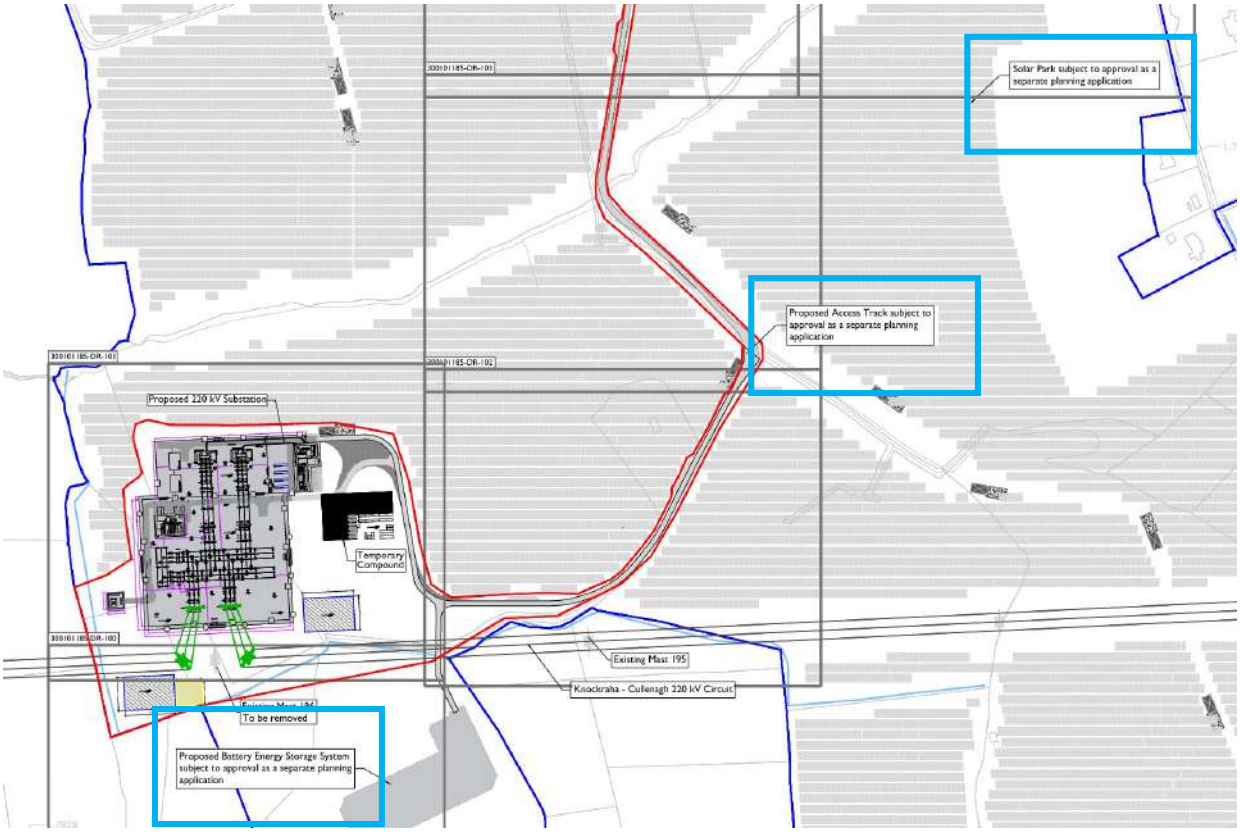


Fig. 5: Drawing 300101185-DR-100B, red line to Site Access No. 1, with the "separate planning application" (examples shown outlined in blue)



Table 5.1: Footprint of Proposed Development

Item	Description	Area
New access tracks	Constructed on existing grassland (circa 4m wide).	5,135 m
Upgraded existing access tracks	Reinforcement of existing trackways (circa 4m wide).	7,115 m
Temporary compounds (4 in number 2000m² each)	Geotextile on existing grassland loaded with granular material at 4 locations which will be used for solar array.	8,000 m²
Main temporary compound	Located adjacent to the substation on the EirGrid future expansion area.	5,200 m²
Inverter hardstandings	54 Inverter hardstands each 172m² on existing grassland.	9,180.00 m²
Inverter pads	54 Inverter pads each 120m² on existing grassland.	6,480 m²
PV panels	Estimate of area covered by PV panels on existing grassland .	2,100,000 m²
BESS - infrastructure	BESS footprint on cut and fill area.	7,760 m²
220 kV AIS Substation	220kV AIS substation footprint on cut and fill area	21,493 m²
Cable in public road - excavation	Temporary excavation of linear trench and backfilling.	1,890 m²
33kv cables within site and offroad - cables and ducts	Temporary excavation of linear trench and backfilling on grassland area.	2,070 m²
Hedgerow removal	A total of 395 linear metres of hedgerow will be removed throughout the site for sightlines at access points, access tracks, gates and fencing.	395 m

5.5.6 220kV Greenhills AIS Substation and Grid Connection

5.5.6.1 220kV AIS Substation

An OCM for the proposed 220kV AIS substation has been prepared and is provided in Appendix H. The proposed substation will be constructed just north of the existing 220kV Knockraha – Cullenagh OHL and will consist of the following key construction elements:

- Construction of the access track to the substation site.
- Establishment of the temporary construction compound (this will also serve the construction of the BESS loop-in tower construction).
- Installation of clean water cut off drains around the proposed substation construction area, temporary spoil storage and temporary construction compound area.
- Topsoil clearance and storage for landscaping purposes.
- Excavation and levelling of the substation footprint through cut and fill operations.
- Associated ground works for the substation platform, Traffos and transformer bays and storage facilities.
- Construction of the EirGrid control building and IPP control building housing electrical control and switchgear equipment, bunded diesel tank and generator, welfare facilities and storage.
- Construction of underground ducting for the substation electrical cabling.
- Construction of the drainage network around the and substation and construction of the percolation area.
- Delivery and installation of the transformers, electrical switchgear and containers with battery units using a lift crane from temporary crane hardstands.

The sloping ground on which the proposed 220kV AIS substation will be located will be levelled through cut and fill during the construction period. All excavated material will be utilised for the fill to provide a level base for the substation and for landscaping purposes

The cut and fill volume is estimated to be 25,013m³. Topsoil excavated on site (estimated at 8,307m³) will be reused on site for landscaping purposes. In addition, circa 9,320m³ of stone fill will be used to cap the substation site to a depth of 400mm. This will be imported from suitable licenced quarries.

The expected duration of works is circa 16 months. Once all construction works are complete, the work areas will be reinstated with excavated soil and either seeded out with native species, allowed to vegetate naturally or reinstated with excavated grass turves and will be restored to their original condition. This work will be carried out in consultation with the landowner and in line with any relevant measures outlined in the planning application, CEMP and any planning conditions.

5.5.6.2 Loop-in Grid Connection to Knockraha-Cullenagh 220kV Overhead Line

An OCM for the proposed 220kV AIS substation which covers the loop in connection has been prepared and is provided in Appendix H. Loop-in to the existing 220kV OHL will be by two short sections of overhead line, each circa 48.5m in length or a total of circa 97m, from the proposed 220kV substation to the existing 220kV OHL crossing east west through the site.

Perigus Energy Ireland Midco Limited 74
Proposed Greenhills Renewable Energy Park, Co. Cork – Planning and Environmental Report
Project Ref. 605444

Fig. 6A: Drawing 300101185-DR-213, cut and fill summary and the note citing application 25/6876, set against the report at p. 74

1.2 Comments on the pre-planning process with Cork County Council

The Planning and Environmental Report ("PER") prepared by RSK states that a pre-planning meeting with Cork County Council took place on 2 July 2025, held via Microsoft Teams, to discuss the solar farm and BESS elements and associated infrastructure. The PER states that the meeting addressed the location of the Proposed Development and relevant objectives of the Cork County Council Climate Action Plan 2024–2029 and the Cork County Development Plan 2022–2027, and that it included reference to the applicant's site selection process and the key facilitators/constraints of the selected site.

The PER then provides Table 3.1 titled "Key Matters Raised at Pre-Planning Meeting with Cork County Council and How Each Matter Has Been Addressed". This table is the applicant's own summary of matters raised and responses given. The group notes that (i) the PER does not include any independent record or copy of meeting notes and (ii) the table reads as a narrative prepared by the applicant rather than a verbatim or agreed record. Notably, Table 3.1 includes an action item that *"meeting notes [are] to be circulated"*, however the group has not been provided with such notes as part of the planning application documentation.

Importantly, the applicant's own Table 3.1 confirms that Cork County Council raised substantive concerns at pre-planning stage, including:

- That this is a very large development with **"macro and micro impacts"** and that the key principles relate to how the **development responds to the landscape and impacts local communities**, including advice of an **80–100m buffer from residential property**;
- That the Council regarded the proposal as the **largest solar farm encountered**, and that cumulative assessment would be required;
- That flooding and surface water management issues were raised, with emphasis on examining greenfield runoff and the need for detailed drainage assessment incorporating nature-based solutions;
- **Significant ecological sensitivities were raised** (including hedgerow retention, bat considerations, and ornithological survey expectations), including explicit reference to source-pathway linkages to designated sites.

The group submits that the planning authority should treat the above as confirmation that Cork County Council itself identified, at an early stage, the principal sensitivity areas for this proposal, and that these sensitivity areas therefore require particularly careful scrutiny at decision stage.

The group further notes that Table 3.1 records that the 220kV substation and loop-in will be progressed as a separate application to An Coimisiún Pleanála, and the PER confirms that a pre-application meeting with An Coimisiún Pleanála took place on 8 December 2025 (case reference ABP-322687-25) and that the substation and grid connection application is likely to be made under section 182A.

The group submits that the split consenting pathway heightens the need for the Council to be satisfied that the solar farm application before it has been assessed on the basis of a complete understanding of the wider project context and the cumulative/in-combination effects that arise.

In summary, while the applicant relies on pre-planning engagement as evidence of a "constraints-led" approach, the applicant's own account of the pre-planning process confirms the scale of the proposal, the sensitivity of the receiving environment, and the centrality of issues relating to landscape/residential buffers, cumulative effects, ecology, and surface water management. The group's detailed grounds of objection set out why, notwithstanding the applicant's responses in Table 3.1, these issues remain insufficiently resolved in the application as submitted.

1.3 Material contravention & *Coolglass Wind Farm Limited v An Bord Pleanála* [2025] IEHC 1

It is our client's contention that the applicant proposals propose multiple material contraventions of the Cork County Development Plan 2022-2028, including of:

- The location of the proposed development on lands in open countryside, currently in agricultural use, having regard to the rural development objectives of Chapter 18, including Section 18.3.45.
- Policy objectives HE 16-9: Archaeology and Infrastructure Schemes and HE 16-13 Undiscovered Archaeological Sites.
- Policy objective GI 14-9: Landscape.
- Objectives WM 11-7: Climate Change, WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design, WM 11-11: River Channel Protection, WM 11-12: Surface Water Management, WM 11-13: Flood plains and Wetlands, WM 11-14: Strategic Flood Risk Management, WM 11-15: Flood Risk Assessments, WM 11-17: Development in Flood Risk Areas, and WM 11-18: Arterial Drainage Schemes and Flood Relief Schemes.

- Objectives EC: 8-14 Business Development in Rural Areas ["The proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape" and "The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal"] and TM 12-13: National, Regional and Local Road Network ["Promote the improvement of strategic Regional and Local Roads throughout the County …" and "Ensure that in the design of new development adjoining or near National, Regional or Local Roads, account is taken of the need to include measures that will serve to protect the development from the adverse effects of traffic noise for the design life of the development"].

In our client's opinion, CCC is being asked to materially contravene the CCDP and to do so knowing that this will adversely impact archaeology, the local landscape, local properties, surface water and flooding, local roads, and the proper planning and development of the area.

As CCC noted in its Ballysallagh decision, solar farms are supported but they must address standard planning policies as set out in the CCDP which retains its primacy in Irish planning as regulating local developments. Our client's group does not accept that solar projects should receive special treatment as regards discarding substantive and material planning concerns. CCC considered its obligations under Regulation (EU) 2022/2577 and RED III and the Climate Action Plan 2024 and refused planning permission as the applicant refused to alter the scheme.

More than this, the Ballysallagh applicant and the current applicant condescend to CCC believing, clearly, that they can overturn any CCC refusal decision reason on appeal. This planning objection includes multiple cases where the Commission has refused solar developments. This is justified. Not every project can be an acceptable one. CCC's Ballysallagh decision noted how it has recently granted many solar farms and that there has been a vast growth in solar planning applications. In the current rush to lodge planning applications, not every project can claim to be the critical one needed to allow Ireland to meet every renewable energy and climate target. Finally, the applicant neglects to note that Ireland also has responsibilities around archaeology, landscape protection, surface water and flooding management, etc. CCC has made clear that it accepts the policy basis for each solar application, but its responsibility is to ensure a balance between competing priorities. The applicant's project fails to achieve this balance.

BPS is fully aware of the High Court judgment in *Coolglass Wind Farm Limited v An Bord Pleanála* [2025] IEHC 1, delivered on 10 January 2025 which involved Mr. Justice Richard Humphreys. The case involved a judicial review of An Bord Pleanála's refusal of planning permission for a 13-turbine wind farm in County Laois, based on material contravention of the Laois County Development Plan (which prohibited wind farms in the area due to visual and landscape impacts). Coolglass argued this refusal breached section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended), which requires public bodies to perform functions "in a manner consistent with national climate objectives and policies" insofar as practicable. Justice Humphreys quashed the Board's decision and remitted it for reconsideration, holding that the Commission had adopted a "fixed practice of supine submission" to local development plan bans on renewables, unlawfully fettering its discretion. He criticized the Commission's inspector's report for prioritizing visual impacts over climate imperatives.

This High Court judgment has been challenged in the Supreme Court. The Commission (with the State's support) sought and was granted leave to appeal directly to the Supreme Court in May 2025, bypassing the Court of Appeal due to the case's "systemic importance" and potential "far-reaching consequences" for planning decisions and climate obligations under the 2015 Climate Action and Low Carbon Development Act.

Here is the timeline:

January 2025: High Court (Humphreys J.) quashes the Board's refusal of planning permission, ruling that climate and energy priorities must generally prevail over local visual/landscape concerns unless impracticable.

Late January 2025: The Commission applies for leave to appeal, describing the judgment as "very significant" and arguing it unlawfully expands section 15 duties, fetters planning discretion, and misapplies EU law and ECHR obligations.

May 2025: A three-judge Supreme Court panel (determination published May 22) grants leave, noting the appeal raises critical issues like: (1) The precise scope of public bodies' obligations under section 15(1) to align decisions with national climate targets "insofar as practicable"; (2) The Board's ability to deviate from local development plans (e.g., Laois County Development Plan bans on wind farms); and (3) Integration of ECHR rights in planning amid the climate emergency.

As of January 18, 2026, the substantive appeal hearing has not yet been scheduled or decided, based on available reports. The case is expected to clarify how planning authorities balance renewables against local policies, potentially influencing approvals for green energy projects nationwide. All parties agreed on the direct Supreme Court route for efficiency.

As it stands, CCC is asked to continue to make the right decision – as it did with the Ballysallagh case – and to uphold local planning concerns when these are significant. Technical concerns pertaining to surface water and flood risk, archaeological concerns and lack of details in which to make a decision arising from incomplete geophysical testing and surveying, the scale, extent and extensive site coverage of the proposed solar farm, the operational duration, the need to protect the existing rural landscape and residential properties, the absence of sufficient mitigation measures to

break up the overall panoramic /monolithic nature of the proposed development by way of siting, buffers, appropriate screening and landscaping to aid with its visual assimilation into its surroundings, the visually incongruous and overbearing feature appearance of the scheme in the rural landscape at this location which would be detrimental to the visual amenities of the area, the use of substandard local roads and traffic conflicts, etc. These are all significant concerns. They are concerns which when assessed in detail are clearly material contraventions of the CCDP.
We note, in particular, the following weaknesses of the applicant case:

- ***Inadequate Assessment of Cumulative Impact:*** The applicant has failed to properly consider the impact of other existing or planned solar farms in the vicinity.

- ***The Proposal is Misaligned with the Development Plan:*** While national policy supports renewable energy, the Cork County Development Plans has specific zoning objective, landscape character impact assessment requirements, and policies on protecting local areas. There is a direct conflict between the applicant proposal and the CDP.

- ***The Proposal is at Odds with CCC Undertaking its Statutory Duties:*** The planning authority's statutory duties require it to assess flood risk, risks to local roads, risks to the safety of local people, risks to the amenities of local people, visual impact s risks to the area, risks to ecology, risks to Natura 2000 sites, etc. Its duty is to ensure proper planning and sustainable development. The government must provide guidelines on the assessment of solar developments to ensure mistakes and errors are not made which will become scandals in the future. For example, if traffic accidents happen on these local roads, storms causes worse floods to Inch Village – like the Storm Babet which caused flooding and collapsing of roads in the locality (See section 7.8.8), the area's landscape is dominated beyond a tipping point by solar panels, etc.

In the Ballysallagh case, CCC defended our client's area in the best interests of proper planning and sustainable development. It decided that the proposal materially contravenes no less than three substantive objectives of the CCDP. The current proposal is, in short, worse – and – it raises cumulative impact concerns which have reached acute proportions.

These concerns, in our client's opinion, far exceed the bar over which Humphreys J. quashes the Commission's refusal of planning permission.

1.4 An Environmental Impact Assessment is required

The applicant states throughout the planning documentation, including the submitted EIA Screening Report (December 2025), that the Proposed Development has been considered under Directive 2011/92/EU (as amended) and the Planning and Development Act 2000 (as amended), and that it has been determined that an Environmental Impact Assessment is not required. Our client has instructed BPS to independently review this conclusion. Having reviewed the screening report, the planning application documentation, relevant statutory provisions, comparable planning cases and applicable case law, and having taken specialist legal advice, we strongly disagree with the applicant's conclusion.

The Proposed Development is a very large-scale renewable energy infrastructure project comprising a solar farm extending to approximately 323 hectares, with circa 210 hectares of solar panels, extensive internal access infrastructure, inverter and transformer stations, a substantial Battery Energy Storage System compound, underground cabling, drainage works, landscaping, security infrastructure and multiple construction compounds. The absence of express reference to solar farms within Schedule 5 of the Planning and Development Regulations does not preclude the requirement for EIA. Rather, it reflects the fact that utility-scale solar development has outpaced the regulatory framework. Where a project is likely to have significant effects on the environment by virtue of its nature, scale and location, the EIA Directive applies.

A critical element of the Proposed Development is the formation of extensive internal access infrastructure. The applicant's own figures confirm the provision of over 5km of new internal access tracks and the upgrading of over 7km of existing tracks across the site. These are not informal agricultural tracks but engineered, defined routes designed to accommodate heavy goods vehicles, abnormal loads and long-term operational traffic. The applicant's Traffic Management documentation confirms that these routes are designed so that the largest construction vehicles can manoeuvre without overrunning their defined extents. The characterisation of these routes as "tracks" rather than "roads" does not alter their functional reality. Unsurfaced roads are roads for the purposes of environmental assessment, and the cumulative length of new internal access infrastructure alone significantly exceeds the 2,000m threshold at which private road construction constitutes EIA development under the Planning and Development Regulations.

The EIA Screening Report relies heavily on the assertion that no significant environmental effects will arise because mitigation measures are proposed through a Construction Environmental Management Plan, drainage controls, ecological buffers, traffic management measures and biodiversity enhancement proposals. This approach is not consistent with EIA law. It is not permissible at screening stage to conclude that a development will not have significant effects on the environment where that conclusion depends on mitigation measures whose effectiveness has not been assessed through an EIAR. The screening assessment follows a standardised narrative in which impacts are repeatedly characterised as low or moderate and then discounted on the basis of assumed mitigation, without the level of systematic analysis required by the EIA Directive.

The location and environmental sensitivity of the site further reinforce the requirement for EIAR. The Proposed Development extends across a large rural area with multiple watercourses and hydrological pathways connecting to the Tourig River catchment and onwards to the Blackwater Estuary SPA and Blackwater River SAC. The scale of ground coverage, drainage alteration, soil disturbance and construction activity gives rise to a clear risk of significant effects on water quality, hydrology, biodiversity and downstream designated sites. These are precisely the types of effects that Schedule 7 of the Regulations requires to be carefully evaluated at screening stage, and which cannot be lawfully dismissed without full EIA.

In addition, the absence of an EIAR means that reasonable alternatives have not been assessed. Article 5 of Directive 2014/52/EU requires a description of reasonable alternatives studied by the developer, including alternative locations, layouts, designs and mitigation approaches, together with an indication of the main reasons for selecting the chosen option having regard to environmental effects. The planning application provides no meaningful explanation as to why this irregular, multi-parcel, hydrologically sensitive site was selected in preference to visibly less constrained locations or lands more suitable in planning and environmental terms.

For these reasons, the screening exercise is fundamentally flawed. The Proposed Development is of a scale, nature and environmental sensitivity such that it is capable of giving rise to significant effects on the environment, both alone and in combination with other developments. The extensive internal access road infrastructure, the scale of land take, the hydrological connectivity to European sites and the reliance on mitigation at screening stage all point to the same conclusion. An Environmental Impact Assessment Report is required, and the planning application is materially deficient in its absence.

2.0 Validation, technical and/or planning law concerns arising from the planning application

Our client is concerned over a number of validation, technical and/or planning law issues including:

The points in this section are raised only insofar as they affect the substation and loop-in application, or because the documents lodged with the Commission treat the substation, solar farm and battery compound as a single project.

2.1 The development description and public notices are inadequate

The Planning and Development Regulations require that public notices accurately and clearly describe the nature, extent and location of the proposed development so that members of the public can understand what is proposed and make an informed submission within the statutory period.

Four site notices for this substation application were erected on 2 September 2026 (two on the R634 and two on the L7829). Those notices originally stated a closing date of 22 October 2026. The closing date was later changed to 3 November 2026. Applicants commonly amend site notices before an application is lodged if the intended lodgement date moves. The Commission is asked to confirm that the notices which were in place when the application was lodged, and which remained in place during the statutory period, correctly stated the final closing date of 3 November 2026, and to clarify why the date was altered.

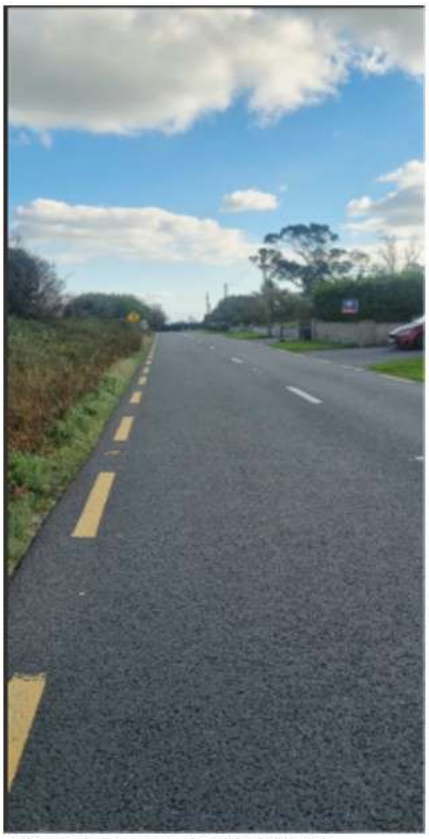
The two notices on the R634 are positioned where there is no safe place for a driver to stop and read them. The speed limit is 80 km/h and there are no verges or pull-in areas.



Fig. 6B: The initial notices included an objection closing date of 22nd October 2026 (see date on photo). See picture below of the planning substation notice on L7829 with closing date of October 22nd. Can ACP clarify why this date subsequently changed to the 3rd of November



View of the R634 looking North



View of the R634 looking South

Fig. 6C: Photographs of the R634 looking north and south, and of the notices themselves





Fig. 6D: The Planning Notices on the R634. Main Youghal/Tallow Road

On the L7829 the notices are fixed to an ESB pole and a gate post. Members of the public seeking to read them are subject to CCTV operated by the landowners (Thomas, Elizabeth and Simon Browne). This raises concerns for public participation and data privacy.

The notices for this application and the concurrent solar farm application (26/2133) were displayed together on the L7829. It is understood that An Coimisiún Pleanála notices should have a yellow background where two applications are current.



Fig. 6E: picture of the solar planning application (26/2133) subsequently invalidated and the Substation planning application (324632) both on display together on the L7829 in September 2026





Fig. 6F: Of the 2 site notices on the L7829, 1 is affixed to an ESB Pole and the other to a gate post. The group would like to highlight that anyone that tries to view either sign will be subjected to CCTV by landowners involved (Thomas, Elizabeth and Simon Browne)

The site notice describes a 220 kV air-insulated substation, a loop-in to the Knockraha–Cullenagh 220 kV line, two new masts, removal of an existing mast, and an access from the R634. At the same time the drawings and Planning and Environmental Report treat the substation, the solar farm and the battery compound as one development, while stating that the solar farm and battery compound are the subject of a separate application to Cork County Council. The notice does not clearly explain that the substation is proposed as a permanent EirGrid asset which would remain even if the solar farm is refused, nor does it make clear which parts of the access track and entrances form part of this application. In a development of this complexity, where the project has been split between Cork County Council and An Coimisiún Pleanála, the public notice does not convey the practical implications of the proposal in a manner that would be readily understood by a member of the public reading it at the roadside.

Having regard to the location of the notices, the absence of a safe place to read the R634 notices, the CCTV coverage of the L7829 notices, the change in the stated closing date, and the lack of clarity in the notice as to the permanent nature of the substation and its relationship to the separate solar farm application, it is submitted that the statutory objectives of public notice and public participation have not been fully met. The shortcomings identified above raise concerns regarding procedural fairness and the ability of affected persons to become aware of, understand and meaningfully engage with the proposed development, consistent with the principles of the Aarhus Convention.

2.2 The submitted Appropriate Assessment Screening Report and NIS are incomplete

The planning application is accompanied by an Appropriate Assessment Screening Report and a Natura Impact Statement (NIS) which conclude that the Proposed Development will not adversely affect the integrity of any European site, either alone or in combination with other plans or projects. Our client submits that these conclusions are not supported by the information provided and that the AA Screening and NIS are legally and technically deficient.

In particular, the assessment adopts an unreasoned and overly restrictive "zone of influence" for the purposes of screening and assessment. The basis on which European sites were selected for consideration, and the distances applied, are not adequately explained or justified with reference to the nature of the proposed works, the scale of the development, or the identified hydrological pathways linking the site to downstream designated sites. Ecological connectivity, including connectivity via watercourses and the use of the wider landscape by mobile species, is therefore insufficiently examined.

The NIS relies heavily on the assumption that mitigation measures will be fully effective in avoiding any likely significant effects. Many of these measures are described only in outline, are dependent on future design detail, or are to be implemented through construction-stage management plans that are not yet finalised. This approach is inconsistent with the requirements of the Habitats Directive, which requires that the competent authority be satisfied beyond reasonable scientific doubt, at the time of decision-making, that no adverse effects on site integrity will arise.

There are also deficiencies in the underlying ecological and hydrological information relied upon by the AA Screening and NIS. The assessment does not provide sufficient site-specific data to fully characterise surface water pathways, runoff behaviour, or potential effects on water quality in watercourses that provide connectivity to European sites. Key elements of the drainage and surface water management strategy remain indicative, with insufficient supporting investigation to allow the conclusions of the NIS to be independently verified.

In addition, the assessment of protected species and habitats is limited by survey scope and methodology. The NIS and supporting ecological information do not adequately assess the potential role of the site and its field systems, hedgerows and watercourses as functional habitat or ex-situ supporting habitat for qualifying interests of downstream European sites. As a result, the potential for indirect or cumulative effects is underplayed.

Taken together, these deficiencies mean that the Planning Authority does not have sufficient information before it to carry out an appropriate assessment in accordance with Article 6(3) of the Habitats Directive and the relevant provisions of the Planning and Development Act 2000 (as amended). The reliance on future mitigation and monitoring to resolve identified uncertainties is not permissible under the Appropriate Assessment process.

Accordingly, the AA Screening and Natura Impact Statement are incomplete and inadequate, and the Planning Authority cannot lawfully conclude, on the basis of the information submitted, that the Proposed Development will not adversely affect the integrity of any European site.

2.3 The requirements of the Planning & Development Regulations 2001 are not met

Our client submits that the planning application does not fully comply with the requirements of the Planning and Development Regulations 2001 (as amended) in respect of the particulars and plans required to accompany an application for development of this nature, scale and complexity. As a result, Cork County Council does not have sufficient information before it to properly assess the proposed development.

In particular, the plans and particulars lodged do not provide adequate detail in respect of several key elements of the proposal, including the extent and nature of subterranean works such as underground cabling, ducting, drainage infrastructure and associated excavations across the site. While these works are referenced descriptively, their precise locations, dimensions and relationships to site boundaries, watercourses and third-party lands are not comprehensively shown on the submitted plans.

The application also relies extensively on matters to be agreed or finalised post-permission, including detailed drainage design, surface water management measures, construction methodologies, archaeological testing, and road-related works. These elements are integral to the assessment of environmental effects, impacts on adjoining lands, and compliance with Development Plan objectives, yet sufficient detail is not provided at application stage to allow Cork County Council to meaningfully assess them.

In addition, the extent and nature of archaeological investigations proposed are not fully defined within the planning application. This deficiency is particularly significant given the proximity of the proposed development to a Rath fort located approximately 405 metres from the site, which is understood to contain souterrains and to form part of a wider archaeological landscape. Local knowledge indicates that this Rath may be functionally connected to at least two other forts in close proximity, one of which is located within the Cornaveigh parcel, immediately adjacent to the proposed development lands. In these circumstances, there is a reasonable likelihood that associated or undiscovered archaeological remains may extend into the subject site, including the potential presence of a buried fort.

Despite this context, the application does not provide sufficient archaeological survey, investigation or site-specific analysis to inform layout, avoidance or impact assessment. Instead, the documentation indicates that further archaeological works may be addressed by way of condition, rather than providing adequate information at application stage to enable proper evaluation of archaeological risk and compliance with best practice.

The Landscape and Visual Impact Assessment and glint and glare assessment also lack comprehensive supporting material in respect of all potentially affected residential receptors. Photographic and visual evidence demonstrating how assessments were undertaken at or from affected properties is limited, which undermines the ability of the Planning Authority and third parties to independently verify the conclusions reached.

Furthermore, no site-specific ground investigation results are provided in respect of bedrock depth or ground conditions across the site, notwithstanding that the proposal involves extensive piling, foundations, inverter pads, BESS infrastructure and internal access road construction. This information is relevant not only to construction impacts but also to hydrology, drainage design and potential environmental effects.

Article 297(4)(a) of the Planning and Development Regulations 2001 requires that an application be accompanied by such plans and particulars as are necessary to describe the works to which the application relates. Article 298 further requires that site and layout plans clearly delineate site boundaries and show buildings, roads, drainage features and other relevant structures, together with their dimensions and distances from boundaries. These provisions are intended to ensure that the Planning Authority can fully understand what is proposed and assess its impacts before granting permission.

The courts have consistently held that where development involves significant structures or works, the absence of sufficient detail as to their location, extent and dimensions may render an application inadequate for assessment. While our client does not assert that the present application is automatically invalid, it is submitted that the level of detail provided falls short of what is required for a development of this scale and complexity, and that this deficiency materially constrains Cork County Council's ability to carry out a lawful and robust assessment.

Accordingly, our client submits that the planning application fails to provide the full and precise particulars required by the Planning and Development Regulations 2001 (as amended), particularly in respect of archaeological sensitivity and subsurface works, and that Cork County Council should not grant permission unless and until sufficient information is provided to enable proper planning and environmental assessment of all elements of the Proposed Development.

2.4 Proposals are submitted 'subject to planning'

The planning application has been submitted with letters of consent from the relevant landowners (to the applicant) to allow the applicant to make the subject application. Our client is concerned that this proposal has been parachuted into the area from a development company with no links to the area and on a 'subject to planning' basis.

While there is no reason why an applicant cannot do this, our client does not consider this to be a local community driven project. It offers nothing to the local community. This scheme will be the subject of many objections raised by local people. One of these is the lack of any community gain. This received no further comment. No mention is made of how the CCDP makes clear that local communities should benefit directly from local energy resources being developed in their local areas. No such offer is made in this case.

2.5 A ten-year permission is sought for a substation which is permanent

Concerns arise that a ten year planning permission means that local people could be impacted by an excessively long construction phase. A standard planning permission is for five years. A CCC decision could be revised to 5 years maximum arising from which a further Extension of Duration of Permission can be applied for if significant works have been undertaken.

Many strategic developments have been granted in recent years that have not been started. This leaves the local community on tenterhooks, etc. A 5 year permission places pressure on a development to move forward, etc. to reduce the length of a project's construction phase.

Further, the proposed 40 year lifespan of the scheme is such that multiple cycles of the Development Plan will proceed to try to encourage further rural development in this area. If this is stymied by the scheme, how will this be addressed in the lifetime of our client's group members?

Given Moore's Law and the pace of technological change, our client anticipates that the panels would need to be replaced in under 40 years' time. This raises concerns as to the likely longevity of the scheme, etc.

Beyond this, many of our client's group would not live past the next 40 years and this scheme would be the defining characteristic of their area for the rest of their lives. They do not consider this appropriate.

2.6 No adequate impact assessment on agricultural land has been submitted

Where a very large solar utility development is proposed on quality agricultural land, the BRE 'Planning guidance for the development of large-scale ground mounted solar PV systems' recommends the submission of an impact assessment on agricultural land. The applicant has offered no adequate assessment of whether the remaining agricultural land in this area will be needed over the next 40 years for agricultural uses. The current planning application would take lands off existing landowners – mostly farmers – making this unavailable for agriculture. Yet the proposed solar utility development encircles working farms, clearly high value land contributing to the agricultural economy.

2.7 Applicant did not deliver on promised photomontages viewed from residents homes

The Landscape and Visual Impact Assessment relies heavily on photomontages to support its conclusions. However, some residents were given assurances during public consultation that photomontages would be prepared from their homes, and this did not occur. As a result, the assessment does not adequately represent the views experienced by those most directly affected by the proposed development.

In addition, the photomontages provided do not offer a reliable depiction of likely visual effects. At least one photomontage is taken from Ardsallagh, a location that is not representative of the receiving environment, being a housing estate in Youghal and remote from the proposed development. The use of such viewpoints undermines the credibility of the visual assessment and risks materially understating the scale and visual prominence of the development as it would be experienced from nearby residential properties.

Accordingly, the photomontages cannot be relied upon as an accurate basis for assessing visual impact, and their limitations further weaken the conclusions of the LVIA.

2.8 Insufficient community engagement

The applicant's account of community engagement is unsatisfactory and materially overstates the extent and quality of meaningful consultation undertaken. Local residents organised a **petition with close to 400 signatures** expressing opposition to the proposal and formally requested a public meeting by email in order to engage directly with the applicant. No such meeting was facilitated.

Instead, the consultation narrative relies on informal and incidental encounters, including brief interactions described as meeting individuals "at the post box" or exchanging greetings locally. Such encounters cannot reasonably be characterised as consultation and do not meet the standards of meaningful public engagement, particularly for a development of this scale, duration and impact.

While some members of the community raised concerns publicly, including through local radio discussion, this does not substitute for structured engagement by the applicant, nor does it demonstrate that concerns were properly recorded, addressed or responded to. Taken together, these factors indicate a failure to engage transparently, proactively or in good faith with the affected community, contrary to the principles of effective public participation.

2.9 Works are proposed outside of the redline boundary

Our client notes that works are proposed outside the applicant's red line boundary on lands at Ballyneague, in the vicinity of Site Entrances 6 and 7. These works appear to be necessary to facilitate access and traffic movements associated with the proposed development, yet they are not included within the defined application boundary.

As such, the proposal demonstrates reliance on works to lands outside the application site and outside the control of the applicant, including works to public lands, without clear evidence of consent. This represents a validation issue, and in these circumstances the planning application should not have been validated, as it does not fully or accurately define the extent of development required to deliver the proposal.

2.10 Inaccuracies and omissions in the drawing register

Our client notes that a number of residential properties in the locality are misrepresented or omitted entirely from the drawing register submitted with the application. As a result, the documentation does not provide a complete or accurate depiction of the receiving environment or the proximity of residential receptors to the proposed development. These inaccuracies undermine the reliability of the assessment and raise concerns as to whether the potential impacts on all affected dwellings have been properly identified or evaluated.

2.11 Deficiencies in site survey information and drawing accuracy

Our client notes that the submitted drawings appear to be based primarily on satellite survey information rather than detailed Ground Truthed Topographical Survey. As a result, important on-site features are either inaccurately represented or omitted altogether, including field drains, watercourses and overhead electricity lines. In addition, key site plans are presented at a scale of 1:1000, whereas a scale of 1:500 would normally be required to accurately assess site conditions and potential impacts in a development of this nature. These deficiencies undermine the reliability of the drawings and limit the Planning Authority's ability to properly assess the proposal.

2.12 Presence of quarry and ongoing regulatory investigation

It is also noted by our client group that a quarry operates within the wider area of the proposed development and is **currently under investigation by Cork County Council in relation to waste management matters**, including reports of historic dumping. This is a relevant consideration when assessing baseline environmental conditions, cumulative impacts and the sensitivity of the receiving environment. The existence of an active regulatory investigation introduces additional uncertainty and underscores the need for a precautionary approach, particularly where the proposed development would generate significant construction traffic, ground disturbance and potential interaction with existing extractive and waste-related activities in the area.

2.13 Use of agricultural underpasses and change of use

It is noted by our client group that two underpasses constructed in the area were originally designed and approved for agricultural use only. The current proposal appears to rely on these underpasses to facilitate construction traffic and operational movements associated with the development. This represents a material change in the nature and intensity of use, from occasional agricultural movements to regular construction and service traffic.

No assessment is provided as to whether these underpasses are suitable for such use, nor is it clear whether a change of use permission is required. In the absence of clarity on design capacity, safety, structural suitability and planning status, reliance on these underpasses further undermines the certainty and robustness of the Traffic and Transport Assessment.

2.14 Inconsistent setbacks from residential properties

Our client notes that the proposed development applies inconsistent setback distances from residential properties across the site. No clear rationale or objective methodology is provided to explain why some dwellings benefit from greater separation distances while others are subject to materially closer proximity to solar infrastructure, access tracks or associated works.

This inconsistency undermines the credibility of the layout and raises concerns regarding equitable treatment of residential amenity. In the absence of clear standards or justification, the assessment does not demonstrate that impacts on all residential receptors have been appropriately avoided or minimised.

2.15 Absence of clarity regarding decommissioning liability and financial security

Our client submits that the planning application fails to provide adequate detail, certainty or enforceable assurance in respect of decommissioning liability and financial security for the proposed development. While decommissioning is referenced in principle, the application does not include any binding or enforceable mechanism, such as a financial bond, escrow arrangement, indexed security or parent company guarantee, to ensure that decommissioning, site restoration and environmental remediation would be carried out in full at the end of the project life.

The proposed development has an operational lifespan of approximately 40 years and includes extensive permanent and semi-permanent infrastructure, including solar arrays, internal access tracks, substations and a Battery Energy Storage System (BESS) incorporating hazardous materials such as lithium-ion batteries, electrolytes and associated electrical components. In these circumstances, decommissioning obligations extend beyond simple removal of panels and must also address the certified removal and disposal of hazardous materials, remediation of potentially contaminated soils, and monitoring and remediation of groundwater where contamination pathways arise.

Given the length of the operational period, it is entirely foreseeable that ownership or operational control of the development could be sold, transferred, restructured or become insolvent during its lifetime. In the absence of a secured and enforceable financial guarantee tied to the land or permission, there is a real and unacceptable risk that decommissioning liabilities, environmental remediation costs, or emergency response costs could ultimately fall to Cork County Council or the local community. This risk is materially heightened where BESS infrastructure is proposed, as degraded battery systems are known to pose increasing risks of thermal runaway, leakage and contamination over time.

Comparable large-scale renewable energy developments routinely require the provision of financial security to ensure that restoration and decommissioning costs are covered irrespective of the developer's future financial position. Best practice requires that such security be established at permission stage, held by an independent body or the Planning Authority, indexed over time, renewable at defined intervals (for example every 5–10 years), and capable of being called upon automatically in defined circumstances such as insolvency, abandonment or failure to carry out decommissioning works.

No such mechanism is proposed or described in the application documentation. The absence of any enforceable financial bond or guarantee means that there is no certainty that hazardous BESS materials would be removed, contaminated land remediated, or groundwater protected at end-of-life or in the event of an incident during operation. This represents a material deficiency in the application and is inconsistent with the principles of proper planning and sustainable development.

In the absence of a robust, secured and enforceable financial guarantee covering full decommissioning, hazardous material disposal, soil and groundwater remediation, and post-closure monitoring, our client submits that the application fails to adequately protect the public interest and should not be permitted.

2.16 Prior objections relating to groundwater sensitivity at Cornaveigh

The assessment of groundwater risk in this location must be considered in light of relevant planning history and landowner submissions on adjoining lands. In this regard, it is noted by our client that lands at Cornaveigh included within the proposed solar development are under the ownership of the landowner's son who has provided a letter of consent in support of the current planning application.

However, it is a matter of public record that objections were previously lodged to residential development proposals at Castlemiles, directly across the public road from Cornaveigh, on the basis that such development could interfere with groundwater flows and result in the Cornaveigh Holy Well running dry. These objections were made by the landowner who resides at Cornaveigh.

The objections form part of the planning file for Waterford City and County Council Planning Reference 2460245, which is currently under appeal to An Coimisiún Pleanála.

Those objections explicitly raised concerns that ground disturbance, excavation and drainage works associated with development could disrupt springs feeding the Holy Well and associated water supplies, and challenged the accuracy of desk-based site assessments which failed to identify springs or groundwater pathways in the area. The concerns

raised were grounded in long-standing local knowledge and were considered sufficiently serious to warrant detailed consideration by the planning authority.

This planning history is directly relevant to the current proposal. **The solar development involves substantially greater and more prolonged ground disturbance than the residential schemes previously objected to, including widespread piling, trenching, drainage works and permanent alteration of landform across a large area over a design life of approximately 40 years.** Yet, despite the earlier objections highlighting groundwater sensitivity at this precise location, the applicant's documentation again relies on desk-based assessment and does not include site-specific hydrogeological investigation of springs, shallow groundwater pathways or groundwater-dependent features. The apparent divergence between the position taken in earlier objections, asserting a high degree of groundwater sensitivity and risk, and the consent now provided for a far more intensive form of development underscores the need for Cork County Council to exercise particular caution in relying on landowner consent as an indicator that groundwater impacts are acceptable or negligible. Consent to include lands within a development does not negate the Planning Authority's obligation to independently assess environmental risk, particularly where credible, documented concerns regarding groundwater dependency have previously been raised by persons with direct knowledge of the land.

In circumstances where the same receiving environment has been previously identified by local residents as vulnerable to groundwater interference, the absence of robust, site-specific hydrogeological assessment in the current application represents a significant deficiency. This inconsistency further reinforces the conclusion that potential impacts on the Cornaveigh Holy Well and associated groundwater system have not been adequately assessed and cannot be lawfully screened out at application stage.

2.17 Clarification on the Glint and Glare Report required

CCC is asked to consider as regards the Macroworks report (glint and glare) - what criteria did they use? If they used aviation criteria, this means that they omitted the sun at 10 degrees. Can this be verified?

2.18 Did the applicant use DSM modelling for hedgerows

CCC is asked to consider if the applicant used DSM modelling for hedgerows. If they did, this would not show gaps in the hedges and doesn't take into consideration the tree trunks, etc. Can this be clarified?

2.19 The subject site plans exclude an entire dwelling and multiple other dwellings

The applicant's site plan includes 5 houses shown in Fig. 7. One house, a 6th house marked by a star, isn't on the map. There should be 6 homes in the vicinity of this area. Ørsted appears to have run out of mitigation measures for houses here and here they propose to plant a woodland instead. See Map 9 of 14. This is just one example. There are many missing residential properties.



Fig. 7: Location of a missing dwelling on the site layout plan

3.0 Zoning & Designations

3.1 Zoning & designations pertaining to the site

The subject lands comprise actively farmed rural lands and are not zoned for industrial, energy, or utility-scale development under the Cork County Development Plan 2022–2028 ("CCDP"). Such lands are required to be protected from inappropriate and non-compatible forms of development.

The CCDP makes clear how lands without specific development zoning are to be treated. Objective ZU 18-4 (Land Use Zoning of Other Lands) states:

> *Where lands have not been explicitly zoned in the Plan the specific zoning shall be deemed to be that of the existing use of the lands (if such a use is not an authorised use under the Planning Acts) or, if such use is unauthorised, that of the most recent authorised use of the lands.*

Accordingly, the subject lands must be regarded as having the zoning status of their existing lawful agricultural use and must be assessed as such for the purposes of proper planning and sustainable development.

Section 18.3.45 of the Cork County Development Plan 2022–2028 further states:

> *The purpose of this zoning is to provide for the development of agriculture by ensuring the retention of agricultural uses and protect the lands from undesirable development while providing a clear demarcation to the adjoining areas.*

In addition, County Development Plan Objective ZU 18-19: Agricultural Areas requires the Planning Authority to:

> *Conserve and protect agricultural land from undesirable development and non-agricultural uses and to prevent premature development of agricultural land adjacent to development areas.*

The proposed development comprises a large-scale solar energy and associated infrastructure project, which would result in the loss of extensive areas of productive agricultural land to a long-term, industrial-type use that is fundamentally incompatible with the stated objectives for rural agricultural lands.

The proposed solar utility development is not a permissible use, nor a use open for consideration, on such lands under the Development Plan. There is no existing solar or energy infrastructure use on the subject lands, and the proposal does not involve the continuation or extension of any historic or non-conforming use.

Notwithstanding this, the applicant's planning documentation fails to address land use zoning in any meaningful way and contains no proper "in-principle" assessment of whether a development of this nature is acceptable on actively farmed, unzoned rural lands having regard to the Development Plan. This omission is a significant deficiency in the application and undermines the applicant's case that the development accords with the proper planning and sustainable development of the area.

3.2 Natural Heritage Designations (possible impacts on Natura 2000 sites - SACs and/or SPAs)

The proposed development site is not located within, nor does it directly adjoin, any Natura 2000 site. However, this fact does not preclude the potential for significant indirect effects on European sites arising from hydrological connectivity, mobile species pathways, and cumulative pressures, as acknowledged within the applicant's own Screening for Appropriate Assessment and Natura Impact Statement

.

The Screening Report identifies that the proposed development lies within the Zone of Influence (ZoI) of multiple European sites, including:

- Blackwater River (Cork/Waterford) SAC (Site Code 002170), located approximately 2.01 km from the nearest part of the proposed development;
- Blackwater Estuary SPA (Site Code 004028), approximately 2.09 km distant;
- Ballymacoda Bay SPA, Ballycotton Bay SPA, and Cork Harbour SPA, which are identified as having potential connectivity via mobile bird species pathways.

Critically, the applicant's own assessment confirms that the site is hydrologically connected to the Blackwater River (Cork/Waterford) SAC and the Blackwater Estuary SPA via a network of local watercourses, including the Ballyneague Stream, Knocknagappagh River, Carriganass Stream, Youghalpark Stream and Tourig River, which ultimately discharge into the Blackwater system. These pathways provide a clear source–pathway–receptor linkage between the proposed development and downstream European sites.

The Screening Report further acknowledges that the Lower Blackwater Estuary / Youghal Harbour transitional waterbody and Youghal Bay coastal waterbody are currently classified as "Moderate" and "At Risk" under the Water Framework Directive. Any additional sediment loading, pollution risk, or hydrological alteration arising from construction, ground disturbance, cabling, drainage works, or long-term site management therefore has the potential to exacerbate existing pressures on these sensitive receiving environments.

In addition to hydrological pathways, the Screening Report documents the presence of, and connectivity for, a range of Annex II and Annex I species, including but not limited to:

- Otter (Lutra lutra), a qualifying interest of the Blackwater River (Cork/Waterford) SAC, with records along downstream watercourses and evidence of suitable habitat within the wider catchment;
- Atlantic salmon (Salmo salar) and lamprey species (Lampetra spp. and Petromyzon marinus) associated with the Blackwater SAC;

- Wintering and foraging bird species linked to the Blackwater Estuary SPA, Ballymacoda Bay SPA, Ballycotton Bay SPA and Cork Harbour SPA, including gulls, waders and wetland birds, several of which were recorded during site surveys and are known to have extensive foraging ranges well beyond SPA boundaries.

While the applicant concludes that no adverse effects on the integrity of European sites will arise, this conclusion relies heavily on future mitigation measures, construction management controls, and assumptions regarding the effectiveness of pollution prevention and disturbance avoidance measures over a very large, dispersed site of approximately 323 hectares and a proposed operational lifespan of up to 40 years. Given:

- the scale and duration of the proposed development;
- the acknowledged hydrological connectivity to SACs and SPAs;
- the presence of protected species and mobile qualifying interests;
- the existing "at risk" status of downstream waterbodies; and
- the cumulative context of other plans and projects within the Blackwater catchment,

it is submitted that significant uncertainty remains regarding the potential for indirect and in-combination effects on Natura 2000 sites. In such circumstances, the requirements of Article 6(3) of the Habitats Directive and the precautionary principle demand a rigorous and conservative assessment approach.

Accordingly, it is contended that the competent authority **cannot be satisfied, beyond reasonable scientific doubt**, that the proposed development will not adversely affect the integrity of European sites, either alone or in combination with other plans and projects.

4.0 Description of the subject site

The points in this section are raised only insofar as they affect the substation and loop-in application, or because the documents lodged with the Commission treat the substation, solar farm and battery compound as a single project.

The subject site is located within a predominantly rural and agricultural area of East Cork, characterised by dispersed farmsteads, individual rural dwellings, narrow local roads, and an intact traditional field pattern defined by mature hedgerows, treelines and drainage ditches. The lands lie generally to the north and north-west of Youghal, extending across a broad rural hinterland between Youghal, Killeagh and the surrounding countryside. The area is unzoned, lies outside the development boundaries of any town or village, and is designated primarily for agricultural use under the Cork County Development Plan.

The proposed development extends across multiple townlands, including Knocknagappagh, Barnaviddane, Ballyneague, Ballydaniel, Youghalpark, Ballydaheen and Cornaveigh, and covers a very extensive overall landholding in the order of several hundred hectares. The dominant land use within and surrounding the site is active agriculture, with the lands currently in productive use as pasture and, in places, arable farmland. Field sizes across the study area are predominantly small to medium in scale and are typically defined by long-established hedgerows and treelines, which make a significant contribution to rural character, ecological connectivity and visual containment. Notwithstanding this, some fields within the overall landholding are notably larger in scale, reflecting historic hedgerow removal in parts of the site, including at Greenhills Farm.

Rather than comprising a single, coherent landholding, the application site is highly fragmented and discontinuous, consisting of numerous separate land parcels distributed over a wide geographic area. These parcels are physically separated from one another by public roads, intervening farmland, watercourses and existing development, and are linked only by underground cabling and shared grid infrastructure. In spatial terms, the site reads as a series of disparate and irregularly shaped land parcels stitched together to form a notional development footprint. The resulting red line boundary is piecemeal, incoherent and visually arbitrary, bearing no relationship to natural landscape units, traditional field patterns or settlement structure. The configuration of the site appears to be driven by the availability of individual landholdings rather than by any logical, plan-led or landscape-based site selection process.

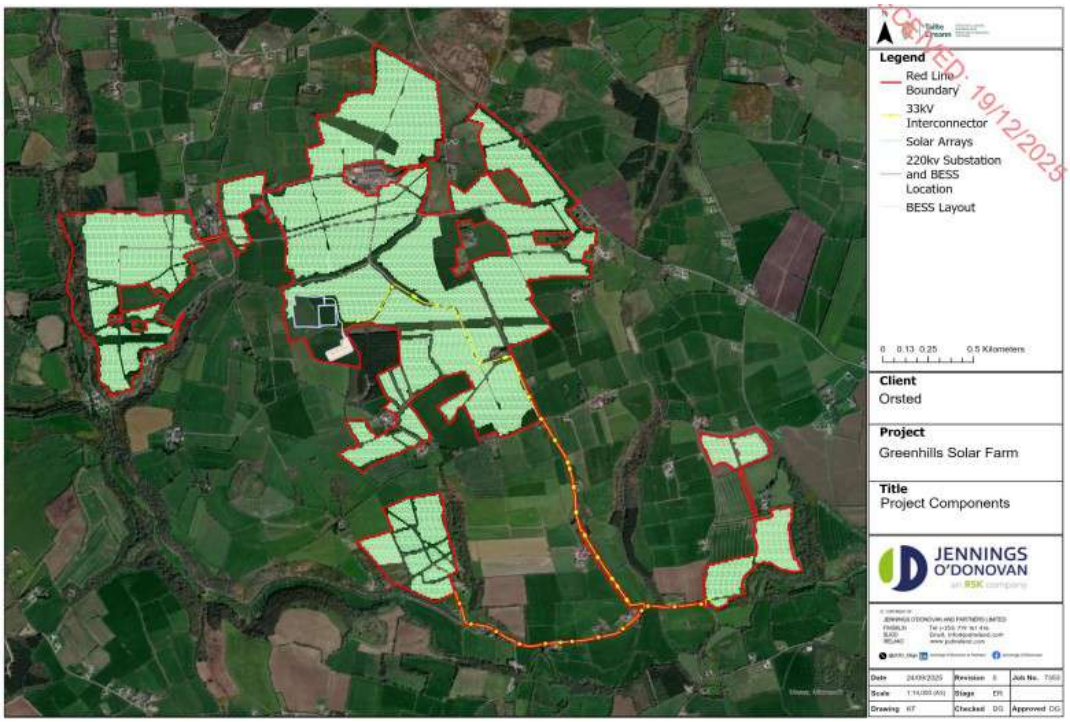


Fig. 8: Sites Fragmented Red Line Boundary (Source: Figure 1.2, Planning & Environmental Report, RSK)

This fragmented layout fundamentally distinguishes the proposal from more conventional single-site developments and significantly increases its visual, landscape, traffic, ecological and cumulative impacts, particularly when experienced from the perspective of local residents and road users. The subject lands are intersected by, adjoin, or are accessed from a dense network of local and third-class roads, many of which are narrow, sinuous and substandard in terms of width, alignment and surfacing. These roads function primarily to serve local residences, farmyards and agricultural activity and are not designed to accommodate prolonged periods of heavy construction traffic or the operational demands of a utility-scale energy development.

