



An  
Bord  
Pleanála

## Inspector's Report ABP 305803-19

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<b>Development</b>	An 110kV electricity substation, 110kV underground cabling and 2 no. end masts to connect proposed solar farm to the electricity transmission.
<b>Location</b>	Tullabeg, Camolin, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Applicant</b>	Terra Solar II Ltd.
<b>Type of Application</b>	Application under the provisions of Section 182A of the Planning and Development Act, 2000, as amended
<b>Date of Site Inspection</b>	15/06/20
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Introduction

An application has been made under the provisions of Section 182A of the Planning and Development Act 2000, as amended, for the development of a 110kV electrical substation, 110kV underground cabling and 2 no. end masts to connect to the existing Crane to Banoge 110kV overhead power line. The substation and electrical connection are to serve a proposed solar farm subject of a concurrent appeal under ref. ABP 306065-19 following Wexford County Council's notification of decision to refuse permission.

The proposal was subject of pre-application consultation under ref. 304343-19 on foot of which the Board determined that the proposal constitutes Strategic Infrastructure.

## 2.0 Site Location and Description

The site, which has a stated area of 4.77 hectares, forms part of larger site on which a solar farm is proposed. The solar farm site comprises of two parcels with an overall area of 99.8 hectares. The proposed substation site is located in the southern section of the northern parcel (parcel 1). It is within the townland of Tullabeg c. 2km km to the south-west of Camolin village and c. 8km to the south-west of Gorey. The site is accessed via an existing farm entrance off local road L5092. The M11 forms the south-eastern boundary of parcel 1 with the Dublin-Rosslare rail line forming the northern boundary. The Bracken River which traverses parcel 1, is c. 115 metres to the north of the subject site.

The site is relatively level with the location of the two end masts under the existing 110kV transmission line at the base of the hill in the north-western corner of parcel 1. There are double utility poles and pylons where the line crosses the railway line supporting the overhead line within the site.

## 3.0 Proposed Development

The proposal entails:

- 110kV 4-bay C-type electricity substation comprising separate 110kV Eirgrid and 33kV customer compounds, each served by a control building.

- 110kV underground grid connection over a distance of c.500 metres comprising loop-in infrastructure to tie into the existing 110kV overhead power line. 2 no. end mast steel lattice structures of approx. 21 metres in height are proposed to facilitate the connection.
- Access track from local road L5092.
- 2.6 metre high perimeter palisade fence.
- 5m<sup>3</sup> foul holding tank
- Bore well
- Landscaping including use of berms

The application is accompanied by:

- Planning and Environmental Statement (confirmation of grid connection offer from Eirgrid attached in Appendix 2).
- Landscape and Visual Impact Assessment
- EIA Screening
- Glint and Glare Assessment
- Site Access Study
- Archaeological, Architectural and Cultural Heritage Impact Assessment
- Hydrological Appraisal
- Ecological Impact Assessment
- Screening Assessment in support of the Appropriate Assessment Process
- Outline Construction and Environmental Management Plan
- Ground Investigation Report
- Drainage Proposals
- Construction Methodology

## 4.0 Submissions and Observations

### 4.1. Planning Authority

The submission, which gives a summary of national, regional and local policies, can be summarised as follows:

- It is considered that the solar farm and substation infrastructure are linked, and they cannot be determined in isolation. As the application for the solar farm has been refused it is recommended that this application for the substation be refused.
- Subject to the impacts from glare when viewed from the M25 (sic) being addressed, the principle of the development on the site is acceptable.
- The location of the substation will have localised visual impacts. It is considered that the combined development could be assimilated into the landscape with the proposed screening and mitigation.
- There are no known flood events or identified flood risk on the site of the substation. The field drainage system would appear to be in good order and no additional issues would be considered subject to normal attenuation for the new structures and hard surfaces.
- There are no significant concerns relating to the road network during the operational phase. A construction management plan has been submitted and is considered to be satisfactory. A pre and post road survey is proposed but a development bond would be recommended to repair any road or services damaged during the construction period.
- The mitigation measures detailed in the ecological report should be conditioned if the development is approved.
- A financial contribution of €100,00, ring fenced for community development, is recommended.
- No special development contribution required if a €100,000 bond for the protection of roads during construction is applied.
- A bond of €245,270 for decommissioning also required (calculation provided).

- Development Contribution Scheme 2018 applies.

