



An
Bord
Pleanála

Board Direction
BD-006448-20
ABP-305803-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/09/2020.

The Board considered the related file ABP306065-19 for the Solar Farm at the same meeting.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision,

the Board had regard to the following:

- (a) the nature, scale and extent of the proposed development,
- (b) the national targets for renewable energy contribution of 40% gross electricity consumption by 2020,
- (c) national and local policy support for developing renewable energy, in particular the:
 - Government's Strategy for Renewable Energy, 2012-2020,
 - National Planning Framework, 2018, - Delivering a Sustainable Energy Future for Ireland - the Energy Policy Framework, 2007-2020,
 - Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,

- Climate Action Plan, 2019
 - Regional Spatial and Economic Strategy for the Southern Region
 - Objective EN07 of the Wexford County Development Plan, 2013-2019,
- (d) the location of the proposed development within a Lowlands Landscape Character area as set out in the Development Plan,
- (e) the distance to dwellings or other sensitive receptors from the proposed development,
- (f) the planning history of the immediate area including proximity to the Tullabeg Solar Array (An Bord Pleanála Reference 306065-19, Wexford County Council Planning Reg Ref 20191272). This development will serve as the grid connection for this generating asset infrastructure,
- (g) the submissions on file including those from prescribed bodies and the Planning Authority,
- (h) the documentation submitted with the application, including the Appropriate Assessment Screening Statement and the Planning and Environmental Report, and
- (i) the report of the Planning Inspector.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed development, the documentation on file, in particular the Screening Assessment Report submitted in support of the proposed development, the submissions on file – including that from the planning authority – and the assessment of the Inspector in relation to the potential for effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other development in the vicinity, the proposed development would not be likely to have significant effects on any European Site in view of the sites' Conservation Objectives.

Planning Assessment

The Board considered that the proposed development, subject to compliance with the conditions set out below, would:

- not seriously injure the visual and residential amenities of the area,
- be acceptable in terms of public health, traffic safety and convenience,
- not have an unacceptable impact on the character of the landscape or on the cultural heritage,
- not have an unacceptable impact on the ecology,
- make a positive contribution to Ireland's requirements for renewable energy, and
- be in accordance with:
 - Government's Strategy for Renewable Energy, 2012-2020,
 - the National Planning Framework, 2018,
 - Climate Action Plan, 2019
 - Regional Spatial and Economic Strategy for the Southern Region
 - Objective EN07 of the Wexford County Development Plan, 2013-2019.

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

1.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars including the mitigation measures specified in the Planning and Environmental Report, lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In

default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

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

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

3. All of the environmental, construction and ecological mitigation measures set out in the Planning and Environmental Report and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

4.
 - (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. Their location within the compound shall be agreed with the planning authority prior to commencement of work on site.
 - (c) Cables within the site shall be located underground.
 - (d) The substation and all related ancillary structures shall be dark green in colour.

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

5. All of the archaeological mitigation measures set out in the Archaeological, Architectural and Cultural Heritage Impact Assessments of lands at the Proposed Solar Array at Tullabeg, Medophall, Medophall Demense and Ballyclogh, Co. Wexford and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

Reason: In the interest of public health.

7. All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

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

proposals, the management of construction traffic, and the off-site disposal of construction waste.

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

9. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
 - i. An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
 - ii. (ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 “Assessment of Noise with respect of Community Response” as amended by ISO Recommendations R 1996 1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.

Reason: To protect the amenities of property in the vicinity of the site.

10. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 14/09/2020

Maria FitzGerald