The proposed development relies on access via a wide range of roads, including sections of the R634 and multiple local roads which pass immediately adjacent to, or in some cases directly through, portions of the proposed solar farm.

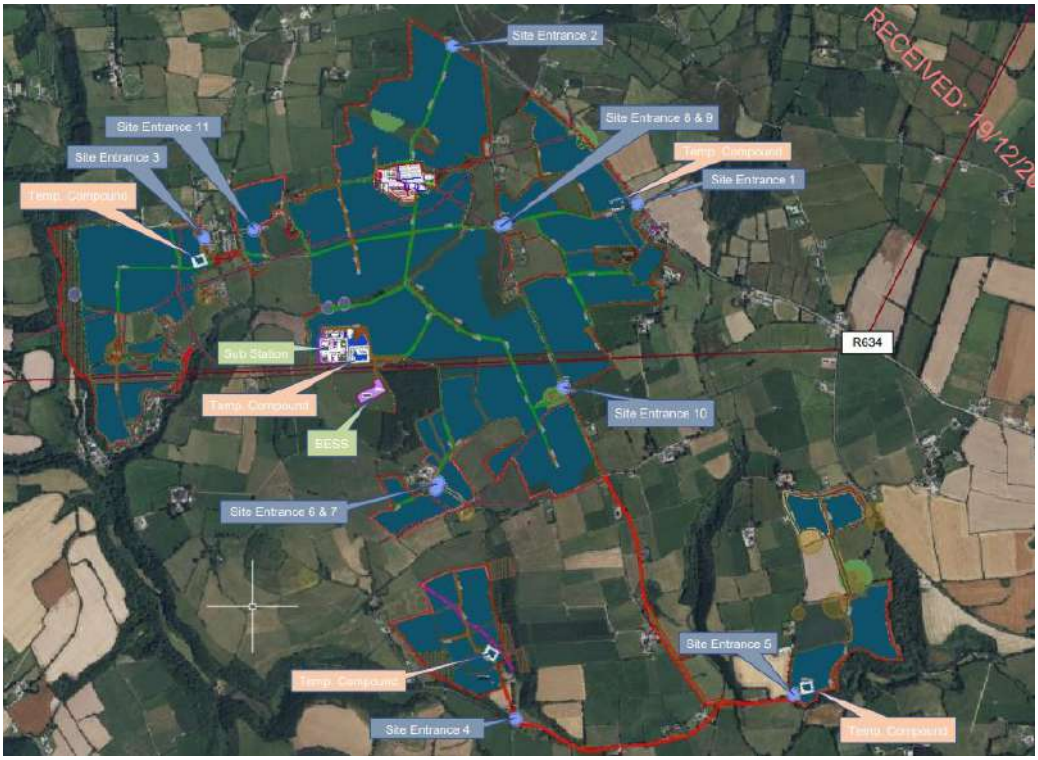


Fig. 9: Sites Entrance Map (Source: Figure 1.2, Traffic and Transport Assessment, RSK)

As a result, the development would be experienced repeatedly and at close quarters by residents, road users and pedestrians moving through the area. In certain locations, solar infrastructure would be present on both sides of the roadway, creating a corridor effect that would materially alter the rural character of these routes and change their function from local rural roads to access corridors for a large-scale industrial energy installation.

The lands comprising the subject site are topographically varied, consisting of gently rolling to undulating terrain, with areas of **highly elevated ground** (the highest point of the hills in Knocknagapagh is over 600 feet above sea level) interspersed with shallow valleys and low-lying areas. In many locations, the land rises above adjoining roads and neighbouring properties, while in others it slopes downwards or undulates, increasing the visibility of development across multiple viewpoints. The site is crossed by, or lies adjacent to, numerous streams, drainage channels and riparian corridors, including tributaries associated with the Tourig River catchment and other local watercourses. These features further subdivide the site into discrete landscape compartments and contribute to the ecological sensitivity of the area.

Due to this combination of topography, fragmentation and proximity to public roads and dwellings, the proposed solar farm would be highly visible from a wide range of sensitive receptors, including nearby houses, farmyards, public roads and the surrounding countryside. In several locations, residential properties would experience the development at close range and from multiple directions. Residential development in the area is dispersed but well established, comprising individual dwellings, farmhouses and small clusters of houses along local roads. Many of these dwellings are located immediately adjacent to or in close proximity to individual parcels of the proposed development, with some properties effectively surrounded on multiple sides by proposed solar infrastructure.

The scale and spatial spread of the proposal mean that its impacts would not be confined to a single, clearly defined host area but would instead be experienced across a broad rural landscape, affecting multiple communities simultaneously. The lands comprising the subject site are in multiple private ownership, with the applicant having entered into agreements with a number of individual landowners to facilitate the proposed development. While such agreements may enable land assembly, they do not demonstrate that the site represents an appropriate or plan-led location for a development of this nature and scale.

From an objector's perspective, the defining characteristic of the subject site is that it has been assembled on the basis of willing landowners rather than proper spatial planning considerations. The resulting proposal is fragmented, ad hoc and opportunistic, extending across a wide rural area without adequate regard to landscape capacity, settlement pattern, rural amenity or cumulative impact, and is therefore fundamentally unsuited to accommodating a solar utility development of this scale, configuration and operational duration.

4.1 The history of Irish solar utility developments is defined by no planning guidelines

Our client notes that, as confirmed by the Minister for Housing, Local Government and Heritage in Dáil Éireann on 2 December 2025[2], there are currently no statutory planning guidelines in place in Ireland in respect of solar energy development, and that a National Planning Statement on Solar Energy is only at an early scoping stage. While such guidance is proposed under the Planning and Development Act 2024, it has not yet been published and therefore cannot inform the assessment of the current application.

In the absence of adopted national planning guidance and/or detailed development management policies governing the proper siting, scale, and landscape integration of utility-scale solar developments, the Cork County Council Planner's Report is left to rely on general policy statements, precedent permissions, and broad renewable energy objectives. This typically results in a narrative that Cork requires additional solar development, that permissions have been granted elsewhere in the county, and that such development is inherently positive.

The Cork County Development Plan confirms that, even in the absence of a national strategy or detailed guidance specific to solar utility developments, such proposals have been permitted in the county. However, these developments are becoming increasingly concentrated in particular rural areas, and the pressure, as evidenced by the current application, to approve ever-larger schemes must be carefully managed and critically assessed, rather than assumed to be acceptable in principle.

There is also a need to recognise that conflicting objectives exist within the County Development Plan, particularly where areas subject to strict development control for most forms of development are nonetheless being targeted for large-scale solar utility proposals. In practice, solar farm developments frequently appear to receive a policy "pass" on matters that would otherwise be decisive, including:

- Adverse impacts on surrounding residential properties;
- The intensive use of local and third-class roads that are unsuitable for prolonged construction traffic and abnormal loads;
- The effective conversion of a rural landscape into a de facto utility-scale, industrialised environment.

[2] https://www.oireachtas.ie/en/debates/question/2025-12-02/322/

In the absence of clear, objective development management criteria for solar utility developments, local authority assessments are increasingly influenced by the volume and presentation of applicant-led documentation, which often asserts—without objective comparison—that a given site represents an optimal or appropriate location for such development. This is not the case in the current proposal. The submitted documentation is incomplete in critical respects and effectively asks Cork County Council to assume risk, downplay uncertainty, and overlook material conflicts with established planning policy.

The applicant relies heavily on lists of precedent permissions from more suitable and less constrained locations, creating an impression that large-scale solar farms are acceptable in any rural setting. Cork County Council would not accept a rural dwelling proposed without regard to siting, design, access, or landscape context; solar utility developments should be subject to an equally rigorous and location-specific assessment.

Cork County Council is therefore requested to set out its in-principle assessment of this proposal independently of the applicant's subjective justification. The scale of the proposed solar farm is unacceptably large and would dominate this rural area. The applicant seeks to justify this on the basis that increasing solar farm size and installed capacity is necessary for economic viability in the context of climate targets. However, this is an applicant-driven commercial argument, not an adopted planning policy position.

The proposal represents a very large, fragmented, and disjointed solar utility development, extending across lands in multiple ownerships, with an irregular and piecemeal site configuration that would read poorly in the landscape and whose boundaries intersect numerous public roads. These characteristics materially exacerbate its visual, environmental, and infrastructural impacts.

There remains a clear need to protect the integrity of rural areas, to avoid the loss of quality agricultural land, and to safeguard landscapes that support established rural economies, including tourism-related activity. The receiving environment includes a number of tourism and agri-tourism enterprises whose viability is closely linked to the quality, openness and visual character of the surrounding landscape. These include farm-based tourism activities, visitor accommodation, and rural lodgings **which rely directly on the attractiveness and perceived unspoilt nature of the landscape to attract visitors.**

In this context, the introduction of a large-scale, industrial solar development across the Glen would materially alter the visual and landscape character of the area. Proposed screening measures would not adequately mitigate these effects, given the scale, extent and elevated nature of the development. Such change risks undermining the tourism appeal of the area and conflicts with national and regional policy objectives which promote the protection of high-quality rural landscapes as an asset for sustainable tourism and rural enterprise. These concerns are particularly acute in sensitive and highly valued landscapes such as this.

5.0 Relevant planning history

5.1 Planning history of the application site

The applicant asserts in the Planning and Environmental Report that there is an "established principle" supporting the proposed development arising from two historic planning permissions on part of the wider landholding. This assertion is misleading, selective and materially overstated.

The planning history relied upon by the applicant comprises two permissions for wind energy development granted more than twenty years ago, namely: (i) planning permission granted by Cork County Council on 19 January 2004 under planning reference 02/4588 for two wind turbines and associated ancillary works; and (ii) a subsequent extension of duration granted under planning reference 08/9956, which was never implemented. These permissions were granted under previous iterations of the Cork County Development Plan, within a materially different policy, environmental and regulatory context, and cannot be relied upon as precedent under the current Development Plan framework. They were expressly **site-specific, technology-specific and limited in scale**, and do not establish any general or enduring planning principle for large-scale renewable energy development on agricultural or unzoned rural lands.

Crucially, the applicant has **selectively referenced only those elements of planning history that it considers supportive of its case**, while failing to acknowledge the **very extensive body of planning permissions granted within and immediately surrounding the subject site for rural dwellings, dwelling extensions, agricultural buildings and small-scale domestic development**. A review of the Cork County Council planning register clearly demonstrates that the **established and consistent pattern of development in this area is one of low-intensity rural housing and agriculture**, all of which are permissible or open-for-consideration uses under the Cork County Development Plan and are required to remain visually and functionally subordinate to the rural landscape.

Almost without exception, permissions granted in the vicinity of the subject site relate to single rural dwellings, dwelling extensions, domestic garages, agricultural sheds and associated wastewater and access works (see, for example, Reg. Refs. 164786, 175589, 186943, 20348, 205050, 205506, 215469, 215844, 244643, 245410, 254712, among many others). No permissions have been granted in this area for large-scale, industrial or utility-type development, nor for development that would materially contravene the agricultural and rural protection objectives of the Development

Plan. This established pattern of development is wholly inconsistent with the scale, intensity and spatial extent of the current proposal.

The previously permitted wind energy development related to two individual turbines and bears no comparison to the current application, which comprises a **very large, fragmented, multi-parcel solar energy development incorporating battery energy storage systems, substations, extensive underground cabling, access infrastructure, security fencing, CCTV and a proposed operational lifespan of approximately 40 years**. The nature, scale, land-take, landscape effects and cumulative impacts of the current proposal are fundamentally different and cannot reasonably be characterised as an evolution or continuation of any historic use.

The fact that the extension of duration for the wind energy permission was never implemented further undermines any suggestion that an established or continuing renewable energy use exists on the lands, or that the site has an enduring planning status for energy infrastructure. Instead, the planning history confirms that the lands have remained in agricultural use and that development in the area has been carefully controlled to protect rural character, residential amenity and landscape quality.

Accordingly, the applicant's attempt to characterise the current proposal as supported by an "established principle" is not borne out by the factual planning history of the site or its environs. On the contrary, that planning history demonstrates that the proposed development would represent a **significant and unjustified departure from the established pattern of development in the area**, and the selective reliance on historic permissions should be afforded little or no weight in the assessment of this application.

5.2 Pre-planning for the current planning application

See Section 1.3 of this report.

5.3 Unresolved retention applications and uncertainty regarding existing development

Our client notes that retention permission is currently being sought for agricultural sheds and associated infrastructure on lands at Knocknagappagh, the same lands now proposed to form part of the solar development (ref. 25/6948). This matter remains unresolved.

It is further noted that two previous retention applications relating to these structures (25/5154 and 25/5925) were either incompleted or invalidated, including on grounds of incorrect or inadequate site signage. Review of the submitted plans associated with these applications indicates that the location of soakaways and drainage infrastructure has shifted between applications, raising concerns regarding the accuracy and consistency of the baseline information relied upon.

Of particular concern is that the current solar proposal appears to overlay solar panels and associated infrastructure on areas previously identified as soakaways, without resolving or clarifying how surface water and effluent drainage associated with the retained sheds will function going forward. This creates a fundamental uncertainty in relation to site drainage, compliance with environmental standards, and the interaction between existing unauthorised development and the proposed scheme.

In these circumstances, **it is inappropriate to assess or grant permission for a large-scale solar development on lands where existing development remains unauthorised, unresolved, or inconsistently documented. The presence of outstanding and repeatedly invalidated retention applications undermines confidence in the accuracy of the site layout, drainage strategy and environmental baseline, and represents a further reason why the proposed development should not be permitted at this time.**

6.0 The proposed development

The applicant provides only a brief outline of the proposed development within the Planning Application Form and statutory public notices. While a longer description is included within the submitted Planning and Environmental Report, the overall presentation of the proposal remains fragmented and difficult to clearly interpret, particularly given the scale, complexity, and geographic spread of the development.

Notwithstanding the lack of a clear, consolidated development description, the proposals comprise, in summary, the following:

- A request for 10-year planning permission for construction, followed by an operational lifespan of up to 40 years, and subsequent decommissioning, for a very large-scale solar energy development extending across in the order of several hundred hectares.
- A Battery Energy Storage System (BESS) and associated infrastructure.
- A substantial underground grid connection, extending beyond the solar array lands and involving works within multiple public roads and road corridors (red line boundary).
- A solar farm layout comprising numerous separate land parcels, fragmented by public roads and existing field boundaries, resulting in a disjointed and piecemeal site configuration.

- Grid and electrical infrastructure including underground cabling, grid connection works, and associated apparatus linking the development to the wider electricity transmission network.

The proposed solar farm, BESS and associated infrastructure include, but are not limited to:

- Extensive areas of ground-mounted solar photovoltaic (PV) panels, mounted on steel support structures, with localised use of concrete foundations where required;
- Electrical transformation and inverter stations, including switchgear and control equipment;
- Extensive underground cabling, including trenching and horizontal directional drilling (HDD) works;
- Temporary construction compounds, material storage areas, and site welfare facilities;
- Battery storage units and associated electrical and safety infrastructure;
- A synchronous condenser and/or associated grid-stability infrastructure;
- Use of existing farm access tracks and entrances, together with the creation of new site entrances and internal access tracks;
- CCTV poles and security infrastructure;
- Perimeter and internal security fencing, including deer fencing and palisade fencing in places;
- Landscaping, screening, and biodiversity measures proposed by the applicant; and
- All associated ancillary development works, including drainage, earthworks, and reinstatement works along access routes and public roads.

Taken together, the proposal represents a highly intensive, utility-scale energy development spread across a wide rural area, with significant on-site and off-site works, the full extent and cumulative impact of which are not clearly or transparently described in a single, coherent development description.

7.0 Grounds for Objection

The following points set out our client's 'Grounds for Objection' in respect of the proposed development. These grounds all arise from concerns raised by members of our client's group which comprises all local people who would be adversely impacted by the proposals.

7.1 Ground 1: Not an appropriate or compatible use of lands whose lawful use is agricultural

7.1.1 Proposal is not an appropriate use on lands whose lawful use is agricultural

The subject lands comprise actively farmed rural lands and are not zoned for industrial, energy, or utility-scale development under the Cork County Development Plan 2022–2028 ("CCDP"). As such, these lands are required to be protected from inappropriate and non-compatible forms of development, in accordance with the plan-led approach to land use zoning.

The CCDP makes clear how lands without a specific development zoning are to be treated. Objective ZU 18-4 (Land Use Zoning of Other Lands) states:

> *Where lands have not been explicitly zoned in the Plan* ***the specific zoning shall be deemed to be that of the existing use of the lands*** *(if such a use is not an authorised use under the Planning Acts) or, if such use is unauthorised, that of the most recent authorised use of the lands.*

County Development Plan Objective
ZU 18-4: Land Use Zoning of Other Lands

Where lands have not been explicitly zoned, in the Plan the specific zoning shall be deemed to be that of the existing use of the lands (if such a use is not an authorised use under the Planning Acts) or, if such use is unauthorised, that of the most recent authorised use of the lands.

Fig. 10: County Development Plan Objective ZU 18-19 – Agricultural Areas (Source: CCDP 2022–2028)

Accordingly, the subject lands must be regarded as having the zoning status of their **existing lawful agricultural use** and must be assessed on that basis for the purposes of proper planning and sustainable development.

Section 18.3.45 of the CCDP further clarifies the purpose of agricultural lands, stating that:

> ***The purpose of this zoning is to provide for the development of agriculture by ensuring the retention of agricultural uses and protect the lands from undesirable development while providing a clear demarcation to the adjoining areas***.

In addition, County Development Plan Objective ZU 18-19: Agricultural Areas requires the Planning Authority to:

Conserve and protect agricultural land from undesirable development and non-agricultural uses and to prevent premature development of agricultural land adjacent to development areas.

The CCDP also identifies the **"Appropriate Uses in Agricultural Areas"** as being agricultural development related to the use of land for agricultural purposes and, where appropriate, individual dwellings for permanent occupancy. Utility-scale energy infrastructure is not identified as an appropriate or compatible use within this policy framework.

County Development Plan Objective ZU 18-19: Agricultural Areas
Conserve and protect agricultural land from undesirable development and non agricultural uses and to prevent premature development of agricultural land adjacent to development areas. Consideration may be given to Individual dwellings for permanent occupancy of established landowners and their immediate members subject to normal planning considerations.

Fig. 11: County Development Plan Objective ZU 18-19 – Agricultural Areas (Source: CCDP 2022–2028)

Appropriate Uses in Agricultural Areas
Agricultural development related to use of land for agricultural purposes, individual dwellings for permanent occupancy where appropriate.

Fig. 12: Appropriate Uses in Agricultural Areas (Source: CCDP 2022–2028)

Against this policy context, the proposed development, comprising a large-scale solar energy installation with associated electrical infrastructure, security fencing, internal access tracks, inverter and transformer stations, and battery energy storage, **does not constitute development for the purpose of agriculture, nor does it retain agriculture as the primary land use over the lifetime of the project.**

While the Planning and Environmental Report suggests that some form of land management or grazing may continue within parts of the site, the dominant and controlling land use would be electricity generation infrastructure for the operational life of the development. Any residual agricultural activity would be incidental, constrained, and subordinate to the operational, safety and maintenance requirements of the solar installation. On that basis, the proposal represents a change in land use away from agriculture rather than the retention or development of agricultural use envisaged by the CCDP.

The objectors therefore submit that the proposal conflicts directly with:

- the requirement under **Objective ZU 18-4** to assess these lands in accordance with their existing lawful agricultural use;
- the stated purpose of agricultural lands under **Section 18.3.45**, which seeks the retention of agricultural use and protection from undesirable development; and
- **Objective ZU 18-19**, which requires agricultural lands to be conserved and protected from non-agricultural uses.

The applicant's reliance in the PER on a claimed "established principle" of renewable energy development does not alter the land-use status of the subject lands under the CCDP, nor does it displace the requirement that development proposals be assessed against the Plan's zoning objectives and land-use protections. The central test remains whether the proposed use is **appropriate and compatible** with lands whose lawful and intended use is agricultural. In this case, it is not.

For these reasons, the proposed development is contrary to the Cork County Development Plan 2022–2028 and does not represent an appropriate use of the subject lands for the purposes of proper planning and sustainable development.

7.1.2 Loss of productive agricultural land for a substation which is never to be removed

The subject lands comprise actively farmed agricultural lands which are currently in productive use for grazing and/or tillage. This is expressly acknowledged by the applicant in the Planning and Environmental Report (PER), which describes the site as "agricultural lands in a rural setting" and confirms that the lands are presently used for "tillage and grazing". The lawful and established use of the lands is therefore agricultural and must be assessed as such for the purposes of proper planning and sustainable development.

This is clearly illustrated in the applicant's own submitted visual material, in particular Viewpoint VP8b (L7829, Ballydaniel), which shows the subject lands in active agricultural use, with cattle grazing in the foreground and associated farm buildings in the background forming part of an established farm holding consistent with ongoing livestock and dairy production.



Fig. 13: Extract from VP8b – Cattle Farm to be replaced with solar farm

The applicant seeks permission for a development with an operational life of up to 40 years, with the PER stating that the "design life of the Proposed Development will be approximately 40 years as determined by the grant of planning permission," and that the equipment warranties are of a similar duration. While the applicant refers to the possibility of decommissioning or life extension at the end of this period, the reality is that the proposal would **remove these lands from normal agricultural production for at least four decades**, and potentially longer should repowering or extension be pursued through future planning applications.

From the perspective of the client, this represents a **very long-term and significant loss of productive agricultural land**, contrary to the objectives of the Cork County Development Plan 2022–2028, which seeks to conserve and protect agricultural land from non-agricultural and undesirable development.

Although the applicant characterises the solar farm as a "reversible" development, the PER confirms that the proposal entails:

- The installation of extensive areas of ground-mounted solar panels across multiple parcels of farmland;
- The construction of permanent and semi-permanent infrastructure including inverter/transformer stations on concrete plinths, crane hardstands, Battery Energy Storage System (BESS) infrastructure, security fencing, internal access tracks and underground cabling;
- The upgrading and construction of over 12km of internal access tracks and the formalisation of numerous site entrances;
- The installation of approximately 30km of perimeter fencing, fundamentally subdividing and enclosing the land.

Taken together, these works would **materially alter the physical structure, management, and usability of the land** for normal agricultural purposes for the lifetime of the development. Even where soils are not permanently sealed, the fragmentation of fields, restrictions on machinery movement, altered drainage regimes, and security-controlled access fundamentally undermine the ability to farm the land in a conventional or economically viable manner.

Our client notes that the lands are underlain by soils identified on the General Soil Map (Teagasc) as including soil types 6, 13 and 15 (6 – Brown Podzolics, 13 – Acid Brown Earths, and 15 – Brown Podzolics). These soil types are generally associated with productive agricultural use in County Cork, supporting grazing and, in places, tillage.

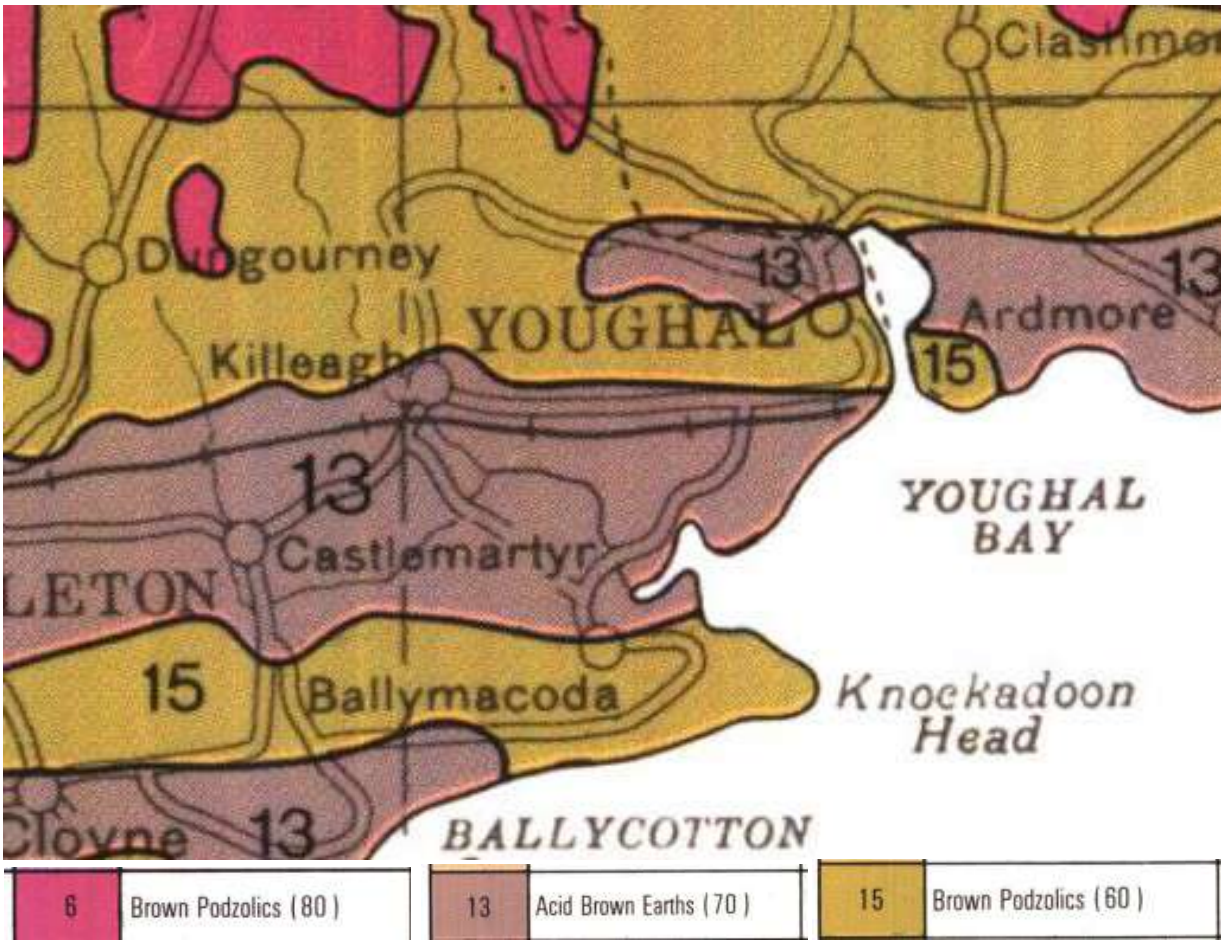


Fig. 14: Extract from General Soil Map showing soil types underlying the subject lands (Source: Teagasc.ie)

While the PER contains a Land, Soils, Geology, Hydrology and Hydrogeology assessment (Appendix N), that assessment is focused primarily on construction impacts, erosion control, and pollution prevention. **It does not assess the strategic or long-term implications of removing these soil resources from agricultural production for a 40-year operational period, nor does it weigh this loss against the objectives of the Development Plan relating to agricultural land protection and food security.**

The PER assumes that because soils may be technically capable of reinstatement at decommissioning stage, the loss is temporary. Our client strongly disputes this characterisation. A **40-year removal of land from productive agriculture is not temporary in any meaningful planning sense**, particularly in the context of family farming, generational land use, and rural economic sustainability.

The applicant suggests that agricultural use can continue beneath and around the solar arrays, typically through grass management and potential sheep grazing. However, the PER provides no quantified or site-specific assessment of how such activity would operate in practice across a development of this scale and fragmentation.

In particular, the PER does not address:

- Whether the existing farming enterprises on the subject lands (which are not sheep-only enterprises) can realistically continue under the proposed layout;
- The impact of panel shading, infrastructure spacing, and fencing on grass productivity and livestock management;
- The practical implications of operating farm machinery within fenced, CCTV-monitored, utility-controlled land parcels;
- The economic viability of any residual agricultural activity once access restrictions, altered field patterns, and operational constraints are imposed.
- Soil pit locations.

From the client's perspective, the solar development would become the primary and dominant land use, with any residual agricultural activity being, at best, marginal and incidental. This does not amount to the "retention of agricultural use" envisaged by the Development Plan.

While the PER states that the site "will be decommissioned and returned to agricultural usage" at the end of the

operational life, this assurance is not secured by any binding mechanism at this stage. The PER also explicitly allows for the possibility that the life of the development may be extended through a further planning application, introducing further uncertainty as to when—or if—the land would ever be fully restored to agricultural use.

In addition, the PER proposes that certain infrastructure, including access tracks and entrances, may remain post-decommissioning "as considered appropriate at the time." This raises further concerns that the land would not be reinstated to its pre-development agricultural condition, but rather left permanently altered.

Our client acknowledges national and local policy support for renewable energy development. However, such support does not override the need to protect productive agricultural land, particularly where the scale, duration, and fragmented nature of the proposal result in a substantial and prolonged loss of agricultural capacity.

In this case:

- The operational lifespan of 40 years represents a **significant portion of the planning horizon of multiple Development Plans**;
- The loss of agricultural use would be experienced **now**, while the claimed restoration is speculative and deferred far into the future;
- The Development Plan does not identify these lands as suitable or preferred locations for utility-scale energy development.

Accordingly, our client group submits that the proposal would result in the **unjustified and premature loss of productive agricultural land for at least four decades**, contrary to the objectives of the Cork County Development Plan 2022–2028 and the principles of proper planning and sustainable development.

7.1.3 The CCDP 2022-2028 includes an appropriate zoning category 'Utilities and Infrastructure (U)'

Our client notes how CCC has in fact planned for 'Utilities and Infrastructure' development with the 'Utilities and Infrastructure (U)' zoning category.

A solar utility development is a utility development. Indeed, the current planning application repeatedly describes what is proposed as necessary energy infrastructure needed to serve County Cork and the country.

The proposed development is for an operational electricity production facility.

Section 18.3.43 refers to the 'Utilities and Infrastructure (U)' zoning and states: "**In this Plan lands zoned for utilities and infrastructure uses** are largely for operational requirements such as drainage, sanitation, emergency services, **electricity,** gas, telecommunications, and traffic management and maintenance purposes" [emphasis added].

County Development Plan Objective ZU 18-18: 'Utilities and Infrastructure Areas' seeks to: "Promote the provision of development to meet the operational requirements of utilities and infrastructure operators."

Appropriate Uses in 'Utilities and Infrastructure Areas' include: "Operational requirements of utilities and infrastructure operators such as drainage, sanitation, emergency services, **electricity,** gas, telecommunications and traffic management" [emphasis added].

The appropriate location for the proposed development is on lands zoned 'Utilities and Infrastructure (U)'. The subject site is unzoned open countryside, with existing agricultural uses and such the proposal would be better suited to the Utilities and Infrastructure zoning.

Our client notes how proposals for development located within 'Utilities and Infrastructure (U)' zoned lands must respond to their context. However, such lands have already gone through a 2 year process as part of the drafting of the CCDP. The applicant lands have not been pre-vetted or zoned.

Development on 'Utilities and Infrastructure (U)' will often still require a planning application, but such development is acceptable in principle. Section 18.3.44 of the CCDP states: "Sometimes problems can arise in relation to adjoining uses that expect a high standard of amenity. To help prevent these situations arising, opportunities should be taken to help assimilate these uses into their surroundings through the treatment of boundaries and the landscaping of appropriate areas."

The proposed development should only be located in and on lands zoned 'Utilities and Infrastructure (U)'.

7.1.4 Failure to consider alternative, less sensitive locations

Our client has reviewed the planning application and accompanying documentation in full. It is of concern that, by virtue of the applicant's conclusion that an Environmental Impact Assessment Report (EIAR) is not required, the application does not include any assessment of alternative sites or locations for the proposed development. In the absence of an EIAR, there is no statutory requirement to provide a formal alternatives assessment, and accordingly no such assessment has been provided. As a result, neither the Planning Authority nor third parties have been given any

insight into whether less sensitive, more appropriate or less impactful locations were considered prior to the selection of the subject lands.

In the absence of any documented site selection or alternatives assessment, our client is concerned that the proposed development has been assembled on the basis of land availability rather than planning suitability. The fragmented and dispersed configuration of the site, extending across multiple landholdings and townlands, reinforces the perception that the scheme has evolved opportunistically rather than through a plan-led or constraint-based site selection process.

Our client notes that similar concerns have previously been identified by Cork County Council in the assessment of large-scale solar proposals in this area. In refusing planning permission for application reg. ref. 245630, Mr Watt, Senior Planner with Cork County Council, addressed this issue directly and stated:

> *Solar farm applications have grown in scale in recent years. Initially, back 2015/2016, when the first such applications were lodged, most involved 5–10 hectare sites. In recent years, they have become significantly larger in scale, with the subject application over 170 hectares. The site selection process in this case appears to be dictated more by land availability than planning criteria (obviously technical considerations aside). The County Development Plan is supportive of renewable energy developments and the Planning Authority has granted numerous solar farm applications (the CDP states that up to 2019, 47 solar farms have been granted in County Cork with a potential capacity of 408 MW of electricity). In this case, however, the concerns raised by the PA have not been adequately addressed by the applicant. Given the very substantial scale of the development proposed, and the absence of national guidelines for solar farm developments, this is considered large scale piecemeal development which will erode the rural character of the area. Especially in the absence of strategic guidance for a large scale development of this nature, it is recommended for refusal for the reasons set out.*

Our client submits that the same fundamental issues arise in the current application. The proposed development, at approximately 323 hectares, represents a scale of solar development that is far removed from early, modest schemes and gives rise to materially different planning impacts. No evidence has been provided to demonstrate that alternative locations, whether less productive agricultural lands, lands of lower landscape sensitivity, or lands more appropriately zoned or serviced, were identified and assessed before the applicant proceeded to assemble the current disjointed site.

In circumstances where a proposal of this scale and duration is advanced without any assessment of alternatives, our client considers that the Planning Authority is being asked to assess the acceptability of the scheme in isolation, rather than in the context of whether it represents the least impactful or most appropriate option. This approach runs contrary to the principles of proper planning and sustainable development, particularly where avoidance of sensitive locations should form a key part of the assessment.

Accordingly, our client submits that the absence of any alternatives assessment, combined with the scale and piecemeal nature of the proposed development, materially undermines the application and reinforces the conclusion that the proposal is not plan-led and is inappropriate in this location.

7.2 Ground 2: Proposal is contrary to planning policy

7.2.1 Objection to the lack of any national/regional planning guidance on solar utility development

This point is relevant because the documents lodged with the Commission assess the solar farm and substation as one development. The absence of national guidance on solar utility development does not remove the requirement to assess the permanent substation on its own merits.

Our client notes that, at present, there are no adopted national or regional planning guidelines setting out a coherent framework for the assessment of utility-scale solar developments of the scale proposed. While national policy documents such as the National Planning Framework, Climate Action Plan, National Mitigation Plan and related Government strategies establish headline targets for renewable energy generation, **they do not provide detailed or site-selection guidance as to where large-scale solar developments should or should not be located, nor how conflicts with established land uses and rural communities are to be resolved.**

In the absence of national guidance, planning authorities are left to assess large-scale solar proposals on a case-by-case basis, relying heavily on local development plan policies which were not drafted with projects of this scale, duration or spatial extent in mind. This creates a situation where applicants are effectively left to determine site suitability themselves, without the benefit of a strategic, plan-led framework identifying appropriate locations or excluding unsuitable areas.

In refusing planning application reg. ref. 245630, Mr Watt, Senior Planner with Cork County Council, expressly acknowledged this difficulty, stating:

> *Given the very substantial scale of the development proposed, and the absence of national guidelines for solar farm developments, this is considered large scale piecemeal development which will erode the rural character of*

the area. Especially in the absence of strategic guidance for a large scale development of this nature, it is recommended for refusal for the reasons set out.

Our client considers that the same planning context arises in the current application. The proposal seeks permission for a very large, dispersed, utility-scale solar development within an established rural agricultural area, yet there remains no strategic guidance at national or regional level identifying such locations as appropriate, or setting out criteria to ensure consistent and equitable decision-making.

While the Cork County Development Plan 2022–2028 expresses general support for renewable energy development, including solar energy, it does so in high-level terms only. The Development Plan does not include a spatial strategy, sensitivity mapping, or landscape capacity assessment for large-scale solar development equivalent to that provided for wind energy. As a result, the policies of the CCDP are required to operate as a de facto decision-making framework for a form of development that was not fully anticipated when the Plan was prepared.

Our client finds this unsatisfactory. In practice, it places a disproportionate burden on existing rural agricultural communities, whose lands and environments are treated as effectively available for large-scale energy infrastructure, while applicants benefit from the absence of clearly defined exclusion zones or suitability criteria. The planning balance appears tilted towards facilitating development rather than first establishing whether the receiving environment is appropriate in principle.

The Core Strategy of the CCDP seeks to ensure that renewable energy projects can be progressed **without significant impacts on landscape, amenity, heritage or the environment**. However, in the absence of detailed guidance, this objective risks being applied in a broad and permissive manner, particularly for schemes of a scale capable of **fundamentally redefining local landscape character**.

Our client does not dispute the importance of renewable energy generation or Ireland's climate obligations. However, such development cannot proceed in a policy vacuum. The subject lands form part of a long-established rural agricultural area, with dispersed housing, productive farmland and an identifiable landscape character. The introduction of a utility-scale solar development of this magnitude would represent a landscape-defining change, transforming an area currently characterised by agriculture into one dominated by industrial-type infrastructure.

Section 13.5.6 and Objective ET 13-2 of the CCDP state that renewable energy development should be facilitated **only where it has satisfactorily demonstrated that it will not have adverse impacts** on the surrounding environment, including water quality, landscape, biodiversity and amenities. Our client considers that this threshold has not been met in the current case, given the scale, duration and spatial spread of the proposal.

In addition, Objective ET 13-2 seeks to support renewable energy proposals that bring about a direct socio-economic benefit to the local community. Our client notes that no tangible or defined community benefit has been offered or secured as part of this application, despite the long-term and irreversible impacts proposed.

While small-scale or carefully sited solar developments can, in certain circumstances, be accommodated within rural areas without undue harm, the current proposal is of a wholly different order. At approximately 323 hectares, spread across multiple land parcels, it would redefine the character of a wide rural area for four decades. The CCDP provides no adequate guidance for assessing such a transformation.

Our client therefore submits that, in the absence of national guidelines and a clear, plan-led framework at county level, the Planning Authority must exercise particular caution. Granting permission for a development of this nature risks setting a precedent for further large-scale, uncoordinated solar developments in agricultural areas, in advance of any strategic assessment of where such development can be sustainably accommodated.

7.2.2 Contrary to the Action Plan for Rural Development 2017

This Government strategy, introduced in 2017 (Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs) is aimed at delivering real change for people living and working in rural Ireland. The objective of the Action Plan is to "unlock the potential of rural Ireland through a framework of supports, at national and local level, which will ensure that people who live in rural areas have increased opportunities for **employment locally**, and access to public services and social networks" [emphasis added].

The applicant proposals provide for an initial specialised installation/construction phase which is unlikely to employ local people. The operational phase involves only low employment maintenance work.

The applicant proposes to replace relatively labour intensive agricultural use, including tillage farming (which this scheme would replace in some areas and impact on in others), with 40 years of solar utility development. This is contrary to the Action Plan as it will not offer local people sustainable work in the way that agriculture does.

7.2.3 Contrary to the Cork County Development Plan 2022 – 2028 [the "CCDP"]

This application is made under section 182A of the Planning and Development Act 2000, as amended. The Commission is required to have regard to the provisions of the development plan. The applicant asks the Commission to treat the

proposal as supported by Chapter 13 of the CCDP. That support is conditional. It is not a permission in principle for a 220 kV industrial compound on unzoned agricultural land at Ballyneague.

The development the subject of this application is not the solar farm. It is a new 220 kV air-insulated loop-in substation, two new Type 269E lattice towers, two gantries, and the associated access, fencing, lighting and drainage, on agricultural land in the townland of Ballyneague, about 6.5 km north of Killeagh. The applicant's Planning and Environmental Report (RSK, August 2026) describes the compound as follows. The IPP area is 143.6 m by 51 m. The EirGrid area is 132 m by 116 m. Table 5.1 gives the substation footprint as 21,493 sq.m, formed by cut and fill. The platform sits on ground falling from about 113 m to 97 m OD. The built elements include an EirGrid control building, an IPP control building, a diesel generator and tank, space reserved for future filter and reactive-compensation equipment, up to two 220 kV transformers, two gantries with a stated total height of 20 m, lightning masts of about 18 m, a telecoms mast of 36 m, and a 2.6 m palisade fence. Two new lattice towers, 195A and 195B, are to be built under the existing Knockraha–Cullenagh 220 kV line. The existing intermediate tower, mast 196, is to be taken down. The new overhead conductor is stated as about 92 m in the Outline Construction Methodology and about 97 m in the Planning and Environmental Report. Section 5.5.6.1 of the Planning and Environmental Report estimates the cut and fill at 25,013 m^3, states that all excavated material will be used as fill, and adds about 9,320 m^3 of imported stone. The cut and fill drawing gives an approximate cut of 17,304 m^3 and an approximate fill of 34,649 m^3, and states that the volumes are preliminary. The two cannot be reconciled. The drainage of the platform has not been designed.The stated construction period for the substation is about 16 months.

The same report states that the substation and the loop-in "will be handed over to the Network Operator (EirGrid/ESB Networks) and will not be decommissioned." The use of this land as a transmission station is therefore permanent. It is not a 40-year solar use, and it is not reversed at the end of the generating station's life.

7.2.3.1 The site is not zoned for a transmission compound

The lands are in agricultural use. They are not zoned for industry, utilities or energy infrastructure. Objective ZU 18-4 provides that, where lands have not been explicitly zoned, the zoning is deemed to be that of the existing lawful use. The existing use here is agriculture, for tillage and grazing, which the applicant acknowledges.

Section 18.3.45 describes the purpose of that zoning as the retention of agricultural use and the protection of the lands from undesirable development. A fenced 220 kV air-insulated compound, with transformers, a diesel installation, a 36 m mast and lattice towers, is not an agricultural use and is not incidental to one. Once the substation is handed to EirGrid it will not return to agriculture.

The Plan does contain a zoning for this kind of development. Section 18.3.43 and Objective ZU 18-18 provide for Utilities and Infrastructure areas, for the operational requirements of electricity and other utility providers. These lands were not identified for that zoning when the Plan was made. Nothing in the Plan, and nothing in the record of its preparation, identifies Ballyneague as a location for a new 220 kV station. The Knockraha–Cullenagh line already crosses the landholding. The proposal does not reinforce that line for a purpose identified in the Plan. It breaks the line so that a private generating project can connect to it.

The substation would also sterilise the land around it. A live 220 kV compound, with a reserved "future EirGrid extension" area already shown on the drawings, is not a neighbour that adjoining houses and holdings can plan around. The applicant's own layout places the temporary construction compound on the land set aside for that future extension. The Plan does not support the insertion of permanent transmission plant, and a reserved further extension of it, into unzoned open countryside on the strength of a private connection agreement.

7.2.3.2 Transmission infrastructure is supported only where the Plan's tests are met

The applicant's Table 7.3 measures the project against Objective ET 13-2 and against the solar criteria in Section 13.8 and Objective ET 13-4. It does not address Objective ET 13-21 or Objective ET 13-22. Those are the objectives which govern this application.

Objective ET 13-21: Electricity Network states:

a) Support and facilitate the sustainable development, upgrade and expansion of the electricity transmission grid, storage, and distribution network infrastructure.
b) Support the sustainable development of the grid including strategic energy corridors and distribution networks in the region to international standards.
c) Facilitate where practical and feasible, infrastructure connections to wind farms, solar farms, and other renewable energy sources subject to normal proper planning considerations.
d) Proposals for development which would be likely to have a significant effect on nature conservation sites and/or habitats or species of high conservation value will only be approved if it can be ascertained, by means of an Appropriate Assessment or other ecological assessment, that the integrity of these sites will not be adversely affected.

Objective ET 13-22: Transmission Network states:

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.
Section 13.16.3 of the Plan states that the siting of overhead power lines can have a significant impact on the visual character of an area, that connections to renewable energy developments should where practicable be fully assessed as part of the renewable energy application, and that underground technology should be considered in areas of special sensitivity.

Three points arise:

- ***First***, ET 13-21(c) is not an instruction to approve every generator connection. The connection must be practical and feasible, and it is subject to normal proper planning considerations. This connection is not a strategic reinforcement. It exists to serve a solar farm and a battery installation which are the subject of a different application, to a different authority, and which do not yet have permission. The earlier solar application, Register Reference 25/6876, was declared incomplete. If that generating station is not permitted, or is permitted in a different form, the permanent compound now applied for has no demonstrated purpose, but the handover to EirGrid would still have taken the land. A connection which depends on an unresolved and separately consented project is not one the Plan requires the Commission to facilitate.

- ***Second***, ET 13-22(b) requires the feasibility of undergrounding, or of an alternative route, to be considered, so that the physical and visual impact of new transmission plant is managed. The word "especially" does not confine that requirement to landscapes which the Plan has already marked as highly sensitive. It heightens it in those landscapes. It does not disapply it elsewhere. What is proposed here is not a buried connection along the line of the existing conductors. It is a new industrial platform, two new lattice towers, two gantries of a stated height of 20 m, lightning masts of 18 m and a telecoms mast of 36 m, together with lighting and a 2.6 m palisade, on a hillside in open countryside. The Outline Construction Methodology is an outline. It says that the precise location within the red line is subject to change. It does not contain an assessment of an underground loop-in, or of any other connection arrangement that would avoid new towers and a 36 m mast. The applicant cannot meet ET 13-22(b) by describing the landscape as robust.

- ***Third***, ET 13-21(d) and ET 13-22(c) are the same test. The development is not to be approved unless an appropriate assessment, or other ecological assessment, can ascertain that the integrity of the relevant sites will not be adversely affected. The Natura Impact Statement lodged with the solar papers was prepared for a different description of development, for Ørsted, and it disclaims responsibility to third parties. It is addressed in Section 2.2 of this report. It is not an assessment on which ET 13-21(d) or ET 13-22(c) can be treated as satisfied.

The solar objective does not fill these gaps. Objective ET 13-4, as the applicant quotes it, supports solar farms at appropriate locations where the development does not have a negative impact on the surrounding environment, landscape or local amenities, and it requires proposals for associated infrastructure, including grid connections, to be subjected to ecological assessment. A grid connection is judged by the same environmental and amenity tests as the generating station. It is not exempt from them because it is applied for under section 182A.

7.2.3.3 No community gain has been offered for the permanent station

Objective ET 13-2(b) states that the Council will:

Support and facilitate renewable energy proposals that bring about a direct socio-economic benefit to the local community. The Council will engage with local communities and stakeholders in energy and encourage developers to consult with local communities to identify how they can invest in / gain from significant renewable energy development.

Section 13.5.5 states that large-scale renewable energy projects should seek to provide for a community gain element to the establishment of such infrastructure in local areas.

The Planning and Environmental Report says that local benefits "will occur" through community gain, rates, and the biodiversity measures. No fund, no amount, no body to administer it, and no link to any local project is stated in the report or in the Outline Construction Methodology. Appendix A is a summary of newsletters and consultation days for the renewable energy park. It is not a community-gain proposal.

Rates are a statutory consequence of rateable property. They are not the direct community benefit which ET 13-2(b) describes. Biodiversity planting required to address the effects of the development is not a community gain either. The point is sharper for this application than for the solar farm. The compound is to be handed to EirGrid and is not to be

decommissioned. The local impact is permanent. The papers contain no mechanism by which the community which will live with that station can invest in it or gain from it. Consultation which has not produced any such mechanism does not meet the objective.

Community gain would not make an unacceptable location acceptable. Its absence is a further respect in which the application does not meet Chapter 13.

7.2.3.4 The proposal is contrary to Chapter 5, Rural

Chapter 5 proceeds on the basis that rural Cork is to be managed so that its resources, including agriculture, tourism, renewable energy and biodiversity, continue to support the communities who rely on them. Section 5.1.2 states that the careful management of those assets is required "to ensure that these important assets are protected and will continue to support the communities who rely on them." Section 5.1.3 states that the delivery of the Plan's renewable energy objectives depends on the countryside having the capacity to accommodate them, and that sustainable management is required to protect the rural economic base, rural livelihoods, natural resources and other land uses. It also states that the special land-use requirements of agricultural areas and the open countryside should be accommodated.

A permanent transmission station does not meet that test at this location. The platform, the extension land, the access and the towers are taken out of agricultural use and, on the applicant's own account, are not returned. The construction period is about 16 months, with an abnormal-load delivery of the transformer from the R634. The operational station employs effectively nobody locally. It does not support the agricultural use of the surrounding holdings. It places a permanent industrial use, and a reserved extension of that use, into a dispersed rural townland which the Plan treats as open countryside.

Renewable energy is one of the rural resources listed in Section 5.1.2. It is listed alongside agriculture, tourism and biodiversity, not in substitution for them. Chapter 5 does not prefer a private 220 kV compound on a farm holding over the continued agricultural use of that holding, in the absence of any Plan identification of the site and in advance of any permission for the generating station the compound is said to serve.

County Development Plan Objective
EC: 8-13 Rural Economy

a) Encourage employment growth in County towns to support the population of the towns and their wider rural catchments.

b) Strengthen rural economies through the promotion of innovation and diversification into new sectors and services including to ensure economic resilience and job creation.

c) New development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape.

County Development Plan Objective
EC: 8-14 Business Development in Rural Areas

The development of appropriate new businesses in rural areas will normally be encouraged where:

- The scale and nature of the proposed new business are appropriate to the rural area and are in areas of low environmental sensitivity.
- The development will enhance the strength and diversity of the local rural economy.
- The proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape.
- The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.
- The proposal has a mobility plan for employees home to work transportation.
- Where possible the proposal involves the re-use of redundant or underused buildings that are of value to the rural scene.
- The provision of adequate water services infrastructure; and
- Provision of a safe access to the public road network.

Fig. 15: County Development Plan Objective EC: 8-13 'Rural Economy' and Objective EC: 8-14 'Business Development in Rural Areas' (Source: CCDP 2022-2028)

7.2.3.5 The proposal is contrary to the rural-economy objectives of Chapter 8

Section 8.15.1 recognises energy and renewable energy as part of the rural economy. Section 8.21 supports renewable energy projects in accordance with the Plan, and in particular the objectives of Chapter 13. That support is conditional. It is not a finding that every rural site is an appropriate site for transmission plant.

Objective EC 8-13: Rural Economy and Objective EC 8-14: Business Development in Rural Areas require rural enterprise to support employment in the rural area, to be of a scale and nature appropriate to a rural area, and not to adversely affect the character, appearance and biodiversity value of the rural landscape. The substation fails those tests. Its construction employment is temporary. Its operation does not sustain agricultural employment on the land it occupies,

and the applicant proposes that the occupation be permanent. The development is not sensitively planned around the existing farm structure. It replaces a field with a levelled, stoned and palisaded compound, formed with some 25,013 sq.m of cut and fill and some 9,320 sq.m of imported stone.

Section 5.5.6.1 of the Planning and Environmental Report estimates the cut and fill at 25,013 m^3, states that all excavated material will be used as fill, and adds about 9,320 m^3 of imported stone. The cut and fill drawing gives an approximate cut of 17,304 m^3 and an approximate fill of 34,649 m^3, and states that the volumes are preliminary. The two cannot be reconciled. The drainage of the platform has not been designed.

The benefit of the project, if the associated solar farm is permitted and built, accrues to the applicant and, after handover, to the network operator. It does not accrue to the rural economy of Ballyneague. Section 8.21 does not override EC 8-13, EC 8-14 or Chapter 13. Read together, they do not support this proposal.

7.2.3.6 The proposal is contrary to the biodiversity objectives

The Plan's requirement is not confined to European sites. Section 1.8, Section 2.16.17 and Chapter 15 require biodiversity in the wider countryside to be protected. Objective BE 15-2 protects habitats of local biodiversity value and ecological corridors, including hedgerows, treelines, streams and semi-natural grassland. Objective BE 15-6 requires existing trees, hedgerows and other features of natural value to be retained and integrated, and requires new planting to be primarily native. ET 13-21(d) and ET 13-22(c), set out above, apply the same discipline to transmission development.

The substation is not a light intervention in that network. The platform is stripped, cut and filled, and capped with imported stone. A diesel generator and tank are part of the description. Surface water from the compound is to be taken to a percolation area of about 5 m by 5 m by 1.8 m, on a site which the drainage report itself treats as subject to detailed design. Two tower foundations are to be excavated under an existing 220 kV line, and one existing foundation is to be broken out. The access to the compound crosses agricultural land and field boundaries. The Biodiversity Enhancement Management Plan appended to the solar papers was prepared for the solar farm. It is not a management plan for the permanent EirGrid compound, and it does not survive the handover. There is no secured mechanism by which habitat measures on land which is to pass to the network operator will be maintained for the life of the substation.

The applicant's case is that the lands are improved grassland and are not designated. That is not an answer to BE 15-2 or BE 15-6. Most of the biodiversity which those objectives protect lies outside designated sites. The hydrological connection from this land to the Blackwater is addressed in Section 2.2. For the purposes of this section it is enough that ET 13-21(d) and ET 13-22(c) are not satisfied by a Natura Impact Statement prepared for a different project, and that the Plan's countryside biodiversity objectives are not satisfied by a permanent industrial platform whose mitigation is either deferred to detailed design or attached to a different application.

7.2.3.7 Hedgerows, boundaries and Objective GI 14-9

Objective GI 14-9 requires the visual and scenic amenities of the County to be protected, requires new development to meet a high standard of siting and design, requires skylines and ridgelines to be protected, and discourages proposals which necessitate the removal of extensive trees, hedgerows, historic walls or other distinctive boundary treatments. Objective GI 14-1 and the corridor concept in Chapter 14 treat hedgerows, treelines and road verges as ecological corridors. Objective HE 16-21(d) requires existing hedgerows and historic boundaries in rural areas to be protected. Objective BE 15-8 seeks to preserve the general level of tree cover and to protect mature trees and hedgerows which are not the subject of a Tree Preservation Order.