#### 4.2. **Prescribed Bodies**

Transport Infrastructure Ireland acknowledges that the site accesses the non-national network. Thus, there are no policy implications. It notes the concurrent application for the solar farm and brings to the Board's attention comments made by it to the planning authority on same pertaining to glint and glare. A copy of the submission made on the said application provided.

#### 4.3. **Observations**

None

### 5.0 **Applicant's Response to Submissions**

The submission by HW Planning on behalf of the applicant in response to the submissions received can be summarised as follows:

#### 5.1.1. **Transport Infrastructure Ireland**

- The primary focus of TII's submission relates to the solar farm application which is subject of a 1<sup>st</sup> party appeal.
- It has been demonstrated in the applicant's appeal that the project can be screened from the M11 and other receptors, and that the screening will be guaranteed for the operational life of the solar farm.
- Any unlikely residual impacts will be proactively managed and eliminated in full by focused monitoring and maintenance measures.
- The seasonality of landscape screening has been considered in full.
- The recommendation that a condition be attached requiring potential amendment or removal of panels, if necessary, is contrary to the Development Management Guidelines for Planning Authorities.

### 5.1.2. **Wexford County Council**

- It has been demonstrated as part of the 1<sup>st</sup> party appeal on file ref. ABP 306065-19 that the project can be screened from the M11. With this issue addressed as it relates to the solar farm, then the County Council has no objection to the substation and associated grid connection.

## 6.0 **Planning History**

ABP 306065-19 – current 1<sup>st</sup> party appeal against the planning authority's notification of decision to refuse permission for the solar farm. The two reasons for refusal pertain to glint and glare and potential adverse impacts on the M11 and railway line.

## 7.0 **Policy and Context**

### 7.1. **National Policy**

#### ***National Planning Framework***

National Policy Objective 55 - Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

#### ***National Renewable Energy Plan 2010***

The National Renewable Energy Action Plan (NREAP) sets out the Government's strategic approach and measures to deliver on Ireland's 16% target Directive 2009/28/EC. It states that the Government has set a target of 40% electricity consumption from renewable sources by 2020.

#### ***Strategy for Renewable Energy 2012-2020***

The Strategy states that the Government's overriding energy policy objective is to ensure competitive, secure and sustainable energy for the economy and for society.

### ***Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012***

In this policy statement the Government acknowledges the essential need to meet the demand for energy in a safe, secure and continuous manner as it is the lifeblood of the economy and society. It reaffirms the imperative need for development and renewal of the energy networks, in order to meet both economic and social policy goals. The Government endorses, supports and promotes the strategic programmes of the energy infrastructure providers, particularly EirGrid's Grid 25 investment programme across the regions.

### ***White Paper - Ireland's Transition to a Low Carbon Energy Future, 2015-2030***

Chapter 5 of the document, "Delivering Sustainable Energy: Efficiency, Renewables, Technology", sets out government priorities in the area of renewable energy up to 2030. This includes incorporating higher penetration of renewable energy sources.

### ***Draft Renewable Energy Policy and Development Framework 2016***

The main principles of the Renewable Electricity Policy and Development Framework include:

- Maximise the sustainable use of renewable electricity resources in order to develop progressively more renewable electricity for the domestic and potential, future export markets.
- Assist the achievement of targets for renewable energy, enhance security of energy supply and foster economic growth and employment opportunities.

### ***Ireland's Grid Development Strategy – Your Grid, Your Tomorrow, 2017***

This provides a strategic overview for the development of the electricity transmission system. It confirmed the need for investment in the electricity transmission system. All practical technology solutions will be considered with a strategy of optimising existing grid so as to minimise new grid infrastructure.

### ***Climate Action Plan, 2019***

The plan stresses the importance of decarbonising electricity consumed, by harnessing the significant renewable energy resources. Ensuring the building of renewable rather than fossil fuel generation capacity to help meet the projected

growth in electricity demand is essential. Ensuring increased levels of renewable generation will require very substantial new infrastructure, including wind and solar farms, grid reinforcement, storage developments, and interconnection.

To meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources to 70% including:

- Up to 1.5 GW of grid-scale solar energy (indicative figure)

## 7.2. Regional Policy

### ***Regional Spatial and Economic Strategy for the Southern Region***

The strategy came into effect on 31<sup>st</sup> January 2020

#### Objective RPO 95 - Sustainable Renewable Energy Generation

It is an objective to support implementation of the National Renewable Energy Action Plan (NREAP), and the Offshore Renewable Energy Plan and the implementation of mitigation measures outlined in their respective SEA and AA and leverage the Region as a leader and innovator in sustainable renewable energy generation.