The figure of 395 m of hedgerow removal in the Planning and Environmental Report is the applicant's figure for the solar farm, the entrances and the internal tracks of that application. It is not a measured account of the hedgerow and treeline removal required for this substation, its access, its sightlines, its passing provision and its tower locations. The Outline Construction Methodology does not give that measurement. The access is shown crossing the field pattern on the section 182A drawings. Removal which is avoided by a continued agricultural use is not "unavoidable" in the sense used by the Plan.

The vertical structures raise the same objective in a different way. GI 14-9(d) seeks to protect skylines and ridgelines. A 36 m telecoms mast, 18 m lightning masts, 20 m gantries and two new lattice towers are new structures on rising ground between 97 m and 113 m OD, in a landscape the applicant accepts is read from the public road network and from the wider rural area, including the direction of Scenic Route S45. Screening proposed for a solar array does not screen a 36 m mast. The Plan's test is whether the physical and visual impact has been managed and whether removal of landscape structure has been avoided. On the documents lodged, neither has been demonstrated for the substation itself.

For these reasons the proposed development is contrary to the Cork County Development Plan 2022–2028, in particular Objectives ZU 18-4, ET 13-2(b), ET 13-21, ET 13-22, EC 8-13, EC 8-14, GI 14-9, BE 15-2, BE 15-6 and BE 15-8, and to Sections 5.1.2, 5.1.3, 13.5.5, 13.16.3 and 18.3.45. The Commission should refuse the application.

7.3 Ground 3: This is not a plan-led proposal, and it permanently takes agricultural land

The application before the Commission is for a 220 kV air-insulated substation, a loop-in to the Knockraha–Cullenagh 220 kV line, two new lattice towers and the associated access, fencing and drainage, on agricultural land at Ballyneague. It is not an application for the solar farm. It cannot be understood apart from that solar farm. The substation has no other purpose. If it is permitted, the solar farm is no longer a proposal which Cork County Council can assess on its own merits. The grid connection will already have been granted, the land will already have been taken, and the applicant will say that the principal infrastructure is in place.

Our client objects to both. The substation should be refused on its own merits. It should also be refused because granting it would be used to carry the solar farm.

The lands are in agricultural use. The applicant's Land, Soils, Geology, Hydrology and Hydrogeology Assessment states that most of the site is classified as pasture and is used for dairy farming. CORINE 2018 mapping, which that report reproduces, classifies most of the red line as pastures, with complex cultivation patterns on the eastern lands, land principally occupied by agriculture on parts of the west and north, and a small area of arable land. The same report states the do-nothing case in one sentence. If the development is not built, agricultural use continues, and the additional tracks, the recontouring and the excavation do not occur.

The report then distinguishes the substation from the solar array. It says that the change of use under the panels would be temporary, because the land would be reseeded. It says the opposite of the substation. For the lands occupied by the substation, the new access track and the upgraded tracks, the effect "will be moderate, adverse and permanent." At decommissioning, inverter pads, hardstands and the battery compound are said to be removable. The 220 kV substation and the loop-in "will remain in-situ and will be handed over to EirGrid for future use, representing a permanent land use change." The new and upgraded access tracks remain as well. The Planning and Environmental Report says the same thing in different words. The substation "will be handed over to the Network Operator (EirGrid/ESB Networks) and will not be decommissioned."

That is the land-use case. A field in dairy and tillage use would become a levelled, stoned and palisaded transmission compound, and it would not come back. The applicant's own assessment calls that effect permanent. The Cork County Development Plan 2022–2028 did not identify these lands for it. Had a draft plan proposed a 220 kV station at Ballyneague, or a solar generating station of some 323 hectares wrapped around it, the community would have opposed both. Neither appears on any map in the Plan.

In the absence of any such designation, the question is whether this site would have survived a plan-making sieve. It would not. The wider holding runs from about 23 m to about 166 m OD, with slopes of up to 20 degrees. The compound itself sits on ground falling from about 113 m to about 97 m, which is why the applicant proposes some 25,013 sq.m of cut and fill and the importation of some 9,320 sq.m of stone.

Section 5.5.6.1 of the Planning and Environmental Report estimates the cut and fill at 25,013 m^3, states that all excavated material will be used as fill, and adds about 9,320 m^3 of imported stone. The cut and fill drawing gives an approximate cut of 17,304 m^3 and an approximate fill of 34,649 m^3, and states that the volumes are preliminary. The two cannot be reconciled. The drainage of the platform has not been designed.

Excavation at the substation is described as reaching 3.6 m. The site is open to the public road network and to the wider rural landscape, including the direction of Scenic Route S45. It is close to dwellings. Nothing in the Plan suggests that a permanent transmission station was intended here. The site was chosen because the 220 kV line crosses land which the applicant has assembled for a solar farm. That is developer-led site selection. It is not plan-led.

There is no national planning guidance on where a solar generating station of this scale should go, and there is no county map of suitable connection points. The BRE guidance discussed below is not Irish policy. It is the guidance the applicant would have to meet if such a policy existed, and this site would fail it. The loss of the land on which the substation would stand is a material planning consideration. The application does not assess that loss. It describes it, and then it proposes to make it permanent.

The applicant has not submitted any classification of these lands against other agricultural land in the county, or any explanation of why a permanent compound should occupy dairy pasture rather than previously developed land, brownfield land, or land already in industrial or utility use. Section 2 of the BRE Planning guidance for the development of large scale ground mounted solar PV systems states that ground-mounted projects over 50 kWp should ideally use previously developed land, brownfield land, contaminated land, industrial land, or agricultural land preferably of classification 3b, 4 and 5, avoiding the best and most versatile cropland where possible. The land selected "should aim to avoid affecting the visual aspect of landscapes, maintain the natural beauty and should be predominantly flat, well screened by hedges, tree lines, etc. and not cause undue impact to nearby domestic properties or roads."

This site is not predominantly flat. Figure 14 shows the variation across the holding. The compound is proposed on the sloping part of it. The applicant's answer to that slope is to remove it. Cut and fill of that order is not a sign that the site is suitable. It is the engineering required because the site is not the flat, previously developed site which the guidance contemplates. The same guidance says that, while there is no prohibition on higher-grade agricultural land, permission

is unlikely where there is a significant impact on it. Figure 16 sets out the steps. Applied to land which the applicant describes as dairy pasture, those steps point away from this site. They point further away once the use is permanent.

The lands are in productive use. They should be kept in that use. The examples at Foulkesmill in County Wexford and at Garraleen in County Carlow, shown in Figure 17, are what the solar farm enabled by this station looks like once built. Our client relies on them for the solar farm. For the substation itself, the outcome is plainer. There is no reseeding under a 220 kV compound, and there is no return to dairy farming after handover.

There are locations in County Cork where a connection of this kind would not extinguish productive farmland: brownfield land, former industrial land, and land already in utility use. The applicant has not assessed them. The line happens to cross this farm, and the application proceeds from that fact alone.

7.3.1 Premature, both as a connection and as policy

The application is premature. The substation is proposed solely as the connection for a solar farm and battery installation which are not before the Commission and which do not have permission. Register references 25/6876 and 26/2133 were declared incomplete. Unless and until a generating station is permitted on these lands, the substation has no demonstrated function. Granting the substation first would reverse the proper order and leave permanent transmission plant on agricultural land if the generating station is refused. The applicant's own decommissioning text accepts that the substation would not be removed.

The second reason is the state of policy. There are still no statutory guidelines for the siting of utility-scale solar development in Ireland. The Minister for Housing, Local Government and Heritage confirmed to Dáil Éireann on 2 December 2025 that no such guidelines are in place, and that a National Planning Statement on Solar Energy is at an early scoping stage. Figure 18 records that position. Cork County Council has not adopted a renewable-energy strategy, and it has not published a map of lands suitable in principle for solar generation or for the transmission compounds which serve it. In the absence of that map, every holding along this 220 kV line is on notice that it may be next. That is not a plan-led system.

Section 7.16.1 of the Development Management Guidelines states that prematurity arises where there are proposals to remedy the deficiency, and that the formula should not be used if there are no such proposals within a reasonable period. There is such a proposal. The National Planning Statement has been announced. It has not been adopted. A decision to permit a permanent 220 kV compound, whose only purpose is a solar farm of several hundred hectares, should not be taken in the interval.

BPS notes *Element Power Ireland Limited v An Bord Pleanála* (2017). The High Court held that the Board (now the Commission) could not refuse a wind-energy application for prematurity alone, where it was obliged to evaluate the application against the Wind Energy Development Guidelines 2006 and the relevant development plans. This application is not in that position. There are no section 28 solar guidelines against which the generating station can be evaluated. The transmission objectives which do exist, ET 13-21 and ET 13-22, are conditional, and they are addressed in Section 7.2.3. Prematurity is not put forward as the only ground. It is put forward with the grounds on which the existing Plan already points to refusal. *Hoburn Homes Ltd v An Bord Pleanála* and *O'Connor v Clare County Council* are acknowledged. They do not require the Commission to permit a permanent change of use on the strength of a policy framework which the State has said is still to be written.

The same point arises on the network. The applicant has not demonstrated that breaking the Knockraha–Cullenagh circuit at this private location is the appropriate use of that circuit, or that it has been assessed against other connections which may seek to use it. There is no published sequence for allocating capacity on the line. A decision of that kind belongs in a plan, or at least in an application which is accompanied by a permitted generating station. It should not be taken as a standalone section 182A application assembled around a land option.

7.3.2 The land is not flat, and the solar farm this station would enable is on the slopes the guidance discourages

This point is relevant because the documents lodged with the Commission assess the solar farm and substation as one development. The absence of national guidance on solar utility development does not remove the requirement to assess the permanent substation on its own merits.

Under the heading of landscape and visual impact, the BRE guidance states:

> *The landscape / visual impact of a solar PV farm is likely to be one of the most significant impacts of such development. Developers may be attracted to southerly sloping sites, where solar gain is greatest. However such sites may be of high agricultural value and are likely to be more visible within the wider landscape.*

That warning attaches to the solar farm. It also attaches to this application, because the substation is the means of building that solar farm. The applicant has chosen dairy pasture on a sloping holding. The Land and Soils report describes the holding as ranging from 23 m to 166 m OD, with slopes from 0.5 degrees to 20 degrees. It then describes the same land as "relatively flat." Both statements cannot be the basis of a site-selection case. An average slope of 4 degrees does not make a site flat, and it does not describe the compound. The compound is proposed where the

ground falls by about 16 m, from 113 m to 97 m. The response to that fall is 25,013 sq.m of cut and fill. The papers do not even agree on what that volume covers. The Planning and Environmental Report attributes 25,013 sq.m to the substation and a further 2,396 sq.m to the battery compound. The Land and Soils report attributes 25,013 sq.m to the substation and the battery compound together. Whichever figure is right, the works are required only because this is not the flat site which the guidance treats as suitable.

A station formed by excavation to 3.6 m, on imported stone, on dairy pasture, is not a minor grid connection. It is a permanent regrading of agricultural land. The guidance which the State has yet to adopt would, on the material already published, direct this kind of development away from land of this quality and away from slopes which are visible to the surrounding holdings. The application asks the Commission to permit the permanent element of the scheme before that guidance exists.

7.3.3 Contrary to the EU Solar Energy Strategy

The EU Solar Energy Strategy (COM (2022) 221 final) states, at page 7:

Member States should undertake a mapping exercise to identify appropriate locations for renewable energy installations needed to collectively achieve the revised EU 2030 renewable energy target. They should also designate the renewable go-to areas in which permitting will be simpler and faster than elsewhere while limiting the impact on other uses of land and preserving environmental protection.

No such map has been adopted for County Cork. The site was not selected by a public authority in order to limit the impact on other uses of land. It was selected by the applicant. The Strategy is concerned with exactly the conflict which this application creates. The conflict is not theoretical. It is set out in the applicant's own Land and Soils report.

The baseline use is agriculture. Most of the land is pasture in dairy use, with cultivation on the eastern side. The report accepts that land take is unavoidable. It gives the operational land take, including tracks, as about 219 hectares, of which about 210 hectares would be under panels, about 69 per cent of the red line. It then records that the substation, the loop-in and the tracks would remain after the panels are gone. The design life of the generating station is given as about 40 years, after which the applicant says the land would be returned to agriculture or made the subject of a further application. That sentence does not apply to the substation. The substation is the permanent land-use change.

The Strategy's preference for multiple use of space is not met by a sentence in the solar papers about reseeding under panels. It is not met at all by a 220 kV compound. There is no agricultural use of a palisaded air-insulated station, a diesel installation, or a 36 m telecoms mast. The applicant's report says so, by classifying the effect as permanent.

The same report describes the construction which the do-nothing case would avoid: soil stripping, recontouring, tracks, trenches and excavation to 3.6 m at the substation. The stated programme is about 21 months for the overall development and about 16 months for the substation. Sites which require that degree of engineering are the sites a mapping exercise is intended to screen out, not the sites a developer should be free to promote because a 220 kV line crosses a farm.
The Strategy gives the mapping task to the Member State, not to the promoter. Permitting this station now would invert that order. It would fix a permanent industrial use on productive farmland, and it would do so in order to serve a solar farm which has itself been sited without the go-to-area exercise the Strategy requires. Figure 19 is the relevant extract.

7.3.4 Granting the substation would prejudge the solar farm and set a precedent on this line.

If this application is granted, two consequences follow, and our client objects to both:

1. The first is the solar farm. Cork County Council would be asked to determine that application in circumstances where the 220 kV connection had already been permitted, the land for it had already been taken, and the applicant could describe the solar farm as the completion of a project which the Commission had accepted. The split in the consenting route is the applicant's choice. It should not be allowed to operate as a sequence in which the permanent and irreversible element is decided first, and the generating station is decided afterwards. Refusing the substation is the means of keeping both decisions open. Granting it is the means of closing them.

2. The second is the precedent on the line itself. The application breaks an existing transmission circuit at a point chosen by a private developer, on unzoned agricultural land, and it shows land reserved for a future EirGrid extension. The temporary construction compound is placed on that reserved land. If this is permitted, Ballyneague becomes a transmission node which the Development Plan never designated, and every other holding along the Knockraha–Cullenagh circuit becomes a candidate for the next connection. The Plan's support for the electricity network, in ET 13-21, is support for sustainable and properly planned development. It is not an invitation to create new stations wherever a developer has assembled land under an existing line.

Our client asks the Commission to refuse permission. Refusal protects the agricultural use of this land. It also leaves the solar farm to be determined on its own merits, against a Development Plan which does not identify either the substation or the generating station for this place.

7.4 Ground 4: Scale, existing pattern of development & overdevelopment concerns

7.4.1 The substation is an industrial use at a scale this townland has not absorbed

The application is for a permanent 220 kV air-insulated substation, two new lattice towers and a loop-in to the Knockraha–Cullenagh line, on agricultural land at Ballyneague. The Outline Construction Methodology gives the compound as about 21,493 sq.m, of which the EirGrid compound is about 14,293 sq.m and the customer compound about 7,031 sq.m, inside a 2.6 m palisade. Within it are a control building, an IPP building, two 220 kV transformers, gantries, lightning masts of about 18 m and a telecoms mast of 36 m. The platform is formed by cut and fill on ground falling from about 113 m to about 97 m OD. The applicant's own Land and Soils report describes the effect on this land, and on the access tracks which serve it, as moderate, adverse and permanent.

That is not an agricultural use, and it is not a use which can be judged by the size of the buildings alone. A transmission compound of this kind, with lattice towers and a 36 m mast, changes the character of a small rural townland. The solar farm which the substation is intended to serve would make the change greater again. The Planning and Environmental Report describes that solar farm as about 323 hectares, with about 210 hectares of panels, across a series of separate holdings. This application is the means of building it. If the substation is permitted, the area will be defined by the compound first and by the solar farm afterwards. The applicant's description of solar energy as something which can be placed near houses, without consequence for the character of the place, does not describe either development.

The panel viewpoints prepared for the solar farm, including VP4, VP6, VP7 and VP18, are not an assessment of this application. The drawings which show what is actually applied for are the substation elevations, the Type 269E mast and the 18 m lightning mast. Those are the figures which should be before the Commission. The Rosspile and Garraleen photographs, and the account given by Mr John McCue to the Irish Times, remain relevant for a different reason. They are the lived result of the type of solar farm which this station exists to connect. Mr McCue described two years of pile-driving as unbearable, and said that in the two years he had tried to sell his house he had two viewings. Our client relies on that account for the solar farm. For the substation, the impact is not reversible at the end of a 40-year life. The applicant proposes to hand the substation to EirGrid and not to decommission it.

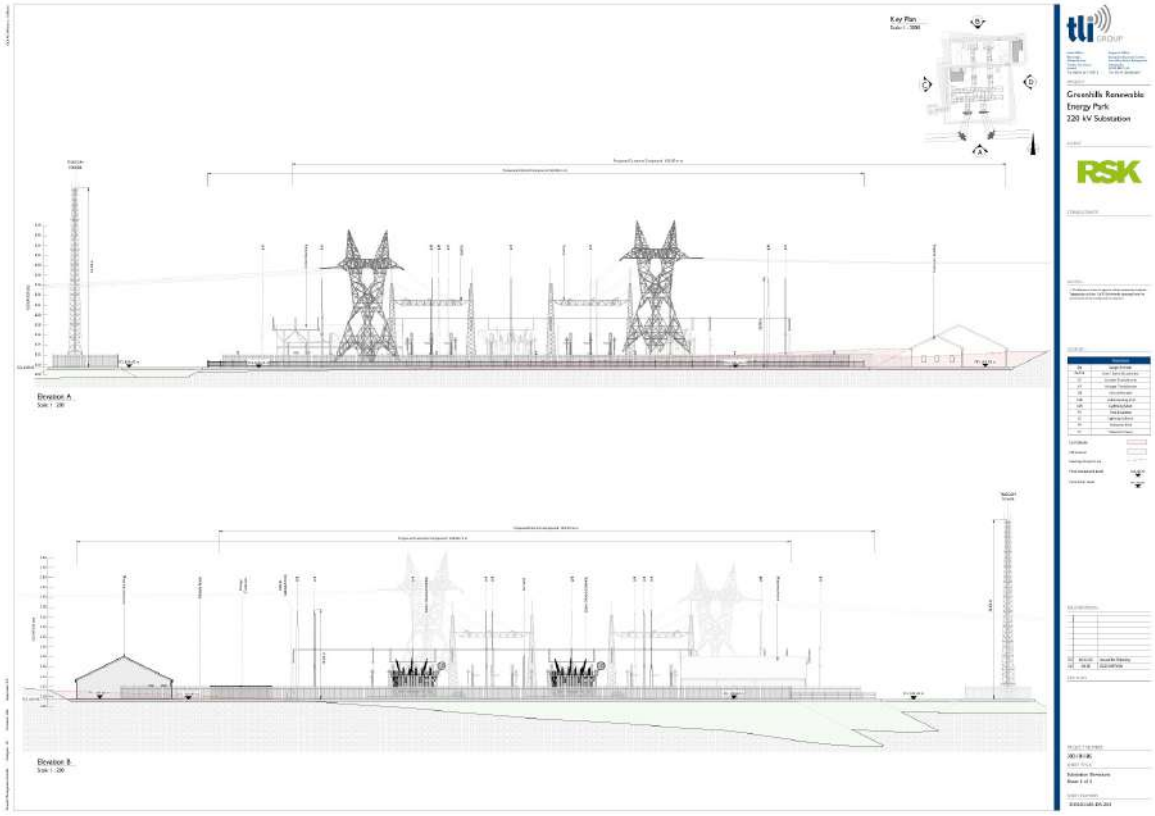


Fig. 16: The scale of what is being applied for – 1

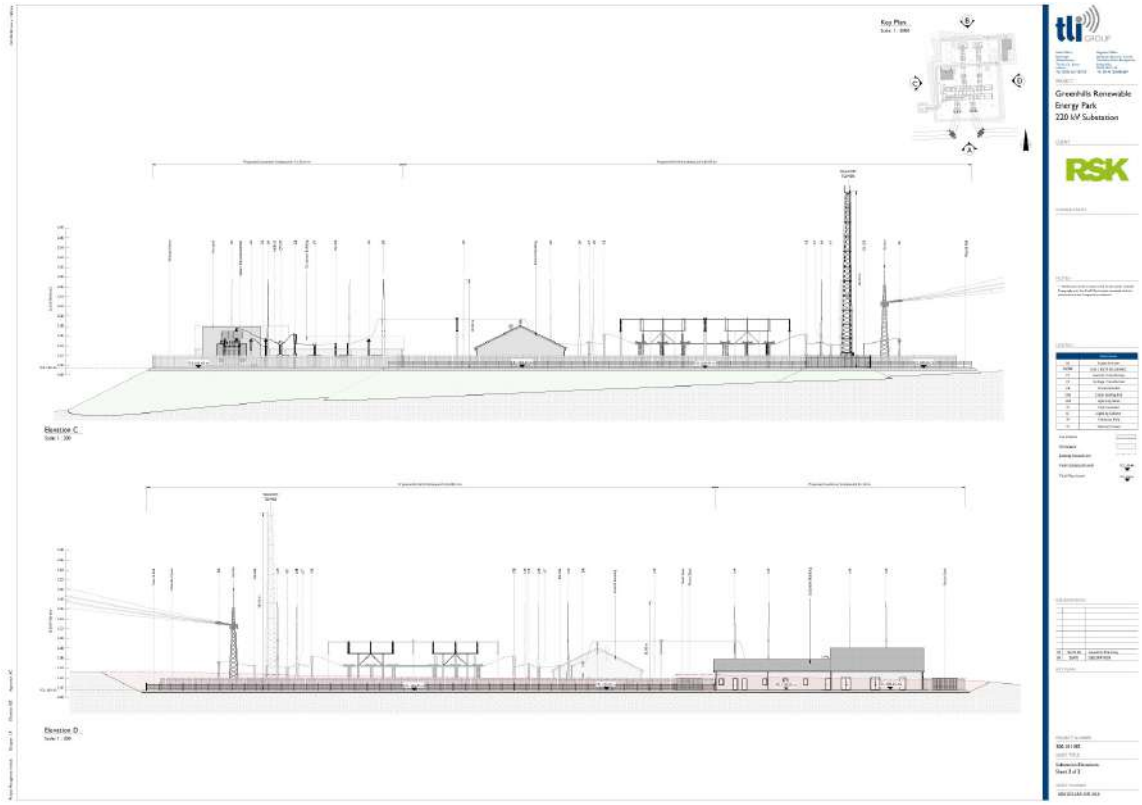


Fig. 17: The scale of what is being applied for – 2

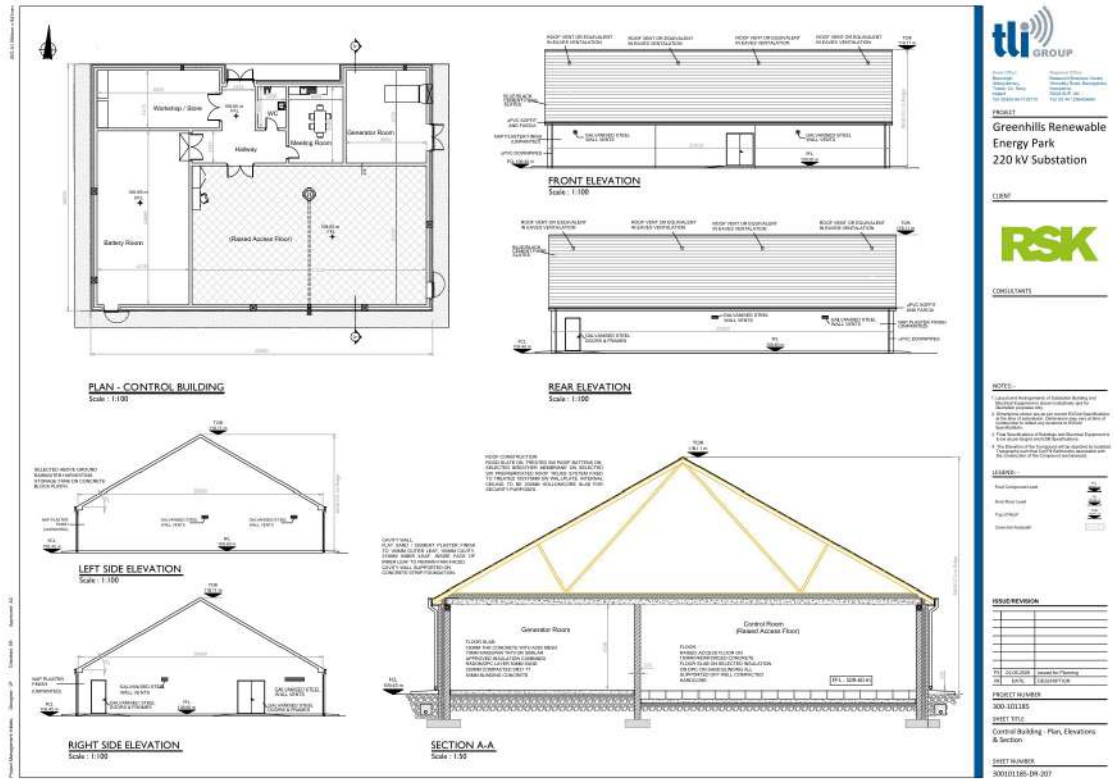


Fig. 18: The scale of what is being applied for – 3



Fig. 19A: The scale of what is being applied for – 4

7.4.2 The permitted pattern of development is houses, farms and small works

What has been permitted in this locality is not comparable. The permissions are for dwellings, extensions, domestic garages, treatment systems and farm structures. They are the ordinary rural permissions of an unzoned agricultural area. None of them is a transmission station. None of them breaks a 220 kV circuit. The examples include Register References 244643, 164786, 215469, 20348, 215844, 206261, 165421, 205506, 205050, 254712, 245410, 165098, 186943, 175589, 135016 and 184502. Figure 28, the Council's planning map, shows the same pattern.

A grant of permission for this station would be a break in that pattern, not an extension of it. It would also be used, in the solar application, as a reason to go further. The Council would be told that the grid connection had already been decided.

7.4.3 Adjoining homes and farms

The members of our client's group live and farm beside the route which the substation would use, and beside the lands on which the compound would stand. They are not reassured by an assessment which describes construction noise, dust and traffic as slight and temporary, and which then proposes that the substation remain in place permanently. The particular concern is that the combination of a permanent compound and a solar farm of several hundred hectares would define the area, and would make houses and holdings difficult to sell, as Mr McCue has described. A reserved area for a future EirGrid extension, already shown on the drawings, adds to that concern. Purchasers are not indifferent to a townland which has been identified, in practice if not in the Development Plan, as a place for further electrical infrastructure.

7.5 Ground 5: The road and traffic proposals are unacceptable

7.5.1 The traffic assessment is not an assessment of this application

The Traffic and Transport Impact Assessment assesses the solar farm, battery compound, substation and loop-in as one development with eleven entrances. Only Entrances 1, 8 and 9 are proposed for the substation and the abnormal loads (two transformers of approximately 150 tonnes each). The other eight entrances and the cable-laying works belong to the solar farm and are not part of this application. The report also misnames the roads (referring to the "R364" instead of the R634, and to the L3083 and L7809).

The internal track between Entrance 1 and the L7829 crossing is the track network of the solar farm. Register references 25/6876 and 26/2133 were declared incomplete. Unless those tracks and Entrances 8 and 9 are within the red line of this application, the transformers have no lawful route to the compound.

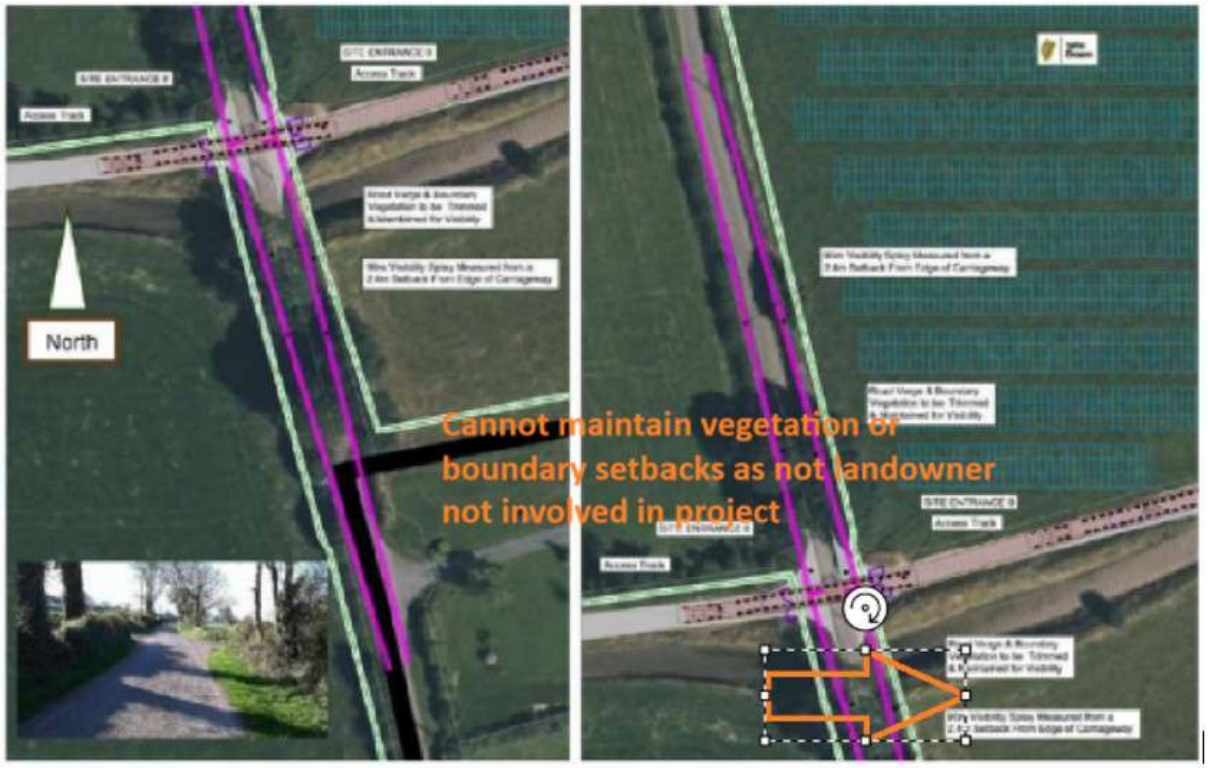


Fig. 19B: Site Entrance Nos. 8 and 9 – The L7829 crossing

7.5.2 The roads which the substation would use

Entrance 1 is on the R634. Entrances 8 and 9 are on the L7829. The haul route in Figure 1.13 of the traffic report shows deliveries to Entrances 8, 9 and 10 using the L7829 from the R634.

The L7829 is a narrow rural road. The carriageway narrows to about 3.5 m over significant lengths. It has no footpath, no public lighting and no continuous hard shoulder. It is bounded by hedges, ditches and house and farm entrances. It is used by residents, farm traffic, walkers, cyclists and horses. Park National School is on this road. It has no off-street car park. Parents and staff park on the road. The applicant's own count recorded about 32 vehicles in the peak hour on the L7829, of which about 3 per cent were heavy goods vehicles. The count was taken on 9 April 2025. The report does not say that it covered the school peaks.

Figure 29, the annotated street views, should be retained. They are the road across which the transformers are to be taken, and along which the report routes substation deliveries to Entrances 8 and 9. The L3808, the L7828 and the L38032 are part of the solar-farm haul. They are not the substation's route. They should not be presented as if they were.

7.5.3 Abnormal loads and the scale of construction traffic

Two abnormal loads of about 150 tonnes are not ordinary construction traffic on the R634 or on the L7829. The traffic report accepts that Entrance 1 cannot take the swept path without a temporary overrun, and that the vehicles must then cross the L7829. It does not assess the crossing itself. There is no stage 1 or stage 2 road-safety audit of that manoeuvre, no assessment of the structures along the L7829, and no drawing in the traffic report which shows how a load of this weight passes a carriageway of about 3.5 m, a school, an old forge which stands about 3 m from the edge of the L7829, or the houses which front the road. The mitigation offered is advance signage and a traffic-management plan to be agreed later with the Council.

The ordinary construction traffic is also understated if it is described only as a share of the solar-farm peak. The Outline Construction Methodology gives the compound as a 16-month build, the overhead-line structures as four months, and the connection and commissioning as six weeks, with a total of 18 months and with activities running together. The traffic report gives 21 months for the whole renewable-energy park, with a peak of 25 HGV arrivals and 60 light-goods arrivals a day between months 2 and 14, and about three HGV trips a day outside that peak. Those figures are for the solar farm and the substation combined. They are not a separate forecast for the substation. The substation's own imports are, on the applicant's figures, substantial in their own right. About 9,320 sq.m of stone is to be brought in to cap the compound to 400 mm. Eight tower-leg foundations, each about 4.4 m by 4.4 m by 3.6 m deep, and four gantry foundations, each about 5 m by 4 m by 2.35 m deep, are to be poured in concrete. A crane hardstand of about 35 m by 45 m is proposed beside each new tower, and a combined laydown and crane pad of 40 m by 82 m is proposed for the tower work. Two 150-tonne transformers are then to be delivered. The capping stone alone is several hundred HGV

loads before the concrete, the steel and the transformers are counted. The traffic report contains no table which isolates those loads.

There is a further conflict on hours. The traffic report says movements will be limited to 08:00 to 18:00 on weekdays and 08:00 to 16:00 on Saturdays, and that HGV deliveries will be scheduled to avoid the morning and evening peaks. The Outline Construction Methodology says working hours of 08:00 to 20:00 on weekdays and 08:00 to 18:00 on Saturdays. The school runs on these roads fall inside both windows. The primary-school bus is between about 08:40 and 08:55 in the morning and between about 15:10 and 15:25 in the afternoon. The secondary-school buses are between about 07:30 and 08:00 and between about 16:00 and 16:30. The methodology which the contractor is invited to follow does not keep construction out of those periods. A sentence in the traffic report, offering to schedule deliveries away from the peaks, is not a control on a working day which the construction methodology extends to 8 pm.

7.5.4 The L7829 cannot be made suitable by a later traffic-management plan

The traffic report's conclusion that two-way HGV movement on the local roads depends on temporary passing bays, formed in the verges with granular material over geotextile, is a conclusion about the solar-farm haul. It remains relevant to this application because substation traffic is proposed to use the L7829. A passing bay does not widen a 3.5 m road, does not move a house or a forge which stands at the edge of it, and does not create a footpath. Several of the bays shown in the traffic report are on land which the applicant does not control. A mitigation which is not within the red line, and which is not the subject of a consent from the owner of the verge, is not available. The report treats it as available.

The same difficulty arises at the entrances. Entrance 1 depends on a temporary overrun on the R634. Entrances 8 and 9 are the crossing of the L7829. The report does not demonstrate that the visibility splay at either entrance is within land the applicant controls. For the solar farm's Entrance 3, on the L3803, it is already accepted locally that the opposite verge is not in the applicant's control. The same question has to be answered for Entrances 8 and 9 before the Commission can treat the crossing as safe. It has not been answered.

7.5.5 "Slight" describes a junction model, not the road

The only junction which the report models in any detail is the R634 / L7829. The count of 9 April 2025 shows the L7829 approach operating at Level of Service B, with a delay of 11.5 seconds and a network residual capacity of 101 per cent. The report then tests 2037, on the assumption of a ten-year permission granted in 2027. Without construction traffic the residual capacity is 69 per cent. With the peak construction traffic it falls to 28 per cent. The delay on the L7829 approach rises to 20.5 seconds, the level of service falls from B to C, and the 95th-percentile queue rises from 1.4 to 4.2 passenger-car units. The report describes this as a slight, short-term negative effect.

That description is a judgement about whether the junction still functions. It is not an assessment of a 150-tonne load crossing a 3.5 m road, of parents stopped on that road at school times, or of eighteen months of HGV traffic on a road which now carries almost no heavy vehicles. The test year of 2037 is the solar farm's ten-year permission, applied to a station which the applicant says will be permanent. The model does not include the L7829 crossing. It does not include Park National School. It does not include the forge. A conclusion of "slight" reached on those terms should be given little weight.

The same report records that construction of the western section of Lyrenacarriga wind farm could place a further 15 HGV vehicles an hour through the R634 / L7829 junction, on top of 5 HGV vehicles an hour from this project, and that on six days of concrete pours the junction would require traffic management, including a one-way system or the diversion of this project's traffic in at Entrance 1. That is an acknowledgement that the junction does not have comfortable capacity for the energy projects already being promoted onto it. It is not a mitigation.

7.5.6 What the Commission should not treat as part of this application

Three features of the traffic report belong to the solar farm. They are recorded here so that they are not lost, and so that they are not treated as having been assessed and accepted on this application.

The first is the eleven entrances. Entrances 2, 3, 4, 5, 6, 7, 10 and 11 are not required for the substation. The report's proposal to serve Entrances 4, 5, 6, 7 and 11 with short-wheelbase vehicles is an admission that those roads cannot take the HGVs. That is a solar-farm objection. It is not a reason to permit the substation.

The second is the cable-laying in the public road. The 33 kV circuits from the southern parcels are proposed in the L3808 and the L7829, with trench excavation, shuttle working and diversions. The loop-in in this application is an overhead connection of about 92 m within the site, not a cable in the public road. The disruption shown on Figures 1.24 and 1.26 of the traffic report is real, and it will fall on roads which have already been closed for long periods after Storm Babet, including the L3808. It is a reason to refuse the solar farm. It is not part of the development described in the section 182A drawings, and the traffic report should not be read as if it were.

The third is the deer fencing. About 30.6 km of stock-proof fence is proposed around the solar arrays. A Section 42 licence is already in place on local lands, deer crossing signs are up, and the risk was raised at the East Cork Municipal

District in January 2025. That fencing is not in this application. The substation's own fence is the palisade around the compound. The point which remains is that the roads the substation would use are already roads on which deer and motorists come into conflict, and the traffic report does not address that.

7.5.7 Decommissioning does not undo the traffic impact of the substation

The traffic report says that decommissioning of the solar farm would generate HGV volumes similar to construction, and then it lists what would not be removed. The substation and the loop-in would form part of the national grid. The access tracks would be left in place. The site entrances would be left in place. The deer fence would be left in place. Security fencing at the battery compound would be removed. The electrical installations would be removed "other than the substation and loop-in grid connection".

The substation is therefore the element whose construction traffic is not matched by any later removal. The community would bear the abnormal loads and the stone and concrete deliveries in order to create a use which the applicant does not propose to reverse. The second wave of HGV traffic, at the end of the solar farm's life, would be traffic generated by the project which this station is intended to enable. It is not a restoration of the substation site, and it is not a reason to treat the construction impact as temporary.

7.5.8 Local conditions on the L7829 which the assessment does not record

The following are within the knowledge of the client group and are on, or directly beside, the route which the traffic report assigns to the substation. None of them is assessed.

Park National School, on the L7829, has no car park. Construction traffic on this road is traffic past children being dropped off and collected from the carriageway.

An old forge stands at the narrowest part of the L7829, about 3 m from the carriageway. It is not identified as a structure at risk from an abnormal load or from passing HGVs.

A vernacular house in Barnaviddane, identified in the archaeological report, stands close to the road on a bend and has been struck before. The traffic report does not identify it. Site Entrance 3, which faces it, is a solar-farm entrance. The house is recorded here because the same pattern of buildings hard against the carriageway occurs on the L7829, which the substation would use, and because the report has not looked for it.

Residents have already complained about speed at Ryan's Crossroads in the early morning and evening, when parents are on the school run. The construction hours in the Outline Construction Methodology cover those periods.

The three-arch bridge beside Inch Church, over the River Tourig, blocked during Storm Babet and has only recently been cleared by the Council. It should not be assumed to be available as a diversion for traffic displaced by works on the L7829. The report does not consider it.

These are reasons why a traffic-management plan, to be written after permission, is not an answer. The unsuitability of the road is known now. The applicant's own report identifies the L7829 as the road which substation traffic would use, and then it does not assess the school, the structures, the width or the abnormal-load crossing. The application should be refused.



Figure 1.14: Abnormal Load Haul Route from the R634

Fig. 20: Proposed Abnormal Load Haul Route from the R634 -The route that matters: R634, Entrance 1, internal tracks, cross the L7829 at Entrances 8 and 9

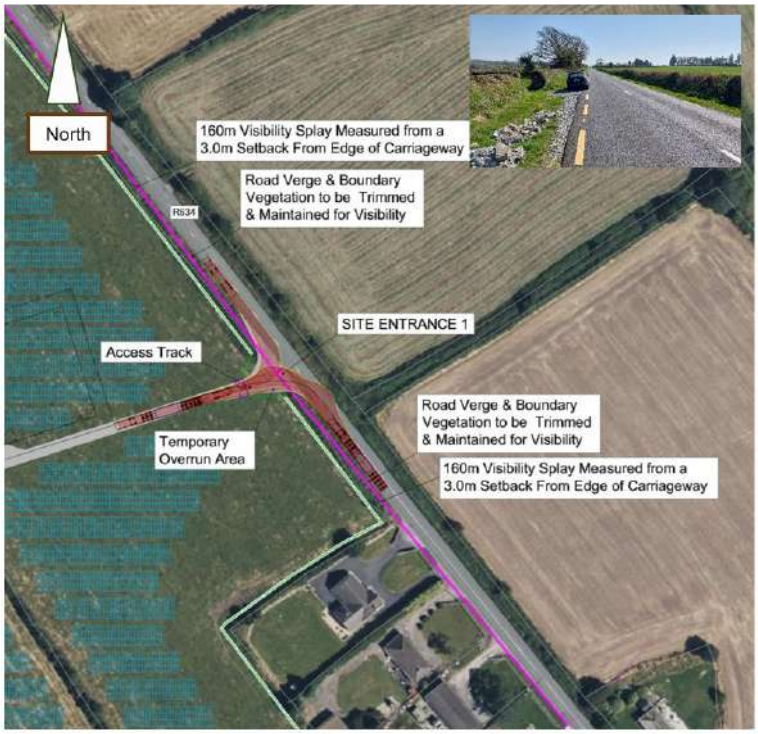


Figure 1.4: Site Entrance No.1

Fig. 21: Site Entrance No. 1 - Shows the R634 cannot take the transformer without works



Figure 1.15: Site Entrance 1 – Construction Signage

Fig. 22: Site Entrance No. 1 – Construction Signage - shows the R634 cannot take the transformer without works



Figure 1.10: Site Entrances No.8 and 9

Fig. 23: Site Entrance Nos. 8 and 9 - The L7829 crossing

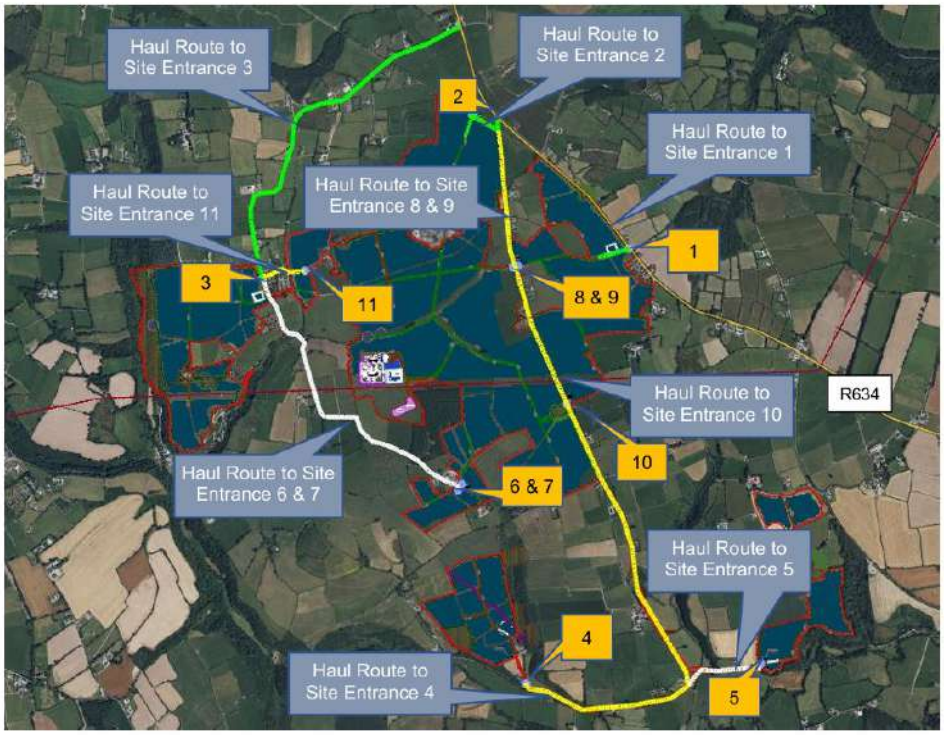


Figure 1.13: Construction Haul Routes

Fig. 24: Construction haul routes – this is needed so the Commission can see which of the eleven entrances are actually the substation's (project splitting, etc.)

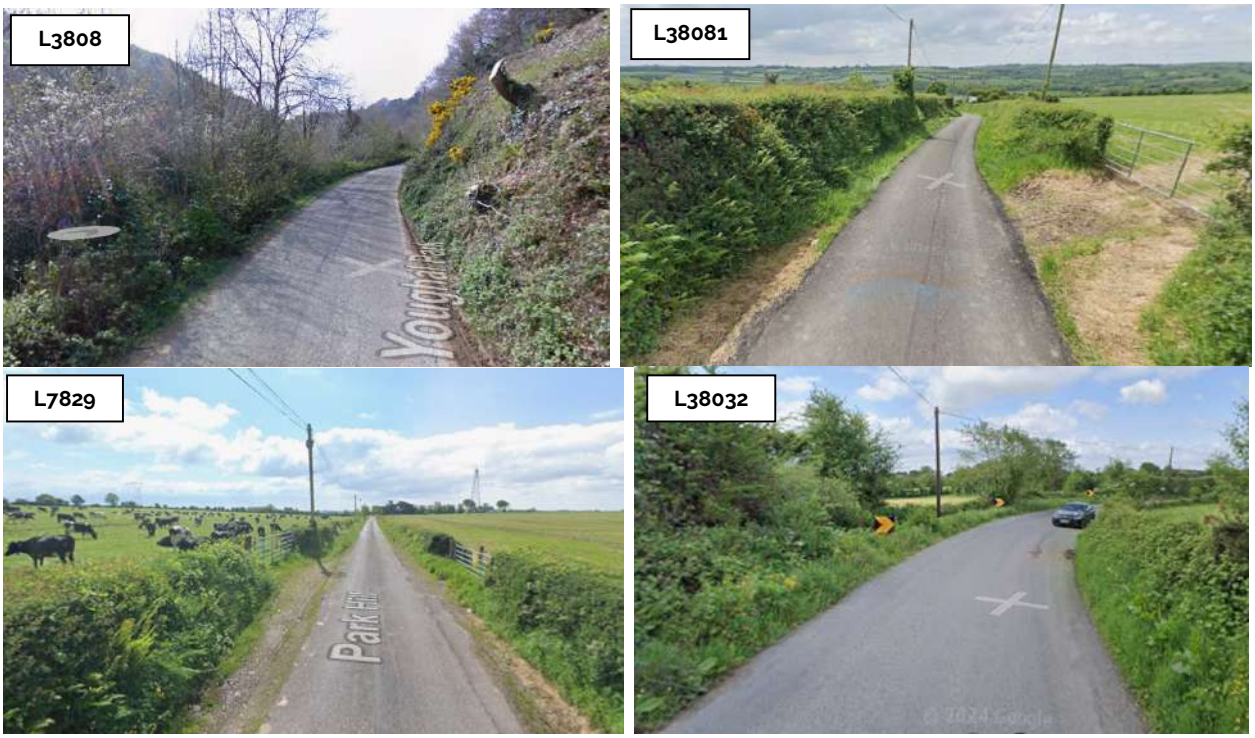
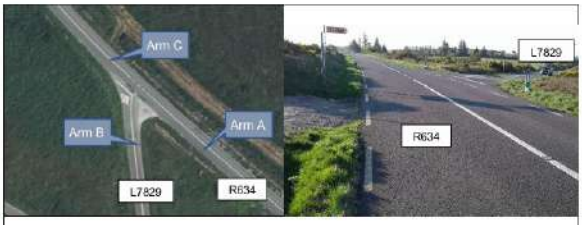




Fig. 25: Local Road Widths and Constraints (Source: annotated Google Street View images taken 2024)



Fig. 26: Typical Passing Locations and Verge Constraints (Source: RSK Traffic and Transport Report for both the current and the solar applications)



Traffic Movements 8.00am to 9.00am - 09/04/2025

	To Arm A	To Arm B	To Arm C
From Arm A		6 Vehicles (0% HGV)	69Vehicles (8% HGV)
From Arm B	10 Vehicles (0% HGV)		11 Vehicles (0% HGV)
From Arm C	91 Vehicles (4% HGV)	5 Vehicles (20% HGV)	

Forecast Traffic Movements 2037 **WITHOUT** Construction Traffic Using TII growth factors from PE-PAG-02039
TII Growth Factors 2025 to 2037 using the Central Growth Scenario
LGV = 1.15
HGV = 1.26

	To Arm A	To Arm B	To Arm C
From Arm A		7 Vehicles (0% HGV)	68Vehicles (9% HGV)
From Arm B	12 Vehicles (0% HGV)		13 Vehicles (0% HGV)
From Arm C	105 Vehicles (5% HGV)	6 Vehicles (20% HGV)	

Forecast Traffic Movements 2037 **WITH** Construction Traffic Using TII growth factors from PE-PAG-02039
TII Growth Factors 2025 to 2037 using the Central Growth Scenario
LGV = 1.15
HGV = 1.26

	To Arm A	To Arm B	To Arm C
From Arm A		13 Vehicles (23% HGV)	68Vehicles (9% HGV)
From Arm B	15 Vehicles (20% HGV)		16 Vehicles (19% HGV)
From Arm C	105 Vehicles (5% HGV)	12 Vehicles (33% HGV)	

		AM							
	Set ID	Queue (PCU)	95% Queue (PCU)	Delay (s)	RFC	LOS	Junction Delay (s)	Junction LOS	Network Residual Capacity
2025 - Existing Traffic Flows									
Stream B-AC	D1	0.3	1.4	11.50	0.23	B	1.55	A	101 % [Stream B-AC]
Stream C-AB		0.1	0.6	5.30	0.06	A			
2037 - Projected Traffic Flows WITHOUT Construction Traffic									
Stream B-AC	D2	0.4	1.7	13.21	0.29	B	1.81	A	69 % [Stream B-AC]
Stream C-AB		0.2	1.0	5.18	0.08	A			
2037 - Projected Traffic Flows WITH Construction Traffic									
Stream B-AC	D3	0.9	4.2	20.51	0.44	C	3.72	A	28 % [Stream B-AC]
Stream C-AB		0.5	1.4	5.85	0.17	A			

Figure 1.30: Traffic Analysis R634 / L7829 Junction

Fig. 27: Applicant's Fig. 1.30 - Residual capacity 101% to 28%, delay 11.5 s to 20.5 s

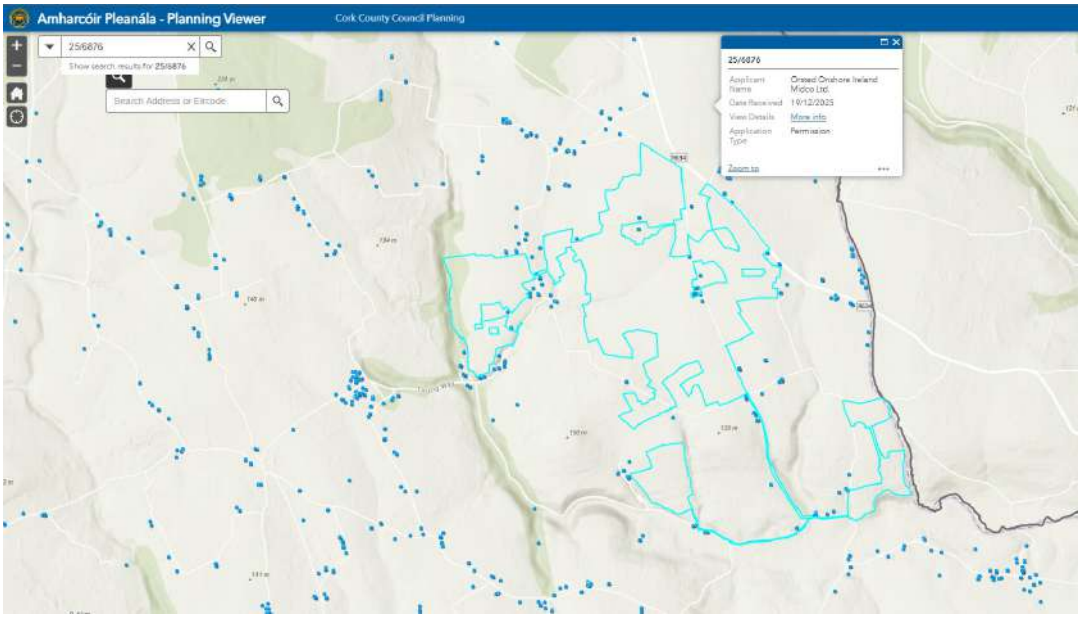


Fig. 28: The proposed solar utility development sited within a rural area characterised by small planning applications (no map on the Commission's website – this is for the solar development)

7.5.9 Cumulative and precedent concerns

The traffic report tests the R634 / L7829 junction in 2037 with this project's construction traffic added to the western section of the Lyrenacarriga wind farm. It uses 15 heavy-goods vehicles an hour from that wind farm and 5 an hour from Greenhills. It accepts that, on six days of concrete pours for the turbine foundations west of the R634, traffic joining the regional road from the L7829 would be delayed at the peak, and it offers two responses: send this project's traffic in at Entrance 1 and along the internal tracks, so as to avoid the junction, or run a one-way system using the L7806, the L7829 and the L3803. That is an acknowledgement that the junction is already being asked to take more than one energy project. It is not an assessment of the combined effect on the L7829 itself, on Park National School, or on the abnormal-load crossing.

Permitting the substation would do three things. It would establish that a 150-tonne transformer may be brought across the L7829 at Entrances 8 and 9. It would leave the access tracks in place. The Outline Construction Methodology says

they will remain for future access to the substation and the solar farm. And it would break the Knockraha–Cullenagh circuit at a private location, with land already shown for a future EirGrid extension. The next connection proposed along this line, and the solar application which this station is intended to serve, would both rely on that precedent. The burden falls on a rural road network which the report itself treats as unable to take two-way heavy traffic without temporary works.

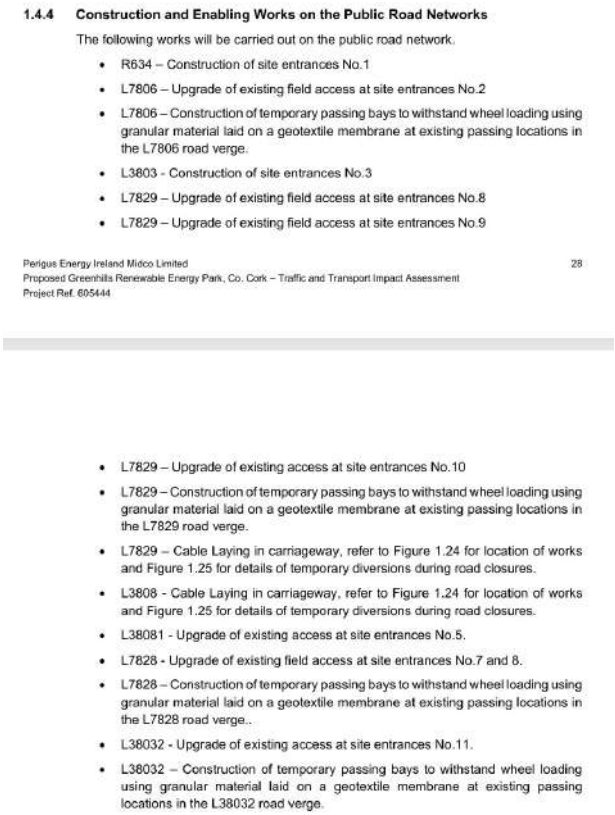
7.5.10 The passing bays and the eleven entrances are the solar farm's mitigation, not this application's

The traffic report is written for eleven entrances and for haul routes on the R634, the L7829, the L7806, the L3803, the L3808, the L7828 and the L38032. It accepts that, apart from the R634 and limited sections of the L3808, those local roads cannot take two-way heavy-goods movements as they stand. The mitigation is temporary passing bays in the verges, granular fill over geotextile, traffic management, and short-wheelbase vehicles to Entrances 4, 5, 6, 7 and 11. Plates 8 to 12 show the difficulty. A number of the bays are on third-party land. Plate 12, on the L38032, is on land outside the applicant's control. The letters of consent lodged for the solar farm do not, on their face, authorise occupation of those verges.2

Those works should not be described as part of this application. The substation's deliveries are confined by the same report to Entrances 1, 8 and 9. Entrance 1 is on the R634 and requires a temporary overrun for the transformer. Entrances 8 and 9 are the crossing of the L7829. The other eight entrances, and the passing bays which exist to make them usable, are the solar farm. They matter here for two reasons only. First, the report uses them to reach a conclusion of "slight", and then offers that conclusion for a project which includes the substation. Second, the transformer route uses the internal tracks and the L7829. A passing-bay strategy which is not within this red line, and which is not consented by the owners of the verges, cannot be assumed to be available for that crossing.

The school runs remain relevant because the L7829 is the substation's road. The primary-school bus is between about 08:40 and 08:55 and between about 15:10 and 15:25. The secondary-school buses are between about 07:30 and 08:00 and between about 16:00 and 16:30. The Outline Construction Methodology allows work from 08:00 to 20:00 on weekdays and to 18:00 on Saturdays. The traffic report says heavy deliveries will avoid the peaks. The construction methodology does not. Farmers moving stock and machinery on the L7829 are in the same conflict. A traffic-management plan to be agreed after permission does not change the width of the road.

Figure 31 should be the haul-route drawing, which is Figure 1.13 of the traffic report, annotated to show Entrances 1, 8 and 9. Figure 1.2, which shows all eleven entrances, should be used only to show how much of the assessed network is not in this application.



1.4.4 Construction and Enabling Works on the Public Road Networks

The following works will be carried out on the public road network.

- R634 – Construction of site entrances No.1
- L7806 – Upgrade of existing field access at site entrances No.2
- L7806 – Construction of temporary passing bays to withstand wheel loading using granular material laid on a geotextile membrane at existing passing locations in the L7806 road verge.
- L3803 - Construction of site entrances No.3
- L7829 – Upgrade of existing field access at site entrances No.8
- L7829 – Upgrade of existing field access at site entrances No.9

Perigus Energy Ireland Midco Limited 28
Proposed Greenhills Renewable Energy Park, Co. Cork – Traffic and Transport Impact Assessment
Project Ref. 605444

- L7829 – Upgrade of existing access at site entrances No.10
- L7829 – Construction of temporary passing bays to withstand wheel loading using granular material laid on a geotextile membrane at existing passing locations in the L7829 road verge.
- L7829 – Cable Laying in carriageway, refer to Figure 1.24 for location of works and Figure 1.25 for details of temporary diversions during road closures.
- L3808 - Cable Laying in carriageway, refer to Figure 1.24 for location of works and Figure 1.25 for details of temporary diversions during road closures.
- L38081 - Upgrade of existing access at site entrances No.5.
- L7828 - Upgrade of existing field access at site entrances No.7 and 8.
- L7828 – Construction of temporary passing bays to withstand wheel loading using granular material laid on a geotextile membrane at existing passing locations in the L7828 road verge..
- L38032 - Upgrade of existing access at site entrances No.11.
- L38032 – Construction of temporary passing bays to withstand wheel loading using granular material laid on a geotextile membrane at existing passing locations in the L38032 road verge.

Fig. 29: Works needed to try to achieve passing bays

7.5.11 Cable-laying in the public road is not part of this application

The loop-in proposed in this application is an overhead connection of about 92 m, from the existing Knockraha–Cullenagh line to the new gantries, inside the site. It is not a cable in the public road. Figures 1.24 and 1.26 of the traffic report show trench excavation, shuttle working and diversions for the 33 kV circuits of the solar farm, principally on the L3808 and the L7829. Those works are not in the section 182A drawings. A grant of permission on this application would not authorise them, and the Commission should not treat them as having been assessed as part of the substation.

They are recorded so that the traffic report is not misread. The report folds those road openings into one assessment with the substation, and then describes the combined effect as slight and temporary. The L3808 was closed for about eighteen months after Storm Babet and reopened in 2025. It still floods, and the warning signs are still up. Figure 32 is damage from that storm. Its caption should say the L3808, not the L3803. Figure 33 shows the flooding and the signs. Further openings on that road, and the use of narrower lanes as diversions, are a reason to refuse the solar farm. They are not a description of the substation.



Figure 1.24: Cable Laying in Public Roads

Fig. 30: Proposed cable laying in the public roads

7.5.12 "Slight" is a description of one junction model

The report's conclusion of a slight adverse effect comes from the model of the R634 / L7829 junction. On the count of 9 April 2025 the L7829 approach operates at Level of Service B, with a delay of 11.5 seconds and a network residual capacity of 101 per cent. In the 2037 test without construction traffic the residual capacity is 69 per cent. With the peak construction traffic it falls to 28 per cent. Delay on the L7829 approach rises to 20.5 seconds, the level of service falls from B to C, and the 95th-percentile queue rises from 1.4 to 4.2 passenger-car units. The report still calls the effect slight and short-term.

The test year is 2037, on the assumption of a ten-year permission granted in 2027. That is the solar farm's permission. The substation is proposed to be handed to EirGrid and not decommissioned. The model does not include the abnormal-load crossing of the L7829, Park National School, or the forge which stands about 3 m from the carriageway. A junction which still functions is not the same thing as a road which can accept this traffic. The Outline Construction Methodology gives the compound a 16-month build and the overhead-line works a further period, with a stated total of 18 months. The traffic report uses 21 months for the whole park. Neither figure is a short interruption on a 3.5 m road.

7.5.13 The eleven entrances are not the access to this station

The traffic assessment shows eleven entrances. Only Entrances 1, 8 and 9 are proposed for the substation and the abnormal loads. Entrances 2, 3, 4, 5, 6, 7, 10 and 11 belong to the solar farm and are not part of this application. The assessment does not isolate the three entrances which the substation would use. One of them is a crossing of the L7829. The internal track from Entrance 1 to that crossing is the track network of the solar farm. Register references 25/6876 and 26/2133 were declared incomplete. Unless those tracks and Entrances 8 and 9 are within the red line of this application, the transformers have no lawful route to the compound.

7.5.14 Deer and road safety

A Section 42 licence for deer management is in place on local lands. Other farmers in the area hold similar licences. Deer and the risk to motorists were raised at the East Cork Municipal District in January 2025, and deer warning signs are in place around Inch. That is the existing condition of the roads the substation would use. The traffic report does not mention it.

The figure of about 30.6 km of stock-proof fencing is the solar farm's perimeter, not the fence in this application. The substation's fence is the 2.6 m palisade around the compound. The 30.6 km of fencing would, if the solar farm were permitted, section the holdings and is likely to push deer onto the roads, including the L7829. The Ecological Impact Assessment does not assess that against the Section 42 licences or against the collision risk already reported to the Municipal District. The point for this application is the narrower one. Heavy traffic and abnormal loads are proposed on roads where that risk already exists, and no assessment of it has been made.

7.5.15 The substation is not decommissioned, so the construction traffic is not reversed

The traffic report says that decommissioning of the solar farm would generate heavy-goods movements comparable to construction. It then sets out what would stay. The substation and the loop-in would remain and would form part of the national grid. The access tracks would remain. The site entrances would remain. The deer fence would remain. Security fencing would be removed from the battery compound only. All other electrical installations would be removed "other than the substation and loop-in grid connection".

This subsection of the solar objection should not be repeated against the substation. There is no second construction period at which the compound, the towers and the tracks are taken away. The construction traffic, including two loads of about 150 tonnes and the imported stone for the platform, is the means of making a permanent change. The later solar-farm decommissioning would be a further period of heavy traffic on the same roads, generated by the project which this station is intended to enable. It would not restore the substation site.

7.5.16 Local conditions which the assessment does not record

The matters which bear on this application are those on the route the traffic report assigns to the substation.

Entrance 8 cannot be improved to the standard an abnormal load requires. An underpass lies immediately to one side. The land on the other side is in different ownership. The traffic report does not record either constraint. Entrance 9 is the other side of the same crossing. The report does not show that the visibility splay, or the overrun, is within land the applicant controls.

Park National School is on the L7829. It has no car park. Parents and staff stop on the road. The report does not identify the school.



Fig. 31: Park National School on the L7829. It has no car park. Parents and staff stop on the road

The old forge at the narrowest point of the L7829 stands about 3 m from the carriageway. It is not identified. A vernacular house in Barnaviddane, recorded in the archaeological report, stands close to the road on a bend and has been struck before. It faces Entrance 3, which is a solar-farm entrance. It is relevant here as evidence that the report has not looked for buildings hard against the carriageway on the roads it proposes to use.

The Outline Construction Methodology says the access tracks will remain after construction, for the substation and for the solar farm. Widening and strengthening of tracks which the report calls "existing" is development. The report does not say whether any of those tracks are unauthorised, or whether their retention is being sought on this application or on the other one.

The following are solar-farm matters. They should not be pleaded as works in this application, but the traffic report includes them in the same assessment. Entrance 3, on the L3803, cannot achieve a visibility splay because the opposite verge is not in the applicant's control. Entrance 11 is at the low point of a field beside the river and floods, as Figure 37 shows. The report does not assess sediment from that entrance reaching the watercourse, or how the lands opposite it would continue to be reached. The L7813, a historic public road towards Inch, is not shown, although the solar layout would cross it and fence it. About ten roadside sites in the wider area have been sold for houses in the past. Fencing the road frontage of the solar farm would remove that pattern. The three-arch bridge beside Inch Church, over the River Tourig, blocked with debris during Storm Babet and has only recently been cleared. It should not be assumed to be available as a diversion.

Taken together, the report does not describe the road the substation would actually use. It describes a larger scheme, it omits the constraints at Entrances 8 and 9, and it treats as temporary a set of works which, for the substation, would not be undone.

These are roads that have been heavily flooded and damaged by those flood waters over many years.



Fig. 32: Damage caused to the L3803 from Storm Babet (Source: photos provided by client group)



Fig. 33: Flooding of the L3808 and signage added warning of flood risk on the L3808 (Source: photos provided by client group)

7.5.17 The abnormal-load route has not been assessed

The traffic report states that two transformers, of about 150 tonnes each, will be shipped to the Port of Cork or the Port of Waterford, brought along the N25 and the R634 to Entrance 1, taken along the internal access tracks, and driven across the L7829 at Entrances 8 and 9. It has not chosen between the two ports. It has not produced a swept path for that load along the N25 or the R634. The Autotrack drawings are of the site entrances. Figure 1.14 is a diagram of the route inside the landholding.

Section 1.5.11 then postpones the question of whether the route can take the load. It says that, should permission be granted, a condition survey of the watercourse crossings will be carried out, and that this survey will identify any culvert or bridge strengthening required for heavy-goods and abnormal-load traffic. The survey has not been done. The report refers, for the crossings, to Figure 1.12. Figure 1.12 is the drawing of Entrance 11. The haul routes are Figure 1.13.
The same section postpones the road condition survey, the road-opening licences and the agreement with Transport Infrastructure Ireland for the abnormal loads on the N25. A protocol is to be agreed with Cork County Council for the maintenance of the local and regional roads. This application is not before Cork County Council.

The three-arch bridge beside Inch Church is on the local network which would be used if traffic is diverted. It blocked during Storm Babet and has only recently been cleared. It is not identified in the traffic report. The Commission is being asked to permit two loads of about 150 tonnes on a route which has not been surveyed for the structures that would have to carry them.

7.5.18 The traffic figures do not include the stone

The traffic report says that its trip rates are taken from solar farms of a similar size and "should be treated as a guideline for planning purposes only." It says that the construction "does not involve the excavation of large volumes of material which will have to be removed from Site." The peak it then uses, for the whole of the renewable energy park, is 25 heavy-goods arrivals a day.

The Planning and Environmental Report, at section 5.5.6, gives the figures for this station. The cut and fill is estimated at 25,013 sq.m. About 8,307 sq.m of topsoil is to be reused on the site. About 9,320 sq.m of stone is to be imported. The traffic report does not convert that stone into vehicle movements. At a placed weight of about 2 tonnes per cubic metre and a payload of 20 tonnes, 9,320 sq.m is of the order of 900 deliveries, before the transformers, the concrete and the steel. Those deliveries use Entrance 1 and the crossing of the L7829. They are not a solar-farm guideline, and they are not in the junction model on which the effect is called slight.

7.5.19 The permanent access is Site Access No. 1, on the R634

Section 1.6.5 of the traffic report says that during operation the majority of trips will be to the substation and the battery compound, and that visitors will use Entrance 8 on the L7829. It estimates about 10 light-goods movements a day, with further visits as required. The conclusion describes that traffic as an imperceptible, long-term effect of the solar farm.
Entrance 8 is the entrance which cannot be improved. The underpass lies to one side of it and the land on the other side is in different ownership. The traffic report does not record either constraint. The substation is not decommissioned, so the use of Entrance 8 does not end with the solar farm. It is the permanent access to a piece of the national grid, on a road the same report describes as about 3.5 m wide.

7.6 Ground 6: Landscape and visual impact concerns

The development in this application is a 220 kV air-insulated substation, two new steel lattice towers on the existing Knockraha–Cullenagh line, gantries, an 18 m lightning mast and a 36 m telecom mast, on a compound finished at 109.45 m AOD. It is proposed to be handed to EirGrid and not removed. It is not a solar array, and it is not reversible.

The landscape document lodged with the application does not assess that development. Appendix O is a Landscape and Visual Impact Assessment prepared by Macro Works in July 2026 for "a solar farm with a total area of circa 323 ha" in seven townlands. Its description of the proposed development is the solar array, the inverter stations, eleven entrances, the battery compound and, at the end of the list, the substation and the loop-in. The study area of 5 km is justified because that is the distance "typically used for solar projects". The zone of theoretical visibility is a visibility map of the panels. The panels are described as rising no more than 3.4 m, and on that basis the assessment says they will be screened by hedges. The substation is dealt with in one sentence. The structures "are slightly larger", "many of the larger elements comprise a slender built form", and they "will not be prominently visible". No viewpoint is selected for the compound, the 36 m mast or the new towers.

That sentence cannot be reconciled with the applicant's own description of the substation. The Planning and Environmental Report describes two new Type 269E single-circuit lattice towers, 27 m to 36 m high, two gantries with a conductor attachment height of 13.5 m and an overall height of 20 m, lightning masts of 18 m, and a telecom mast of 36 m. One existing tower, Mast 196, is to be removed and the line looped through the new towers. Drawing 300101185-DR-108 shows the new masts at a stated height of 26.50 m, with tips at 137.07 m and 139.10 m AOD, from ground levels of 110.57 m and 112.60 m. A hedge which screens a panel 3.4 m high does not screen a lattice tower or a 36 m mast. The

Digital Surface Model used in the assessment is described as being "of far more value in determining the likely visibility of the solar panels". It is the wrong model for this application.

The same assessment treats the landscape effect as reversible. It says that within a short period after decommissioning there would be little evidence that the development had existed, and the land would return to agriculture, "with the exception of the proposed substation compound and underground cables which are likely to remain". The conclusion repeats the point. Once the solar farm is decommissioned there will be little evidence, "aside from the proposed substation, which will continue to form part of the national grid", that the solar development existed. The only permanent landscape effect identified by the applicant is the development in this application, and it is identified only so that it can be left out of the conclusion.

The description of the substation in the assessment is also internally inconsistent. It gives a customer compound of about 7,169 sq.m, an EirGrid compound of about 496 sq.m, and a substation compound of about 22,632 sq.m. Those figures do not add up. An assessment which cannot state the size of the compound cannot be relied on for a conclusion that the compound will not be prominent.

The conclusion of the assessment is that the whole of the Greenhills Renewable Energy Park, "comprising the solar farm, BESS, substation and grid connection", would not give rise to any significant residual effect, and that the development "does not conflict with landscape or visual-related policy". That conclusion is reached by assessing the panels, by relying on hedgerow and woodland planting proposed for the solar farm, and by treating the substation as a slender exception which will remain when everything else has gone. It is not an assessment on which the Commission can rely.

7.6.1 The landscape is of high sensitivity, and the skyline is protected

The site is not inside a High Value Landscape. The assessment says so, and Figure 1.4 of the assessment, taken from Figure 14.2 of the Cork County Development Plan, shows the nearest High Value Landscape to the south-east, associated with Landscape Character Type 2, Broad Bay Coast. That landscape type is classified as of very high value, very high sensitivity and county importance. The fact that the compound is not inside the designation is then used as if it disposed of the landscape objection. It does not.

The site is in Landscape Character Type 10b, Fissured Fertile Middleground. The Development Plan classifies that type as of medium landscape value, high landscape sensitivity and county importance. The Draft Cork County Landscape Strategy, which Objective GI 14-10 requires the management of development to have regard to, includes the following recommendations for this landscape type. Agriculture should remain the major land use, because that is what maintains the existing features of the landscape. Views to and from areas of visual value, including extensive uninterrupted views across open countryside, should be maintained and enhanced. The visual integrity of an area which has retained a dominantly undisturbed character should be maintained. New farm buildings should be designed to integrate with the landscape in their size, materials and colour. A 220 kV compound, a palisade fence and a 36 m mast are not a farm building, and they are not the maintenance of an agricultural landscape.

Objective GI 14-9 requires the visual and scenic amenities of the county to be protected, a high standard of siting and design, the protection of skylines and ridgelines, and the discouragement of proposals which would remove extensive lengths of trees, hedgerows and distinctive boundaries. Objective GI 14-10 requires higher standards of layout, design, landscaping and materials where a site is in a High Value Landscape. The substation is not in one. The standard which does apply is GI 14-9, and in particular the protection of the skyline. The new towers and the 36 m mast are skyline structures. They are proposed on ground at about 110 m AOD and, on the applicant's own elevation, the tower tips are at about 137 m and 139 m AOD. The assessment's only skyline analysis is of the solar panels. Panels were removed from the brow of a hill on Scenic Route S45 so that they would not break the skyline, and a hedge was proposed along the ridge. That mitigation does nothing for a mast and two lattice towers, which exist to stand above the existing line.

Scenic Route S45, the road between Youghal and Tallow, runs along the R634 immediately north of the site. Scenic Route S46 is the Youghal Bypass. Viewpoints VP3 and VP7 were chosen to represent S45, and the assessment then says that the route has no particularly distinctive scenic amenity and that the views are typical views of ordinary farmland. That is the applicant's opinion of a route which the Development Plan has designated. It is not a reason to set the designation aside, and it is in any event an opinion formed by looking at where the panels would sit. The viewpoints do not assess the substation.

To the east, the study area enters County Waterford. The Waterford City and County Development Plan 2022 classifies the Blackwater and its tributaries as most sensitive. The assessment records this and then relies on a bare-ground zone of theoretical visibility of the panels, which shows no visibility from the river. A panel map is not an assessment of a 36 m mast.

The highest residual visual effects which the assessment itself records are on the L7829, where it says the panels would enclose the road to the east and the west. Those are solar-farm effects. They confirm that the document is an assessment of the solar farm. They are not a finding about the substation.

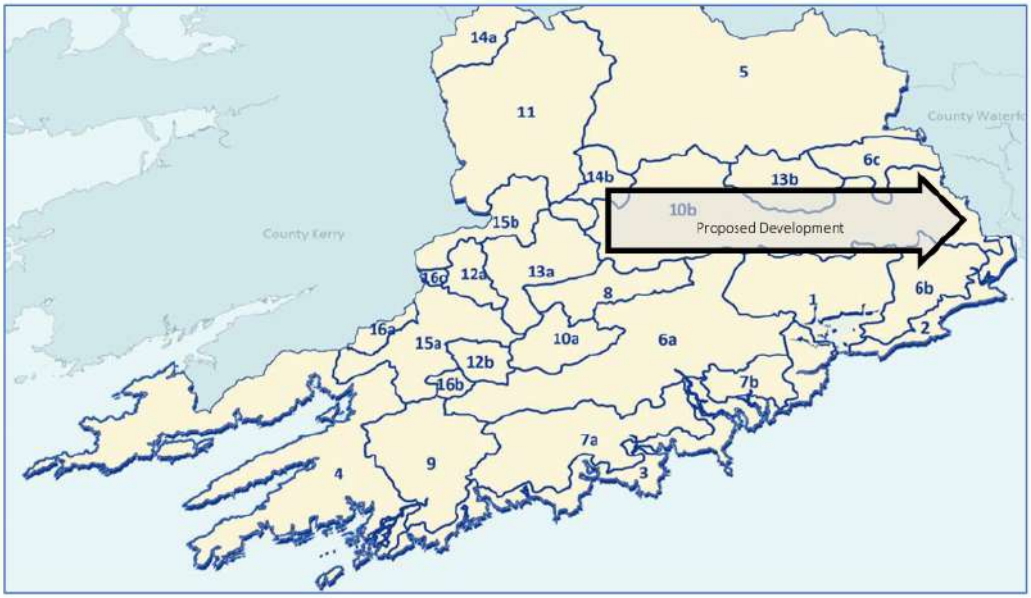


Figure 1.2 Excerpt from Cork County Development Plan (2022-2028). Appendix F, Map 2 showing approximate locations of the proposed development in relation to Landscape Character Types.

Fig. 34: Figure 1.2 of the LVIA - Excerpt from Cork County Development Plan (2022-2028). Appendix F, Map 2 showing approximate locations of the proposed development in relation to Landscape Character Types.

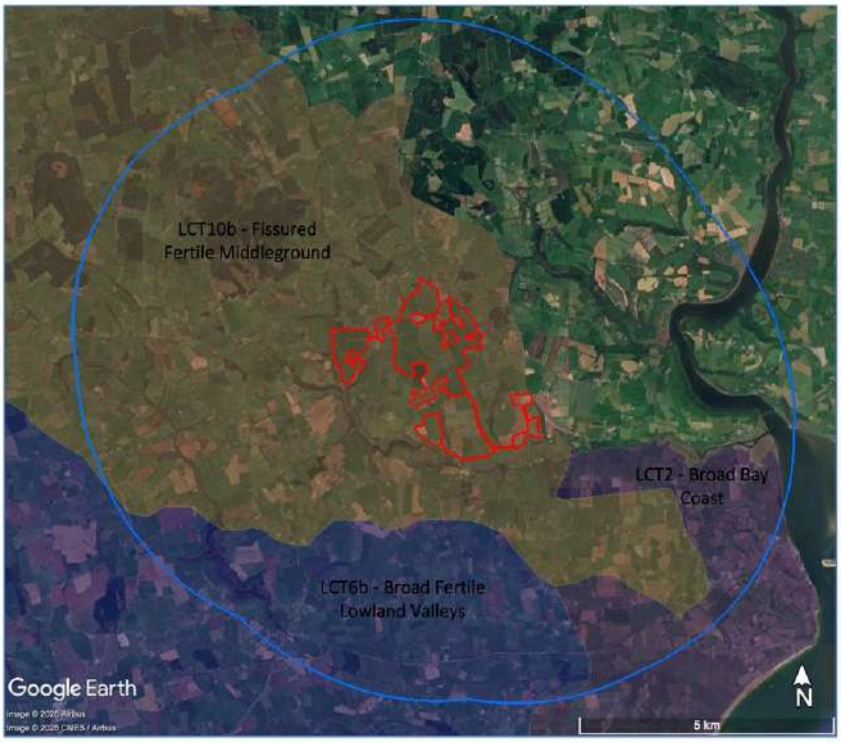


Figure 1.3 Excerpt from the Cork County Development Plan (2022-2028) map browser, showing landscape character types in relation to the proposed development.

Fig. 35: Figure 1.3 of the LVIA - Excerpt from the Cork County Development Plan (2022-2028) map browser, showing landscape character types in relation to the proposed development

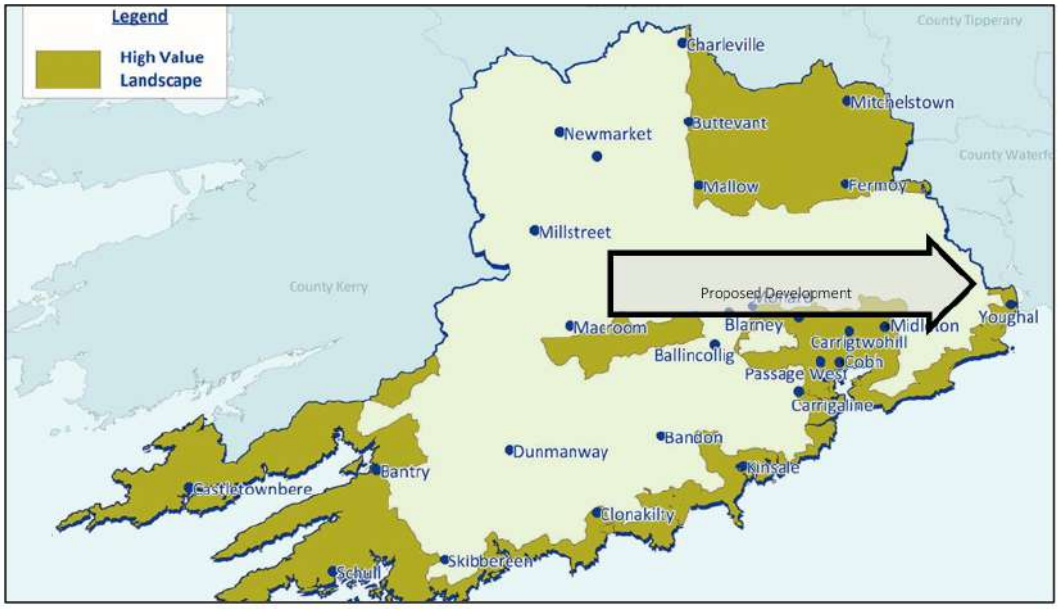


Figure 1.4 Excerpt from CCDP (2022-2028). Chapter 14, Figure 14.2 showing approximate location of the proposed development in relation to high value landscapes

Fig. 36: Figure 1.4 of the LVIA - Figure 1.4 Excerpt from CCDP (2022-2028). Chapter 14, Figure 14.2 showing approximate location of the proposed development in relation to high value landscapes



Fig. 37: The applicant's Drawing DR-108 – this is the elevation the assessment does not assess.

The receiving landscape is a farmed landscape of high sensitivity, on the edge of a very high sensitivity coastal landscape, beside a designated scenic route, with a protected skyline. The development proposed here is a permanent industrial compound and a set of structures up to 36 m high. The assessment lodged with the application does not assess it, and the Commission cannot accept the conclusion that there is no conflict with the landscape objectives of the Development Plan.

7.6.2 The zone of visibility is a map of the panels, and it stops at 5 km

Figure 1.7 of the Landscape and Visual Impact Assessment is a bare-ground zone of theoretical visibility. It shows the percentage of the solar panel area which might be seen if there were no hedges, trees or buildings. It is not a map of the substation, the lattice towers or the 36 m telecom mast. The assessment's own reading of it is the opposite of a claim that the development would be 80 per cent visible. It says the array has "very limited potential to be viewed in full", that comprehensive visibility arises only in a small part of the north-western quadrant, and that the largest visibility pattern is a view of less than 20 per cent of the panel area. Youghal is given as intermittent visibility of between 1 and 40 per cent of the panel area. The Blackwater is shown as having no visibility. Those are findings about panels. They are not findings about this application.

The assessment then discounts Figure 1.7 because the panels "will not rise more than 3.4 m" and will be screened by hedges. The substation is disposed of in the next sentence. The structures "are slightly larger", they are of "slender built form", and they "will not be prominently visible". No separate zone of visibility is produced for a mast of 36 m, lightning masts of 18 m, gantries of 20 m, or the two new lattice towers. Drawing 300101185-DR-108 shows those towers rising to 137.07 m and 139.10 m above ordnance datum. A hedge which may screen a panel of 3.4 m does not screen them.

The second map, Figure 1.8, is a Digital Surface Model which takes account of hedges and buildings. The assessment says it is "of far more value in determining the likely visibility of the solar panels", and it is prepared only for the roads and houses within about 1 km of the site boundary. Even on that map the assessment records visibility of up to 40 per cent of the panel area. There is no equivalent map for the substation at 1 km, at 5 km, or at any other distance.

The 5 km study area is justified in one sentence. A radius of 5 km "has typically been used for solar projects", the development is "likely to be difficult to discern beyond approximately 5 km", and significant effects are "not likely" beyond approximately 2 km. That judgement is made for a panel 3.4 m high. It is not a judgement about a 36 m mast standing on ground at about 110 m, with tower tips at about 139 m. The same section of the assessment records that the most notable theoretical visibility is to the west, where the land is higher than the site, and that the land at the north-western edge of the 5 km study area, at Ballinteosig, reaches about 230 m. Viewpoint VP1 is taken from that higher ground, between about 1.5 km and 4 km from the site. The appraisal of VP1 discusses the panels, finds the magnitude of effect to be low because of their "low-lying nature", and records a residual effect of slight. It does not identify the mast or the towers. The one elevated viewpoint inside the study area is therefore an assessment of the solar farm.

The Planning and Environmental Report describes the site as "relatively flat". That sentence is used to meet a solar-siting preference for flat, south-facing land. It is not a description of this site. The Landscape and Visual Impact Assessment gives the wider landholding a fall from about 159 m above ordnance datum in the northern and central parcels to about 24 m in the southern parcels. The substation itself lies between about 97 m and 113 m, and is cut and filled to a finished compound level of 109.45 m. The landform is described in the assessment as low, rolling terrain, and Landscape Character Type 10b is described as an elevated landscape. The word "flat" in the assessment refers to the platforms created by that cut and fill, not to the receiving landscape.

Figure 40 shows the same rise continuing beyond the 5 km line, to the north and north-west. There is no topographical barrier on that plan between the compound and that higher ground. The assessment gives no reason, other than solar-farm practice, for stopping at 5 km, and it has not tested whether a structure 36 m high on this site would be visible from it. The restriction matters because the substation is the element which the assessment says will remain after the solar farm has been removed. A zone of visibility which expires with the panels does not describe the development for which permission is sought.

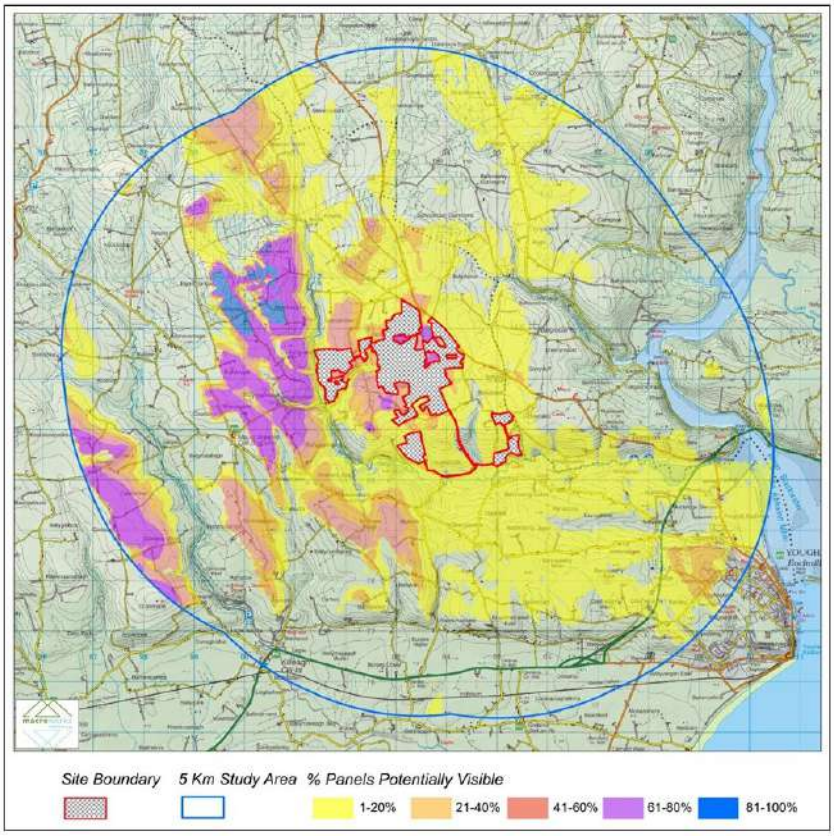


Figure 1.7 Standard (bare-ground) ZTV map



Fig. 38: Landscape and Visual Impact Assessment, Figure 1.7 - the bare-ground zone of theoretical visibility of the solar panel area within 5 km (the applicant's assessment says the largest pattern is a view of less than 20 per cent of the panel area). The applicant's Drawing 300101185-DR-108 is the tower elevation. The Commission can see the difference between a 3.4 m panel and a tower tip at 139 m tall

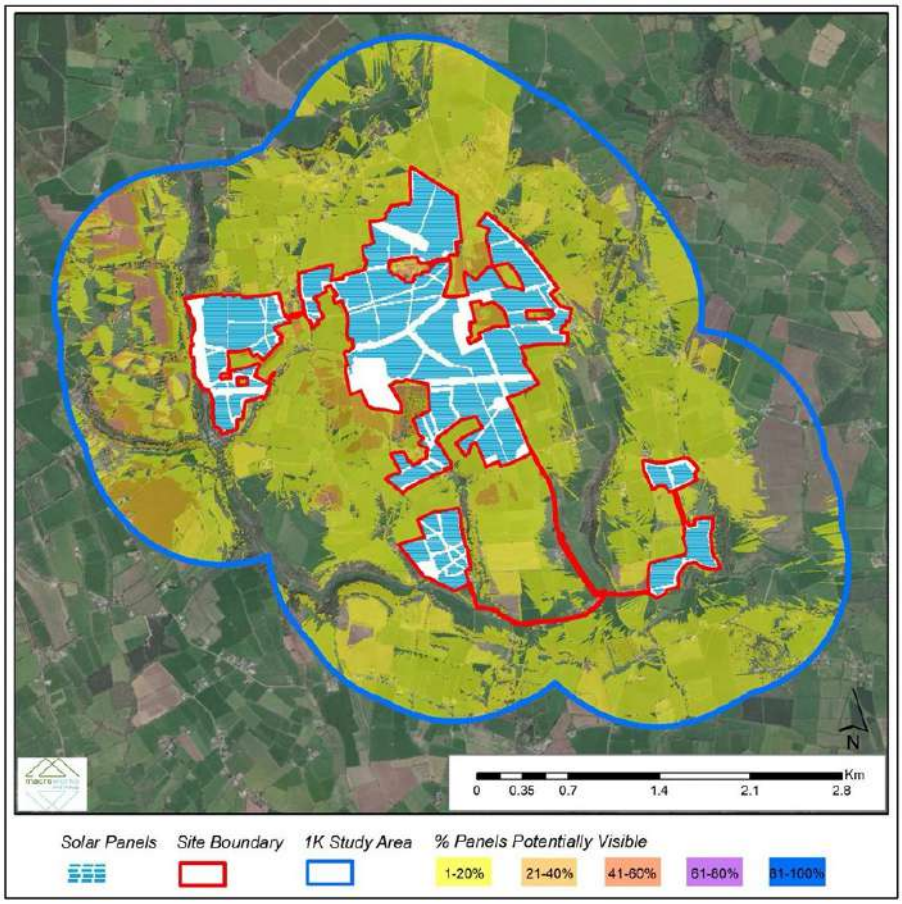


Figure 1.8 Digital Surface Model (DSM) based ZTV map accounting for screening by surface elements such as hedgerows, trees lines and forestry.

Fig. 39: Figure 1.8 of the same assessment, the Digital Surface Model, prepared only to about 1 km and only for the panels

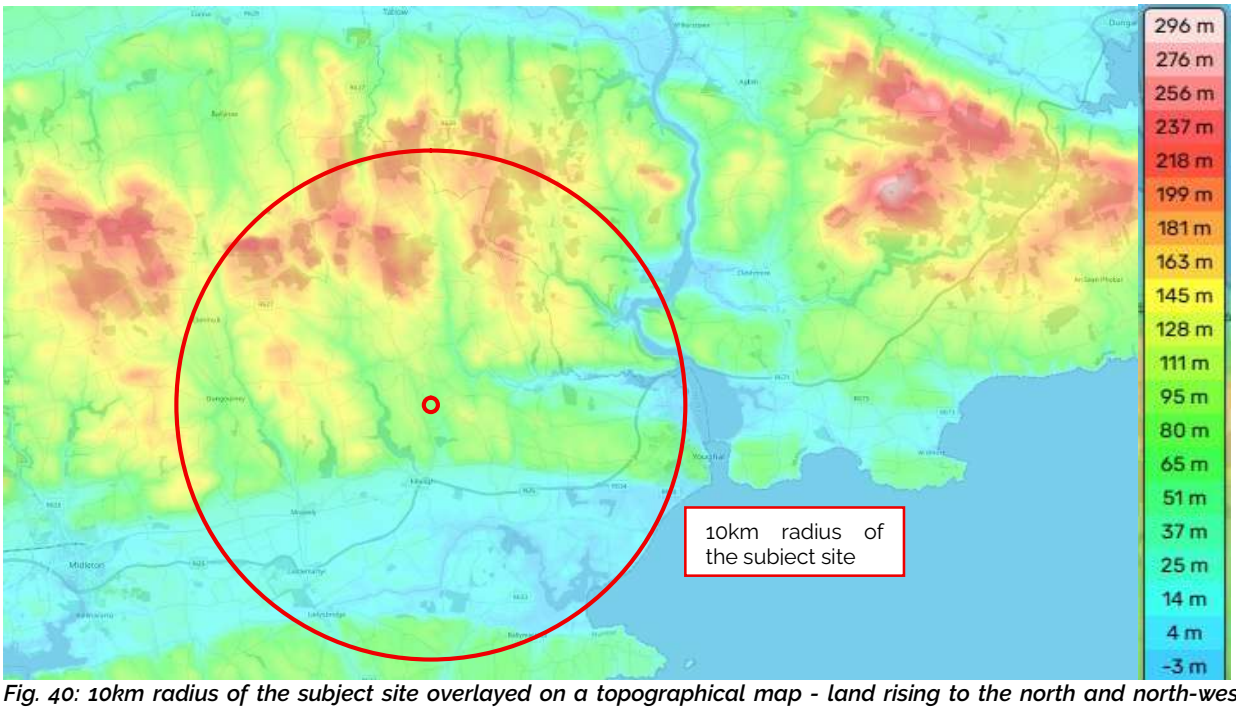


Fig. 40: 10km radius of the subject site overlayed on a topographical map - land rising to the north and north-west, including the ground at about 230 m at Ballinteosig, which the assessment already places at the edge of its 5 km study area (Source: topographic-map.com, annotated by BPS, 2026)



Fig. 41: Viewpoint VP1, from Appendix P. The elevated view from Ballinteosig - the photomontage and the written appraisal deal with the panels and do not identify the substation

7.6.3 Cumulative landscape and visual effects

Section 1.6.8 of the Landscape and Visual Impact Assessment is the cumulative assessment. It considers one other project. That is the wind farm permitted under ACP Ref. 309121-21, Lyrenacarriga, in the townlands of Lyrenacarriga, County Waterford, and Lyremountain, County Cork. The nearest turbine is about 1.8 km north of the nearest part of the solar farm. The farthest is more than 5.5 km to the north-west. The turbines are 150 m to tip. The assessment says the study area contains no other relevant solar farm. It then concludes that the cumulative landscape and visual effects are not significant.

That is an assessment of the solar farm against the wind farm. It is not an assessment of the development in this application.

The solar farm and the battery compound are not part of this application. They are the subject of a separate application to Cork County Council. The Landscape and Visual Impact Assessment nevertheless treats them, the substation and the loop-in as a single "renewable energy park", and it makes one finding for all of them. The solar arrays are described as the dominant foreground element. The turbines are described as distant background features on a forested skyline. The substation, the 36 m telecom mast and the two new lattice towers are not given a cumulative assessment of their own. They are absorbed into the solar farm, and the conclusion that the two developments will be "readily distinguishable" is a conclusion about panels and turbines.

The assessment also says that the photomontages do not include the consented turbines. It accepts that the rising ground to the north, on which those turbines would stand, is often visible in the background of the views, and it then judges the cumulative effect without showing it. A cumulative visual assessment which leaves the other development off the photomontages is not an assessment of combined visibility.

The relationship which matters for this application is the one the assessment does not examine. The substation is proposed in the middle of the solar farm, under the existing Knockraha–Cullenagh 220 kV line, with two new towers taking the place of existing Mast 196. It is not separated from the solar farm by distance or by a change in landscape character. The separation argument used for Lyrenacarriga does not apply to it. If the solar farm is permitted, the substation will be the permanent element in the middle of it. If the solar farm is refused, the substation will stand on its own in this agricultural landscape, connected to the existing line, with the wind farm to the north. Neither of those outcomes is assessed. The assessment assumes the solar farm is part of the proposal, and then says that the effects of that proposal fall away beyond about 500 m to 1 km because of the hedges and the planting proposed for the solar farm. That planting is not part of this application, and a hedge does not screen the mast or the towers.
The duration is also wrong for a cumulative assessment. The solar farm is treated as reversible. The assessment's own conclusion is that, once it is decommissioned, little will remain apart from the substation, which will form part of the national grid. The cumulative effect of a permanent station, a solar farm of about 323 ha and a duration of 40 years, and a permitted wind farm with turbines of 150 m, is not the comparison which has been made. The comparison which has been made is between a temporary solar farm and a wind farm 1.8 km away, with the permanent structures left out and the turbines left off the photomontages.

The Commission does not have a cumulative landscape and visual assessment of the development for which permission is sought. It has an assessment of a different project, set against one wind farm, reaching a conclusion of "not significant" which the substation is then assumed to share.

The applicant has not assessed the cumulative landscape and visual effects of the permitted Lyrenacarriga Wind Farm (ABP-309121-21), located approximately 1–2 km from the site (17 turbines, 110 kV substation and battery storage). Cork County Council identified the absence of a cumulative LVIA assessment of this wind farm as one of the reasons for invalidating the earlier solar farm application (25/6876). The same omission arises in the documents lodged with this substation application.

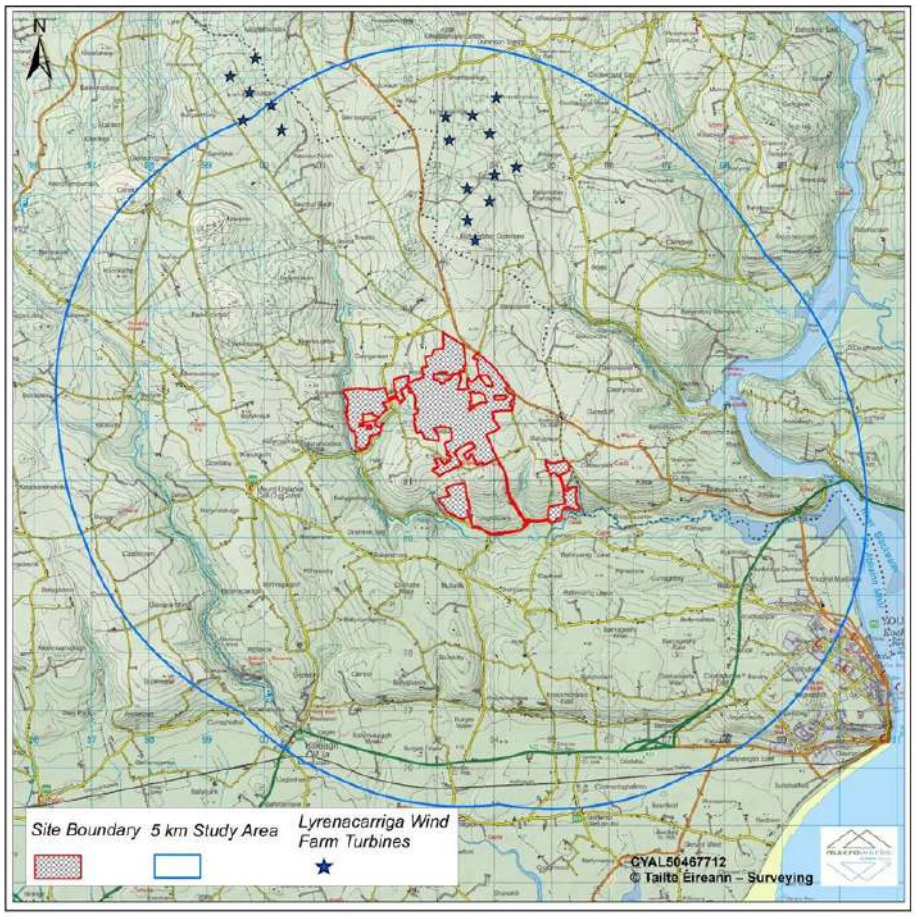


Figure 1.15: Location of the proposed development in relation to the consented wind farm development

Fig. 42: Figure 1.15 of the Landscape and Visual Impact Assessment. The only cumulative map in the assessment - the consented Lyrenacarriga turbines to the north. Note that the solar farm is not shown as a separate project, and that the substation is not distinguished from it


90° Photomontage
S
SW


90° Photomontage
Established Mitigation
S
SW


90° Photomontage
NW
N


90° Photomontage
Established Mitigation
NW
N

Project Name: Greenhills Renewable Energy Park
Date: July 2026

Whilst the submitted photomontages do not include for the consented wind turbines, it is clear that there will be some potential for combined views of the proposed renewable energy park and the consented turbines, with the elevated lands to the north that contain the turbines often visible in the background of views afforded of the proposed development. Nonetheless, what is also evident is the clear separation distances and contrasting landscape contexts between the proposed and consented developments ensure that the developments remain readily distinguishable. The turbines occupy the distant skyline beyond the agricultural landscape containing the proposed renewable energy park, maintaining a strong perception of separation between the two forms of renewable energy development.

Fig. 43: Example photomontage from Appendix P in which the rising ground to the north is in the background with the assessment's own statement that the photomontages do not include the consented turbines.



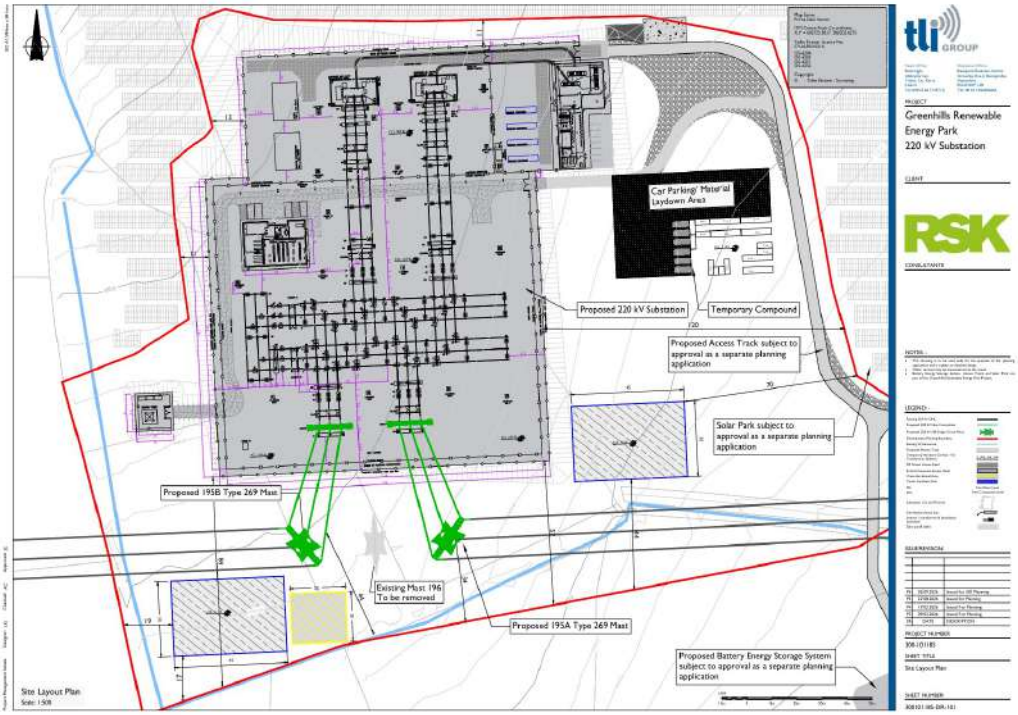


Fig. 44: Drawing DR-108, showing the compound and the two new towers on the existing Knockraha–Cullenagh line – see the cumulative relationship which section 1.6.8 does not assess: the substation added to the existing 220 kV line, in the middle of the solar farm

7.6.4 The residual effects depend on planting which does not screen the substation

The residual conclusions in the Landscape and Visual Impact Assessment are the post-mitigation column. The assessment states that this column is the position four to six years after the screen planting has been implemented, when that planting "has become fully established". The pre-mitigation column, when the planting "provides limited screening", is classified as short-term and is not the figure carried into the conclusion. The conclusion that residual landscape effects would not exceed moderate, and that there would be no significant residual effect, is therefore a conclusion about the solar farm after the planting has grown.

The planting is described in section 1.5 and on Landscape Mitigation Plan LD.GRNHLLS. Existing hedges are to be inter-planted and under-planted, and managed to a height of 3–4 m. New hedges are to be planted with stock of about 3 m and maintained at the same height. Native thickets are assumed, on the mitigation zone of visibility, to reach about 8–10 m. The quantities given are about 1,400 m of new hedge, about 30,998 m of existing hedge bolstered "as necessary", and about 19,567 sq.m of thicket and woodland. "As necessary", "where required" and "selected hedgerows" are not a specification. The stated purpose of the setbacks and the new hedges along the L7829 is "to screen the panels". The stated purpose of the hedge on Scenic Route S45 is "to screen any panels that may appear along the skyline". The mitigation zone of visibility, Figure 1.14, is then used to say that woodland along the R634 "will entirely screen the development" from that road and from the landscape to the north-east.

One sentence says the woodland will also break up the visual mass of the substation. A hedge kept at 3–4 m, and a thicket assumed to reach 8–10 m, cannot screen a telecom mast of 36 m, lightning masts of 18 m, gantries of 20 m, or lattice towers rising to 137.07 m and 139.10 m above ordnance datum. The assessment accepts the point at the one elevated viewpoint it examines. At VP1, Ballinteosig, it says the screen planting "will have a limited screening effect", and the residual magnitude is left unchanged. The same limitation applies to any view from the higher ground shown on Figure 40. Planting on a field boundary does not remove a structure which stands above it.

The four to six years are measured from implementation of the planting, and the planting is to be carried out in the next planting season after the civil and building work. It is not in place when the substation is built. The assessment classifies that period as short-term, so that it does not appear in the residual column. For the houses and the roads which will look at the compound from the day it is constructed, that period is not short. Nor does the expiry of it remove the structures. The substation is the element which the assessment says will remain after the solar farm has been decommissioned. A residual effect defined as the effect once a hedge has reached 3–4 m is not the residual effect of a permanent mast.

The vegetation is broadleaf. At VP2 the assessment already records glimpsed views of the panels through winter vegetation. It does not assess the substation in winter, and it does not present a winter photomontage. A deciduous hedge managed to 3–4 m is not a year-round screen.

The existing hedges are part of the baseline. Retaining them, and thickening them where it is considered necessary, is not mitigation of a new 220 kV compound. The assessment treats that thickening as a positive legacy which will outlast the solar farm. It may. It still does not cover the mast or the towers, and it is shown on the solar-farm mitigation plan. It is not part of this application. A grant of permission on this application would not secure it. The setbacks described in the assessment are setbacks of the panels from houses on the L7829, so as to keep the view to the west open. They are not a setback of the substation. The assessment notes that there are dwellings around the substation and says that none lies on its immediate boundary. It gives no distance, and no photomontage is taken from any of those houses. The viewpoints are taken from the public road.

The monitoring section provides for an establishment period of three years, with replacement of failures. That is a maintenance regime for the solar-farm planting. It is not evidence that the planting will screen this development, and it does not apply to a structure which will still be standing when the planting has done all it can.