#### Objective RPO 96 - Integrating Renewable Energy Sources

It is an objective to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate a renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.

#### Objective RPO 100 Indigenous Renewable Energy Production and Grid Injection

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

#### Objective RPO 219 - New Energy Infrastructure

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

## Objective RPO 222 - Electricity Infrastructure

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

### 7.3. Local Policy

#### **Wexford County Development Plan 2013 as extended.**

Chapter 5 addresses Climate Change and promotes the development of renewable energy.

Chapter 11 addresses Energy

Objective EN01 - To facilitate the achievement of a secure and efficient energy supply and storage for County Wexford.

Objective EN02 - To promote County Wexford as a low carbon county by 2019 as a means of attracting inward investment and to facilitate the development of energy sources which will achieve low carbon outputs.

Objective EN04 - To facilitate the provision of and improvements to energy networks in principle, provided that it can be demonstrated that:

- The development is required in order to facilitate the provision or retention of significant economic or social infrastructure
- The route proposed has been identified with due consideration for social, environmental and cultural impacts
- The design is such that will achieve least environmental impact consistent with not incurring excessive cost
- Where impacts are inevitable mitigation features have been included
- Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive.

Objective EN07- To encourage and favourably consider proposals for renewable energy developments and ancillary facilities in order to meet national, regional and county renewable energy targets and to facilitate a reduction in CO2 emissions and the promotion of a low carbon economy, subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.

Paragraph 11.3 states that the Council will encourage the development of renewable energy resources and the maximisation of electricity production from renewable sources.

#### **7.4. Environmental Impact Assessment**

A substation and underground powerline is not a class of development for which an EIA is required. Therefore, an EIAR is not required in this instance.

#### **7.5. Natural Heritage Designations**

The Slaney River Valley SAC (site code 00781) is c.2 km to the west of the substation site and c.1.8km from the proposed steel lattice masts.

### **8.0 Assessment**

I consider that the issues arising can be assessed under the following headings:

- Overview
- Policy Considerations
- Residential Amenities
- Visual Impact
- Other Issues
- Appropriate Assessment

#### **8.1. Overview**

- 8.1.1. As noted previously this substation and associated infrastructure will serve the proposed solar farm on a site area of just under 100 hectares which is subject of a

concurrent 1<sup>st</sup> party appeal under ref. ABP 306065-19, following the planning authority's notification of decision to refuse permission.

- 8.1.2. I submit that the development of the solar farm and the substation infrastructure are linked and cannot be determined in isolation. Accordingly, the solar farm appeal is being considered concurrently with this SID application as there is no justification provided to develop the substation other than to connect the solar farm to the electricity transmission network.
- 8.1.3. The potential impacts of the overall development, namely the solar farm and substation, were included as part of the Planning & Environmental Report and Appropriate Assessment Screening out for the Solar Farm application. Together with the Planning & Environmental Report and AA Stage 1 Screening Report submitted with this application I am satisfied that the Board has the necessary information before it to allow for a cumulative assessment of impacts of the overall development.
- 8.1.4. While both developments are interlinked and should not be determined in isolation it remains that for the purposes of assessment, each scheme is considered on its own merits and where appropriate is considered cumulatively or in combination. Therefore, the commentary pertaining to solar farm is set out in the section 37 appeal.
- 8.1.5. The northern and southern sections of the arrays are proposed to be linked by means of an underground AC cable trench. The underground cable will run along the local road for a distance of c.400 metres. This connection does not form part of this application.

## 8.2. Policy Considerations

- 8.2.1. The current application before the Board is made under the provisions of Section 182A of the Planning and Development Act 2000, as amended, and relates to the provision of an electricity substation and underground grid connection to serve a proposed solar farm which is to cover an area of just less than 100 hectares.

The importance of renewable energy is clearly acknowledged at a national, regional and local level and there is a suite of policy documents that support and promote the transition to a low carbon and climate resilient society. Under the National Planning Framework, National Policy Objective 55 seeks to promote renewable energy use and generation at appropriate locations within the built and natural environment to

meet national objectives towards achieving a low carbon economy by 2050. Consequent to same, the Climate Action Plan 2019 stresses the importance of decarbonisation of electricity consumed by harnessing the significant renewable energy resources available with the need to ensure the building of renewable, rather than fossil fuel generation capacity, to help meet the projected growth in electricity demand. To meet the required level of emissions reduction by 2030 it is required to increase electricity generated from renewable sources to 70% with solar energy contributing up to 1.5 GW (indicative figure).

8.2.2. I consider the substation and grid connection as essential enabling infrastructure to support the proposed solar farm development and I consider that the associated overall development complies with and supports the wider strategic objectives set out in national, regional and local policies, all of which seek to promote and develop renewable energy and facilitate the transition to a low carbon economy.

### **8.3. Residential Amenities**

8.3.1. A number of observers on the concurrent appeal for the solar farm raise concerns regarding noise arising from the substation. I note that no observations were received with respect to this SID application.

8.3.2. The substation is to be located c. 310 metres from the nearest dwelling to the south of Parcel 1 which is significantly above the 5 metre minimum distance recommended by Eirgrid to the land boundary of any noise sensitive receptor. I consider that impacts would be negligible and insignificant. Notwithstanding, a condition stipulating maximum noise levels as measured at the nearest sensitive receptor can be attached by way of condition in the interests of clarity.

8.3.3. In terms of the solar farm the panels, in themselves, would not generate noise. The main noise sources would be from the transformer/invertors which will be within containers and are located at a remove from the nearest dwellings. The transformers are identified as noise generating with typical acoustic volumes of 58dBA whilst inverters typically produce volumes of 33dBA. Taking into consideration the proposed insulated building conditions the actual audible noise levels will be materially below these and will be imperceptible with distance. In addition, I note that noise would only be generated during daylight hours and consequently there will be no noise emissions at night. Having regard to the low

level of noise that will be generated by both the solar farm and substation and to the separation distance to dwellings, I consider that cumulative impacts would be negligible and insignificant.

- 8.3.4. In view of the separation distance and intervening screening in the form of hedgerow boundaries, coupled with the proposed planting to the boundary hedgerow to the south of the substation to a height of c.6 metres, the substation will not be visually obtrusive when viewed from the nearest dwelling.
- 8.3.5. It is estimated that the construction period of the overall solar farm development would be in the region of 75 weeks and it is inevitable that potential negative impacts to the local population may occur, particularly in terms of noise and traffic. The construction hours are proposed between 0800 and 1800 Monday to Friday and 0800 and 1600 Saturday. However, these impacts will be temporary. Potential noise impact will be controlled in accordance with the relevant code of practices.
- 8.3.6. A number of external lights are proposed for safety purposes in the electrical compound to meet Eirgrid requirements. This lighting will be operated manually from the substation building and used infrequently as need for inspections.
- 8.3.7. I address the issue of traffic in more detail below.

#### 8.4. **Visual Impact**

- 8.4.1. The subject site comprises a small area of approx. 4.77 hectares within a materially larger site of just less than 100 hectares in two parcels which is proposed to be developed as a solar farm. It will be located along the southern boundary of the northern most parcel. The site is within an undulating landscape, largely in agricultural use, with the highest points being the north/north-western section of parcel 1 and the western section of parcel 2. Save for the lightening masts which are to be 18 metres in height the other apparatus in the substation compound would be less than 8 metres. The compound is to be located approx. 500 metres to the south of the existing 110kV overhead line which is supported on double utility poles with a steel lattice mast where the line crosses the railway line.
- 8.4.2. As per the current County Development the site is within a landscape designated as lowland and is not considered to be of particular sensitivity. It is considered to have a higher capacity to absorb development without causing significant visual intrusion. In addition, there are no listed views or prospects in the vicinity. The application is

accompanied by a Landscape and Visual Impact Assessment (LVIA) which provides for an assessment of the overall development. The application is also accompanied by photomontages. As noted in the Planning and Environmental Statement the photomontages accompanying the application for the solar farm omitted the proposed end-mast structures. This has been rectified in the photomontages that accompany this SID application.

- 8.4.3. I submit that the photomontages are a useful tool to assist in the assessment and I consider that that they have been presented in a reasonable and competent manner. Because it is proposed that mitigation screen planting will take place up to two growing seasons ahead of panel placement and is intended to be established prior to panel installation, the visual impact assessment does not include an appraisal of 'pre-mitigation impacts' as it is stated that these will not occur. The assessment, therefore, only relates to post-mitigation 'residual impacts'.
- 8.4.4. The substation is located in a relatively level part of the site, setback from the road and in a corner of a field, thereby availing of the existing screening provided by two hedgerows. This is to be complemented by a berm to be developed on the other two sides. The undergrounding of the grid connection to the existing 110kV overhead electricity line to the north will have no visual impact. The introduction of 2 no. end masts, approx. 21 metres high to be placed under the existing line in between existing pole sets, are similar in scale and character to the existing steel lattice masts in the vicinity and on other 110kV circuits. Modification of the existing wooden pole sets either side will be required to accommodate the proposed works and will be undertaken by Eirgrid.
- 8.4.5. Whilst the substation and masts are visible in some of the prepared photomontages, taken in the context of the overall solar farm development, they do not give rise to concerns in terms of cumulative visual impact nor would they be conspicuous or visually obtrusive in their own right.
- 8.4.6. Whilst there is no doubt that the proposed overall development would change the local landscape from a visual perspective, in my view the established landscape is capable of absorbing change. Having regard to the mitigation measures proposed I am satisfied that the proposed development would not adversely impact on the landscape and visual amenities of the area including those from adjoining properties.