The residual assessment is an assessment of the panels, four to six years after planting which is not part of this application, using a screen which the assessment itself accepts does not work from higher ground. It is not an assessment of the substation which will remain.

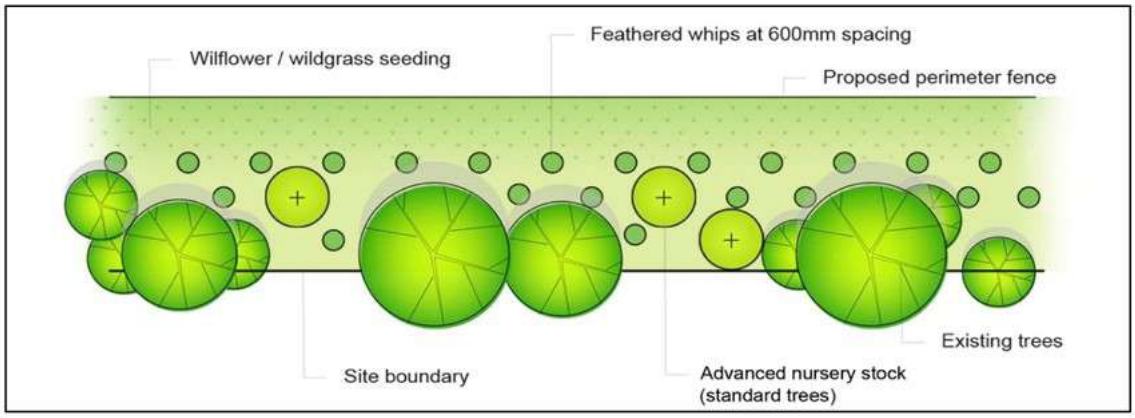


Figure 1.10 Hedgerow Type 1: indicative boundary planting detail showing the approach to inter-planting and under-planting of existing hedgerows (where consolidation is needed).

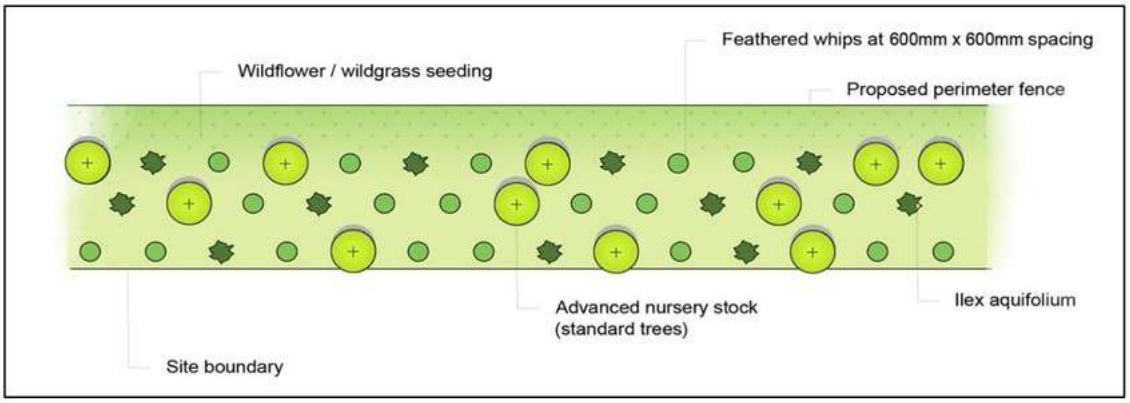


Figure 1.11 Indicative boundary planting detail showing the introduction of new boundary hedgerow TYPE 2

Fig. 45: Figures 1.10 and 1.11 of the Landscape and Visual Impact Assessment. The Type 1 and Type 2 hedge details - the maintained height of 3–4 m

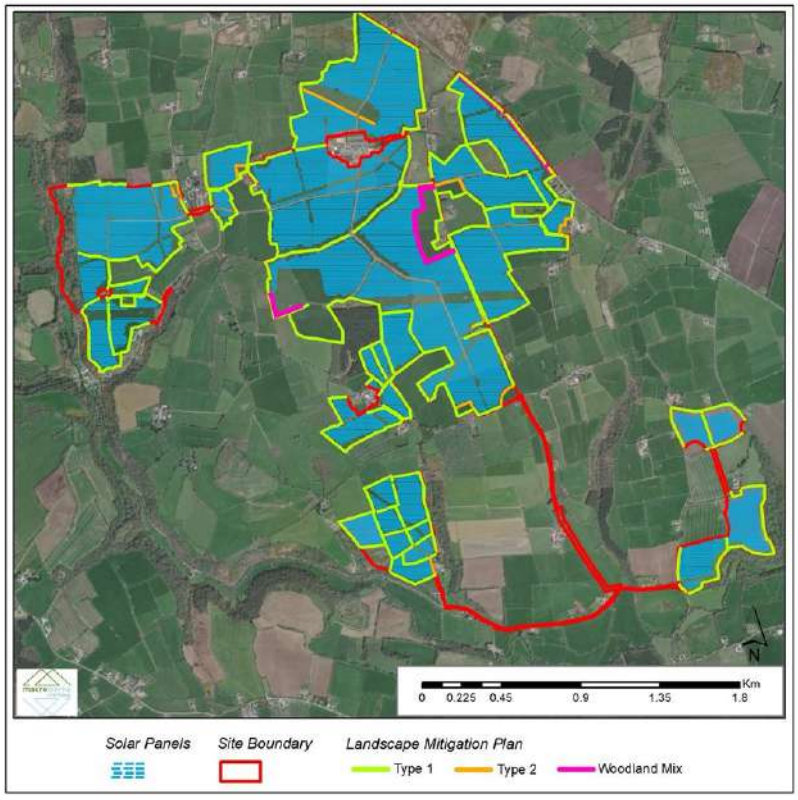


Figure 1.12 Overview of landscape mitigation measures proposed across the site

Fig. 46: Figure 1.12. The mitigation plan across the solar farm, so that it is clear the planting is not the substation application

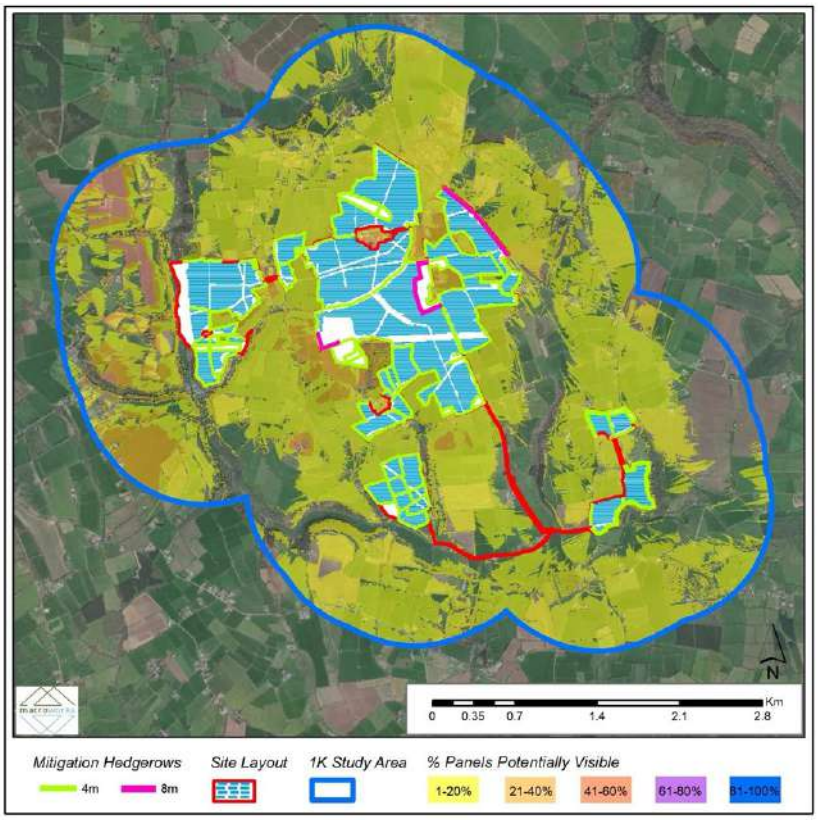


Figure 1.14 Mitigation ZTV illustrating the effect of proposed mitigation planting

Fig. 47: Figure 1.14. The mitigation zone of visibility, and the claim that planting along the R634 will entirely screen the development

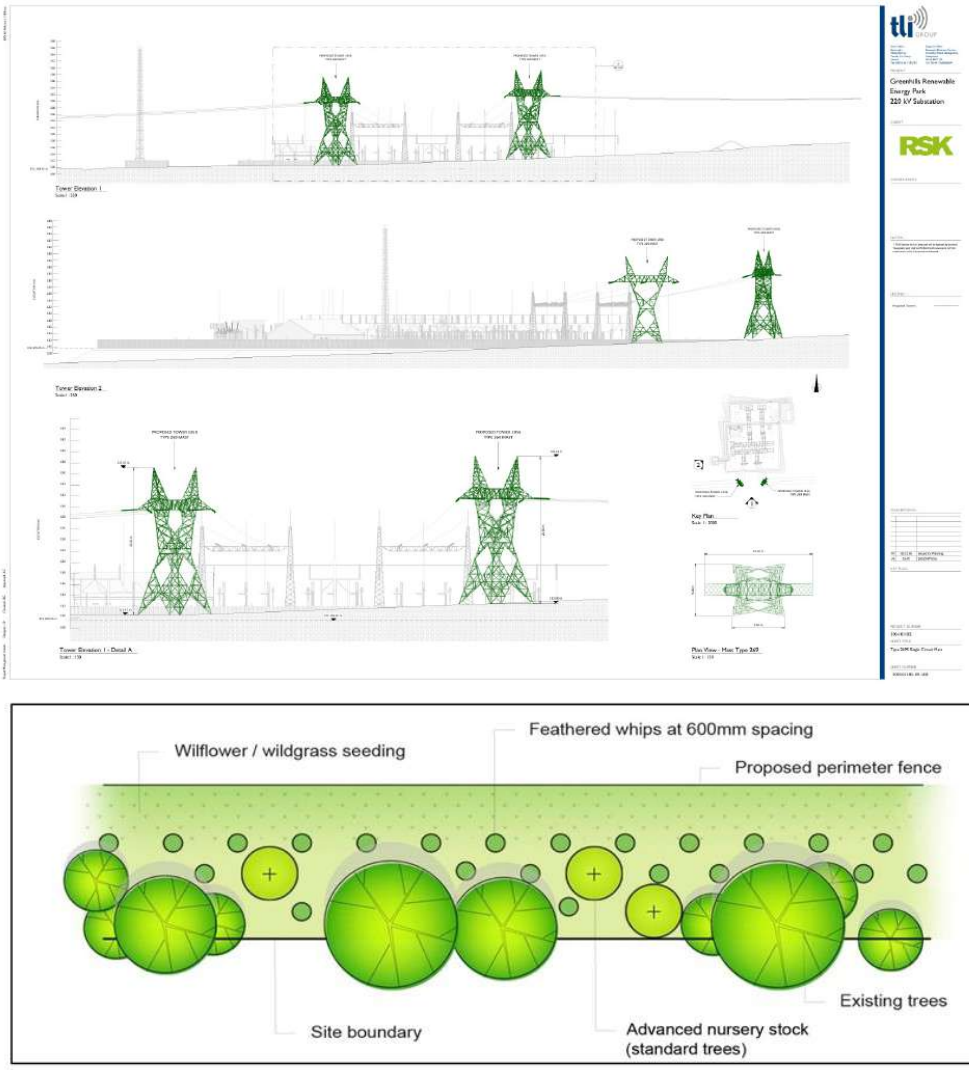


Figure 1.10 Hedgerow Type 1: indicative boundary planting detail showing the approach to inter-planting and under-planting of existing hedgerows (where consolidation is needed).

Fig. 48: Drawing 300101185-DR-108, placed under Figure 1.10. The tower tips at 137.07 m and 139.10 m, against a hedge of 3–4 m



VP NO.	EXISTING VIEW	VP SENSITIVITY	MAGNITUDE OF VISUAL EFFECT (PRE & POST MITIGATION)	PRE MITIGATION SIGNIFICANCE / QUALITY / DURATION OF EFFECT	POST MITIGATION SIGNIFICANCE / QUALITY / DURATION OF EFFECT
VP1	**Local road at Ballinteosig:** This is a locally elevated view afforded from the townland Ballinteosig that affords views to the east across the rolling agricultural land. The rolling ridges to the east contain the view in the background and are cloaked in pastoral fields and intervening hedgerow vegetation.	Medium	The proposed development is visible along the distant rolling terrain, approximately 1.5 km to 4 km from this visual context. Whilst the proposed development is visible from this location and has the potential to draw the eye, the proposed panels will not present a highly prominent visual presence due to their low-lying nature and distance from the viewpoint. Nevertheless, the proposed development contrasts with the more typical rural land uses within this view and will result in an increased intensity of built development in this area. Overall, the magnitude of visual effect is deemed Low. The proposed mitigation screen planting will have a limited screening effect from this location; therefore, the residual magnitude of effect remains Low.	Slight / Negative / Short-term	Slight / Negative / Long-term

Fig. 49: The VP1 photomontage in Appendix P. Use the assessment's own words, that the screen planting will have a limited effect from this elevated view.

7.6.5 The substation is not an agricultural use, and it is not reversible

The conclusion of the Landscape and Visual Impact Assessment is that the development "represents a form of agricultural diversification and will not appear incongruous within this working landscape setting", that it "does not markedly affect" the prevailing landscape pattern, and that, once decommissioned, "there will be little evidence, aside from the proposed substation, which will continue to form part of the national grid, that the proposed solar development ever existed". Earlier, the panels are described as "ground hugging" and as reading, from a distance, as a single land cover contained in the existing field pattern. The substation and the battery compound are described as "slightly larger" than the panels, of "slender built form", and as not prominently visible.

That is a description of the solar farm. It is then applied to a 220 kV substation.

The substation proposed in this application is a levelled compound of about 2.26 ha, with a control building, an independent power producer building, two 220 kV transformers, outdoor electrical equipment, a 2.6 m palisade fence, lighting masts, lightning masts of 18 m and a telecom mast of 36 m. Two new steel lattice towers are proposed on the existing Knockraha–Cullenagh line, with tips at 137.07 m and 139.10 m above ordnance datum, in place of existing Mast 196. Two gantries, 20 m high, take the line into the compound. The ground falls from about 113 m to about 97 m and is cut and filled to a finished level of 109.45 m. An area of about 5,200 m^2 beside the compound is identified for a future extension by EirGrid, and the temporary construction compound is placed on it. None of this is an agricultural diversification. None of it hugs the ground. None of it is removed at the end of 40 years.

The Planning and Environmental Report estimates the cut and fill at 25,013 sq.m. The Landscape and Visual Impact Assessment describes the same work as a minor modification of the terrain.

The assessment itself records the exception and then leaves it out of the conclusion. It says the operational effects of the solar farm are "for the most part reversible", and that the land will be returned to agriculture "with the exception of the proposed substation compound and underground cables which are likely to remain". The character finding which follows, that the development will not appear incongruous and will not markedly affect the rural landscape, is a finding about the part which is removed. The part which remains is a permanent piece of the national grid, on a reprofiled platform, behind a palisade fence, with structures up to 36 m high. That is an industrial use of agricultural land. The assessment's own method says that an increase in the scale and intensity of built form, for energy infrastructure in a rural setting, is seldom a positive change. The conclusion does not apply that statement to the substation.

A landscape character assessment which reaches its finding by describing the panels, and which identifies the substation only as the element which will still be there when the panels have gone, does not assess the character of the development in this application.

BPS has included Drawings 300101185-DR-203 and DR-204 above. They show the compound elevations, the buildings, the electrical equipment and the palisade fence.

We have also shown:

- Drawing 300101185-DR-108. The two lattice towers, with the tips at 137.07 m and 139.10 m.
- Drawing 300101185-DR-211. The 18 m lightning mast.
- Drawing 300101185-DR-210. The gate and the 2.6 m palisade fence.

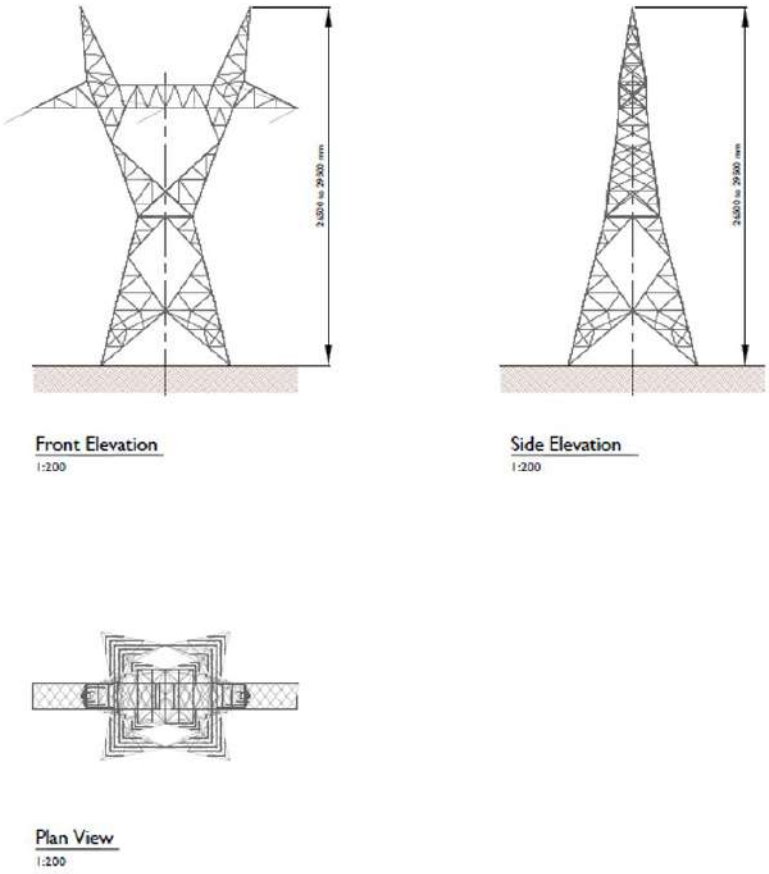


Figure 4.7: Steel Lattice Towers with Shieldwire

The most important point to make in respect of this 'bare-ground' ZTV map is that it is theoretical. The proposed PV panels will not rise more than 3.4m above the underlying terrain and will therefore be considerably screened by surrounding and intervening hedgerow vegetation, trees and numerous buildings, walls and embankments scattered throughout the study area, resulting in a much lesser degree of actual visibility. Whilst the proposed substation and BESS structures are slightly larger, many of the larger elements comprise a slender built form and will not be prominently visibility, even in the immediate surrounds of the development. Indeed, the BESS and substation development have been strategically sited within a more contained part of the site well offset from the nearest surrounding residential receptors.

Fig. 50: The Planning and Environmental Report, Figure 4.7 - the applicant's own illustration of the steel lattice towers contradicts claims these structures are slender and not prominently visible.

7.6.6 The houses around the substation are not assessed

The methodology says that residents at home are the receptors most susceptible to a change in a view, that primary views from houses are an important part of residential amenity, and that a static residential receptor is more susceptible than a person passing through. It also says that a receptor close to the site is more susceptible than one at a distance. The assessment then takes all 24 viewpoints from the public road or other public land. No photomontage is taken from a house.

The only thing the assessment says about the houses around the substation is that several dwellings lie in its surrounds, that none lies on the immediate boundary, and that they are set back from the built infrastructure. No distance is given. No viewpoint is allocated to them. The same passage says that the substation has been sited in a contained part of the site, "well offset from the nearest surrounding residential receptors". That is the whole of the residential assessment of the development in this application.

The houses which the assessment does consider in any detail are the cluster on the L7829 at Ballydaniel, represented by VP4 and VP8. The assessment says that the development would lie to the north, south, east and west of these houses, that several of them are elevated above the road and have open views to the west, and that the panels would

be perceived as the principal land use in that view. It records its most notable residual visual effects on this road. Those findings are findings about the solar panels. They are not findings about the compound, the palisade fence, the 36 m mast or the lattice towers, and they are not taken from the houses. The setbacks described in the mitigation section are setbacks of the panels, to keep the view to the west open. They are not a setback of the substation. When the panels are removed, these houses will still have the substation in the same landscape. That view has not been assessed.

Viewpoint VP13 is the junction beside Park National School. The assessment gives it a sensitivity of medium to low. It finds that the nearest rows of panels would be visible to the north, and that once the hedge has established the panels would be fully screened. It does not ask whether the mast or the towers would be seen over the ridge which contains that view. A school is not a passing receptor. The assessment treats it as one, and it tests the wrong development.

Viewpoint VP12 is the L3803 at Inch. The assessment finds the effect imperceptible, because the valley sides screen the site and the only visible element would be a short length of stock-proof fence. That is the solar-farm fence. It is not the 2.6 m palisade, and it is not a structure 36 m high. The finding that Inch would not see the solar farm cannot be adopted as a finding that Inch would not see the substation. The substation has not been tested from this viewpoint.

The same is true of the other local-road viewpoints. Each appraisal discusses the panels. From the start of the viewpoint assessment to the conclusion, the substation, the mast and the towers are not identified in any view. The conclusion then attaches the residual findings for those views to the whole of the renewable energy park, including the substation and the grid connection.

Sequential views are treated in the same way. The methodology recognises that a view contributes to the sense of place of a community, and that the experience of a road is not the same as a single frame. The assessment is nevertheless a set of single frames of the panels. It does not describe what a resident, or a person using the L7829 or the R634, would see of the substation on every journey, during the construction of the platform and for so long as the substation remains. The Sean Kelly cycling route is identified in the baseline, where it crosses the study area. It is not given a viewpoint.

The Commission is being asked to accept that the effects on the nearest houses are acceptable because those houses are set back, by a distance which is not stated, from a development which is not shown in any of the 24 views.

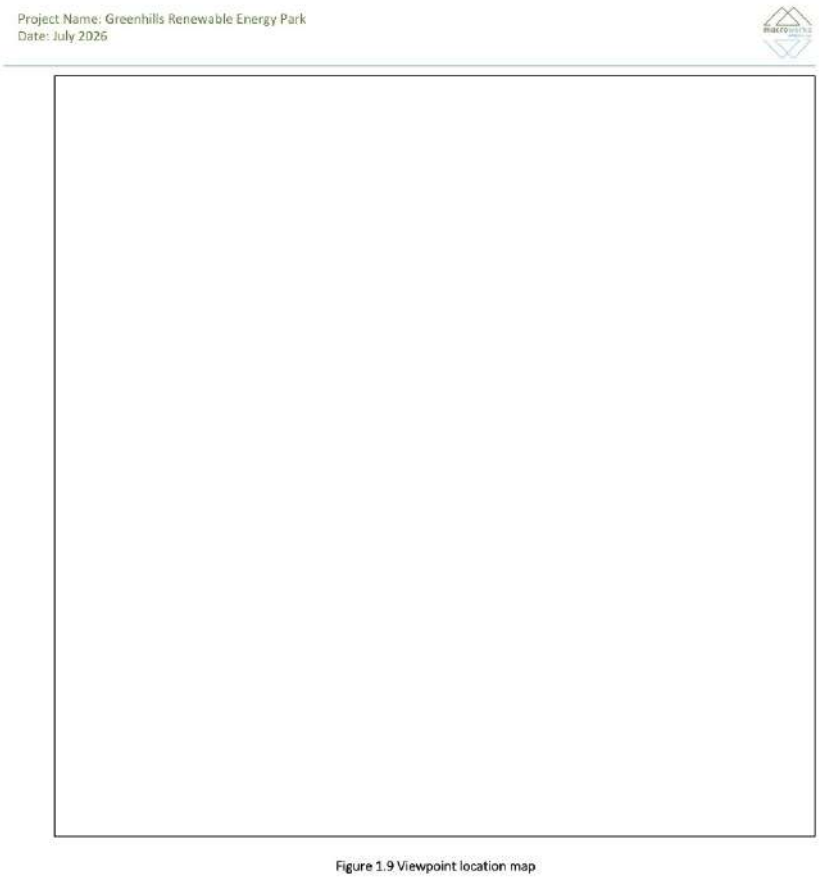


Fig. 51: The empty and incomplete Figure 1.9 of the Landscape and Visual Impact Assessment, the viewpoint location plan – the applicant states that 24 viewpoints are on public land and that none is taken from a house beside the substation (BPS is unable to view Fig. 1.9 as the copy uploaded by the Commission is unreadable)

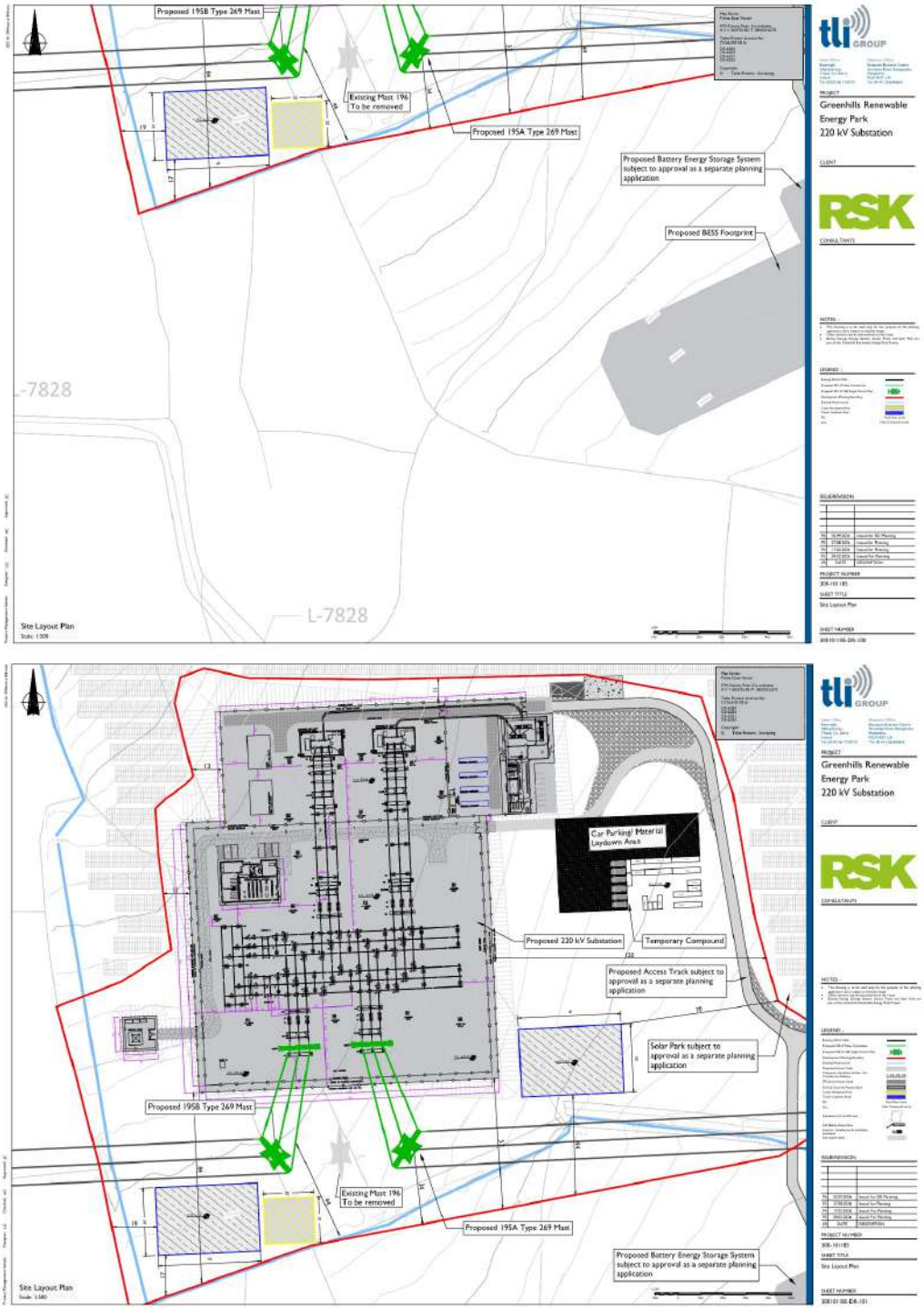


Fig. 52: The substation site layout, Drawing 300101185-DR-100 or DR-101 – where are the dwellings the assessment says are set back? No distance and no photomontage is given. No photographs have been taken from the public road outside the nearest of the impacted local residents' houses


90° Outline View
indicating physical position and scale of the proposed development irrespective of screening
E
SE


90° Photomontage
E
SE


90° Photomontage
Established Mitigation
E
SE

VP8	L7829 at Ballydaniel (2): This is a view afforded from the L7829 local road, representative of local community receptors	Medium	A broad view across the central parts of the array is afforded from this landscape context. Whilst the nearby dwellings and surrounding vegetation		

VP NO.	EXISTING VIEW	VP SENSITIVITY	MAGNITUDE OF VISUAL EFFECT (PRE & POST MITIGATION)	PRE MITIGATION SIGNIFICANCE / QUALITY / DURATION OF EFFECT	POST MITIGATION SIGNIFICANCE / QUALITY / DURATION OF EFFECT
	travelling along the road and of surrounding residential receptors located both east and west of it. Whilst views to the east are contained by the adjacent linear cluster of dwellings, broad, pleasant views are afforded to the west across the rolling surrounding pastoral landscape. Indeed, although the depicted view is afforded some degree of containment, surrounding residential receptors here, many of whom are locally elevated above the road, are afforded open views across the working rural landscape to the west, which forms the principal aspect of visual amenity.		will entirely screen the panels to the east, extensive parts of the development will be visible to the west, with the development presenting as one of the principal built features in that direction. Nonetheless, some notable visual amenity offsets have been incorporated into the design of the proposed array to diminish its visual presence, with large setbacks included to both the east and west of this residential cluster. As a result, the proposed panels will not appear highly prominent from this local context; however, they will be perceived as the principal land use here, occupying much of the surrounding visible pastoral lands in the fore- to middle-ground to the west. Overall, the proposed development will result in a marked degree of visual change in this local context, although the low-lying nature of the panels will not block or obstruct any views to the east. On balance, the magnitude of visual effect is deemed high-medium. In combination with the proposed mitigation-by-design measures, which include offsets from the nearest surrounding dwellings, it is also proposed to include linear corridors of native woodland planted along the perimeter of the proposed array to further screen and soften the development from surrounding receptors, whilst still maintaining visibility of the distant landscape	Substantial-moderate / Negative / Short-term	Moderate / Negative / Long-term

Fig. 53: The VP8 photomontage in Appendix P. The houses on the L7829 - the panels would be seen as the principal land use, and that the substation is not identified (existing dwellings are used as collateral damage to "screen" the scheme)


90° Outline View
90° Photomontage
90° Photomontage
Established Mitigation



Fig. 54: The VP13 photomontage. Park National School, etgc. - <u>the appraisal deals with the panels and not with the mast or the towers (one of the photomontages cannot be viewed online)</u>

7.6.7 The conclusions do not follow from the assessment's own views

The assessment states that an effect of "substantial" or greater may be regarded as significant. Its conclusion is that the whole of the renewable energy park, including the substation and the grid connection, would not give rise to any significant residual effect, that residual landscape effects would not exceed moderate, and that the development does not conflict with the landscape policies of the Development Plan.

Viewpoint 3 is the view which the assessment itself uses for Scenic Route S45. It is labelled "R634 at Knocknagappagh". Our client knows the location as Carey's Cross. The existing view is described as a locally elevated view from a brief section of the scenic route, looking south and south-west across a rolling hill. The sensitivity is high to medium. Before mitigation, the panels are given a magnitude of high to medium and a significance of substantial to moderate, of negative quality. The assessment says they would occupy much of the farmed field, form a noticeable built feature of relatively broad extent, and detract from the scenic amenity.

The residual finding is moderate to slight. The whole of that reduction is attributed to planting. A new hedge along the ridge of the hill is said to screen the panels on the higher ground and to eliminate skylining, and the hedge "will be maintained at a height of 3–4 m". The same reduction is relied on in the conclusion, which says that the potential for skylining from this scenic route is fully eliminated once the planting has established.

Figure 41 is the post-mitigation photomontage for this viewpoint, set beside the existing road sign at the same location. The sign is approximately 2.6 m high. The vegetation drawn in the photomontage is at least twice that height. It is therefore shown at more than 5 m, against a written specification of 3–4 m. The planting does not exist. The Landscape Mitigation Plan does not provide for a hedge of that height at this location. The maintained height stated in the appraisal of Viewpoint 3 is 3–4 m. The image used to justify the residual finding shows something else.

That image is, in any event, an image of the panels. The written appraisal of Viewpoint 3 does not identify the compound, the lattice towers or the 36 m mast. A hedge maintained at 3–4 m was proposed so that panels would not break the skyline. It was not proposed, and it cannot operate, as a screen for the structures in this application. The mitigation zone of visibility goes further than the viewpoint appraisal. Figure 1.14 is said to show that the woodland along the R634 will entirely screen the development from the road and from the landscape to the north-east. The appraisal of Viewpoint 3, which is taken from the R634, still records a residual effect of moderate to slight after the planting. The two cannot both be right, and neither of them is an assessment of the substation.

Viewpoint 4, on the L7829, is left at substantial to moderate after mitigation. On the assessment's own scale, that is the level immediately below the category it treats as significant, and it does not reduce with time. The conclusion that residual effects are not significant, and that there is no conflict with the Development Plan, is reached by setting that view aside and by treating the fall at Viewpoint 3 as if it were the result for the whole project. The fall at Viewpoint 3 exists only in a photomontage which draws the hedge taller than the assessment says it will be kept, and only for the panels.

The photomontage for Viewpoint 3 cannot be relied on. The residual conclusion which depends on it cannot be relied on for the scenic route, and it cannot be relied on at all for the substation.





Fig. 55: Figure 41. The post-mitigation photomontage for Viewpoint 3, from Appendix P, with the existing view inset or beside it, and the 2.6 m road sign marked on both - the assessment's own maintenance height is 3–4 m – the scheme will be highly visible at this location (where in Ireland are there consistent 4m tall hedgerows along roads in undulating landscapes which prevent all possible views?)

7.6.8 The Ballysallagh decisions do not support this station

Cork County Council refused permission for the Ballysallagh solar farm on 1 September 2025, register reference 24/5630. The site was about 179 ha. The second reason was as follows.

Having regard to the scale, extent and extensive site coverage of the proposed solar farm, and the operational duration, relative to the existing rural landscape and residential properties, and in the absence of sufficient mitigation measures to break up the overall panoramic and monolithic nature of the proposed development by way of siting, buffers, appropriate screening and landscaping to aid with its visual assimilation into its surroundings, it is considered that the proposed solar farm would represent a visually incongruous and overbearing feature on the rural landscape at this location which would be detrimental to the visual amenities of the area, would materially contravene policy objective GI 14-9: Landscape of the Cork County Development Plan (2022) and would depreciate the value of property in the vicinity.

Mr Watt, Senior Planner, had recommended that refusal. He said that solar applications had grown from sites of 5 to 10 ha in 2015 and 2016 to more than 170 ha, that the site in that case appeared to have been selected by land availability rather than by planning criteria, and that, in the absence of national guidelines, it was large-scale piecemeal development which would erode the rural character of the area.

The Commission did not accept that recommendation. On the first-party appeal, ACP-323747-25, it granted permission on 19 February 2026. The High Court dismissed the challenge to that grant on 18 September 2026. The Council's reason is not, therefore, available as a decision which the Commission is being asked to repeat. It remains the planning authority's application of objective GI 14-9 to a solar farm of 179 ha. The Landscape and Visual Impact Assessment lodged with this application reaches the opposite conclusion for a solar farm of about 323 ha, assessed together with this substation, and it does so by the method set out in the preceding subsections.

The sequence at Ballysallagh is the more relevant comparison. The Commission approved the 220 kV substation on 17 July 2025, under ABP-321518-24, before the solar farm had been decided. That station was a tail-fed compound, connected by underground cable to the existing Knockraha 220 kV substation. It was not a loop-in of an existing overhead line. The Council then refused the solar farm the substation was intended to serve, including on landscape grounds. The grant of the substation did not, in the Council's assessment, make the solar farm acceptable.

The landscape assessment lodged with the Commission is an assessment of the solar farm. No comparative plan of the two sites should be included. A plan which presents this application as 323 ha of panels would describe the solar farm, not the development in this application.

This application asks the Commission to take the first of those steps for a different form of station. The connection is a loop-in of the Knockraha–Cullenagh 220 kV line, with two new lattice towers and a telecom mast of 36 m, on a compound which the applicant's own assessment says will not be removed. The same assessment treats the substation and the 323 ha solar farm as one landscape project and concludes that there is no conflict with objective GI 14-9. That conclusion is not supported by the Ballysallagh substation permission. That permission was for a different connection, it preceded the decision on the solar farm, and the landscape assessment of the solar farm was made afterwards, on its own application. Here, the landscape assessment of the solar farm has been lodged as the landscape assessment of the substation, and the solar farm has not been permitted. Register reference 25/6876 was declared incomplete.

Mr Watt's comment remains relevant to how this site was assembled. It is not a basis for saying that the Commission has refused a solar farm of 179 ha, or that it must refuse this application because the solar farm is larger. The Commission has granted the Ballysallagh solar farm. What it has not done is treat a permanent loop-in, and a landscape assessment written for a solar farm, as an acceptable application of objective GI 14-9.

No comparative plan of the two sites should be included. A plan which presents this application as 323 ha of panels would describe the solar farm, not the development in this application.

7.6.9 The compound is to be lit, and the lighting is not assessed

The Planning and Environmental Report states that there will be no perimeter lighting at the solar farm, and that no outside lighting is required there. The same report states, for the substation, that adequate lighting will be installed around the compound on the lighting masts. The Landscape and Visual Impact Assessment repeats that sentence. It does not assess it.

There is no lighting drawing, no lux plot and no night-time view. The assessment does not identify which houses in Ballyneague would see the lighting, or whether the 36 m telecom mast would carry an aviation light. The pre-planning advice recorded in the Planning and Environmental Report was that, if security lighting were required, a lux plot should be submitted and a level of 0.5 lux should be achieved at sensitive ecological features. No such plot has been submitted for the substation. The landscape assessment treats night-time lighting as a temporary feature of construction. The lighting described for this compound is permanent.

7.7 Ground 7: The ecological assessment is an assessment of the solar farm

The ecological surveys and assessments lodged with this application were prepared for the Greenhills Renewable Energy Park. They do not describe the substation compound, the two new towers, or the access track proposed in this application.

The Ecological Impact Assessment and the Screening for Appropriate Assessment and Natura Impact Statement were prepared by Inis Environmental Consultants Ltd in December 2025. Both are addressed to Ørsted. Both state that they are not to be relied on by any third party, and that Inis accepts no responsibility to any person other than the client. The applicant for this application is Perigus Energy Ireland Midco Limited. The decommissioning section of the Ecological Impact Assessment names the applicant as Orsted Onshore Ireland Midco Limited.

Neither report assesses the development in this application. The Ecological Impact Assessment describes a proposed development of 328 ha, comprising the solar array, the inverter stations, the entrances, the battery compound and, at the end of the list, the 220 kV substation and the loop-in. It applies a ten-year permission and a 40-year operational life to the entire development. The Natura Impact Statement describes a solar array of about 323 ha across the same seven townlands, and applies the same ten-year permission and 40-year life. Both reports then state that the substation will be handed to EirGrid or ESB Networks and will not be decommissioned. The ecological effects of decommissioning are assessed as the removal of the panels. The permanent compound, the percolation area and the tower foundations are not given an assessment of their own.

The field surveys were carried out on that basis. The habitat survey is described as a survey of habitats within a 50 m buffer of the work locations of the solar farm. The in-combination assessment in the Natura Impact Statement is made against two housing applications, register references 244643 and 244647, because they lie beside the 33 kV cable route of the solar farm. The otter mitigation in section 9 is the repair of panels, the management of the solar-farm biodiversity areas, and signage on the solar parcels. None of that mitigation is part of this application. A conclusion that the substation will not affect a European site, reached by relying on surveys and mitigation prepared for a different project, is not a conclusion about this development.

The bat surveys were carried out at three structures (BL1, BL3 and BL6). These are not the buildings to be demolished for the substation, because the substation is a new compound on agricultural land. There is no activity transect or static detector survey along the hedges or access track proposed for the substation and tower positions. Otter was surveyed

on only two days in August 2025; there is no winter visit. The Natura Impact Statement screens out the freshwater pearl mussel of the Blackwater River SAC on the basis of 2020 Inland Fisheries Ireland mapping and does not identify or survey the watercourse that would receive drainage from the substation platform. The mitigation proposed is the mitigation for the solar farm, which is not this application.

7.7.1 The survey record does not describe the substation

Table 3.2 of the Ecological Impact Assessment is the survey record. The same dates are carried into the Natura Impact Statement. They are not a survey of the compound, the cut and fill of 25,013 sq.m, the percolation area, or the foundations of the two new towers and the tower which is to be removed.

The habitat walkover was on 27 January, 28 February, 20 March, 2 May and 19 August 2025. Three of the five visits were outside the flowering season. The two visits within it, in May and August, were of the solar-farm buffer. Figure 42 shows why a botanical classification made in January and February cannot be treated as complete. It does not follow that no summer visit took place. It does follow that the summer visits were not of this application.

The general bird walkover, described as a field assessment of all birds, was on 27 January, 4, 11 and 28 February and 12, 27 and 28 March 2025. It stopped before the breeding season. The countryside bird survey was two visits, on 22 May and 6 June 2025. There was no visit in April and no visit in July. Two transects, both in the second half of the season, are the whole of the breeding-bird survey for a landholding the assessment describes as 328 ha. They are not a survey of the ground on which the compound is to be built.

The visits described as I-WeBS, and therefore as a survey of wintering waterbirds, were on 27 January, 4 and 11 February, 11 March, 15 May and 6 June 2025. There is no visit from September to December. May and June are not a wintering survey. The water-connectivity visits use the same dates, with the addition of 6 June, and are a survey of birds on the watercourses of the solar farm.

The amphibian assessment was on the same January, February and March dates, and on no date after 28 March. Figure 42 shows the breeding period for frogs and newts running through the spring. There is no April, May or June visit, and the method is described as a field assessment. It is not a torch survey of breeding ponds. The absence of a record is not evidence that smooth newt is absent from the drains and ponds which the substation and its percolation area would affect.

The bat surveys were inside the period shown on Figure 42, and the existing text should not say otherwise. The preliminary roost assessment was on 15 May 2025. Emergence surveys were on 15, 16 and 22 July, 5, 7 and 28 August and 2 and 9 September 2025, at three structures, BL1, BL3 and BL6. There is no activity transect and no static detector survey. The three structures are not identified as the buildings to be demolished for the substation, because the substation is a new compound on agricultural land. The surveys do not describe bat activity along the hedges and the access track which the construction methodology says will be built to the compound and the tower positions.

Otter was surveyed on two days, 19 and 21 August 2025. There is no winter visit, when spraints are more readily found. The survey is not related to the percolation area or to the watercourse which would receive drainage from the platform.

No reptile survey and no invertebrate survey is listed. The gap is not that those surveys were carried out in the wrong month. They were not carried out.

The Natura Impact Statement uses this record. It screens out the freshwater pearl mussel of the Blackwater River (Cork/Waterford) SAC on the basis that Inland Fisheries Ireland mapping from 2020 does not show salmon in the Tourig, and therefore that the development is not likely to affect the host fish. It does not identify the watercourse which drains the compound, and it does not survey it. It finds that adverse effects on otter cannot be excluded without mitigation, and the mitigation it then sets out is the mitigation for the solar farm. The solar farm is not this application, and register reference 25/6876 was declared incomplete.

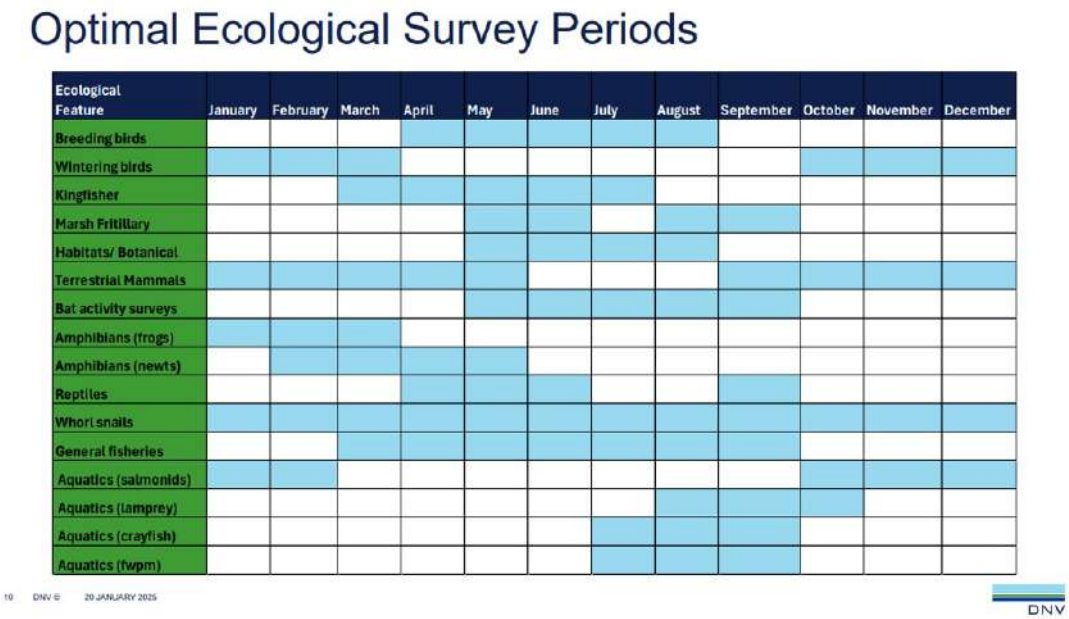


Fig. 56: Optimal Ecological Survey Periods - the breeding-bird walkover and the amphibian assessment stop at the end of March. The wintering-bird survey has no autumn visit. The habitat survey of the solar farm is not a habitat survey of the substation. The bat surveys, which were in season, were of three structures on the solar farm and not of this site (Source: DNV)

7.7.2 The screening excludes the estuary, and the Natura Impact Statement assesses the solar farm

Section 6 of the Screening for Appropriate Assessment and Natura Impact Statement concludes that, in the absence of mitigation, likely significant effects on the Blackwater River (Cork/Waterford) SAC cannot be ruled out, and it asks the competent authority to carry out an appropriate assessment of that site. Table 6.1 records Stage 2 as required for the SAC and not required for the Blackwater Estuary SPA, Ballymacoda Bay SPA, Ballycotton Bay SPA or Cork Harbour SPA. The assessment did not, therefore, screen the SAC out by relying on mitigation. The error is in what was screened out, and in the project which was then assessed.

Table 4.2 gives the distances. The SAC is 2.01 km from the development boundary at its nearest point, and 3.50 km by the hydrological route. The Blackwater Estuary SPA is 2.09 km away, and the same 3.50 km by water. The text of section 4.1.6 states that these are the two sites with hydrological connectivity, through the Tourig. Table 6.1 then records pollution and contamination as a pathway for the SAC and not for the SPA. Sediment or a pollutant which can reach the SAC by the Tourig can reach the estuary into which the Tourig drains. Screening out the SPA, on the same pathway and the same distance, is not a precautionary conclusion. It is the opposite of one.

The development to which those distances are applied is not the substation. The report describes a solar array of about 323 ha, a ten-year permission and a 40-year life, and then records that the substation will be handed to EirGrid or ESB Networks and will not be decommissioned. The construction period, the watercourse crossings and the drainage network in Figure 4.8 of the flood risk assessment, reproduced as Figure 45, are the crossings and the drainage of that solar farm. They are not a description of the compound, the cut and fill of 25,013 sq.m, the imported stone, or the percolation area. The pathway from this application is the pathway from those works. It has not been identified.

Within the SAC, the interests which the screening had held open are then set aside. Table 7.2 gives the site-level condition of the fish interests as Excellent or Good. The asterisk to that table states that the available data predate the fish kill in this SAC in 2025, and cites the Inland Fisheries Ireland summary report of August and September 2025. The report records the kill and continues to use the earlier condition assessment. Salmon are screened out on the Inland Fisheries Ireland monitoring report for 2020. The freshwater pearl mussel is screened out because that mapping does not show salmon in the Tourig, and therefore, it is said, the development is unlikely to affect the host fish. There is no survey of the watercourse which would receive drainage from the compound. A footnote which admits that the conservation condition predates a fish kill, followed by a conclusion that the fish interests can be excluded, does not remove reasonable scientific doubt.

The in-combination assessment does not repair this. The search was limited to five years and to a radius of 500 m around the solar farm, and it excluded incomplete applications. The solar farm application, register reference 25/6876, was declared incomplete. It is not assessed as a separate project. It is treated as part of the development being screened. The only projects taken forward are two houses, register references 244643 and 244647, because they lie beside the 33 kV cable route. Table 6.1 records in-combination effects as "No" for every European site. Section 5.6 says that two projects were screened in. Section 8 then finds that mitigation is not required for those houses, by reason of dilution and vegetation. The solar farm, which is the development the substation is being built to serve, is not an in-combination project in this assessment because the assessment has already absorbed it.

The Natura Impact Statement which follows does not close the gap. The mitigation in section 9 is the repair of panels, the management of the solar-farm biodiversity areas, and signage on the solar parcels. Those measures are not part of this application, and they are not secured. Article 6(3) of the Habitats Directive, and section 177V of the Planning and Development Act 2000, require the Commission to be satisfied, beyond reasonable scientific doubt, that the development will not adversely affect the integrity of a European site. The existence of a Stage 2 report is not that satisfaction, where the report assesses a different project, excludes the estuary on the same watercourse on which it includes the SAC, and assesses the fish interests of the SAC on data which its own footnote says predate the fish kill.

Table 4.4 is the otter survey. If the image already prepared is Table 4.4, it belongs with section 7.7.1, as the February and March field notes, and not as proof of the connection. Figure 45 should be captioned as

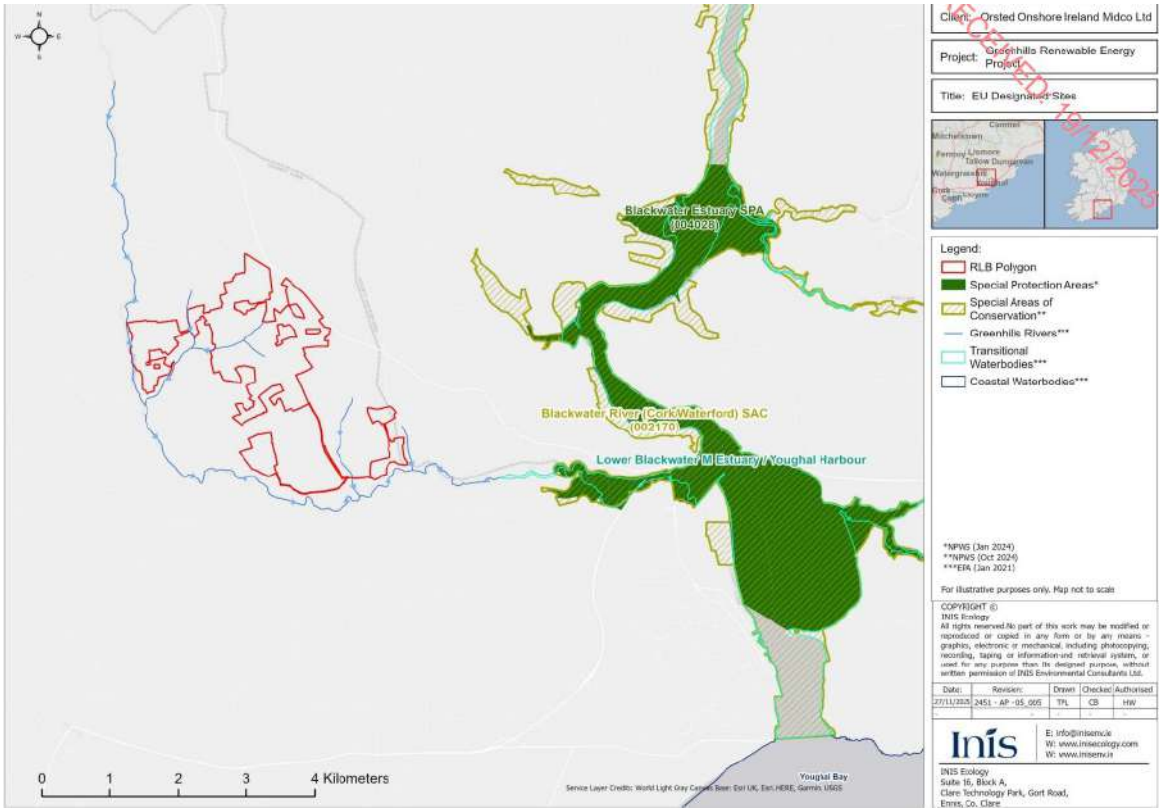


Fig. 57: The hydrological connection shown in the Natura Impact Statement (Source: Screening for Appropriate Assessment and Natura Impact Statement (Inis Environmental Consultants Ltd)

Table 4.2: *Distance from European sites within ZoI and the Proposed Development.*

Site code	Site name	Distance to Proposed Development (km)	Hydrological Distance (km)
Special Area of Conservation			
002170	Blackwater River (Cork/Waterford) SAC	2.01	3.50
000077	Ballymacoda (Clonpriest and Pillmore) SAC	6.26	-
002123	Ardmore Head SAC	14.38	-
Special Protection Area			
004028	Blackwater Estuary SPA	2.09	3.50
004023	Ballymacoda Bay SPA	6.28	-
004022	Ballycotton Bay SPA	13.08	-
004192	Helvick Head to Ballyquin SPA	15.80	-
004030	Cork Harbour SPA	16.04	-

Fig. 58: Table 4.2 of the NIS - : 3.50 km by water to both the SAC and the Blackwater Estuary SPA

Yes, there is hydrological connectivity via the Youghal Park River which flows into the Tourig River, which has hydrological connectivity to the Blackwater River (Cork/Waterford) SAC located 3.5km downstream.

Yes, there is hydrological connectivity via the Youghal Park River which flows into the Tourig River, which has hydrological connectivity to the Blackwater Estuary SPA located 3.5km downstream.

Fig. 59: Confirmation the site is hydrologically connected to Blackwater River SAC and Blackwater Estuary SPA. (Source: Table 4.4, Screening for Appropriate Assessment and Natura Impact Statement (Inis Environmental Consultants Ltd)

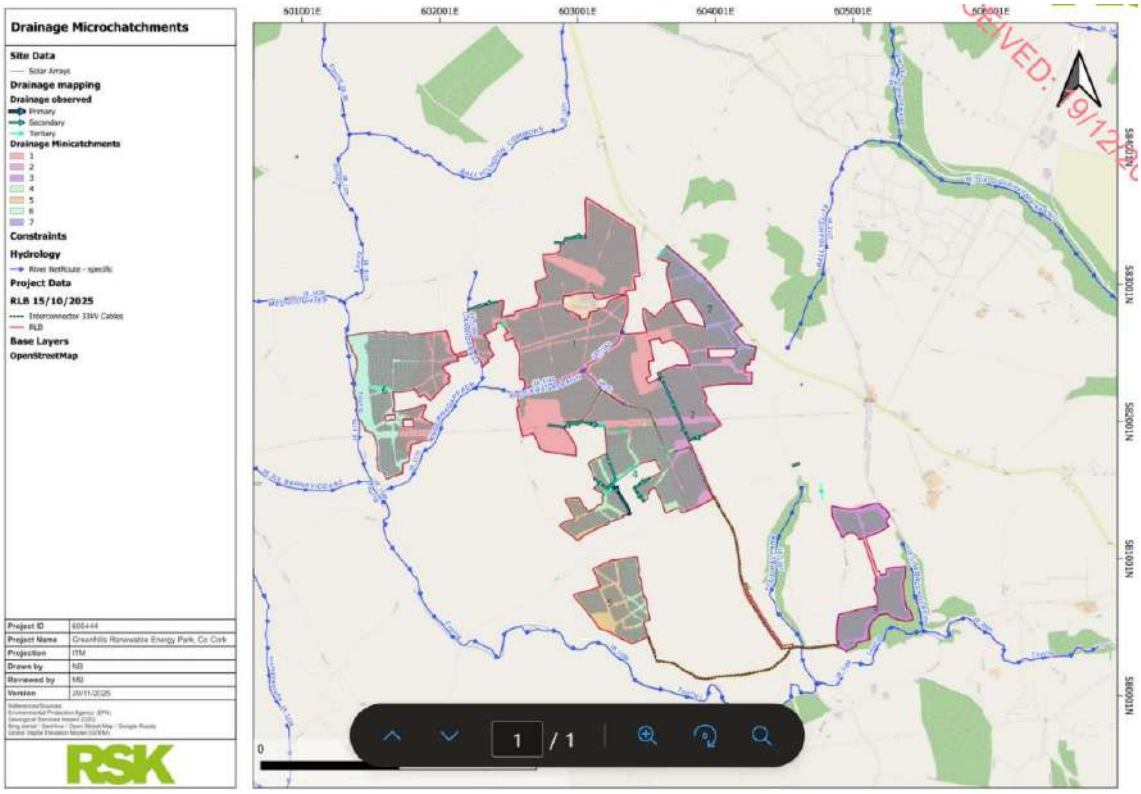


Fig. 60: Watercourses and Drainage Network within the Site (Source: RSK, Flood Risk Assessment Figure 4.8 (this is taken from the solar planning application)

7.7.3 The sett map and the fragmentation assessment are of the solar farm

Section 5.2.4 of the Ecological Impact Assessment records six potential badger setts. Four are inside the red line of the renewable energy park and two are outside it. The records are in Table B.2 and are mapped on Figure 5.10. Figure 46 is the constraints plan which accompanies that record. The survey which produced it was the walkover of the solar farm. It is not a survey of the compound, the access track or the tower positions.

The two setts nearest the substation are Sett 1, at ITM 602747.63, 582269.13, and Sett 3, at ITM 602671.37, 582249.96. Both were recorded on 11 February 2025. Sett 1 had numerous entrances, bedding and well-worn tracks. Sett 3 had several entrances, fresh digging and well-worn tracks. The Planning and Environmental Report gives the centre of the substation as ITM 602704.4, 582070.1. Those two setts lie of the order of 180 m and 200 m from that centre point. The assessment never measures the distance from either sett to the edge of the compound, to the access track, or to the foundations of the towers. The other four setts are left as features of the solar farm.

The assessment then finds that the loss of foraging habitat would be a short-term moderate effect, and not significant, because most of the hedgerows would remain and the change to the grassland would be short-term. It finds that fragmentation during construction would not permanently obstruct commuting or foraging. The operational effect on badger is assessed as low. Those findings are findings about the solar farm. They depend on the grassland remaining available and on the fencing not forming a barrier.

The fence for which the assessment provides a mitigation is the stock-proof fence. Section 9.1.11 says that wildlife gates will be provided in that fence to avoid fragmentation. The fence around this compound is a palisade fence, 2.6 m high. No wildlife gate is proposed in it. The compound is handed to EirGrid and is not removed. An area beside it is reserved for a future extension. A palisade enclosure of about 2.2 ha, on a platform formed by 25,013 sq.mof cut and fill, is a permanent loss of the ground it occupies and a permanent barrier. It is not a short-term change in grassland, and a gate in a solar-farm fence does not mitigate it.

The distances written into the assessment are not applied to these works. The text states that a sett is sensitive to machinery within 30 m, that an active breeding sett is sensitive within 50 m, and that, where piling or blasting is carried out, an active sett is sensitive within 150 m. The buffers drawn on Figure 46 are the 150 m buffers. The mitigation which is then adopted is a pre-construction survey, to be carried out ten to twelve months before construction, and a 30 m exclusion, increased to 50 m in the breeding season, which the assessment defines as December to June. The tower foundations, the crane pads and the excavation of the platform are not tested against the 150 m distance. The pre-construction survey is not a substitute for measuring the works in this application against the two setts which the assessment has already recorded.

The same section treats otter as a key ecological receptor of international importance, because it is a qualifying interest of the Blackwater River (Cork/Waterford) SAC. A footprint was recorded on the Tourig at ITM 601392.49, 582405.54. The Tourig is described as of high suitability for foraging and breeding. Before mitigation, pollution of that habitat during construction is assessed as a very significant effect. The mitigation which follows is a further otter survey before works begin, and the measures in the solar-farm construction plan. The design measure relied on for mortality is that work will stop at night, when otter are most active. The construction methodology for this application allows work until 8 pm. For much of the year, that is after dark.

A resident of Inch has recorded an otter at the back door of a house in the village in recent months. That is consistent with the assessment's own finding that otter use the Tourig. It is not a record which the assessment has gathered, and it is not a record of the watercourse at the compound. The assessment does not identify that watercourse, and it does not assess the permanent compound, its lighting, or its percolation area as a constraint on otter movement. The movement it does assess is movement across the solar farm.

The 395 m of hedgerow which the assessment says will be removed is the removal for the whole of the renewable energy park. It is not itemised for the access track or the tower bases. The conclusion that fragmentation will not be permanent is a conclusion about a solar farm which is to be fenced with a stock-proof fence and removed after 40 years. It is not a conclusion about this station.

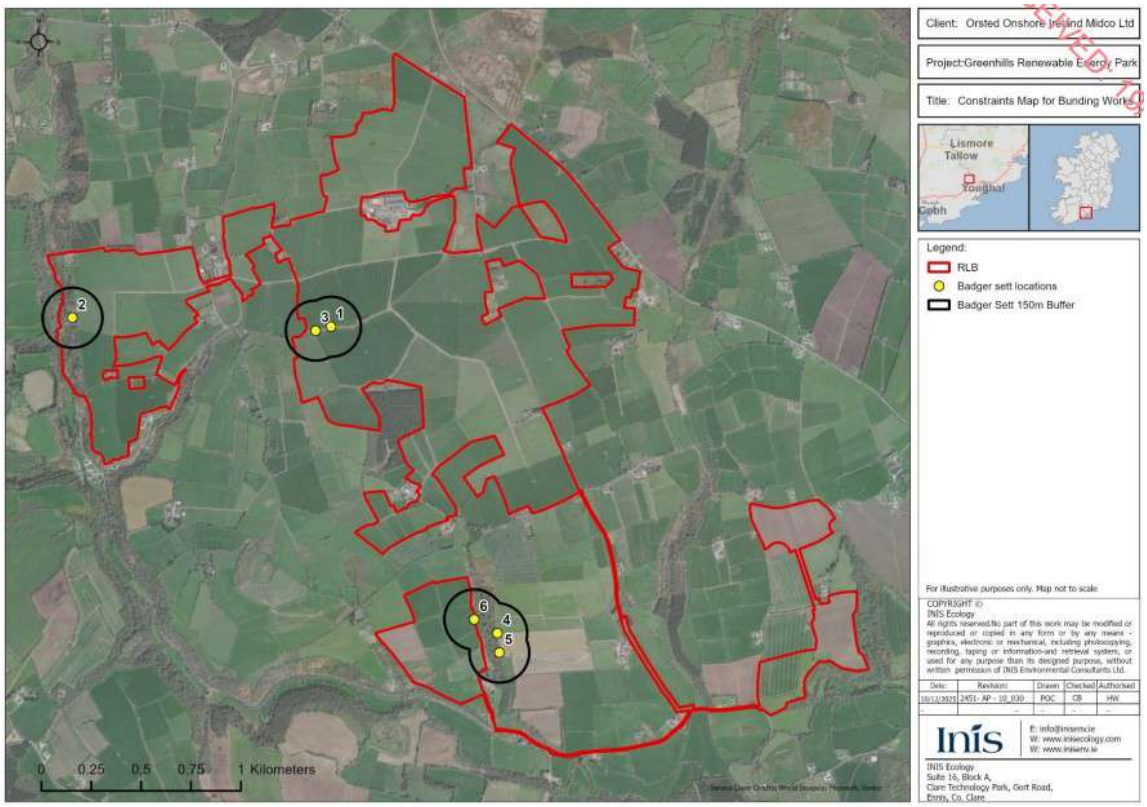


Fig. 61: The badger constraints plan in the Ecological Impact Assessment – the Commission should cross reference this with Figure 5.10 and Table B.2. Sett 1 and Sett 3 are closed to the substation - the written mitigation is 30 m, and not the 150 m buffer drawn on the plan

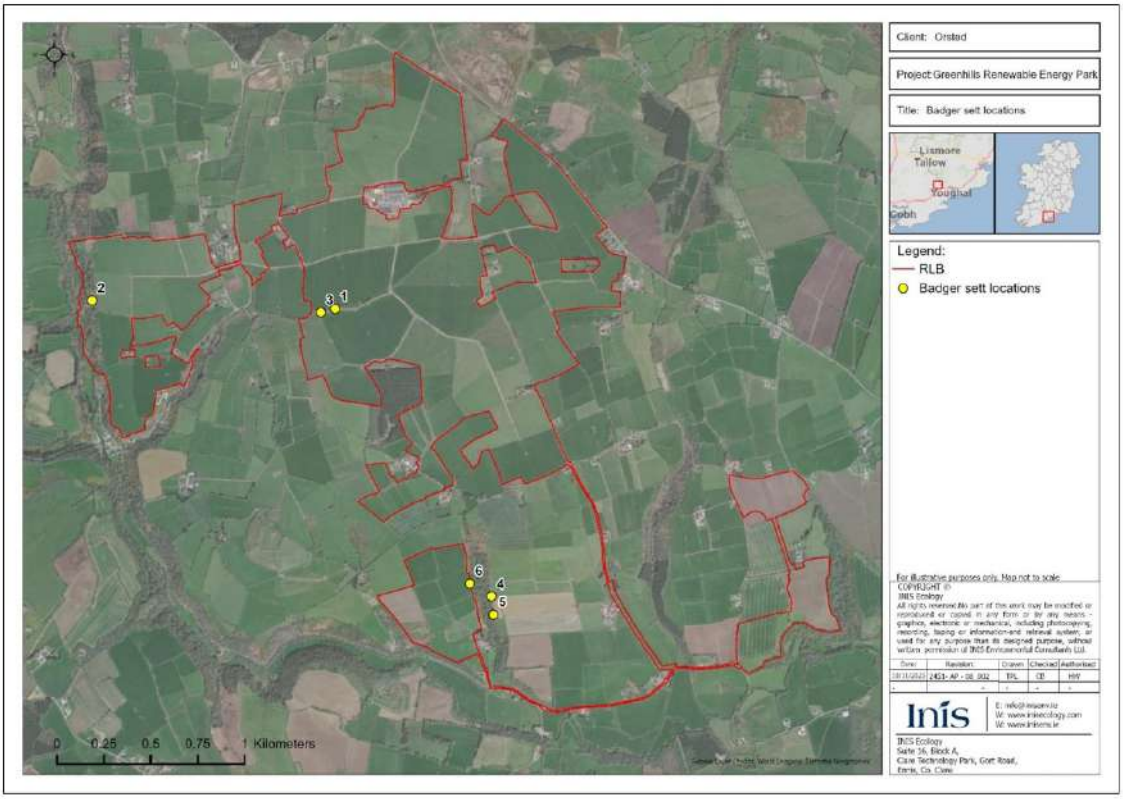


Figure 5.10: *Badger Sett Locations.*

Fig. 62: Fig. 5.10 Badger Sett Locations of the EcIA

Table B.2. *Badger Sett Locations.*

Sett No.	Date	ITM	Notes
1	11/02/2025	602747.63, 582269.13	Upon carrying out I-WeBS along hedgerow, fresh Badger prints found along hedgerow. Extensive search along hedgerow and embankment, found evidence of sett. Numerous entrances with bedding like material and well-worn tracks.
2	11/02/2025	601452.4, 582313.92	One large single entrance underneath thicket of bramble. Heavily worn tracks in area. No footprint of species present
3	11/02/2025	602671.37, 582249.96	Same as previous bout, fresh extensive digging along field margin in comparison to previous week survey. Several entrances located along embankment. Well-worn tracks, strong smell of Red Fox in area too. Initially missed due to thick vegetation and steep embankment.
4	28/02/2025	603580.96, 580736.32	Large entrance, well-worn entering. General evidence in area
5	28/02/2025	603591.1, 580639.27	Large single entrance, large amount of earth moved. General activity in the area.
6	28/02/2025	603465.74, 580805.34	Two large openings, one entrance has evidence of vegetation being dragged in.

Fig. 63: Table B.2. Sett 1 and Sett 3 are closed to the substation - the written mitigation is 30 m, and not the 150 m buffer drawn on the plan

7.7.4 The invasive-species report does not assess the substation, and its own conclusion is not supported by its measures

The Invasive Species Report was prepared by Inis for the Greenhills Energy Park. One of its own page headings describes it as the report for the Greenhills solar farm. The study area is the red line of that park. The targeted survey, on 19 August 2025, was carried out along the 33 kV underground routes connecting the south-western and south-eastern parcels. It was not a survey of the compound, the access track or the tower positions.

Table 4.2 records one stand of Japanese knotweed, 5 m in length, at ITM 603732.63, 580203.68, on that August visit. The centre of the substation is given as ITM 602704.4, 582070.1. The stand is about 2.1 km south of that point. Cherry laurel is recorded in the same southern cluster, including stands outside the red line, and in three short lengths recorded on 27 March 2025 about 650 m from the substation centre. American mink footprints were recorded once, on 28 March 2025, at ITM 605197.36, 580398.80, on a river reach about 3 km from the compound. Fallow deer signs were recorded at several places on the solar farm between January and March 2025. None of these records is identified as being on the land to be excavated for the platform.

The report states that not every high-impact species is likely to be detectable on a habitat walkover, and that species which are not in leaf or in flower may be missed. It then states that no seasonal limitation arises. The only summer

survey was the survey of the 33 kV route. The substation was not included in it. A walkover of the wider farm in January, February and March is not a survey of the ground on which 25,013 sq.mis to be excavated.

The measures do not match the conclusion. Section 5.4 states that the knotweed is on private property and that eradication may not be possible. The measure proposed is a cordon of 7 m, with soil excavated inside that radius treated as contaminated. The Ecological Impact Assessment, at section 9.1.10, describes the same precaution as a buffer of 10 m. The two documents lodged for the same project do not agree the distance. Section 5.5.4 is headed "Monitoring and Treatment". Its text is that contaminated soil should be carried by a licensed waste carrier who has been told what it contains. It gives no inspection, no frequency, no duration and no treatment. The conclusion then says that an ecological clerk of works will oversee pre-construction removal and eradication, and post-construction monitoring "as described in Section 5.5". Section 5.5 does not describe either.

The same conclusion says that the development poses no threat of spreading a scheduled species. The Ecological Impact Assessment finds that the spread of fallow deer and American mink could have very significant effects, and that the development is likely to result in significant effects from the spread of invasive species. Both documents are in the application. They cannot both be the assessment.

The report is also inconsistent about the legal position. Section 5.1.3 states that there are no specific legal provisions for fallow deer. Section 5.2.3 states the same for American mink. Section 6 then states that both are on the First Schedule of the European Union (Invasive Alien Species) Regulations 2024, that mink is also on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011, and that there is a legal obligation not to affect their distribution. Cherry laurel is described as high-impact and, because it is not scheduled, as a species there is no obligation to control. Japanese knotweed is scheduled. The obligation not to cause it to be dispersed is not discharged by a 7 m cordon around a stand 2.1 km away, on land where the report says eradication may not be possible.

The works in this application are the works the report does not control. About 9,320 sq.m of stone is to be imported. The biosecurity measure for that stone is that the supplier is required to assure that it is free of invasive species. There is no inspection. The cut and fill moves 25,013 sq.m of soil. The report cites research that knotweed can regenerate from a fragment of about 2 cm. It does not identify the haul routes between the recorded stand and the substation, and it does not say how soil excavated on the solar farm is to be kept out of the platform. The substation is then handed to EirGrid and is not decommissioned. Section 5.5 contains no measure for the period after that handover. There is no person identified as responsible, no interval for inspection, and no threshold at which treatment would be required.

The Natura Impact Statement relies on these measures to exclude the spread of invasive species as a pathway to otter in the Blackwater River (Cork/Waterford) SAC. The measures are the measures for the solar farm. They are not secured for this application. A conclusion that the substation poses no risk of spreading a scheduled species cannot be drawn from a survey of the 33 kV route, a cordon whose width is stated differently in two reports, and a monitoring section which contains no monitoring.

Table 4.2: *Records of invasive flora and fauna found in the vicinity of the Proposed Development.*

Date	Species	ITM	Area/Length (Ha/m)	Designation	Notes
Invasive Faunal Species					
27/01/2025	Fallow Deer *Dama dama*	603471.45, 581698.38	NA	First Schedule (S.I. 374/2024)	Footprint found along hedgerow
27/01/2025	Fallow Deer *Dama dama*	603134.73, 581979.43	NA	First Schedule (S.I. 374/2024)	Feeding
11/02/2025	Fallow Deer *Dama dama*	601459.38, 582510.60	NA	First Schedule (S.I. 374/2024)	Well defined trail. Presence of hoof prints
28/02/2025	Fallow Deer *Dama dama*	603228.46, 581522.05	NA	First Schedule (S.I. 374/2024)	Presence of species
12/03/2025	Fallow Deer *Dama dama*	605030.26, 580377.72	NA	First Schedule (S.I. 374/2024)	Hoof prints evident
12/03/2025	Fallow Deer *Dama dama*	605126.11, 580523.44	NA	First Schedule (S.I. 374/2024)	Heavily used track
12/03/2025	Fallow Deer *Dama dama*	605421.73, 580558.25	NA	First Schedule (S.I. 374/2024)	Heavily worn track along hedgerow
12/03/2025	Fallow Deer *Dama dama*	605188.71, 580871.04	NA	First Schedule (S.I. 374/2024)	Heavily used area
28/03/2025	American Mink *Neovison vison*	605197.36, 580398.80	NA	First Schedule (S.I. 374/2024) Third Schedule (S.I. 477/2011)	Good requirements for Otter. Mink footprints visible along sections of river
Invasive Alien Plant Species					
27/03/2025	Cherry Laurel *Prunus laurocerasus*	602204.12, 582489.35	1m	High Impact Invasive Species	
27/03/2025	Cherry Laurel *Prunus laurocerasus*	602196.24, 582485.03	5m	High Impact Invasive Species	Quite a tall plant.
27/03/2025	Cherry Laurel *Prunus laurocerasus*	602138.49, 582472.97	2m	High Impact Invasive Species	
19/08/2025	Cherry Laurel *Prunus laurocerasus*	604027.01, 580138.27	35m	High Impact Invasive Species	

19/08/2025	Cherry Laurel *Prunus laurocerasus*	603998.27, 580124.66	12m	High Impact Invasive Species	Situated along wall of premises
19/08/2025	Cherry Laurel *Prunus laurocerasus*	603827.36, 580161.66	50m	High Impact Invasive Species	Outside of RLB
19/08/2025	Japanese Knotweed *Fallopia japonica*	603732.63, 580203.68	5m	First Schedule (S.I. 374/2024) Third Schedule (S.I. 477/2011)	Very tall in height and dense
19/08/2025	Cherry Laurel *Prunus laurocerasus*	603697.79, 580229.55	5m	High Impact Invasive Species	Located at entrance of gate outside of RLB
19/08/2025	Cherry Laurel *Prunus laurocerasus*	604170.80, 581058.81	25m	High Impact Invasive Species	Two individual plants present along with ornamental species

Fig. 64: Figure 4.2 of the Invasive Species Report

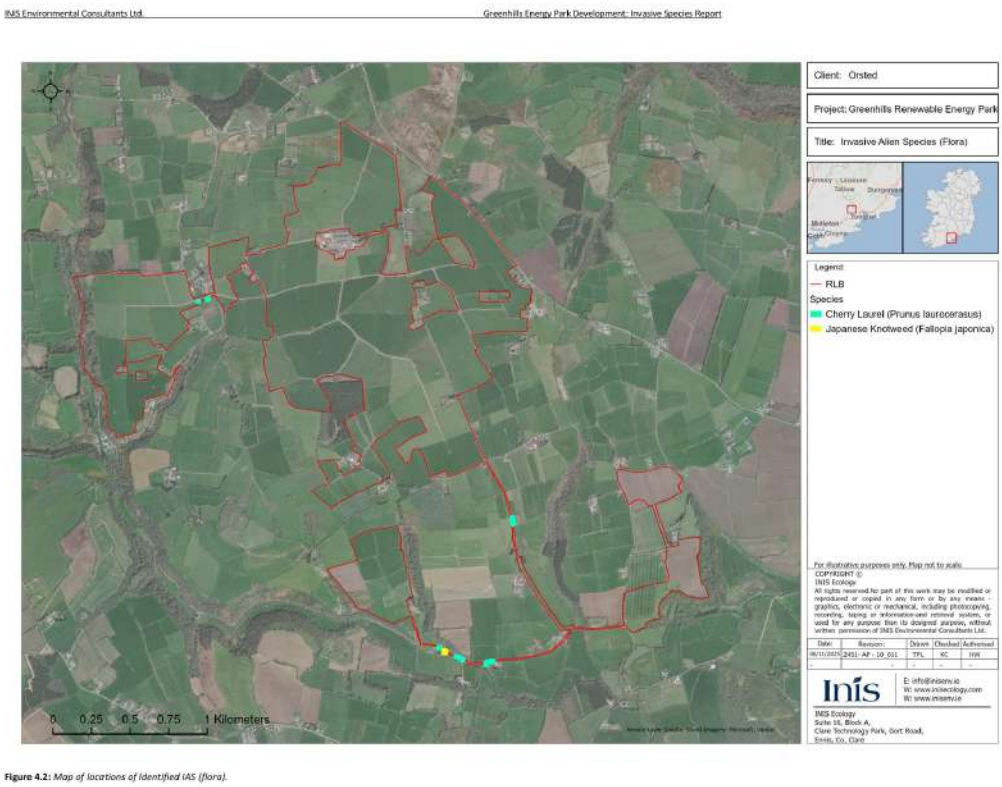


Fig. 65: Table 4.2 -. The knotweed stand and the substation centre are close

7.7.5 The findings of no significant effect depend on mitigation which is not part of this application

Section 6 of the screening report states that, in the absence of mitigation, likely significant effects on the Blackwater River (Cork/Waterford) SAC cannot be ruled out. The defect is not that the screening used mitigation to exclude that site. The defect is in what follows. The Ecological Impact Assessment and the Natura Impact Statement each identify effects which they describe as significant, and each then concludes that the effects will not be significant because of measures which are not part of this application and which are not fixed.

The Ecological Impact Assessment finds that pollution of otter habitat during construction would be a very significant effect on a receptor of international importance. It then finds that, once the design measures are taken into account, a significant effect is unlikely. The design measure relied on for mortality is that work will stop at night. The construction methodology for this application allows work until 8 pm. The measure relied on for sediment is a settlement pond at every major excavation, including the substation. No pond is sized for the excavation of 25,013 sq.m, and the drainage drawing for the compound leaves the outfall and the percolation area to be confirmed. A measure which has not been designed cannot be treated as certain.

The same assessment finds that fragmentation of badger habitat will not be permanent because wildlife gates will be provided in the stock-proof fence. The fence in this application is a 2.6 m palisade. The exclusion distances are stated as 30 m in the mitigation and 150 m on the constraints plan. The survey which is to establish whether a sett is active is to be carried out ten to twelve months before construction. It has not been carried out. Sections 7.7.3 and 7.7.4 set out the same pattern for the two setts nearest the compound and for invasive species. The Ecological Impact Assessment finds that the spread of invasive species is likely to have significant effects. The Invasive Species Report finds that the development poses no such threat. Its monitoring section contains no monitoring, and the knotweed buffer is 7 m in one report and 10 m in the other.

The Natura Impact Statement reaches its conclusion in the same way. The measures in its section 9 are the repair and management of the solar array, the biodiversity areas on the solar parcels, and signage on those parcels. They depend on a solar permission which has not been granted, on surveys which have not been done, and on a design which the drawings mark as to be confirmed. The substation is then to be handed to EirGrid. Nothing in the mitigation identifies who will carry it out, or inspect it, after that handover. There is no decommissioning of the substation against which a restoration measure could be enforced.

Article 6(3) of the Habitats Directive allows mitigation to be taken into account at Stage 2. It does not allow a conclusion of no adverse effect where the measures are incomplete or their effectiveness is open to reasonable scientific doubt. The Court of Justice requires those measures to be complete, precise and definitive. A pre-construction survey, a buffer stated differently in two documents, a pond which has not been designed, and a fence which belongs to a different application do not meet that test. Section 177V of the Planning and Development Act 2000 requires the Commission to be satisfied beyond reasonable scientific doubt. The conclusions in the Ecological Impact Assessment

and the Natura Impact Statement do not provide that satisfaction, because each of them holds only if mitigation which is not before the Commission is assumed to work.

7.7.6 The oil, the fuel and the adjoining battery compound

7.7.6.1 What this application contains

The site notice describes a 220 kV air-insulated substation of 2.2 ha. It includes two oil-filled step-down transformers in bunded enclosures, two 220 kV transformers with their cabling, busbars and circuit breakers, a diesel generator with a fuel tank, and, in the IPP building, a battery room and a battery control room. It does not include the battery energy storage compound. That compound is part of the separate application to Cork County Council. The Planning and Environmental Report places it immediately south of this station and describes it as 56 battery containers, seven transformers, a house transformer and a bunded diesel installation, on a platform formed by 2,396 sq.m of cut and fill and capped with 3,272 sq.m of stone.

The reports lodged with this application do not keep the two developments apart. The construction sequence for the substation, at section 5.5 of the Planning and Environmental Report, includes delivery of containers of battery units. The statement that transformer oil will be bunded and that no emission will occur in normal operation, at section 5.8, is a statement about the inverter transformers of the solar farm. The Natura Impact Statement assesses the park as one project. An oil-filled transformer which is to become part of the national grid is not the same installation as an inverter kiosk on a solar farm, and it is not assessed by a sentence written for that kiosk.

7.7.6.2 The bund is assumed to work for a station which is never removed

There is no transformer on this land now. The notice proposes to introduce oil-filled transformers and a diesel fuel tank, and to hand the substation to EirGrid. The permission sought for the substation is permanent. A bund which is assumed to work for forty or fifty years is the wrong test. The substation is not decommissioned with the solar farm.

The application does not state the volume of oil. It does not assess a leak, a bund filling with rain, a fire, or the failure of a seal. The drainage of the compound, including the outfall and the percolation area, is not confirmed on the drawings. The statutory notice describes the fuel tank. It does not say that the tank is bunded. The Planning and Environmental Report does. The document which describes the development to the public and the document which assesses it do not say the same thing.

The pathway is the one in Table 4.2 of the screening report. The substation drains to the Tourig, and the Tourig is 3.50 km by water from both the Blackwater River (Cork/Waterford) SAC and the Blackwater Estuary SPA. A release from a bund which has not been sized, into a drainage system which has not been fixed, is capable of using that pathway. The Natura Impact Statement does not assess it. It assesses the construction of the solar farm, and it relies on mitigation which belongs to that farm.

The ground is the client's evidence as well as the applicant's. The fields are in agricultural use. They lie on ground known locally as Cronin's Bog, which holds water and is used for dairy grazing. The application form describes the existing use as pastoral farmland and states that the site has not flooded. It does not address the drainage of this ground, or the consequence of a release for the herds on it. That consequence is a matter of proper planning. The consequence for the SAC and the SPA is a matter for the appropriate assessment, and it has not been examined.

7.7.6.3 The battery compound is a separate source on the same ground

The 56 containers are not in this application. They are proposed on the adjoining field, immediately south of the compound, in the solar application. The Planning and Environmental Report describes lithium-ion batteries, or an equivalent, and a bunded diesel generator. It describes fire risk management as a measure incorporated into the design. It does not assess a fire, a suppression discharge, or a leak of electrolyte, and it does not follow either to the Tourig.

Because the Natura Impact Statement treats the battery compound as part of the same project as the substation, it never assesses the compound as an in-combination source. The two applications are made to different authorities, by reference to different descriptions, and the solar application was returned as incomplete before being lodged again. A fire or a leak from the battery compound would drain across the same ground as a leak from the transformer bund. The assessment does not contain that case.

7.7.6.4 The insulating medium in the switchgear is not stated

The substation is described as air-insulated. That describes the outdoor layout. It does not state what is inside the circuit breakers and the switchgear. The application does not say whether those breakers contain sulphur hexafluoride, what volume is involved, or whether any gas or oil is stored on the site. It does not say who would hold that information after the substation is handed to EirGrid.

Sulphur hexafluoride is a potent greenhouse gas where it is used, and it can be released during filling, maintenance and dismantling. That is a reason to require the applicant to state the medium. It is not a reason to treat a general

account of the gas, or a list of questions about the manufacture of photovoltaic panels, as an assessment of this station. Those panels are not part of this application. The Commission should be told the insulating medium, the quantity, whether any is stored on site, and what happens if it is released. Until that is stated, a conclusion that the electrical plant has no pathway to the receiving water is not open.

7.7.6.5 The cabling in this application is not the cabling of the solar farm

The loop-in is an overhead connection to the existing Knockraha–Cullenagh line. The cabling described in the notice is the internal cabling of the compound. The trenches across the solar parcels, and the 33 kV route on which the knotweed was recorded, are part of the other application. An assessment of cable degradation over forty years is an assessment of that application. It should not be repeated here as if it were a finding about this one.

The long-term risk in this application is the risk which remains after the solar farm is removed: the oil, the fuel tank, and the drainage of a platform which becomes a grid asset. None of the three has been assessed for the life of that asset.

7.8 Ground 8: Flood risk and the drainage of the substation

The flood risk assessment is report 605444-R02, prepared for the Greenhills Renewable Energy Park and bound into Appendix N. It assesses a solar farm. Section 4.2.9 describes the development as mostly solar arrays and finds that there will be no net change in the hydrological regime, because the hardstanding is negligible beside the area of the park. That finding is not a finding about this station. The only investigation carried out for the drainage of the substation is Appendix C. The flood risk assessment does not use it.

7.8.1 The maps show the risk downstream, not the absence of an effect

Figures 4.5 and 4.6, which are Figures 47 and 48, are the OPW national indicative fluvial maps for the present day and for the climate-change scenarios. They show no mapped flood extent inside the red line. The assessment places the site in Flood Zone C and the nearest mapped flooding on the Tourig about 1.1 km to the east and south. It records a recurring flood at Ballynatray Lackaroe, 2.6 km downstream, in 2005 and 2006, and anecdotal reports from the local authority of fluvial flooding downstream. It classifies the development as highly vulnerable and says that a Justification Test is not required because the site is in Flood Zone C.

That is the zoning test. It is not the drainage test. The Planning System and Flood Risk Management Guidelines require that a development not increase flood risk elsewhere. The water from this site drains to the Tourig. The maps are evidence of flooding on the river which would receive any increase. They are not evidence that the increase will not occur.

7.8.2 The runoff calculation is of the solar farm, and the conclusion does not follow the table

There is a calculation. It is not a greenfield runoff rate. No QBAR is calculated. Section 4.3.4 takes the annual rainfall at Cork Airport, 1,239 mm, subtracts evapotranspiration, and applies a recharge coefficient of 60 per cent taken from the Geological Survey map. It then applies that annual coefficient to a one-hour storm of 30 mm. A recharge coefficient is a figure for a year. Applied to an extreme hour, it assumes that 60 per cent of the storm still infiltrates. That understates the runoff from ground which is already wet.

The area of the solar panels, about 210 ha, is left out of the balance because the panels are raised. The hardstanding is then compared with the area of the whole park, and the increase is described as 4.40 per cent and relatively small. This station has no panels. The comparison with 210 ha is what makes the platform look small.

The area of the platform is not stable inside the assessment. The text states the substation hardstand as 18,540 m^2. Table 4.6 states it as 33,489 m^2. The site notice states the compound as 2.2 ha. For the row in Table 4.6, the same method gives a greenfield discharge of 0.11 sq.m/s and a developed discharge of 0.28 sq.m/s in that hour. The net increase on that row is left blank. It is 0.17 sq.m/s. The discharge from the platform more than doubles on the assessment's own figures.

Table 4.7 then places that platform in micro-catchment 1. The net increase for that catchment is 0.336 sq.m/s, which is 6.37 per cent. The conclusion states the increase as 0.016 to 0.185 sq.m/s, or 0.01 to 4.15 per cent. Both ranges exclude micro-catchment 1. The conclusion describes the result by reference to the catchments which do not contain the substation. Table 4.7 also heads the rainfall column as metres per second. The figure in the column, 0.03, is the hourly depth used elsewhere.

Section 4.2.9 says there will be no net change. Table 4.6 shows the platform discharge rising from 0.11 to 0.28 sq.m/s. The conclusion says the development is likely to improve on the baseline. Those three statements are in the same report. They cannot all be true of this station.

7.8.3 The measured infiltration rate was not used

Appendix C is a site investigation by TLI Group, dated August 2025, carried out on 22 and 23 July 2025. Its stated purpose was to establish the ground at the substation and the battery compound, and to measure infiltration so that

the drainage of the 220 kV substation could be designed. Six trial pits were dug. Groundwater was not struck. The pits were terminated at about 2.0 to 2.3 m on cobbles and boulders. Three surface tests and three subsurface tests were carried out. The reported infiltration rates are 1.10×10^{-5} m/s at the surface and 1.68×10^{-5} m/s at depth.

The soakaway derived from the lower rate is 5 m by 5 m by 1.8 m, and it is derived for a substation building of 25 m by 18 m. That is a building of 450 sq.m. It is not the compound of 2.2 ha, and it is not the hardstand of 33,489 sq.m in Table 4.6. A storm of 30 mm on 2.2 ha produces 660 sq.m of water. The soakaway has a volume of 45 sq.m. The report then says that the test should be repeated after the platform has been built, at the level and location of the soakaway. The rate on which the drainage design depends has not yet been measured at the place where the drainage would sit.

The flood risk assessment uses none of these results. It uses the 60 per cent coefficient from the Geological Survey map. The investigation which was commissioned for this station, and which records the only measured rate, is not the baseline in the flood assessment.

7.8.4 The attenuation has not been designed

Section 4.4 says that the drainage will be designed to attenuate the increase back to the greenfield rate, by swales, check dams and ponds. Section 4.4.3 says that the OPW extents should not be used for detailed design, and that the assessment scopes the further work required before detailed design, pending consent. Section 2.2 says that conclusions can only sensibly be reached at detailed design. The conclusion then says that there is no risk of flooding on the site and no risk of increasing flooding downstream, and that the development is likely to improve on the baseline.

The swales and ponds described are the drainage of the solar farm. They are not a design for the discharge from this platform, and they do not survive the removal of the solar farm. The substation is handed to EirGrid and is not removed. The drainage drawing for the compound does not fix the outfall or the percolation area. A conclusion that the runoff will be held to a greenfield rate depends on a design which the authors say has not been carried out, and on a measured rate which they did not use.

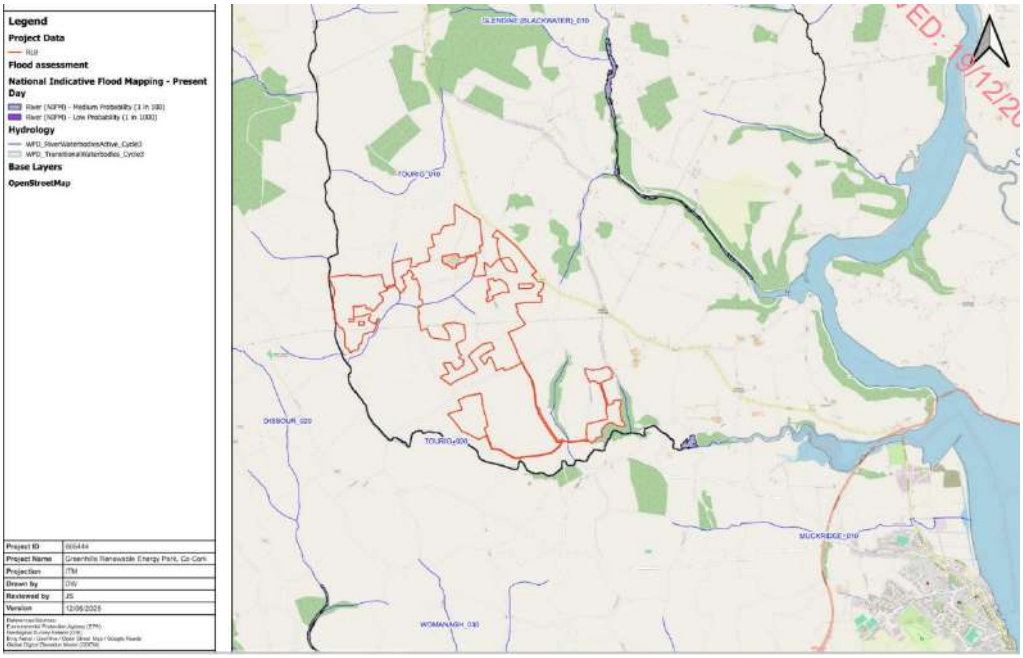


Fig 47: National Indicative Flood Mapping, Present Day (OPW, 2025) - the downstream flood extent on the Tourig (source: Fig 4.5, Site-Specific Flood Risk Assessment, Appendix N of the solar application)

Table 4.6: Micro-catchment area and baseline runoff volumes (1 in 100 year storm)

Net increase in runoff as a function of the Development per micro-catchment area and baseline runoff volumes (1 in 100 Year Hour Storm Event)												
				Greenfield Scenario				Developed Scenario				
Micro Catch-ment	Category	Approx Area (m^2)	1 in 100 Year Rainfall Event (m/hr Rain)	Capped Recharge Capacity % of Effective Rainfall[1]	Rejected Recharge / Runoff (m/hr Rain)	Runoff Discharge Rate (m^3/hour)	Net Increase Runoff Discharge Rate (m^3/sec)	Recharge Capacity, % of Effective Rainfall[2]	Rejected Recharge / Runoff (m/hr Rain)	Runoff Discharge Rate (m^3/ hr)	Net Increase Runoff Discharge Rate (m^3/sec)	Net Increase (m^3/sec)
1	Temp Compound Hardstand	9,731.98	0.03	60.00%	0.012	116.78	0.03	0.00%	0.03	291.96	0.08	-
1	Transformer Hardstands	7,832.70	0.03	60.00%	0.012	93.99	0.03	0.00%	0.03	234.98	0.07	-
1	New Access Track	8,452.33	0.03	60.00%	0.012	101.43	0.03	0.00%	0.03	253.57	0.07	-
1	BESS Hardstand	7,762.22	0.03	60.00%	0.012	93.15	0.03	0.00%	0.03	232.87	0.06	-
1	Substation Hardstand	33,489.31	0.03	60.00%	0.012	401.87	0.11	0.00%	0.03	1,004.68	0.28	-
1	Subtotal						**0.22**				**0.56**	**0.34**
2	Transformer Hardstands	2,320.80	0.03	60.00%	0.012	27.85	0.01	0.00%	0.03	69.62	0.02	-
2	New Access Track	936.49	0.03	60.00%	0.012	11.24	0.00	0.00%	0.03	28.09	0.01	-
2	Subtotal						**0.01**				**0.03**	**0.02**
3	Temp Compound Hardstand	3,001.08	0.03	60	0.012	36.01	0.01	0	0.03	90.03	0.03	-
3	Transformer Hardstands	1,500.52	0.03	60	0.012	18.01	0.01	0	0.03	45.02	0.01	-
3	New Access Track	755.43	0.03	60	0.012	9.07	0.00	0	0.03	22.66	0.01	-
3	Subtotal						**0.02**				**0.04**	**0.03**
4	Temp Compound hardstand	3,001.08	0.03	60	0.012	36.01	0.01	0	0.03	90.03	0.03	-

Greenhills Renewable Energy Park
Flood Risk Assessment
605444-R02 (00)
25

4.5 FRA Stage 2 – Conclusions

The Proposed Development does not lie within probable flood zones likely to be susceptible to flooding. While there are some anecdotal reports of off-site downstream flooding, there has been no on-site flood risk identified.

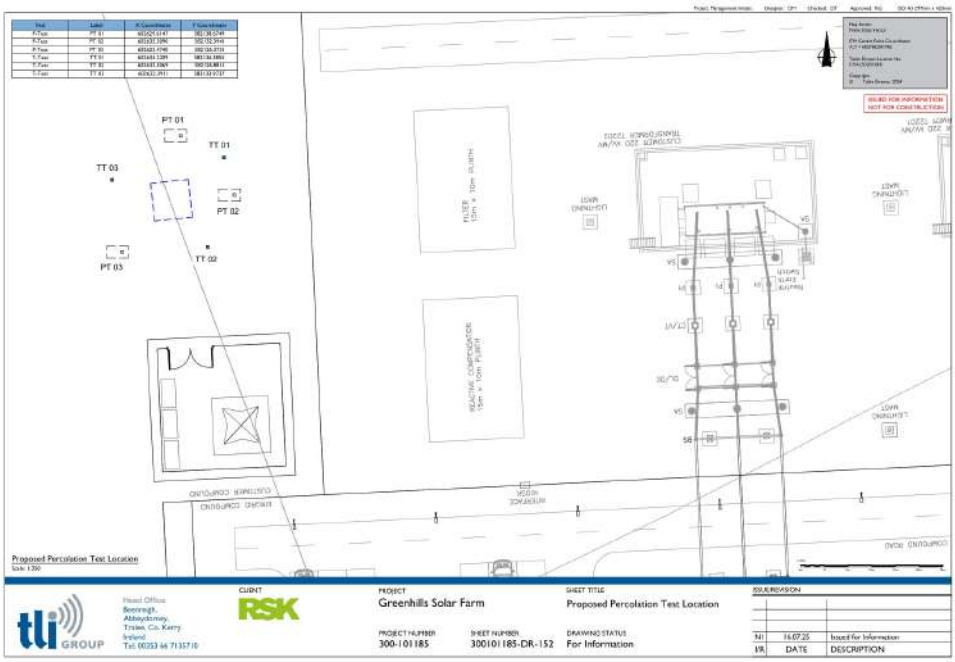
A 1 in 100 year storm event scenario results in a net increase of surface water runoff associated with the Proposed Development, calculated to be 0.016-0.185m^3/s, (or 0.01-4.15% relative to the associated micro catchment). The magnitude of potential net increase in runoff as a function of the Proposed Development at the Site is considered an adverse moderate effect. The proposed development has included in its design the latest best practice guidance to ensure that flood risk within or downstream of the Site is not increased as a function of the Proposed Development, i.e., a neutral impact at a minimum. This means that the attenuation capacity in the constructed drainage network associated with the Proposed Development will have capacity to attenuate the calculated net increase during a 1 in 100 year storm event.

A detailed Drainage Management Plan has been prepared to ensure surface water runoff at the site is managed effectively and does not exacerbate flood risk to the surrounding areas upstream and downstream. It is recommended that all surface water management is implemented in consultation with relevant stakeholders. The proposed drainage

Greenhills Renewable Energy Park
Flood Risk Assessment
605444-R02 (00)
31

measures, which will exist in-situ for the lifespan of the Proposed Development, will attenuate the run-off (and any excess run-off produced) to the specific greenfield run-off rate. The Proposed Development will not increase the risk of flooding elsewhere in the catchment and indeed is likely to improve on the baseline. Based on this information, the Proposed Development complies with the appropriate policy guidelines for the area and is at no risk of flooding. There is no risk of increasing flood risk on-site and no risk of exacerbating flood risk to downstream receptors.

Fig. 66: Table 4.6 - the report's conclusion gives a range that excludes the substation



3.2 Percolation Test

The typical soakaway dimensions based on the lower infiltration rate on site for a 25m x 18m substation building will be approximately 5m x 5m x 1.8m deep.

Once the platform has been constructed, it is recommended percolation testing should be completed to determine the actual infiltration rate of the soil at the correct level in the location of the soakaway to get an accurate infiltration rate for the soakaway design.

Fig. 67: The percolation-test plan in Appendix C, drawing 300101185-DR-152, and the 5 m by 5 m soakaway - the test and the platform can be seen together.

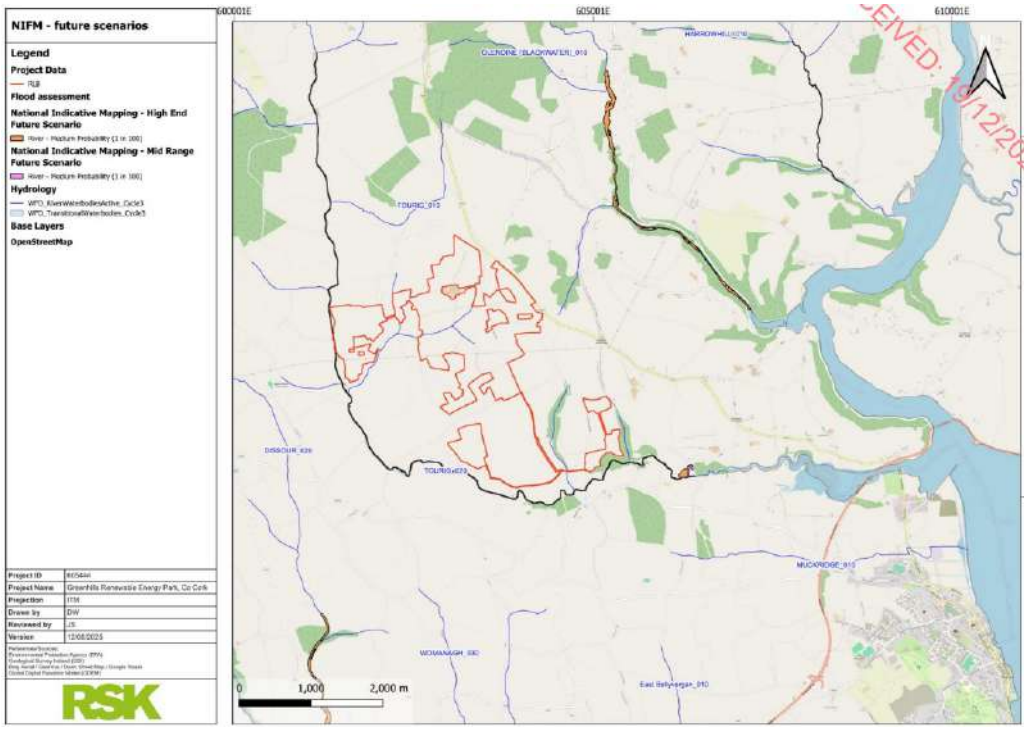


Fig 48: National Indicative Flood Mapping, Future Scenarios Considering Climate Change (OPW, 2025) (source: Fig 4.6, Site-Specific Flood Risk Assessment, Appendix N - 605444-R02 - the downstream flood extent on the Tourig)

7.8.5 The flood assessment uses one desk-based coefficient for every catchment

The flood risk assessment, report 605444-R02, is a desk study. Section 2.1 lists the sources: the EPA map viewer, the Geological Survey public viewer, and the OPW flood maps. Section 4.4.3 states that the OPW extents are indicative and should not be relied on for detailed design. Section 4.3.4 states that the water balance is not a Stage 3 assessment and is not advanced modelling. No hydraulic model has been built. No peak flow has been calculated by the Rational Method or by the Flood Estimation Handbook.

The only figure produced applies one recharge coefficient, 60 per cent, taken from a national map, to a one-hour storm, and applies it to every part of the site. Figure 4.8, which is Figure 49, draws seven micro-catchments across the renewable energy park. The drawing recognises that the land does not drain as one unit. Table 4.7 then gives every catchment the same rainfall and the same coefficient. The catchment which contains the substation is treated in the same way as a catchment which contains only an access track.

The same appendix records the drains. The hydrology chapter describes a relatively extensive network of historic drains and classifies them in Table 1.20. A drainage survey, RSK 605444, headed as a survey of the Greenhill solar farm, photographs those drains, including drains connecting to a mapped river. That survey is of the solar farm. It is not a tracing of the drains under this platform. The flood assessment does not use it. The water balance assumes a uniform loss to the ground, which is the opposite of a field in which water is already gathered into drains.

The cut for the platform is 25,013 sq.m. The application does not identify the drains that excavation will meet, and it does not say where the water they carry will go once the platform is built. The percolation tests in Appendix C were carried out so that the drainage of this station could be designed. The flood assessment does not use those results. A claim that the existing runoff will be maintained cannot be made from a national coefficient, applied uniformly to a solar farm, on a site where the drains have been photographed and then left out of the calculation.

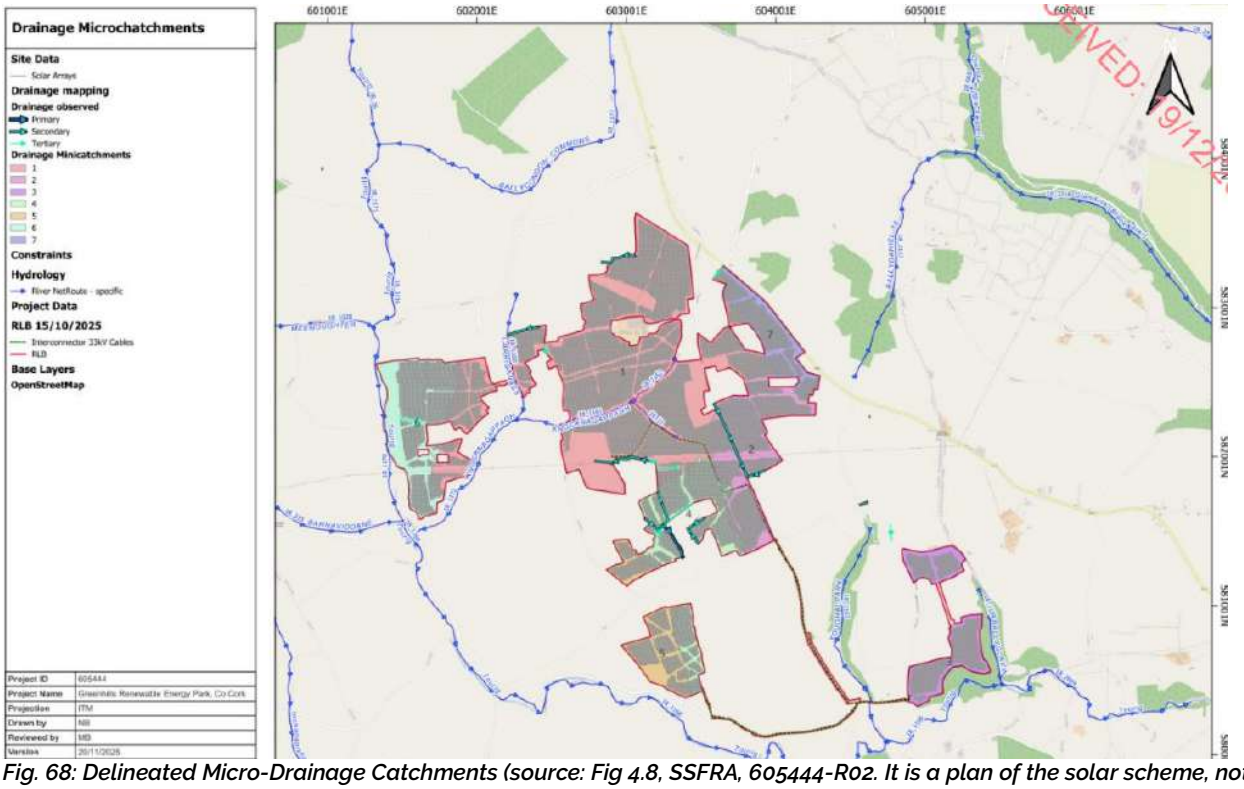


Fig. 68: Delineated Micro-Drainage Catchments (source: Fig 4.8, SSFRA, 605444-R02. It is a plan of the solar scheme, not of the substation.



Fig. 69: Drainage-survey tile SW4, a historic drain connecting to the mapped river (PDF page 94 of Land, Soils, Geology, Hydrology and Hydrogeology)

7.8.6 The finding that the development is hydrologically neutral is a finding about solar panels

Section 4.2.7 states that the development includes 2,100,000 m² of solar panels, that the panels do not affect the ground beneath them, and that recharge, overland flow and the response of the catchment will therefore remain unaffected. Section 4.2.9 then describes the panels as a sheer impermeable surface with the potential to increase the rate of runoff, and sets that potential aside because the hardstanding is negligible beside the area of the park. There will, it says, be no net change.