8.4.7. I note that the decommissioning of the site as detailed will not include the proposed substation which is anticipated to remain a node in the transmission network. Notwithstanding, I note that the Board in its decision on the previous SID application for a 110kV substation to serve a solar farm at Rosspile under ref. ABP 302731-18, attached a condition linking the lifetime of the development to that of the solar farm. In the interests of consistency, I recommend a comparable condition in this instance should the Board be disposed to a favourable decision.

## 8.5. Other Issues

### ***Glint and Glare***

8.5.1. The submission by Transport Infrastructure Ireland expresses concerns regarding the potential for glint and glare on the M11. The substation in its own right will not give rise to concerns in this regard and the issues arising are more appropriately directed at the solar farm subject of the concurrent section 37 appeal.

### ***Access and Traffic***

8.5.2. The application is accompanied by a Site Access Study which includes a Swept Path Analysis and an Outline Construction and Environmental Management Plan which addresses the overall development and I refer the Board to the relevant section of the assessment on the concurrent appeal. As per the detail provided in Table 1.1 the substation construction and commissioning is to be undertaken in conjunction with the solar farm over a 75 week period.

8.5.3. The substation site is to be accessed via an existing agricultural access which will serve the northern parcel of arrays (parcel 1).

8.5.4. The volume of vehicular movements will vary across the different construction phases with a peak flow of 31 vehicles per day anticipated, largely corresponding with site preparation and enabling works and when the panels are being installed. Standard HGV loads are expected save for one abnormal delivery load which will be needed to transport the substation transformer to the site. Special delivery measures will be put in place for this delivery consistent with the procedures established for abnormal load convoys for wind farm projects.

- 8.5.5. The said Construction and Management Plan sets out details in terms of delivery routes and management measures in terms of vehicular movements. The said delivery route is illustrated in Figure 6.
- 8.5.6. Whilst the additional traffic and management measures will inconvenience local road users and residents of dwellings in the vicinity, the impacts are considered acceptable having regard to the limited duration of the works.
- 8.5.7. The operational phase of both the substation and the overall solar farm development would generate limited vehicular movements by maintenance staff on an ad-hoc basis. I do not consider that the additional movements would give rise to a material concern.

### ***Ecology***

- 8.5.8. The site is characterised by habitat and species normally associated with managed agricultural land with no protected habitat or species identified. The existing site profile is relatively flat and requires modest cut/fill with fill primarily to the south-east corner. It is proposed to retain excavated material on the site to form the berms.

### ***Site Drainage***

- 8.5.9. A Flood Risk Assessment is included in the Hydrological Appraisal report which accompanies the application. The potential flood risks associated with both land parcels are (a) fluvial flooding along the banks of the River Bracken and (b) pluvial flooding due to temporary ponding of surface water. The lands in the immediate vicinity of the river in the northern land parcel formed part of the Owenavorrhagh Arterial Drainage Scheme. The OPW is responsible for carrying out maintenance on this river stretch to reduce or eliminate flood risk and improve channel conveyance. Therefore, there is no issue with respect to flood risk on this site.
- 8.5.10. The substation compound will be formed with permeable stone allowing surface water runoff to infiltrate to ground comparable to pre-development greenfield conditions. Surface water generated in the bunded areas will discharge to existing site drainage via an oil interceptor. The grid transformer will be located within an impermeable bund with a capacity of at least 110% of the volume of oil in the event of a leakage.

8.5.11. A foul holding tank serving the support building within the compound will be emptied at intervals whilst a water supply to serve the sanitary requirements is proposed via a bore well.

### ***Cultural Heritage***

8.5.12. There are no recorded monuments within or in the vicinity of the substation, along the route of the underground grid connection or within or in the vicinity of the proposed lattice masts. The nearest recorded monument is an enclosure c. 82 metres to the north-west of the proposed masts.