This application contains no panels. The hardstanding is the development. It cannot be treated as negligible by comparison with 210 ha of array. Table 4.6, on the assessment's own method, puts the discharge from the substation hardstand at 0.11 sq.m/s before development and 0.28 sq.m/s after it. The two sections which say that nothing changes are sections about a solar farm. They are contradicted by the table in the same report, and they do not describe this station.

7.8.7 Pluvial risk is excluded on a map, and the reported increase in flooding is not discussed

Section 4.2.5 states that the OPW CFRAM pluvial maps do not show a pluvial flood zone at the site or around it, and that the residual risk from pluvial flooding is therefore nil. The same section then states that a change in surfaces, the sealing of ground and the introduction of drainage will modify runoff and can exacerbate pluvial and fluvial risk, on the site and downstream. The conclusion of nil is the map. The mechanism the section itself describes is the platform.

The statement that the site is in Flood Zone C is taken from the national indicative fluvial maps, Figures 4.5 and 4.6. It is not taken from Figure 4.2. Figure 4.2 is a reproduction of Figure 2.3 of the 2009 guidelines, which is a generic diagram of Zones A, B and C. It does not show this land. Figure 50 should not be presented as a map of the site. If it is kept, the caption should say that it is the diagram from the guidelines and that the zoning of this site is Figures 4.5 and 4.6.

Section 4.2.4 records that changes in artificial drainage have made flooding more common in recent years, and it says that this is discussed in section 4.2.8. Section 4.2.8 is headed "Human and/or Mechanical Error". It does not discuss those reports. It states that poor design, or poor management during construction, of drainage channels, culverts and attenuation can cause localised flooding or excessive draining. The assessment therefore records an existing downstream problem, points to a section which does not address it, and in that section identifies the very failure, a badly designed drain, which its own mitigation depends on avoiding. It provides no surveyed exceedance route from the platform to the road or to the Tourig.

7.8.8 The design which is said to remove the increase has not been carried out

Section 4.4 says that the drainage will be designed to attenuate the increase to the greenfield rate. Section 2.2 says that conclusions can only sensibly be reached at detailed design. Section 4.4.3 says that the OPW mapping should not be used for that design, and that the further work is scoped pending consent. Appendix C sizes a soakaway of 5 m by 5 m by 1.8 m for a building of 25 m by 18 m, and recommends that the infiltration test be repeated after the platform has been built, at the level of the soakaway.

The swales, check dams and ponds are the drainage of the solar farm. They are not a design for the discharge from this platform, and they do not remain when the solar farm is removed. The substation is handed to EirGrid and is not removed. The drainage drawing for the compound does not fix the outfall or the percolation area. The Commission cannot treat a future design, and a test which the applicant says has yet to be done in the right place, as a reason to conclude that there will be no increase in runoff to the Tourig. That watercourse is the pathway already identified to the Blackwater River (Cork/Waterford) SAC and the Blackwater Estuary SPA.

7.8.9 The Development Plan requires an assessment in Flood Zone C. This one does not assess the substation

The flood assessment classifies the development correctly and then stops. Printed page 8 states that essential infrastructure, including electricity substations, should be located in Flood Zone C, and that the renewable energy park, because it includes substations, is highly vulnerable development. Table 4.1 reproduces Table 3.1 of the Planning System and Flood Risk Management Guidelines. A substation is listed there as essential infrastructure and as a potential significant source of pollution in the event of flooding. The assessment is right about the category. It is wrong about what the category decides.

Figure 4.3, which is Figure 51, is not an analysis of this site. It is a copy of Figure 3.2 of the 2009 guidelines, the sequential approach. Under that diagram, highly vulnerable development is appropriate in Flood Zone C and a Justification Test is not required. Section 4.3.2 relies on that box. The sequential approach does not end at the box. The guidelines also require that development not increase flood risk elsewhere. The water from this platform drains to the Tourig. The assessment's own table shows the discharge from the substation hardstand rising from 0.11 sq.m/s to 0.28 sq.m/s. The design which is said to bring that discharge back to the existing rate has not been prepared.

Objective WM 11-15 of the Cork County Development Plan 2022–2028 does not treat Flood Zone C as the end of the enquiry. The plan requires a flood risk assessment, and a drainage impact assessment, for every planning application, including an application in Flood Zone C, because the zoning does not capture every source of flooding or the effect of climate change. The Council has repeated that requirement in the strategic flood risk assessment for Variation No. 1. The document lodged here does not meet it. It is an assessment of a solar farm. It applies one national recharge coefficient to seven catchments. It does not use the infiltration tests carried out for this station. It records flooding downstream and concludes that there is no risk of increasing it.

The same classification makes the gap more serious, not less. The guidelines place a substation in the highly vulnerable class because it has to remain operational and because, in a flood, it can be a source of pollution. This application proposes two oil-filled transformers in bunded enclosures and a diesel generator with a fuel tank, on a platform of 2.2 ha, handed permanently to EirGrid. The drainage of that platform is not fixed. A finding that the field is in Flood Zone C does not establish that the bunds and the outfall will hold, or that the Tourig will receive no more water than it receives now.

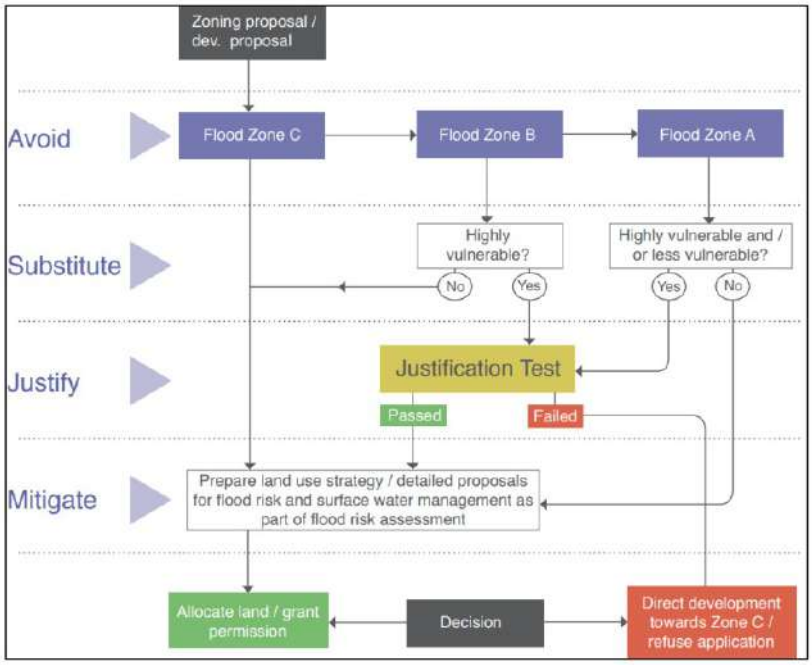


Fig. 70: Sequential Approach to Flood Risk Management (Figure 4.3 of flood risk assessment 605444-R02, a reproduction of Figure 3.2 of the 2009 guidelines)

7.8.10 Ballysallagh is a different site, and the grant does not answer this application

Cork County Council refused register reference 245630, the Ballysallagh solar farm, on 1 September 2025. The reasons included the absence of a sufficient archaeological assessment, the landscape impact having regard to objective GI 14-9, and the failure to demonstrate the baseline and proposed greenfield runoff and the effect of that runoff on flood risk. The runoff reason is the test this application also fails.

That refusal is not the decision to cite as if it still stood. The applicant appealed. On 19 February 2026 the Commission granted permission, ACP-323747-25. The order records that the development would not give rise to flood risk on the site, and it attaches drainage conditions, including compliance with a surface water management plan submitted at further information. A judicial review of that grant was dismissed on 18 September 2026, [2026] IEHC 631.

None of that assesses this station. Ballysallagh is at Dundullerick and Rathcobane. Its access is from the R626, the L7691 and the L7692. The Commission had a surface water management plan for that site before it granted permission. It does not have one for this platform. This flood assessment is of a different development, on a different catchment, and its conclusion leaves out the catchment which contains the substation. The question Cork County Council asked at Ballysallagh, whether the existing runoff has been measured and whether the development will add to flooding downstream, has not been answered here.

7.8.11 The assessment does not record the flooding the catchment has already had

The flood assessment records a recurring flood at Ballynatray Lackaroe in 2005 and 2006, 2.6 km downstream, and anecdotal reports from the local authority of fluvial flooding on the Tourig. It also records that changes in artificial drainage have made flooding more common in recent years, and it directs the reader to section 4.2.8. That section does not discuss those reports. It discusses construction error. Storm Babet is not mentioned.

Storm Babet, in October 2023, is the event against which this catchment must be judged. The client group's photographs show the L3808 and the approach to Inch inundated and the road surface broken. Four houses and the village hall in Inch flooded. Inch Church remained closed until December 2025. The L3808 failed in more than one place and was closed for about eighteen months. The warning signs are still there. A bridge on the L7828 collapsed during the same storm. That bridge is not an entrance to this development. The site notice provides one new entrance, off the R634. The bridge is evidence of what this catchment did to a local road, not evidence of an entrance in this application.

The substation is in Ballyneague, Ballydaniel and Knocknagappagh, and it drains to the Tourig. The photographs from February 2025 show water leaving the fields in those townlands and crossing the roads below them, including the roads at Inch and at the bottom of the valley by Park Creamery and Park School. This is ordinary wet weather, not a warning event. Figures 52 to 62 should be kept. They should be captioned as the client group's record of the roads and the village downstream of these townlands, and not as entrances of the solar farm.

The assessment treats the absence of a mapped flood extent inside the red line as the end of the matter. The photographs show where the water goes after it leaves the field. The platform is a permanent sealed surface on that field. Until the discharge from it is calculated from the infiltration rate measured for this station, and until the outfall is designed, the Commission cannot accept the conclusion that the Tourig, Inch, and these roads will receive no more water than they receive now.



Fig. 71: Damaged Roads along the L3808 (Source: Client photos)



Fig. 72: Damaged Roads in Inch Village (Source: Client photos)





Fig. 73: Remediation works & signage warning of risk of flooding along L3808 (Source: client photos)

Additional flooding and surface water impacts were recorded along the L7828, where a bridge used to access Site Entrances 6 and 7 collapsed during storm conditions, narrowly avoiding serious injury.



Fig. 74: Bridge – located at proposed entrances 6 and 7 collapsed, catching a neighbour's car – who was lucky to escape alive (Source: client photos)



Fig. 75: Surface water and damage from flooding near to proposed site entrances 6 and 7

Flooding was also observed at low-lying sections near Park Creamery and along roads at the bottom of valleys, where surrounding fields and road surfaces continue to experience regular surface water accumulation even during ordinary wet weather events, without any extreme weather warnings in place.



Fig. 76: Road around Park Creamery is prone to flooding

Evidence collected in February 2025 demonstrates that surface water flows routinely pass from upland fields at Barnaviddane, Ballyneague and Knocknagappagh onto public roads, including roads adjacent to Inch Church and proposed site entrances.



Fig. 77: Surface water on roads in the vicinity of the subject site



Fig. 78: Surface water outside site entrances 8 and 9



Fig. 79: Passing bays plate 8 – constant surface water run off



Fig. 80: Flooding on the subject site

This confirms that the area functions as an active surface water source area, with runoff readily transferring from agricultural land to roads and onward into local watercourses.

Below images detail the surface water commonly experienced at Park school, across the road from the proposed solar farm.

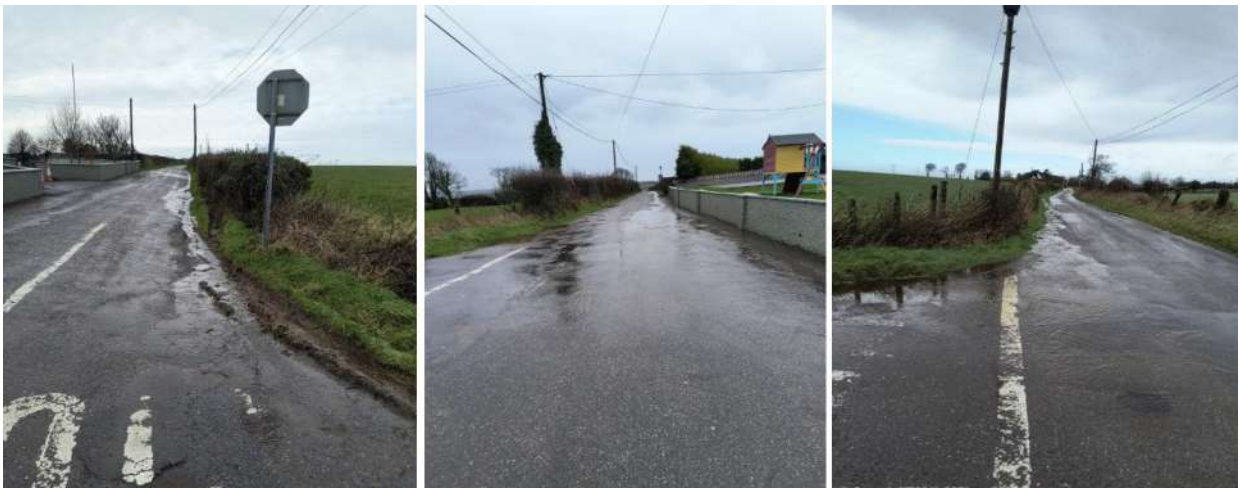


Fig. 81: Surface water at Park School (source: client photos)

These recent events demonstrate that flooding in the area is not theoretical or historic, but ongoing and recurrent. They also show that local roads are already operating at the limits of their resilience. In this context, any development that proposes extensive ground disturbance, altered drainage patterns, additional impermeable surfaces, cable laying within public roads, or prolonged construction traffic must be assessed against a realistic baseline that reflects

observed flooding behaviour, rather than reliance on desk-based mapping or assumptions of Flood Zone C status alone.

Our client submits that the submitted flood risk and surface water assessments do not adequately reflect the severity, frequency or spatial extent of recent flooding events evidenced on the ground. The failure to fully integrate these documented events into the assessment undermines confidence in the conclusions reached and raises serious concerns as to whether the Proposed Development would exacerbate existing flood risk, compromise road safety, or increase the vulnerability of downstream communities.

7.8.12 The Tourig is a drinking water river, and the connection is admitted

Section 1.8.5 of the hydrology report, 605444-R01, states that there are designated drinking water rivers on the site, mapped by the EPA, and that they are sensitive receptors under Article 7. Section 1.8.5.1 identifies them as sections of the Tourig_020, waterbody IE_SW_18T030700. Table 1.24 then records the connection as likely, and as direct, by the Tourig and by the drainage on the site. The same table records a likely connection onward to the Blackwater River (Cork/Waterford) SAC, the Blackwater Estuary SPA, the Blackwater River and Estuary pNHA, and the Lower Blackwater Estuary, which is a sensitive area under the Urban Waste Water Treatment Directive.

Table 1.23 gives the Tourig_020 a status of Good, and not at risk, for 2016 to 2021. The Lower Blackwater M Estuary is Moderate and at risk. A status of Good is not a reason to be less careful. A river at Good status is not to be allowed to deteriorate, and a river used for drinking water is the receptor the same chapter later describes as of high to very high sensitivity. Section 1.9.1 gives the surface water that rating because the rivers are designated for drinking water and are connected to the European sites.

The flood assessment then concludes that there will be no effect downstream. It does so without a drainage design for the platform and without using the infiltration tests carried out at the station. The hydrology chapter and the flood assessment cannot both be accepted. If the connection is likely and direct, and the receptor is of very high sensitivity, an unquantified increase in runoff from a 2.2 ha sealed platform is an effect on that river. The chapter's statement that no freshwater pearl mussel catchment was found on the site does not close the point. The catchment for that species is the river system the same table says the drainage is likely to reach.

7.8.13 The drainage which is said to have been designed has not been designed

Section 1.10.6 states that the drainage has been designed for a 1 in 100 year storm plus 20 per cent for climate change, and it cites the flood assessment as the place where that design is set out. The flood assessment contains no such design. Its water balance uses a storm of 30 mm in one hour and does not add 20 per cent. Thirty millimetres plus 20 per cent is 36 mm. The assessment describes the balance as preliminary, says it is not a Stage 3 assessment, and says the attenuation will be designed later. A chapter which says the design has been carried out, and an appendix which says it has not, have been bound into the same volume.

The mitigation is written for the solar farm. Section 1.10.2 provides soakaways and interceptor drains at 11 site entrances, and states that no runoff will be discharged to a public road. This application has one entrance, off the R634. It does not have 11. The swales relied on in section 1.10.6 are the swales of the array. They are not part of this development, and they do not remain if the solar farm is refused. The station does.

The only worked example of a water balance in the chapter is the production well in section 1.10.5, and that well is for the solar farm. The example takes an abstraction of 10 sq.ma day and a recharge of 0.2 m a day, and it produces a zone of contribution of 50 m^2. A recharge of 0.2 m a day is about 73 m a year. The chapter's own annual recharge is 440 mm. Using that figure, the zone of contribution is of the order of 18,000 m^2, not 50 m^2. The unit is wrong by about a year. It is a solar-farm calculation, and it is further reason not to treat the numbers in this volume as a design for the station.

The flood maps do not repair this. Section 1.8.3 records that the mid-range and high-end future flood extents, using increases in rainfall of 20 and 30 per cent, still do not cover the site. That is a finding about whether the field itself will be inundated. It is not a finding about how much additional water the field will send to the Tourig once it has been sealed.

7.8.14 The excavation is at the depth the same chapter treats as extreme vulnerability

Table 1.16 sets out the Geological Survey classification. Where the depth to rock is less than 3 m, the vulnerability is Extreme, whatever the subsoil. Section 1.8.1.2 says that most of the site is High, and that the mapped depth to rock is from 0 to 10 m. The trial pits dug at the station on 22 and 23 July 2025 were terminated at 2.0 to 2.3 m because the excavator met stone. The assessment does not reconcile those pits with the map. At the place where the platform is to be built, the cover is already inside the depth the chapter's own table calls Extreme.

The cut is 25,013 sq.m. It will remove part of the cover which is the only protection the classification recognises. Section 1.10.4 records that groundwater was not met in those July pits and says that groundwater is not expected during construction. Two days in July are not a winter water table. The same section then sets out a method for dewatering cable trenches and discharging the water, through silt bags, to vegetation or to a drain. That method is written for the

cabling of the solar farm. It is not a method for a platform cut down onto rock, beside two oil-filled transformers and a diesel tank, in ground the trial pits show to be shallow.

The foul drainage of the station is a sealed holding tank, emptied by tanker, with a high-level alarm. Section 1.10.3.3 gives no volume, no location and no interval for emptying. The alarm is described as sounding during a filling operation, which is the language of a tank being filled, not of a tank filling with sewage. The station is permanent. On ground where rock was met at 2 m, and upstream of a drinking water river which the chapter says the drainage is likely to reach, a tank of unstated size is not an assessment of the foul drainage.

The wells are treated in the same way. Section 1.8.1.3 assumes that every dwelling has a private well, because no database exists, and it says that two Geological Survey boreholes plot inside the red line with a location accuracy of 1 km. The four agricultural wells in Table 1.17 are several hundred metres from the compound. Historically mapped springs were looked for and not found. No radius around the transformers has been walked, and no well has been sampled. An assumption that every house has a well is not a survey of the wells that a leak from this platform could reach.

7.9 Ground 9: The glint and glare report does not assess this development

The glint and glare assessment lodged with this application was prepared by Macro Works Ltd and is dated November 2025. The cover calls the project the Greenhills Solar Farm. The executive summary and section 1.4 conclude that there will be no significant nuisance or hazard from glint and glare as a result of the proposed solar farm. The site notice for this application describes a 220 kV air-insulated substation, lattice towers, gantries, an 37.5 m lattice mast and palisade fencing. It does not describe a photovoltaic panel. The report does not mention the substation, and it does not model any of those structures.

A finding about panels is not a finding about this development. If the solar farm is refused, the report assesses something that will not be built. If both are granted, the report still has not assessed the two together. The entrance, the hedgerow removal and the screening for this station are not in the model. The planting on which the report relies is not in this application.

7.9.1 The conclusion for the R634 depends on the solar farm

The only vehicular entrance in this application is a new entrance off the R634. The executive summary identifies the R634 as a key receptor and states that no notable reflectance will occur along it once the proposed mitigation screen planting has fully established. That planting is part of the solar farm. It is not a work in this application, and it has no existence if the solar farm is not permitted. The report gives no period for the planting to reach the height the model assumes, and it does not assess the R634 with the entrance and the visibility splay which this application proposes on that road.

The same report records what remains on the roads which leave the R634. On the L7829, between the R634 and its junction with the L3808, the residual reflectance after the mitigation planting is up to 22 minutes a day and up to 131 days a year. The daily maximum is the same figure as before the planting. Section 1.2.10 then describes these periods as a theoretical worst case, and says that in Irish conditions the actual frequency is likely to be less than half, by reference to Met Éireann data which are not set out. A conclusion that the R634 is clear, once planting which is not part of this application has grown, is not an assessment of the road on which this station is to be built.



Fig. 6
82: Dangerous bend along the R634 – this is the road in the site notice (Source: Google Maps)

7.9.2 Report already finds residual glare from the panels, and it has not been assessed with the station

Section 1.2.6.1 examines 168 dwellings. Glint is geometrically possible at 138 of them (see Figs. x and y). With existing screening, 65 are likely to be materially affected. After the proposed planting, 54 still have the potential to experience glint and glare. That is the report's own result, on the assumption that the planting is fully established. Those 54 dwellings are an effect of the panels. They are not an effect of the transformers. They are before the Commission because the applicant has lodged the report in this file, and the executive summary offers its conclusion as a conclusion on the project.

The method makes that result smaller than the geometry. The assessment is based on Appendix A. The note on page 8 states that where the sun is within 10 degrees of a reflecting panel, as viewed from the receptor, the glare from the panel is excluded, on the basis that the sun itself is the greater source. Appendix C includes those periods. The exclusion is an aviation convention. It has been applied to houses and to roads. The report does not show how many of the 54 dwellings, or which of the road receptors, lose periods only because of that exclusion.

The screening model has the limitation the report itself states. The digital surface model is a snapshot. It under-reports visibility beneath a canopy, and it understates the gaps in a thin hedgerow. The report says this can result in a minor underestimation of the glare periods. The planting which is then added to that model is the planting of the solar farm. It is assumed to be effective, and the 54 dwellings are what remains after that assumption.

There is no cumulative assessment. The report takes each receptor against the panels alone. It does not add the removal of hedgerow at the R634 entrance, the palisade compound, or the lattice towers and the 37.5 m mast, any of which can open or overlook a view the planting is supposed to close. The station is the permanent element. The panels, and the planting, are in another application and may never be permitted. The Commission cannot treat a conclusion about panels, reduced by a 10 degree exclusion and by planting which is not in this application, as a conclusion that this development has no glint or glare effect on the R634 or on the houses along it.

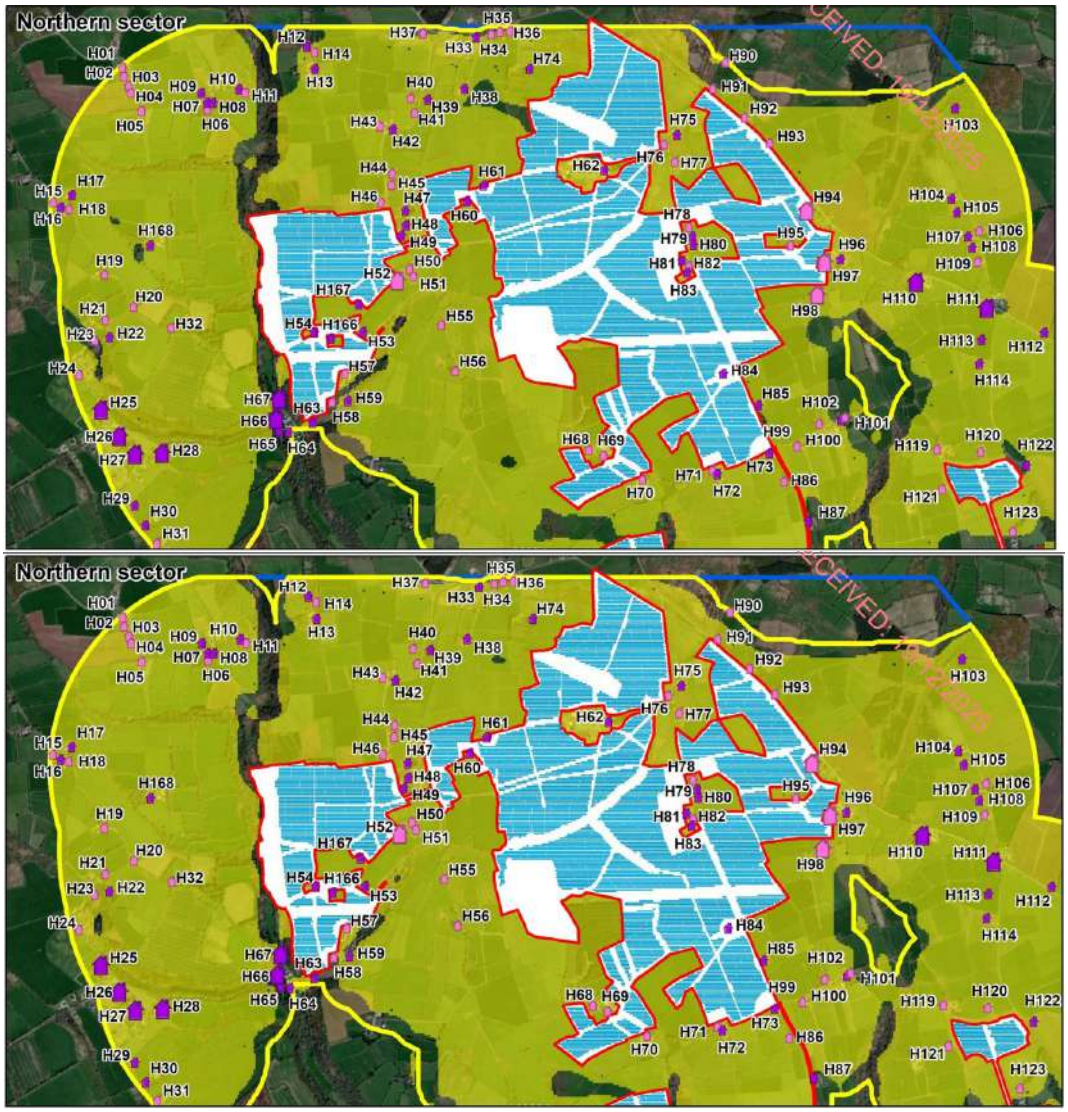


Fig. 83: Area of potential solar reflectance mapped (Fig 1.7 – 1.10, Glint and Glare Assessment, Macroworks)

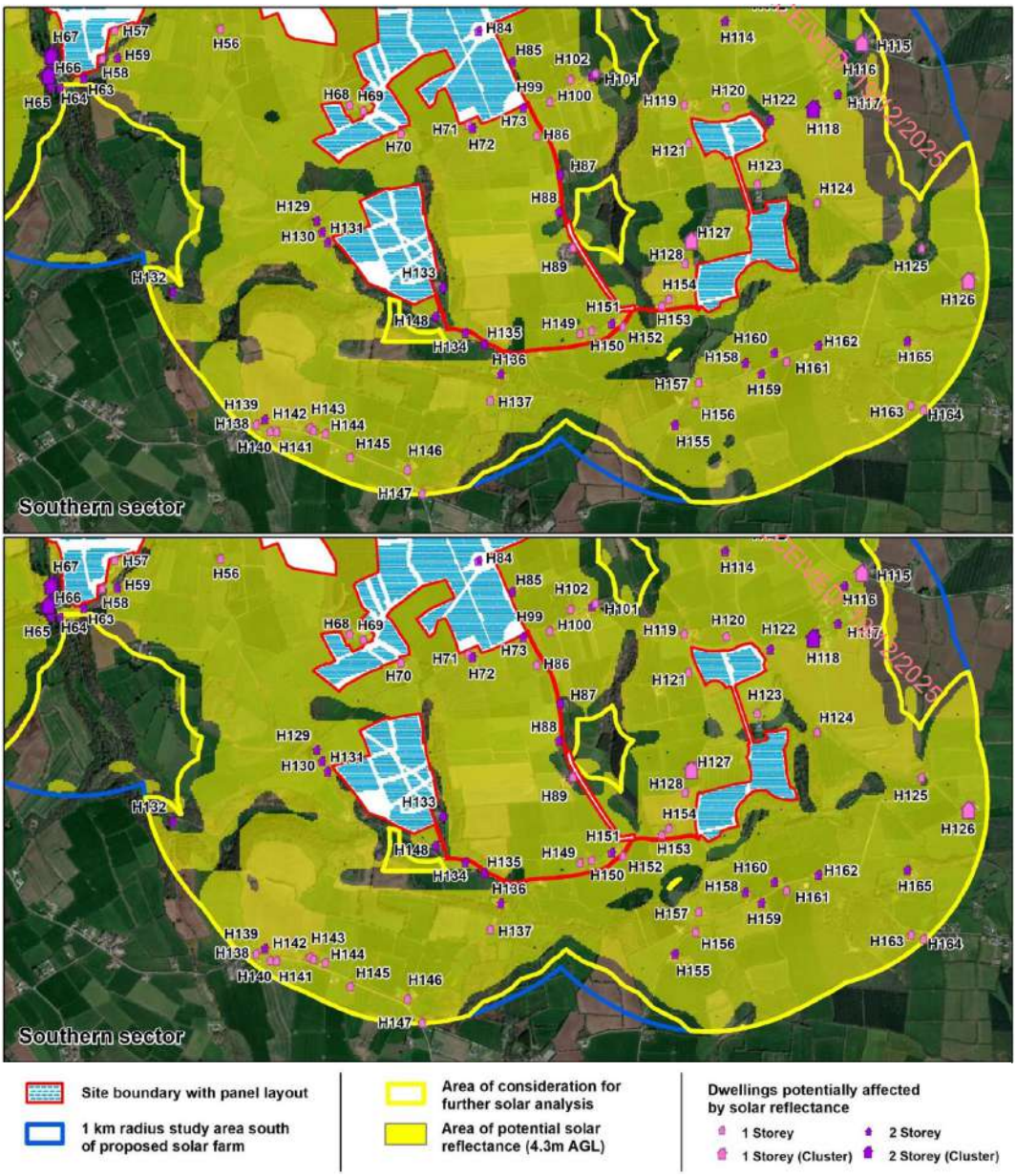


Fig. 84: Area of potential solar reflectance mapped (Fig 1.7 – 1.10, Glint and Glare Assessment, Macroworks for the solar scheme)

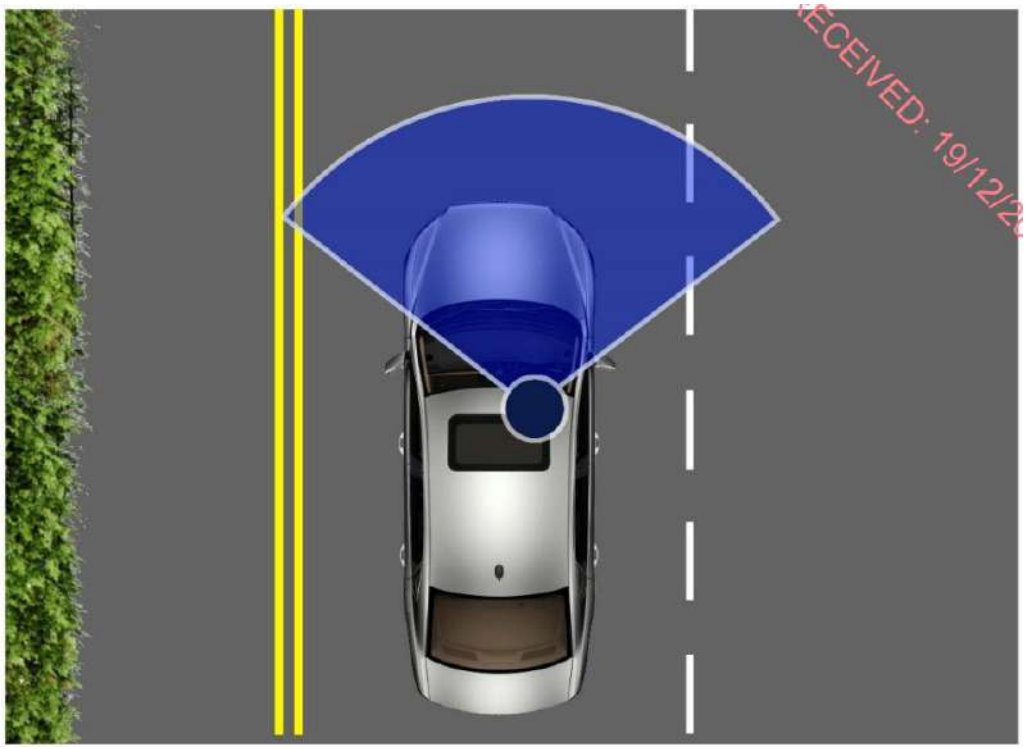


Fig. 85: 100 degree filed of view in direction of travel (Fig 1.12, Glint and Glare Assessment, Macroworks, for the solar scheme)

7.9.3 The Macro Works report's executive summary does not match the R634 table

The executive summary states that no notable reflectance will occur along the R634 once mitigation planting is established. The road table does not support this. Receptors R373–R376 still record a maximum of 10 minutes a day after planting. The effect is marked "No" only because it is said to lie outside a 100-degree field of view for a driver travelling southeast. The table does not address a driver travelling northwest or turning at the new entrance. The same approach is used on the L7829 at Park National School, where residual glare of 26 minutes a day remains after planting.

That is not an absence of reflectance. It is a decision to disregard the reflectance which the model still finds. The row addresses one direction of travel. It does not address a driver travelling northwest, or a driver turning at a junction or at the new entrance. Knocknagappagh is the townland in which this application takes its entrance from the R634. The same test is used on the L7828 at Park National School, where 26 minutes a day and 125 days a year remain after the planting, and the effect is marked "No" because it is outside the field of view for a driver travelling west. A field of view drawn for one direction is not a finding that the road is clear.

Two further limits sit behind that table. Page 11 states that reflectance occurs from February to October, when some or all foliage is present, and that the screening capacity of the vegetation in its winter state therefore need not be assessed. February and October are not months of full leaf. The screening on which the R634 result depends has not been tested when the hedges are bare. Figure 1.9 is captioned as a first-floor eye level of 1.7 m. That is the height of a person standing on the ground. Where the report does separate the floors, the upper floor is the worse of the two. At H108 the residual effect after the planting remains Medium, at 28 minutes a day on the first floor.

Section 1.2.4 proposes that the existing hedgerows be allowed to grow out before construction, and that gaps be filled with trees of 8 to 10 cm girth. The new entrance off the R634 does the opposite. It opens the roadside boundary on the road the report has treated as screened. The points numbered R634 and R635 in pages 54 and 55 of the report (an unnumbered table) are not this road. Those points are marked "None" after screening. The road section is R373 to R376, and it is not.

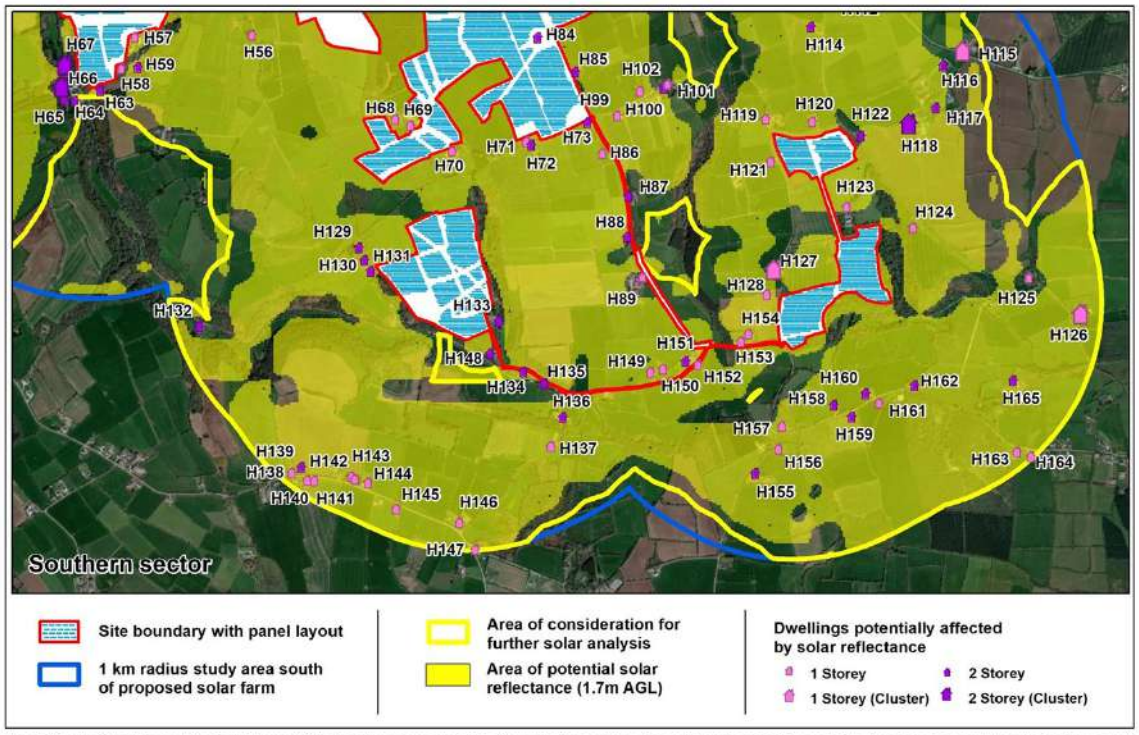


Figure 1.9 Parts of the study area (Southern Extent of Site) where houses are potentially affected by glint and glare. The results are based on 3D terrain data that does not account for screening by vegetation or man-made structures and are based on a viewers' eye-level when standing on the first floor = 1.7m above ground level.

Fig. 86: Figure 1.9 is captioned as a first-floor eye level of 1.7 m

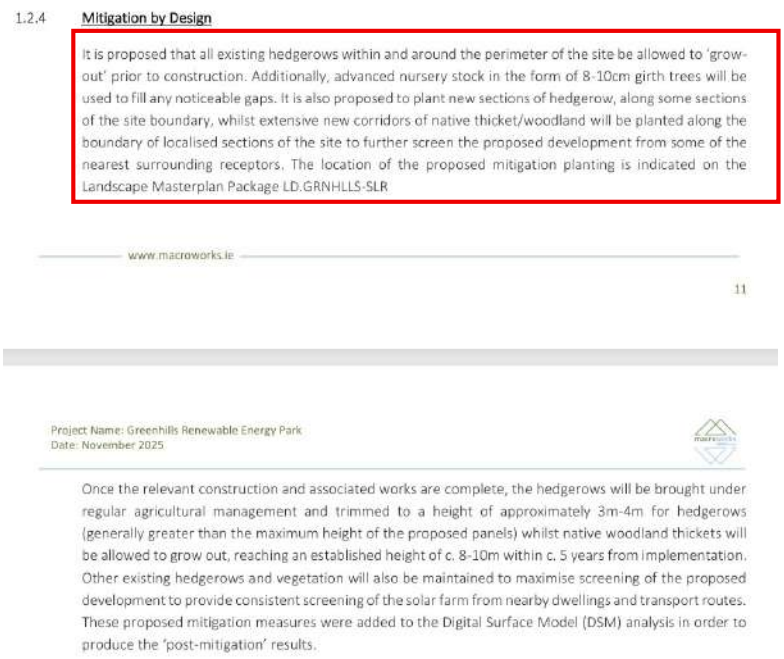
Project Name: Greenhills Renewable Energy Park
Date: November 2025

The only settlement within the 1 km glint and glare study area is the village of Inch, located to the west of the site along the alignment of the River Tourig. Otherwise, the study area comprises a modest but notable rural population of residential dwellings, consisting of linear clusters of dwellings, farmsteads, and one-off dwellings. With regard to transport routes, the R634 is the only major route within the glint and glare study area and traverses the northern and northeastern quadrant of the study area, passing immediately adjacent to the site. A dense network of interconnecting local roads also traverses the surrounding study area, with many of these passing directly adjacent to the proposed solar parcels.

Due to the southerly orientation of the PV panels in the proposed solar farm, ground-based receptors (houses and transport routes) situated to the west of the solar array can only be affected by morning reflectance, when the sun is rising in the east. Conversely, receptors situated to the east of the site can only be affected by evening reflectance, when the sun is setting in the west.

Further, south facing panels in a landscape such as this result in a typical pattern of glare with potential glare impacts upon surrounding receptors occurring during the months February – October. This broadly represents the season where some or all foliage is present on vegetation. The assessment of the screening capacity of the surrounding vegetation in its winter state is therefore not necessary.

Fig. :87 Page 11 states that reflectance occurs from February to October, when some or all foliage is present, and that the screening capacity of the vegetation in its winter state therefore need not be assessed.



1.2.4 Mitigation by Design

It is proposed that all existing hedgerows within and around the perimeter of the site be allowed to 'grow-out' prior to construction. Additionally, advanced nursery stock in the form of 8-10cm girth trees will be used to fill any noticeable gaps. It is also proposed to plant new sections of hedgerow, along some sections of the site boundary, whilst extensive new corridors of native thicket/woodland will be planted along the boundary of localised sections of the site to further screen the proposed development from some of the nearest surrounding receptors. The location of the proposed mitigation planting is indicated on the Landscape Masterplan Package LD.GRNHLLS-SLR

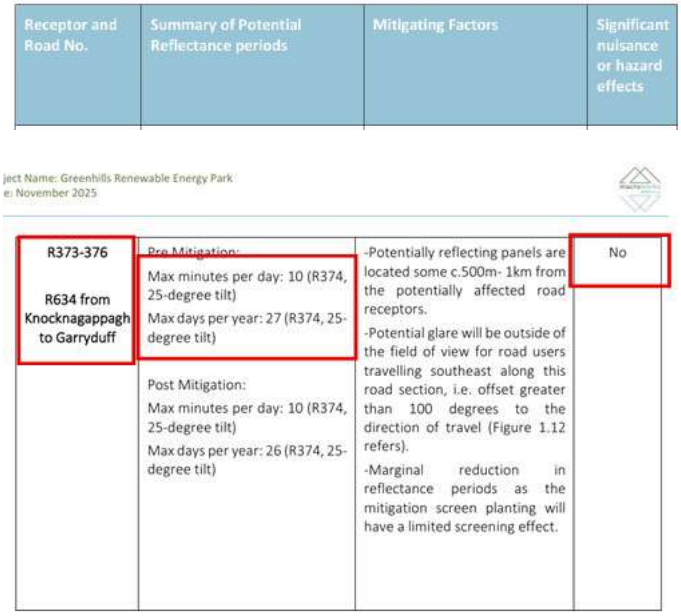
www.macroworks.ie

11

Project Name: Greenhills Renewable Energy Park
Date: November 2025

Once the relevant construction and associated works are complete, the hedgerows will be brought under regular agricultural management and trimmed to a height of approximately 3m-4m for hedgerows (generally greater than the maximum height of the proposed panels) whilst native woodland thickets will be allowed to grow out, reaching an established height of c. 8-10m within c. 5 years from implementation. Other existing hedgerows and vegetation will also be maintained to maximise screening of the proposed development to provide consistent screening of the solar farm from nearby dwellings and transport routes. These proposed mitigation measures were added to the Digital Surface Model (DSM) analysis in order to produce the 'post-mitigation' results.

Fig. 88A: Section 1.2.4 proposes that the existing hedgerows be allowed to grow out before construction, and that gaps be filled with trees of 8 to 10 cm girth. The new entrance off the R634 does the opposite. It opens the roadside boundary on the road the report has treated as screened. The points numbered R634 and R635 on pages 54 and 55 of the report are not this road. Those points are marked "None" after screening. The road section is R373 to R376, and it is not



Receptor and Road No.	Summary of Potential Reflectance periods	Mitigating Factors	Significant nuisance or hazard effects
R373-376 R634 from Knocknagappagh to Garryduff	Pre Mitigation: Max minutes per day: 10 (R374, 25-degree tilt) Max days per year: 27 (R374, 25-degree tilt) Post Mitigation: Max minutes per day: 10 (R374, 25-degree tilt) Max days per year: 26 (R374, 25-degree tilt)	-Potentially reflecting panels are located some c.500m- 1km from the potentially affected road receptors. -Potential glare will be outside of the field of view for road users travelling southeast along this road section, i.e. offset greater than 100 degrees to the direction of travel (Figure 1.12 refers). -Marginal reduction in reflectance periods as the mitigation screen planting will have a limited screening effect.	No

Fig, 88B: The R634 row "R634 from Knocknagappagh to Garryduff". The receptor points are R373 to R376. The figures show 10 minutes and 27 days before the planting, and 10 minutes and 26 days after it is marked "No"

7.10 Ground 10: A permanent noise source in an area of low background noise

The noise and vibration assessment was prepared by RSK and is dated July 2026, project 605444. Section 1.1 states that it assesses the solar farm, the open-cut trenching, the substation and the battery storage, in construction and in operation. **It is not an assessment of the development in this application.**

The measurements do establish the quietness of the place. The survey was carried out on 24 to 26 March 2025. At BN3 the night-time background was 24 to 35 dB LA90, with an average of 27. At BN7 it was 19 to 28 dB LA90, with an average of 22, and the lowest hour was 19. Printed page 14 records that these levels meet the EPA NG4 criteria for an Area of Low Background Noise, and the assessment therefore uses the lower limits: 45 dB by day, 40 dB in the evening and 35 dB at night. The same page says the site is not a Quiet Area, and the only reason given is that it is less than 5 km from the N25. Figure xx, which illustrates the Quietness Suitability Index, is the client's context for that finding. It is not a

map in the assessment. The assessment's own measurements are the evidence, and they are of a quiet rural night, not of a roadside on the N25.

The operational prediction does not separate the station. Table 1.31 gives the substation, the solar-farm transformers and the battery storage the same sound power, 93 dB LWA, each attributed to manufacturer's data. No data sheet is provided. Octave band data are not available, so the assessment says tonality cannot be tested. The site notice proposes two oil-filled 220 kV transformers. The figure of 93 dB is described as the level of a typical substation. It is not shown whether that figure is one transformer or both. Two equal sources are 3 dB louder than one.

Table 1.32 then gives one result for the whole park. At receptor 1 the evening level is 40 dB against a limit of 40 dB. There is no margin. The night-time results are 22 to 30 dB, which the assessment marks as compliant with 35 dB. The solar-farm transformers are said to be silent at night, because the panels do not generate in the dark. The night-time figure is therefore the substation and the battery storage. **The battery storage is not in this application**. **The substation has not been modelled on its own, and the result has not been set against the measured background**. A predicted level of 30 dB at night is under the absolute limit of 35 dB. It is above a measured background of 19 to 22 dB. NG4, which the assessment adopts, also says that at night no tonal or impulsive noise should be clearly audible or measurable at a sensitive receptor. **The assessment defers that test until after construction, and only if a complaint is made.** A complaint is not an assessment. The transformers are to be handed to EirGrid and are not to be decommissioned. The noise does not stop at the end of a 40-year solar permission.

The construction results should not be used against this application as if they were its own. In Table 1.28 the substation and battery-storage works are below 65 dB at every receptor. The exceedances are the deliveries, the general construction and the trenching, which are the solar farm. The piling vibration in Table 1.29 is stated to be for the solar array. The increase of 6 dB on the L7828 is on a road this application does not use. The only traffic result for the R634, which is the entrance in the site notice, is an increase of 2 dB, calculated on a base year of 2037. **The assessment does not give the change on the traffic flow of the year in which the station would actually be built.**

Table 1.34 does not repair this. The developments it considers are other solar farms and wind farms, the nearest a permitted wind farm 1.36 km to the north under reg. ref. ACP 309121. For that wind farm the assessment accepts that cumulative construction noise is possible, depending on the programme, and says operational cumulative noise is not anticipated. It provides no calculation. **The table does not include the Greenhills solar farm or the battery storage, because the assessment has treated all three as one development. They are not one application. The cumulative noise of the station with the panels and the batteries has not been assessed, and the noise of the station alone has not been assessed either.**

The one sentence the assessment offers on the soundscape is at section 1.4.3. It says the soundscape will change because farming noise will reduce where the panels are installed. That is a statement about the solar farm. It is not an assessment of a transformer which runs every night, in a place where the same report measured a background of 19 dB.

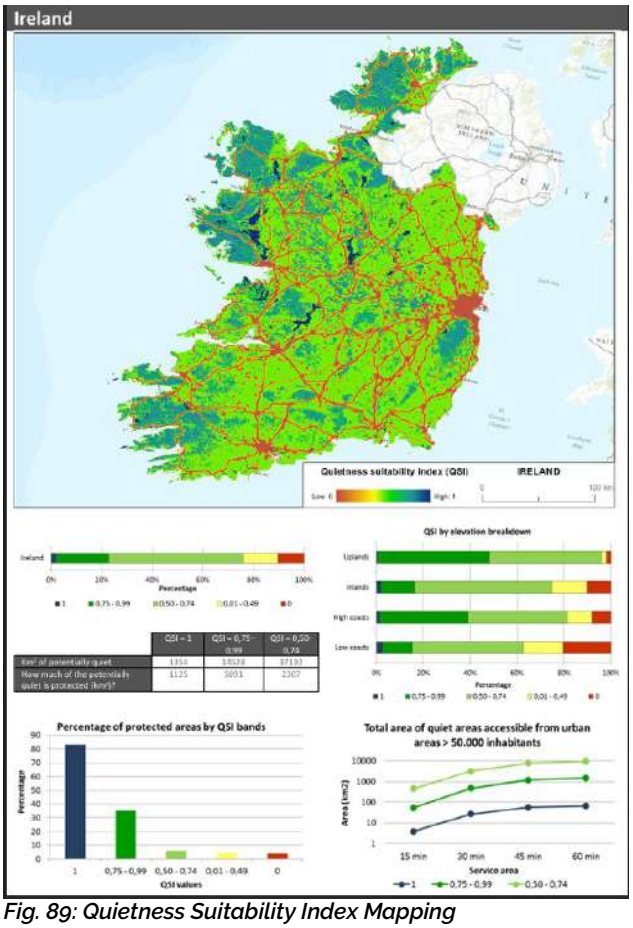


Fig. 89: Quietness Suitability Index Mapping

within the core of the transformer. These forces generate vibrations within the transformer which generates noise.

Noise levels associated with the operational phase of the development are shown in Table 1.31.

Table 1.31 Expected Noise Levels during the Operational Phase

Noise Source	Sound Power Level	Source[1]
Substation	93 dB L_{WA}	Manufacturer's Data
Solar Farm Transformers	93 dB L_{WA}	Manufacturer's Data
BESS	93 dB L_{WA}	Manufacturer's Data

Octave band data is not available for the plant items. Therefore, an objective assessment of tonality cannot be undertaken at pre-planning stage. Potential special sound characteristics of transformer noise such as low frequency noise and tonality are rare and are not factors that can be foreseen at planning stage, but their presence can be measured and rated, typically in the event of a complaint, post construction. It is therefore standard practice for special sound characteristics to be investigated, only in the event of complaint, and, where the investigation verifies their presence, mitigation measures put in place to address any identified significant negative noise characteristics. In addition, any monitoring required by the Planning Authority in relation to noise measurement will be complied with.

Fig. 90: The noise assessment has not yet assessed likely noise impacts and will only do so after construction – and then only if there is a complaint – the Commission is offered no actual noise assessment for the planning stage

During the operational phase of the project there is likely to be a general change in the soundscape of the development site. This is due to the likely reduction in farming and agricultural sounds from the Proposed Development lands where the solar panels and associated infrastructure will be installed.

1.4.4 Decommissioning Impacts

Fig. 91: The soundscape will change due to less farming – no, it will change due to the noise of the substation (see below)

Table 1.21: Night-time Noise Measurement Results at Location BN7

Period	Date & Time	Measured Noise Levels (dB re 2 x 10^{-5} Pa)			
		L_{Aeq}	L_{Amax}	L_{A10}	L_{A90}
Night (25/03/25 – 26/03/25)	23:00-00:00	38	64	28	19
	00:00-01:00	38	65	22	19
	01:00-02:00	35	66	21	19
	02:00-03:00	-	-	-	-
	03:00-04:00	36	63	23	20
	04:00-05:00	38	66	28	22
	05:00-06:00	41	63	36	26
	06:00-07:00	48	67	47	28

Night-time ambient sound levels were in the range 35 to 48 dB $L_{Aeq,1hr}$ with an average ambient sound level throughout the survey period of 41 dB $L_{Aeq,8hr}$. The background sound levels were in the range of 19 to 28 dB $L_{A90,1hr}$ with an average background sound level throughout the survey period of 22 dB $L_{A90,8hr}$. A period of heavy rainfall occurred between 02:00 and 03:00 therefore this data was removed from the analysis.

Figure 1.5 presents the time-history graph of the measured noise levels over the duration of the survey.

Fig. 92: The report measured a background noise of as low as 19 dB at night – the proposed substation noise level is 93 dB

Substation

As part of the Proposed Development, the substation will be operational on a day to day basis. The noise emission level associated with a typical substation that would support a development of this nature is the order of 93 dB L_{WA}.

Table 1.31 Expected Noise Levels during the Operational Phase

Noise Source	Sound Power Level	Source[1]
Substation	93 dB L_{WA}	Manufacturer's Data
Solar Farm Transformers	93 dB L_{WA}	Manufacturer's Data
BESS	93 dB L_{WA}	Manufacturer's Data

Fig. 93: The transformer which runs every night will generate 93 dB against a nighttime background noise of 19 dB – the applicant has conducted no assessment and argued that a reduction in farming activities will reduce noise levels (a bit of deflective spin perhaps?)

7.11 Ground 11: The effects on the houses have been assessed as one project, and they are not one application

The houses around Ballyneague, Ballydaniel and Knocknagappagh are dwellings permitted in the open countryside, under the rural housing policies of the Cork County Development Plan and the Sustainable Rural Housing Guidelines. The amenity of those houses is a matter for this application. A legitimate expectation that the land would never be developed is not. What the application has to show is that the station, on its own and with the solar farm and the battery storage, will not injure that amenity. It does not show it, because the assessments treat the three as one development.

The noise report's Table 1.1 measures the distance from each receptor to the red line of the energy park. It includes houses 5 m, 8 m and 11 m from that line. Those figures are not the distance from a house to the transformers, the palisade or the 37.5 m mast. **The Commission does not have that distance. The operational noise result is one figure for the park**. At receptor 1 the evening level sits on the limit of 40 dB. The night-time source is the station and the battery storage, and the tonality of the transformers is left until someone complains. The background measured at night was as low as 19 dB LA90. None of this has been stated for the station alone.

The construction hours are in section 5.4.1 of the Planning and Environmental Report. Work is to be from 08:00 to 18:00 on weekdays and from 08:00 to 16:00 on Saturdays, and not generally on Sundays or bank holidays. The same paragraph says that at certain stages work will have to be carried out outside those hours, with the prior written approval of the planning authority. The hours are not fixed. The exception is written for the local authority, and the paragraph which follows is about commissioning the solar equipment. The piling and the vibration in the noise report are for the solar array. They are not an assessment of the excavation of this platform. **The client group's concern is the coincidence: the station, the array and the batteries constructed on the same roads and in the same months, with a permission to go outside the stated hours. The application does not assess that coincidence.**

The glint and glare report is of the panels. Its screening of the R634 depends on hedges being allowed to grow out. This application opens a new entrance on that road, for the abnormal-load delivery of the transformer, at the access described in section 5.5.2. The visual assessment has not produced a view from the houses toward the mast, the lattice towers and the palisade, which remain when the panels and the planting do not. CCTV is proposed. Section 6.2 says the park will be monitored remotely, 24 hours a day, by CCTV. The number and the direction of the cameras on this compound are not stated. A camera is not a window. A continuous security camera, on a compound which also has security lighting and a 37.5 m mast, is nonetheless a presence which the houses have not been shown.

The traffic on the R634 is the traffic of the whole park, assessed on a base year of 2037. The increase of 6 dB is on the L7828, which this application does not use. The houses on the R634 are the houses this entrance affects, and the report does not separate the transformer delivery and the station construction from the haulage of the solar farm.

Taken together, the houses are asked to absorb a permanent industrial compound, a night-time noise source which has not been modelled on its own, an entrance cut through the hedge on which the glare assessment relies, and the construction of two further developments which are not before the Commission. The Planning and Environmental Report describes the result as a reduction in farming noise where the panels are laid. That is not a description of the effect of this station.

The client group says that houses close to the land were bought, and in some cases sold below the asking price, without this compound having been known. That is their evidence of the practical consequence. It is not a separate claim for compensation. A private development is not a road scheme, and the Commission is not being asked to award compensation. The loss of value follows the loss of amenity. The application contains no assessment of the station as the permanent element, and no assessment of it with the solar farm and the battery storage as the cumulative element. On that material the Commission cannot conclude that the residential amenity of the houses will be protected.

7.12 Ground 12: Archaeological assessment does not assess the excavation of this substation

The archaeological, architectural and cultural heritage assessment was prepared by RSK ADAS and is dated August 2026. Paragraph 1.1 states that it assesses a solar array and associated infrastructure. Paragraph 1.2 describes an array of about 328 ha, a battery energy storage system and a substation. The geophysical survey appended to it was carried out because Cork County Council, on 10 February 2026, treated the solar application as incomplete without further archaeological assessment. The survey report itself records that the 220 kV substation is a separate application to the Commission, under the pre-application reference 25-322687. The survey was of the solar farm. It was not a survey of the development now applied for.

7.12.1 The mitigation proposed for the anomalies cannot be used on this platform

The survey found four anomalies: a possible enclosure in Field 63, curvilinear features in Fields 66 and 58, and a possible enclosure in Field 22. The assessment's response, at paragraph 6.28, is to use above-ground ballasted foundations for the solar panels over those anomalies and for 5 m around them. That is a foundation for a panel. It is not available for this development. The station is a cut and fill platform, with 25,013 sq.m of excavation, taken down onto ground where the trial pits met stone at about 2 m. A gabion basket cannot be laid under that cut.

What the assessment does propose for the station is monitoring. Paragraph 6.34 says that all significant groundworks, including the construction of the substation, the compounds, the access tracks and the cable trenches, should be archaeologically monitored under licence. Paragraph 6.29 says that the anomalies should be test trenched before groundworks, and the survey report places that trenching in a post-planning programme. The testing has not been done. The layout of the platform has not been fixed by reference to the result of it.

The survey did not cover the whole of the land. The non-technical summary records that crops, intensive agriculture and topography were excluded. Paragraph 4.17 of the assessment then states that the absence of recorded monuments on the higher ground is likely to reflect their loss to agriculture, or a failure to find them, rather than a genuine absence. Paragraph 6.25 nevertheless describes the potential of much of the site as generally low. The same report cannot say that the absence is not genuine and that the potential is low, and then leave the excavation of the station to a monitor.

7.12.2 The effects are said to be reversed on decommissioning. This station is not decommissioned

Paragraph 6.32 predicts no significant residual effect, on the basis that there is no recorded monument in the footprint and that avoidance has been built into the design. The avoidance is the panel foundation. Paragraph 6.20, on Roisin House, finds a low effect on its setting and says that the visual change will be reversed once the development is decommissioned. The planting offered as mitigation is a hedgerow on the park boundary beside the curtilage.

Roisin House, RPS 01157 and NIAH 20905602, is the nearest protected structure. The assessment places the house within 5 m of the energy park boundary, and outside it. It does not measure the distance from the house to the 37.5 m mast, the lattice towers or the palisade. Those structures are permanent. They are to be handed to EirGrid. A finding that an effect will be reversed when the solar farm is removed is not a finding about them. A hedgerow does not screen a mast of 37.5 m.

There is no recorded monument inside the park boundary, on the assessment's own account. Six monuments lie close to it, in the south-eastern part of the study area: two fulachtaí fia, a ringfort, a souterrain and a holy well, together with a lime kiln on the northern boundary which was not visible on the site visit and which the assessment says may have been demolished. The geophysical survey describes that lime kiln, CO056-004, as on the site. The assessment describes it as outside the footprint. The monuments and their buffer zones are said to lie outside the works. The buffer is a line on Figure 6 of an assessment of 328 ha. It has not been shown against the excavation of this platform. The hillfort in Rath townland is 490 m west of the park boundary. It is not 405 m from this compound, and the assessment does not attribute souterrains to it. The souterrain in Cornaveigh is a different monument. Figures 2, 3 and 6 of the assessment can be used, captioned as figures of the energy park and not of this platform.

7.12.3 The Development Plan requires the assessment to guide the design before permission

Objective HE 16-9 of the Cork County Development Plan 2022–2028 requires an archaeological assessment, as part of the application, for development of 0.5 ha or more or 1 km or more in length, and for infrastructure schemes. The assessment is to guide the design and the layout. This station is 2.2 ha, and the loop-in is an infrastructure scheme. The assessment lodged with it was written for a different application. The investigation which would establish what is in the ground is proposed after permission. A layout which is cut before that investigation has not been guided by it.

Objective HE 16-13 requires previously unrecorded sites to be preserved in situ. Preservation by record is to be considered only in exceptional circumstances. Monitoring during an excavation of 25,013 sq.m is not preservation in situ. It is a decision to discover what is there by digging it, and to record it if digging has to stop. The assessment does not set out any exceptional circumstance which would justify that for this platform. Paragraph 6.33 leaves the scope of the work to be settled in consultation with the Council and the National Monuments Service after the statutory process. For this application, that process is the Commission's. The scope has not been settled, and the cut has.

The Commission cannot be satisfied, on this assessment, that the excavation of the station will not remove unrecorded remains, or that the permanent structures will not affect the setting of Roisin House. The assessment answers those questions for a solar farm which is to be removed. It does not answer them for the station.

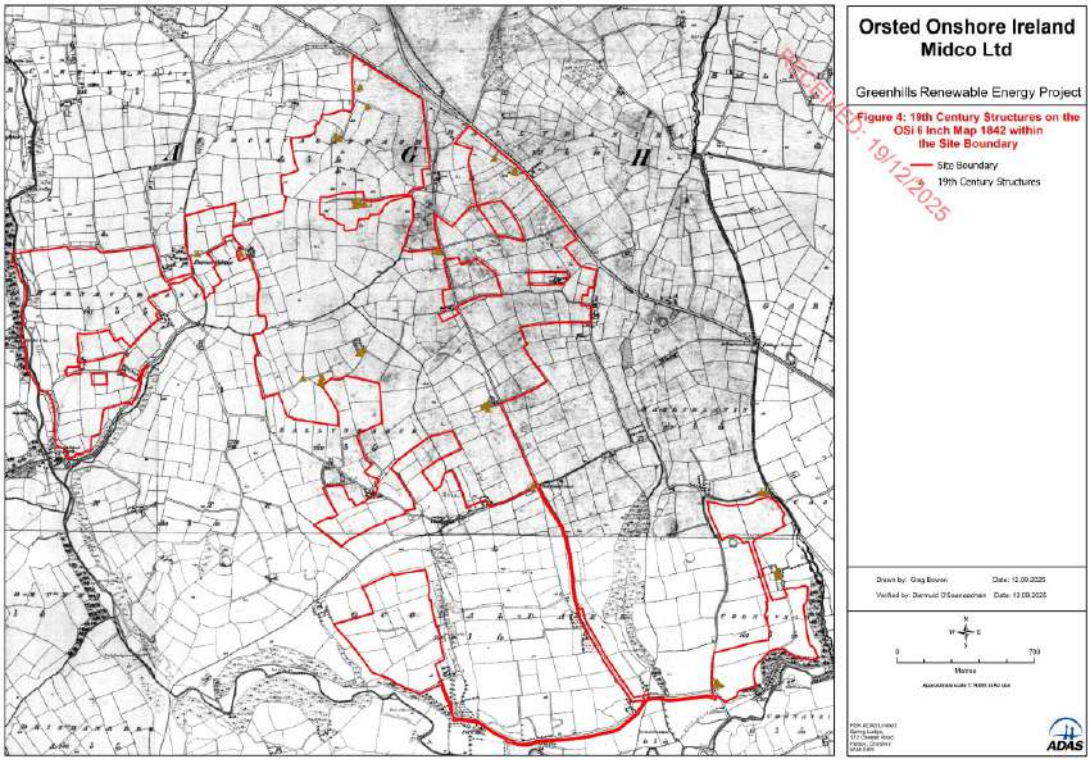


Fig. 94: 19th Century Structures on the OSI 6-inch Map (1842) within the Site Boundary (source: Appendix R, Figure 4 for the solar scheme)

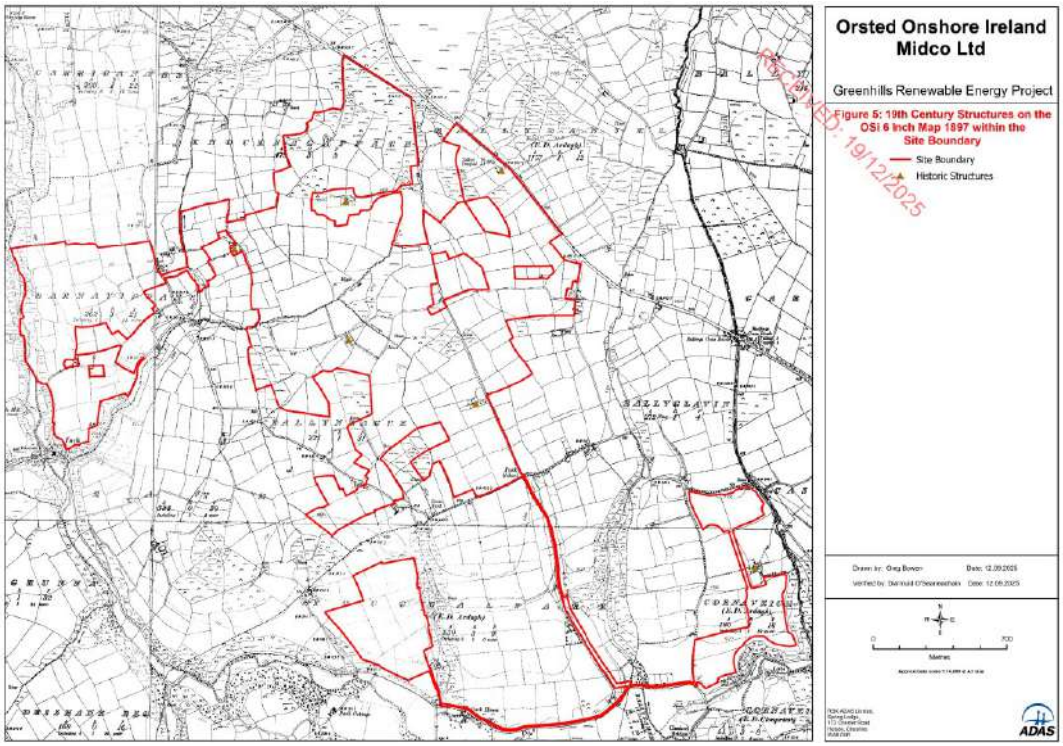


Fig. 95: 19th Century Structures on the OSI 6-inch Map (1897) within the Site Boundary (source: Appendix R, Figure 5 for the solar scheme)

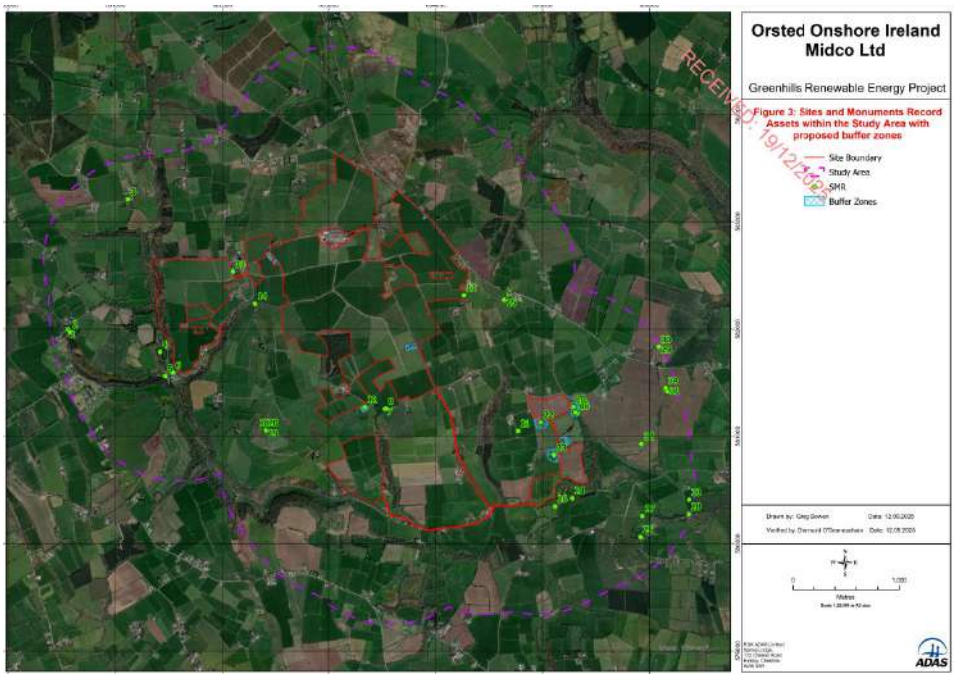


Fig. 96: Sites and Monuments Record Assets within the Study Area with Proposed Buffer Zones (source: Appendix R, Figure 3, for the solar scheme)

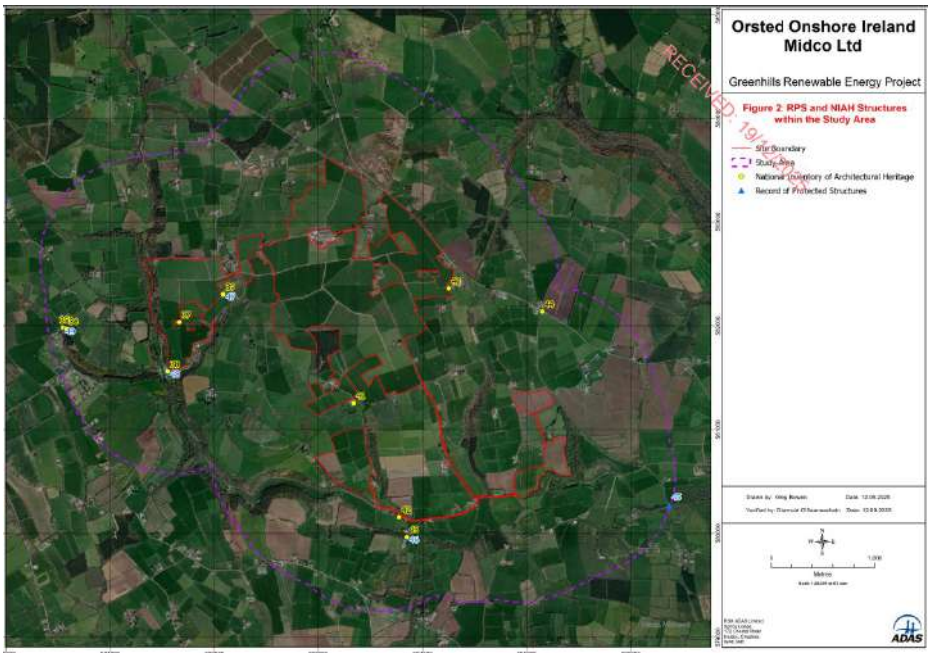


Fig. 97: RPS and NIAH Structures within the Study Area (source: Appendix R, Figure 2 for the solar scheme)

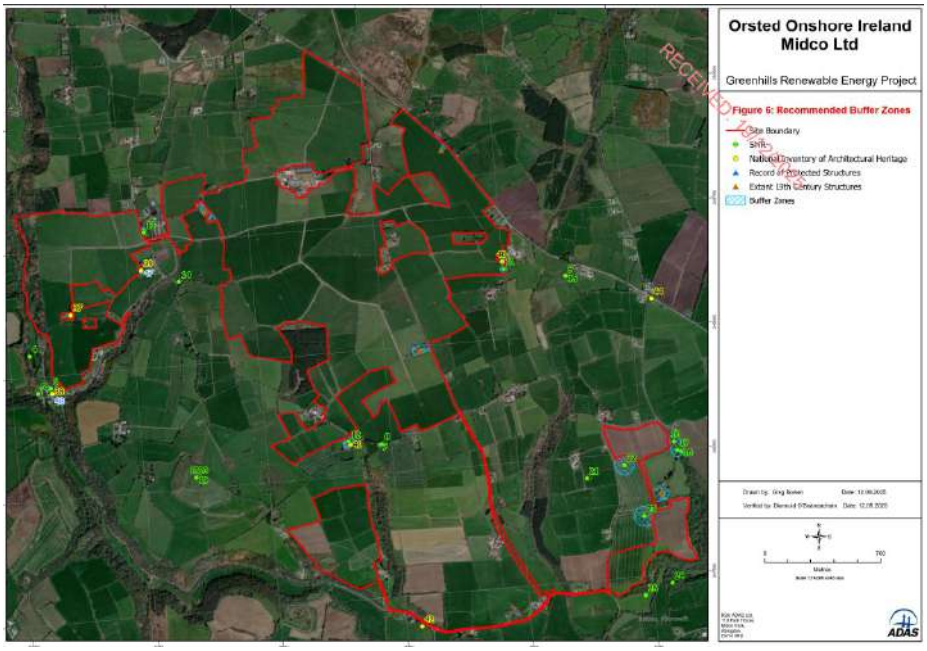


Fig. 98: Recommended Buffer Zones (source: Appendix R, Figure 6 for the solar scheme)

7.13 Ground 13: There is no assessment of fire at the substation

The site notice proposes two oil-filled 220 kV transformers in bunded enclosures, and a diesel generator with a fuel tank. Section 4.3 of the Planning and Environmental Report lists the same plant, and a diesel generator and tank, inside the compound at Ballyneague. Appendix H, the outline construction method for the 220 kV works, describes the control buildings, the transformer compound, the palisade fence and the drainage. It does not mention fire, oil, a bund capacity, a water supply, or a fire appliance. It says that the document is an outline and will be revised before construction.

A fire safety certificate is not that assessment. A certificate under the Building Control Regulations, if one is required for the control buildings, is a certificate that the buildings comply with Part B of the Building Regulations. It is obtained before the buildings are opened, from the building control authority. It is not an assessment, at the planning stage, of a fire in two oil-filled transformers, of the diesel tank, or of the water used to fight either of them. The application does not contain that assessment, and it does not record any consultation with the Chief Fire Officer on access, water, or the time it would take an appliance to reach a gated compound off the R634.

The oil and the diesel are the risk in this application. Transformer oil is combustible. A bund which is large enough to hold a leak is not, by that fact, large enough to hold the oil and the water used to fight a fire in it. The application gives neither the volume of oil nor the volume of the bund. The drainage of the platform has not been designed. The same platform drains, on the hydrology report, toward the Tourig, which that report identifies as a drinking water river. Fire water is not mentioned. There is no proposal for how it would be held, tested, or taken off the site.

The construction method also does not keep the station separate from the batteries. Section 5.5.6.1, which is the method for building the substation, includes the delivery and installation of containers of battery units. The batteries are not part of this application. Their inclusion in the method for the station is a drafting error, and it shows that the fire risk of the two developments has been written up as one and then not assessed for either.#

7.13.1 The batteries are immediately south of the station, and their fire risk is not assessed either

Section 4.2 of the Planning and Environmental Report places the battery compound on the southern side of the existing overhead line, just south of the substation, and connects it to the station by about 350 m of 33 kV cable. Section 4.2.3 is the only passage in the report which deals with fire. It says that the batteries will incorporate multi-layer protection systems, fire testing certification, and systems to prevent and manage thermal events. It gives no scenario, no distance, no account of the gas, and no account of the water. It does not say who attends, or how a house, or the station beside the compound, would be warned.

That compound is not before the Commission. The station is. The station is the permanent element, and it is the element with the oil and the diesel. If both are permitted, a battery fire and a transformer fire are on adjoining platforms, using the same access from the R634 and the same undesigned drainage. The report does not assess either fire, and it does not assess them together. The risk is not removed by leaving it out of this application.

7.14 Ground 14: No reason is given for a ten-year permission

The site notice seeks permission for a period of ten years. The cover letter repeats that, and says the ten years are sought for the construction. The same letter seeks a permanent permission for the substation and the loop-in, because they are to remain when the solar farm is decommissioned and the station is to become an asset of EirGrid.

Section 40 of the Planning and Development Act 2000 provides that a permission lasts for five years, unless a different period is specified. Section 41 allows a longer period to be specified, having regard to the nature and extent of the development. A period of ten years is lawful only if that judgement is made. It is not the normal period, and the application gives no reason for it.

The applicant's own programme is in Table 3 of Appendix H. The substation is estimated at 16 months, the overhead line structures at 4 months, and the connection and commissioning at 6 weeks. The total, with the activities running together, is 18 months. Five years is already more than three times that programme. Ten years is not explained by anything in the notice, the form or the cover letter.

A permission of ten years, for works which the applicant says will take 18 months, does not fix when those works will happen. The abnormal load, the excavation of the platform and the construction traffic on the R634 could fall in any year of the ten. The solar farm is a separate application, and the cover letter relies on that separation. If that application is also granted for ten years, the two construction periods need not coincide and need not fall in any year which has been assessed. **The splitting of the applications is the applicant's choice. It is not a reason to leave the timing of this construction open for a decade.**

The same difficulty applies to the conditions. Much of what the application has not designed, including the drainage, is proposed to be settled before construction starts. A ten-year permission means that those conditions may not be complied with for most of that period, and that they will be complied with against a baseline which has not been surveyed in the year the work begins. If the development is started and then genuinely delayed, section 42 provides for an extension where substantial works have been carried out. The Act does not require the extra years to be granted before anything has been done.

If the Commission is minded to grant the permission, the period for the construction should be the five years provided for by section 40. The applicant has given no reason, by reference to the nature or extent of these works, for any longer period. The permanent life of the station, once it is built, is a separate matter, and it is not limited by either figure.

7.15 Ground 15: Construction of the station is to be managed by an unwritten plan

Section 5.1 of the Planning and Environmental Report says that an overarching construction environmental management plan has been prepared for the project and is at Appendix F, and that separate plans for the substation and for the battery storage are appended to it. Section 5.2 then says that the construction will be carried out by a contractor who has not been appointed, and that a more detailed plan, or a construction method statement, will be prepared before work begins. The matters left to that later document are water quality, noise and vibration, dust, waste, fuels and oils, concrete, and the response to a spill.
The plan lodged with the application is a plan for the energy park. The plan which is to control the excavation of this platform is the one the contractor has yet to write. The effects of the construction cannot be assessed by reference to a document which does not yet contain the controls.

7.15.1 The hours are not the same in the two documents which set them

Section 5.4.1 of the Planning and Environmental Report limits construction to 08:00 to 18:00 on weekdays and 08:00 to 16:00 on Saturdays, and says that work outside those hours will be kept to a minimum and will require the written approval of the planning authority. Section 8 of Appendix H, which is the outline method for this substation, sets the hours at 08:00 to 20:00 on weekdays and 08:00 to 18:00 on Saturdays, with no work on Sundays or bank holidays except in exceptional circumstances or an emergency.

These are not the same restriction. One of them allows an extension by the written approval of the planning authority, which for this application is the Commission. The other allows the extension by an exceptional circumstance or an emergency, and does not say who decides that it is one. Neither document limits deliveries separately from the works. A resident cannot tell, from the application, which hours would apply, or who could extend them. That is a matter for the permission, if a permission is granted. It is not a matter to be settled by the contractor.

7.15.2 The application does not contain one programme

Appendix H estimates the overhead line works at 16 weeks, and its Table 3 estimates the overhead line structures at 4 months. Section 5.5.6 of the Planning and Environmental Report estimates the same overhead line works at approximately four weeks. The same table estimates the substation at 16 months and the whole of these works, running together, at 18 months. The site notice seeks ten years in which to carry them out.

The outage of the existing Knockraha to Cullenagh circuit, the removal of the existing tower, and the erection of the two new towers are described in section 5.5.6. The length of the outage is not. A programme which gives three

durations for the same work, and a permission which allows ten years in which to start it, does not tell the houses on the R634 when the excavation and the abnormal load will happen, or for how long.

7.15.3 Dust, lighting and complaints are not controlled

The excavation of the platform is 25,013 m^3, and the method says that about 9,320 m^3 of stone will be brought in to cap it. Section 5.2 leaves the control of the dust from that work to the contractor's later plan. No monitoring point is identified, and no level is given at which the work would stop.

Construction lighting is not in the list at section 5.2 at all. The permanent security lighting is. Work between 08:00 and 18:00 in the winter months will need light for part of the day. The application does not say where that light would be directed, or whether it would be used.

The report does not name a liaison officer, and it does not set out a complaints procedure. The noise assessment has already left the question of a tonal noise from the transformers to be investigated if a complaint is made after construction. A complaint is not a control, and there is no route given by which a complaint would be made.

If the Commission is minded to grant the permission, the hours, the programme, the dust monitoring and the person to whom a resident is to complain would have to be fixed in the permission. They are not fixed in the application. That is a reason to refuse it, not a list of matters which can safely be left to the contractor.

7.16 Ground 16: The Commission does not have the information on which an Article 8 decision could be made

Section 3 of the European Convention on Human Rights Act 2003 requires every organ of the State to perform its functions in a manner compatible with the State's obligations under the Convention. The duty is on the Commission, in deciding this application. It is not a duty owed by the applicant in private law, and it is not a right to prevent any industrial development near a house. Article 8 protects respect for private and family life and for the home. Article 8(2) allows an interference which is in accordance with law and necessary in a democratic society for a legitimate aim, including the economic well-being of the country. A grant of permission for electricity infrastructure can be such an aim. The question is whether the Commission can carry out the balance which Article 8(2) requires. On this application, it cannot.

The Court has set the test in four cases which are directly in point, and which also show the limit of the argument:

- In *López Ostra v Spain* (1994) 20 EHRR 277 the applicant lived a short distance from a plant treating waste from a tannery. The plant gave off fumes, smells and noise, and it had operated without the licence which the domestic law required. The Court did not find that her health had been seriously damaged. It held that this was not the test. Severe environmental pollution may affect a person's well-being and stop them enjoying their home, so that their private and family life is harmed, even where health is not seriously endangered. The Spanish authorities had not struck a fair balance between the economic interest of the town and the applicant's rights. The case is authority for the proposition that an effect on the home can engage Article 8 without a proven injury to health. It is not authority for the proposition that any loss of rural amenity is a breach. The pollution in *López Ostra* was severe, it was at the door of the house, and the State had allowed the plant to operate outside its own licence.

- In *Guerra v Italy* (1998) 26 EHRR 357 the applicants lived in Manfredonia, about a kilometre from a chemical factory which the Italian authorities had classified as high risk. The violation was not the existence of the factory. It was the failure of the authorities to give the residents the information they needed about the hazard, and about what they were to do if an accident occurred. The Court held that Article 8 can impose a positive obligation to provide that information, where an activity creates a risk capable of affecting private life. The applicants were left unable to assess the risk to their homes. That is the part of the case which matters here.

- In *Fadeyeva v Russia* (2005) 45 EHRR 10 the applicant lived inside the sanitary security zone of the Severstal steel plant, a zone in which, under Russian law, housing was not supposed to remain. The pollution exceeded the domestic limits. The Court held that an environmental effect engages Article 8 only if it reaches a minimum level of severity. That level is relative. It depends on the intensity and duration of the nuisance, and on its physical or mental effect. The State has a margin of appreciation. On the facts the Court found a violation, because the authorities had recorded the pollution, had recognised that the house should not have been there, and had provided no effective way of dealing with it. The case is authority for two propositions. The first is that not every impact on a house is serious enough. The second is that the decision-maker has to have the facts from which the severity, the duration and the effectiveness of any protection can be judged. A permanent installation has to be judged on that duration. This station is to be handed to EirGrid and is not to be removed.

- In *Hatton v United Kingdom* (2003) 37 EHRR 28 the Grand Chamber reached the opposite result, and the reason is important. The applicants challenged night flights at Heathrow. The Chamber had found a violation. The Grand Chamber, by a majority, did not. It held that the economic well-being of the country was a legitimate aim, that the State had a wide margin in a matter of general transport policy, and that night noise from an existing airport, regulated by a published scheme, did not exceed what was necessary. The Court looked at whether the decision-making process had been fair, whether studies had been carried out, and whether the interests of the people under

the flight path had been given due weight. It found that they had. *Hatton* is therefore not a case which treats noise, or infrastructure, as a breach of Article 8. It is a case which asks whether the authority actually weighed the effect on the home, on evidence, before deciding that the interference was necessary. Where that weighing has been done, the Court will not substitute its own view. Where the evidence on which the weighing would have to be done is missing, *Hatton* does not protect the decision.

Applied to this application, the four cases come to the same point.

The site notice proposes two oil-filled 220 kV transformers and a diesel generator with a fuel tank, on a permanent compound. Appendix H describes the buildings, the palisade and the drainage. It does not describe a fire. It does not give the volume of oil, the capacity of the bund, the route of any water used to fight a fire, or the distance from the transformers to the nearest house. The distances in the noise report are distances to the red line of the energy park. They are not a separation distance for a fire. There is no account of how a resident would be warned, and no record of consultation with the fire authority. *Fadeyeva* requires the Commission to judge the intensity and the duration of the effect. *López Ostra* requires it to balance that effect against the interest in the infrastructure. Neither judgement can be made on a file which does not describe the hazard.

Guerra is the information case. The residents of the houses around Ballyneague have not been told what the hazard at the compound is, or what they would be expected to do if the oil or the diesel caught fire. The battery compound is not part of this application, but section 4.2 of the Planning and Environmental Report places it immediately to the south of the station, and section 4.2.3 is the only passage in the report which mentions fire. It does so in three sentences, about the batteries, with no scenario and no distance. There is no document, in this application or in that one, from which a household could understand the risk of the two compounds together. That is the omission *Guerra* treats as capable of being a breach of Article 8.

Hatton does not fill the gap. The Grand Chamber refused to interfere because the night-flight regime had been studied and the competing interests had been weighed. This application asks the Commission to treat the supply of electricity as the legitimate aim, and then provides no study of the fire, the oil, the diesel, or the distance to the houses against which that aim could be weighed. A margin of appreciation is a margin in the weighing of known effects. It is not a substitute for the effects being known.

Appendix T, the electromagnetic-field assessment of 24 October 2025, is not relied on for this ground. It concludes that the fields from the energy park would be below the ICNIRP restriction and that no mitigation is required. The Article 8 point is not that the fields are harmful. It is that the fire and the oil have not been assessed at all.

Directive 2014/52/EU does not repair this. Where an environmental impact assessment is carried out, the vulnerability of the project to a major accident is one of the matters it is to address. The applicant has screened that assessment out. The screening does not remove the duty in section 3 of the 2003 Act.

The Commission cannot decide whether the effect on these homes reaches the minimum level in Fadeyeva. It cannot decide whether a fair balance of the kind required in *López Ostra* and *Hatton* has been struck. It cannot say that the residents have been given the information which *Guerra* requires. A permission granted without that material would not be a performance of the Commission's functions in the manner section 3 requires.

7.17 Ground 17: Substation and solar farm are one project, and the applications have been split

The cover letter of 8 September 2026 tells the Commission that a separate application has been made to Cork County Council for the Greenhills Renewable Energy Park, and that this substation will connect that park to the grid. Section 4.3 of the Planning and Environmental Report says that the electricity from the solar array will be brought to this substation, and that the substation will loop into the existing Knockraha to Cullenagh 220 kV line. Section 4.2 places the battery compound immediately south of the station, on the other side of the same line, and connects the two by about 350 m of cable. The overall site layout shows the three on the one holding. The station has no other purpose stated in the application.

The environmental documents do not treat them as separate. **The EIA screening report of August 2026 is entitled as a screening of the Renewable Energy Park**. Its comparison with the thresholds for recontouring uses one figure of 4.7 ha, made up of the substation, the battery compound and the access track, and relies on that figure being under 5 ha. The noise report, the flood risk assessment, the archaeological assessment, the appropriate assessment and the glint and glare assessment are all assessments of the park. Several of them then assume that the development will be removed after 40 years. The cover letter says the opposite about the substation. It seeks a permanent permission, because the substation is to remain when the solar farm is decommissioned and is to be handed to EirGrid.

The applicant cannot have this both ways. If the substation, the solar farm and the batteries are one project, the Commission is being asked to permit one part of it, on a screening which keeps the combined recontouring under a threshold and which does not assess the project for which this permission is sought. If they are three projects, then the reports lodged with this application are reports about a development which is not the development in the notice.

That is the mischief identified in *O'Grianna v An Bord Pleanála* [2014] IEHC 632. Peart J quashed a permission for a wind farm because the turbines and the grid connection were functionally interdependent, the connection was to be

applied for later, and the environmental assessment had been carried out on the turbines alone. A project which is one project may not be divided so that its effects are assessed, or not assessed, in parts. The same principle applies where the connection is applied for first and the generating substation is applied for somewhere else. The effects of the substation without the panels, and the effects of the substation with the panels and the batteries, are different effects. Neither has been assessed as the development described in the site notice.

The same split prejudices the application which is before Cork County Council. If the Commission permits the permanent alteration of the 220 kV circuit, the planning authority is then considering the solar farm on the basis that its grid connection already exists. The decision on this application would decide, in practice, a fact which is central to the other one. The cover letter asks the Commission to do that, while the assessments continue to describe all three as a single proposed development.

Section 5.5.6.1 makes the same elision in the construction method. It includes the delivery of containers of battery units in the works for this substation, and it says that the temporary construction compound will also serve the battery storage. A method which cannot say which project is being built is not an assessment of the development in the notice.

7.18 Ground 18: The application is premature

The works in Appendix H are the construction of a 220 kV substation, the removal of an existing tower on the Knockraha to Cullenagh circuit, and the erection of two new towers to loop that circuit into the substation. That is a permanent change to a transmission circuit. The only reason given for it is the connection of a solar farm which does not have permission.

A permission for these works cannot be undone if the solar farm is refused, or if it is never built. The cover letter says the substation is to become an asset of EirGrid and is not to be decommissioned with the farm. The Commission would be permitting a permanent piece of the national grid in order to serve a generator whose permission is outstanding, and whose environmental effects have been assumed in the documents rather than decided. If the farm is refused, the justification for the excavation, the oil-filled transformers and the alteration of the circuit falls away, and the development remains.

The application gives no other customer for the substation, and no assessment of it as a free-standing reinforcement of the network. It is premature until there is a permission for the development it is proposed to connect. The reasonable course is to refuse it. A grant, if one were ever appropriate, could not properly be made while the solar farm remains undetermined.

7.19 Ground 19: The Commission cannot conclude that the Tourig would not deteriorate

This ground is the legal consequence of the flood and drainage ground. It is not a repetition of it.

In Case C-461/13 Bund für Umwelt und Naturschutz Deutschland, the Court of Justice held that a Member State must refuse authorisation of a project where it may cause a deterioration in the status of a body of surface water, or jeopardise the attainment of good status. A deterioration is established where the status of at least one quality element falls by one class, even if the overall status of the water body does not. The hydrology assessment lodged with this application identifies the Tourig as a river from which drinking water is abstracted. Section 5.5.6.1 of the Planning and Environmental Report estimates the cut and fill at 25,013 m^3, states that all excavated material will be used as fill, and adds about 9,320 m^3 of imported stone. The cut and fill drawing gives an approximate cut of 17,304 m^3 and an approximate fill of 34,649 m^3, and states that the volumes are preliminary. The two cannot be reconciled. The drainage of the platform has not been designed.

The test is not whether the risk can be reduced by a condition. The Court required the authority to be able to refuse the project where a deterioration may be caused. The Commission does not have the drainage design, the oil volume or the fire-water arrangement on which it could be satisfied that a deterioration may not be caused. The application should be refused.

7.20 Ground 20: Injury to the amenities of the houses – depreciation of property values

The test for this application is whether the development would be in accordance with the proper planning and sustainable development of the area. The amenities of property in the vicinity are part of that test. Paragraph 10(c) of the Fourth Schedule to the Planning and Development Act 2000, which section 191 applies, treats as a reason for refusing permission for a structure that the structure would seriously injure the amenities, or depreciate the value, of property in the vicinity. A refusal given for that reason excludes compensation. The paragraph does not require the Commission to refuse wherever a neighbour expects a loss. It does record that the Oireachtas regarded a serious injury to amenities, and a depreciation in the value of property in the vicinity, as a proper basis for refusal.

The two parts go together. A fall in the price of a house, by itself, is not a reason to refuse permission. A fall which is the consequence of an injury to the amenities of the house is. The amenities relied on are those already set out: a permanent compound, with two oil-filled transformers, a diesel tank, a palisade fence and a 37.5 m mast, which is to be handed to EirGrid and is not to be removed; a night-time noise which has not been predicted for the substation alone, in a place where the measured background was as low as 19 dB LA90; a new entrance on the R634; and a construction

period which the applicant puts at 18 months but seeks ten years in which to carry out. Those are effects on the use and enjoyment of the nearest houses. A reduction in what a purchaser will pay for a house which has that compound as its outlook is the ordinary consequence of them.

Gleann Fia Homes Ltd v An Bord Pleanála [2019] IEHC 618 does not decide this question. The case concerned section 37(6), and whether two landowners who had not taken part in the planning application should be given leave to appeal a grant of permission for housing at Tower, Blarney. One of the three conditions for that leave, in section 37(6)(d)(ii), is that conditions imposed on the permission materially affect the enjoyment of the applicant's land or reduce its value. Haughton J held, at paragraphs 106 and 107, that the subsection does not require a valuation report, and that there was some material before the Board, including the comments of the Council's traffic section, from which the Board could take the view that a condition might reduce the value of the lands. The weight of that material was for the Board. He quashed the grant of leave on the other two conditions. The case is authority for a narrow proposition. A decision-maker does not need a formal valuation before it can treat a reduction in value as a possible consequence, if there is some evidence of that consequence which it can actually consider. It is not authority for refusing permission on an opinion about value, and it is not authority for evidence which is described but not produced.

The client group says that houses close to the lands have been slow to sell, that some have sold below the asking price, and that purchasers who bought recently have said that they would have thought again if this compound had been known. Those are their accounts. They can be put before the Commission. A figure, a sale or a viewing which is withheld cannot. *Gleann Fia* does not allow the Commission to act on material it has not seen.

The same group says that the post office, two shops, Park Creamery and two public houses in the locality have closed. That is their account of the place. It is not an effect of this application, and a substation is not going to reopen or close a school. What it describes is a rural settlement whose remaining quality, for the people who live there and for anyone who might buy a house there, is the quiet and the outlook. The application replaces part of that outlook with a permanent piece of grid infrastructure, and it does not assess the effect of that infrastructure on the houses as a separate development. The injury to the amenities is the reason. The depreciation in value is the consequence of the injury.

8.0 Conclusion

The application before the Commission is not an application for the Greenhills Renewable Energy Park. The site notice seeks permission for a 220 kV substation, a loop-in to the Knockraha to Cullenagh circuit, and a new entrance from the R634. The cover letter of 8 September 2026 seeks ten years in which to build it, and a permanent permission for the station itself, because it is to be handed to EirGrid and is not to be removed when the solar farm is decommissioned. The solar farm and the battery compound are a separate application, made to Cork County Council. They do not have permission.

The reports lodged with the Commission are reports on the park. The noise assessment, the flood assessment, the archaeological assessment, the appropriate assessment, the landscape assessment and the glint and glare assessment all describe a solar farm of about 323 ha, a battery compound and a forty-year life, and several of them then assume that the development will be taken away. The screening report uses one figure of 4.7 ha, made up of the station, the batteries and the access, to stay under a threshold. None of these is an assessment of the permanent station described in the notice. **A decision on this application would be a decision on a development which has not been assessed, made in reliance on an assessment of a development which is not before the Commission.**

That is the defect which runs through the grounds in section 7. **The station, the panels and the batteries are one project**. *O'Grianna v An Bord Pleanála* [2014] IEHC 632 is authority that a project of that kind may not be divided so that its effects are assessed in parts. The station has no purpose in the application other than the connection of a solar farm which has not been permitted, and the works include the removal of a tower on an existing 220 kV circuit. The application is premature. If the farm is refused, the justification for a permanent alteration of the circuit disappears and the station remains.

The same documents fail on their own terms, even if they are read as applying to this station. Section 5.5.6.1 of the Planning and Environmental Report estimates the cut and fill at 25,013 m^3 and states that all excavated material will be used as fill, with about 9,320 m^3 of stone imported. The cut and fill drawing gives an approximate cut of 17,304 m^3 and an approximate fill of 34,649 m^3, and states that those figures are preliminary. The drainage has not been designed. The Commission cannot conclude, as Case C-461/13 requires, that the Tourig would not deteriorate. The appropriate assessment records effects on the Blackwater which cannot be excluded without mitigation, and then does not provide that mitigation for this development. The night-time noise of the station has not been predicted on its own, in a place where the measured background was as low as 19 dB LA90. The archaeological assessment leaves the investigation of the station until after a permission, and its decommissioning paragraph describes a removal which the cover letter says will not happen.

There is no assessment of a fire in the two oil-filled transformers or the diesel tank. The site notice includes a battery room in the customer building and does not describe it. Section 5.5.6.1 includes the delivery of containers of battery units in the construction of this substation. The construction plan which is to control the excavation has not been written, the two documents which set the working hours do not agree, and the application gives three durations for the same overhead-line works and then seeks ten years in which to carry out a programme it estimates at 18 months.

The lands are in agricultural use. Under the Cork County Development Plan 2022–2028 they fall to be assessed as such. Nothing in the Plan identifies this holding as the place for a permanent transmission station, a 37.5 m mast and a palisade compound. The effects on the nearest houses follow from that: the outlook, the entrance, the construction, and a night-time noise which has not been modelled. Section 3 of the European Convention on Human Rights Act 2003 requires the Commission to decide the application in a manner compatible with Article 8. It cannot strike the balance which Article 8(2) requires, because the application does not contain the facts. The support in national policy for renewable electricity is real. It is not a reason to permit one part of an unpermitted generating station, on the assessments prepared for a different project, with the drainage, the fire and the night-time noise left unexamined.

The Commission is respectfully asked to refuse the permission.

8.1 The matters on which the Commission cannot be satisfied

The question for the Commission is whether it can be satisfied, on the material lodged, that the permission sought in the site notice would be in accordance with the proper planning and sustainable development of the area, and with the duties identified in section 7. It cannot. The reasons are these:

.

- The development in the notice is a permanent 220 kV station and a loop-in. The assessments are of the Greenhills Renewable Energy Park, including a solar farm of about 323 ha and a battery compound, and several of them assume that the development will be removed after 40 years. The cover letter says the station will not be removed. The station, the panels and the batteries are one project and have been split. *O'Grianna v An Bord Pleanála* [2014] IEHC 632 applies. The only purpose given for altering the Knockraha to Cullenagh circuit is a solar farm which has no permission. The application is premature.

- Section 5.5.6.1 of the Planning and Environmental Report estimates the cut and fill at 25,013 m^3, states that all excavated material will be used as fill, and adds about 9,320 m^3 of imported stone. The cut and fill drawing gives an approximate cut of 17,304 m^3 and an approximate fill of 34,649 m^3, and states that the volumes are preliminary. The two cannot be reconciled, and the drainage has not been designed. The flood assessment is an assessment of the park. The Commission cannot conclude, as Case C-461/13 requires, that the Tourig, which is a drinking-water river, would not deteriorate.

- The appropriate assessment is an assessment of the park, carried out on a 40-year life, which the station will exceed (the applicant seeks a permanent permission for the 220 kV substation. The Planning and Environmental Report and cover letter state that the substation will be handed to EirGrid and will not be decommissioned when the solar farm is removed. A 40-year operational life applies only to the solar farm and battery compound, which are not part of this application). It records that effects on the fish and freshwater pearl mussel interests of the Blackwater River (Cork/Waterford) SAC cannot be excluded without mitigation, and it does not provide that mitigation for this development. The Commission cannot reach the conclusion section 177V of the Planning and Development Act 2000 requires.

- The night-time noise of the station has not been predicted on its own. The measured background at the nearest point was 19 dB LA90. The question of a tone from the transformers is left to be investigated if a resident complains after the station is built.

- The landscape and glint assessments are assessments of the panels. The conclusion that the R634 would have no notable reflectance depends on planting which this application does not propose and this permission could not require. The station, the two new towers and the 37.5 m mast are not assessed as the development in the notice.

- The archaeological assessment leaves the investigation of the station until after a permission, and its decommissioning section describes a removal of the foundations which the cover letter says will not happen.

- There is no assessment of a fire in the two oil-filled transformers, the diesel tank, or the battery room in the customer building. Section 5.5.6.1 includes the delivery of containers of battery units in the construction of this substation. The battery compound to the south is a separate application, and it has not been assessed either.

- The construction plan which is to control the excavation has not been written. The Planning and Environmental Report and Appendix H give different working hours. The overhead-line works are estimated at four weeks, at 16 weeks and at four months. The notice seeks ten years for a programme the applicant puts at 18 months.

- The lands are in agricultural use and, under the Cork County Development Plan 2022–2028, fall to be assessed as such. The Plan does not identify them as the site of a permanent transmission station.

- Section 3 of the European Convention on Human Rights Act 2003 requires the decision to be compatible with Article 8. The facts needed for the balance under Article 8(2), including the oil, the fire and the distance to the nearest house, are not in the application.

These are not risks that a condition can close. Each of them is a matter on which the material before the Commission is the wrong material, or is missing. The Commission is respectfully asked to refuse the permission.

9.0 Recommendation

BPS recommends that An Coimisiún Pleanála refuse the permission, for the reasons set out in section 9.1.

9.1 Recommended reasons for refusal of planning permission

1. The proposed development is a 220 kV substation and a loop-in to the existing Knockraha to Cullenagh circuit. The stated purpose of the development is to connect a solar farm and a battery storage compound which are not included in this application and which have not been permitted. The environmental reports submitted with the application assess the solar farm, the battery storage and the substation as one development. They assess an operational life of about 40 years and a decommissioning. The application seeks a permanent permission for the substation and states that it will be handed to EirGrid and will not be decommissioned. The Commission is not satisfied that the effects of the development described in the public notices have been assessed. The proposed alteration of the existing circuit would be premature pending a permission for the development it is intended to serve. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The appropriate assessment submitted with the application is an assessment of the Greenhills Renewable Energy Park and not of the development described in the public notices. It records that likely significant effects on the fish and freshwater pearl mussel interests of the Blackwater River (Cork/Waterford) SAC cannot be excluded without mitigation, and it does not provide that mitigation for the substation and the loop-in. Having regard to Article 6(3) of the Habitats Directive and section 177V of the Planning and Development Act 2000, as amended, the Commission cannot be satisfied, beyond reasonable scientific doubt and in the light of the conservation objectives of the Blackwater River (Cork/Waterford) SAC and the Blackwater Estuary SPA, that the proposed development, either alone or in combination with the solar farm and the battery storage proposed on the adjoining lands, would not adversely affect the integrity of those European sites. The Commission is therefore precluded from granting permission.

3. Objective HE 16-9 of the Cork County Development Plan 2022–2028 requires that a large-scale application be accompanied by an archaeological assessment, including appropriate investigation, carried out as part of the application so that it can guide the design. Objective HE 16-13 seeks the preservation in situ of previously unrecorded archaeological sites, and provides that preservation by record is to be considered only in exceptional circumstances. The archaeological assessment submitted with this application was prepared for the energy park. It records that investigation of the substation lands is to be carried out after a permission, and it describes a decommissioning in which the foundations of the station would be removed. The application proposes that those foundations remain. In the absence of an assessment capable of guiding the design of this development, it has not been demonstrated that the proposed development would not injure the archaeological heritage of the area. The proposed development would be contrary to objectives HE 16-9 and HE 16-13 of the Cork County Development Plan 2022–2028 and to the proper planning and sustainable development of the area.

4. Section 5.5.6.1 of the Planning and Environmental Report estimates the cut and fill at 25,013 m^3, states that all excavated material will be used as fill, and adds about 9,320 m^3 of imported stone. The cut and fill drawing gives an approximate cut of 17,304 m^3 and an approximate fill of 34,649 m^3, and states that the volumes are preliminary. The two cannot be reconciled. The drainage of the platform has not been designed. The flood risk assessment submitted with the application is an assessment of the energy park and does not demonstrate, for this development, that the rates and volumes of surface water leaving the site would not increase, or that the risk of flooding downstream would not be made worse. The Tourig is identified in the application as a river from which drinking water is abstracted. The Commission cannot be satisfied that the proposed development would not cause a deterioration in the status of a body of surface water. The proposed development would be contrary to the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), to the surface-water and flood-risk objectives of the Cork County Development Plan 2022–2028, and to the proper planning and sustainable development of the area.

5. The proposed substation, the two new towers on the Knockraha to Cullenagh circuit and the 37.5 m lattice support structure would be permanent structures on open agricultural land, served by a new entrance from the R634. The landscape and visual assessment submitted with the application is an assessment of a solar farm. It does not assess the development described in the public notices. Having regard to the nature, height and permanence of the structures, and to the open character of the receiving landscape, the Commission is not satisfied that the proposed development would not injure the visual amenities of the area and of residential property in the vicinity. The proposed development would be contrary to objective GI 14-9 of the Cork County Development Plan 2022–2028 and to the proper planning and sustainable development of the area.

6. The noise assessment submitted with the application assesses the energy park and does not predict the night-time noise of the substation on its own. The background noise measured in the receiving environment was as low as 19 dB LA90. The assessment leaves the question of a tonal noise from the transformers to be investigated if a complaint is made after the station has been built. The station is proposed to be permanent. The Commission is not

satisfied that the proposed development would not seriously injure the residential amenities of property in the vicinity by reason of noise. The proposed development would be contrary to the proper planning and sustainable development of the area.

7. The traffic assessment submitted with the application is an assessment of the construction of the energy park. The application proposes a new entrance on the R634 and the delivery of abnormal loads, and it does not contain one construction programme. The overhead-line works are estimated at four weeks, at 16 weeks and at four months. The works as a whole are estimated at 18 months, and permission is sought for ten years in which to carry them out. The Planning and Environmental Report and the outline construction method give different working hours. The Commission is not satisfied, on the information submitted, that the traffic generated by the construction, including the abnormal loads, would not endanger public safety by reason of traffic hazard. The proposed development would be contrary to the proper planning and sustainable development of the area.

8. The application proposes two oil-filled 220 kV transformers and a diesel generator and fuel tank. It contains no assessment of the risk of fire, of the volume of oil, of the capacity of the bunds, or of the water that would be used to fight a fire and where that water would go. The site notice includes a battery room and a battery control room in the customer building and does not describe them. Section 5.5.6.1 of the Planning and Environmental Report includes the delivery of containers of battery units in the construction of this substation, and states that the temporary compound will also be used for the battery storage. That battery storage is a separate application. The report does not contain an assessment of a fire in the transformers, in the diesel tank, in the customer building's battery room, or in the battery storage compound. The Commission is not satisfied that the proposed development would not give rise to a risk to public safety and to the amenities of property in the vicinity. The proposed development would be contrary to the proper planning and sustainable development of the area.

9. The lands are in agricultural use. Objective ZU 18-4 of the Cork County Development Plan 2022–2028 requires that land which has not been zoned be assessed on the basis of its existing lawful use. The proposed development is a permanent electricity transmission station. It is not an agricultural use, and the Plan does not identify these lands for it. No alternative site has been assessed. The proposed development would be contrary to objective ZU 18-4 of the Cork County Development Plan 2022–2028 and to the proper planning and sustainable development of the area.

Signed:

Brendan Byrne Buck

BPS Planning & Development Consultants LTD
Members of the Irish Planning Institute
30 October 2026