### ***Development Contributions***

8.5.13. The planning authority in its submission to the Board recommends that a one off payment of €100,000 be paid to the Council to be managed and ring fenced for community development in the local area. I note that the Board considered such a condition to be appropriate in a previous Strategic Infrastructure Case for a 110kV substation serving a solar farm at Rosspile, Clongeen, Co. Wexford under ref. ABP 302731-18. On this basis I recommend that a comparable condition be attached should the Board be disposed to a favourable decision in this instance.

8.5.14. The provisions of the Development Contribution Scheme 2018 for the Wexford County Council Planning Authority Area apply, and a condition should be attached accordingly.

8.5.15. The planning authority recommends a bond to cover any work required to address impacts to the road network during the construction of the development. The applicant proposes a pre and post survey and to undertake the necessary remedial works prior to commencement of the development. The Board considered the latter approach to be appropriate in the comparable case for a proposed solar farm and 110kV substation at Rosspile Co. Wexford under file ref. ABP 302731-18. I recommend that a condition to this effect be attached should the Board be disposed to a favourable decision.

## **8.6. Appropriate Assessment**

8.6.1. The application is accompanied by an Ecological Impact Assessment and a Screening Assessment in support of the Appropriate Assessment Process which

addresses the overall solar farm development inclusive of the substation and grid connection.

#### *Project Description and Site Characteristics*

8.6.2. The site is as described in section 1 with the project description summarised in section 2.

#### *8.6.3. Natura 2000 Sites, Qualifying Interests and Conservation Objectives*

1. Slaney River Valley SAC (site code 00781) is c.1.2km to the west. The qualifying interests comprise a mix of fresh and salt water habitats and species
2. Cahore Marshes SPA (site code 004143) is c. 12.6km to the south-east. The qualifying interests comprise a mix of wintering birds
3. Cahore Polders and Dunes SAC (site code 00700) is 12.6km to the south-east. The qualifying interests comprise dune habitats.

8.6.4. Detailed conservation objectives have been drawn up for the SACs with generic objectives pertaining to the SPA. The overall aim is to maintain or restore the favourable conservation status of the qualifying interests.

#### *Assessment of Likely Effects*

8.6.5. The site is not within or adjacent to any designated site. Therefore, no direct impacts would arise.

8.6.6. Slaney River Valley SAC is located in a separate river catchment to the River Bracken which flows through the site. The Bracken River is a tributary of the Owenavorrhagh River which discharges to the sea north of Courtown c. 12km downstream of the proposed development (when measured along the watercourses). Otter is a qualifying interest and there is the potential for it to travel between the two watercourses. No signs of Otter were recorded, and the River Bracken is not considered suitable for breeding Otter. In view of the absence of any hydrologic connection between the sites there is no potential for the designated site to be indirectly affected by the proposed development

8.6.7. In view of the intervening distance between the site and Cahore Marshes SPA and Cahore Polders and Dunes SAC, the absence of hydrologic connection and the

qualifying interests of both sites there is no potential for the designated sites to be indirectly affected by the proposed development.

- 8.6.8. In terms of cumulative effects, I have regard to the concurrent application under ref. ABP 306065-19 for a solar farm on two parcels equating to c.100 hectares.

#### *Screening Statement and Conclusions*

- 8.6.9. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect European sites nos.00781, 004143 and 00700 in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.6.10. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

## **9.0 Recommendation**

In view of the foregoing I recommend approval for the above describe development subject to the following reasons and considerations subject to conditions.

## **10.0 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 Rosspile 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. In reaching this conclusion, the Board

took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

### **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.

## **11.0 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) The permission shall be for a period of 25 years from the date of the commissioning of the Tullabeg Solar Farm (An Bord Pleanála Reference 306065-19 (Wexford County Council Planning Reg Ref 20191272)). The substation and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) Prior to the commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the substation and all related ancillary structures, including all foundations, CCTV cameras and fencing to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

(c) On full or partial decommissioning of the Tullabeg Solar Farm, or if the solar farm ceases operation for a period of more than one year, the substation and all related ancillary structures and equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

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

5.
  - (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.

6. The developer shall facilitate the archaeological monitoring of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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.

- 7. 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.

- 8. 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.

9. 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.

10.
  - (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.

11. 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.

12. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure satisfactory reinstatement of the site

13. Prior to the commencement of development, the community gain proposals shall be submitted to, and agreed in writing with the planning authority.

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

14. 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.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**June, 2020**