



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305969-19

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<b>Development</b>	For a 25 year permission for a solar farm
<b>Location</b>	Ballykenny, Co Longford
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	19222
<b>Applicants</b>	Ballykenny Solar Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Residents and farmers of Ballykenny, Tully and Briarstown
<b>Date of Site Inspection</b>	5 February 2020
<b>Inspector</b>	Dolores McCague

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## 1.0 Site Location and Description

- 1.1.1. The site is located in the rural townland of Ballykenny, Co. Longford approximately 3.5 km north west of Longford Town and adjacent to the 100-kV Richmond electricity substation.
- 1.1.2. Lands in the area are gently undulating and flat. Pasture is the predominant agricultural use. There are also areas of conifer plantations and woodland. The site appears to comprise an agricultural landholding, in use for grazing, which is made up of six fields. A notable feature of the site is the overhead transmission lines which converge on the electricity substation.
- 1.1.3. The site is located along the local road L1002 at a location where a former right angled bend has been eased, at the south eastern corner. The local road forms most of the north eastern and south eastern boundaries. Along the mid section, of the north eastern end of the site, Richmond Electricity Substation occupies a rectangular plot of ground. A splayed recessed entrance at the public road and a driveway along its western boundary, provides access at mid point to the substation. Extending from the end of the driveway and continuing further west than the substation within the field to its north west, there is an area of land which was a site the subject of a planning application for a battery energy storage system. This is currently an undefined rectangular area within a field of pasture. The subject site's entrance to the public road is shown as shared with that of the battery storage site, at a location immediately adjoining and north west of the substation entrance. The other boundaries are formed by agricultural lands and the driveway to a residential property to the north west. A number of single houses and farmhouses are located in the vicinity. There are a number of protected structures in the vicinity.
- 1.1.4. A drain along the south western boundary drains towards the Camlin River, which is approx. 0.8km to the north west, and the River Shannon approx. 3.5km west. Lough Forbes is approx. 2.5km to the north west.
- 1.1.5. Field boundaries within the site are defined by hedgerows. Along part of the roadside there are hedges, but there are long sections where hedges are absent, which may in part be as a result of road improvement works in the past.
- 1.1.6. The slight fall within the site is from north east to south west.

1.1.7. The closest residential properties are on the opposite side of the local road at the south east end of the site.

1.1.8. The site is given as 19 hectares.

## 2.0 Proposed Development

2.1.1. The development as described in the public notices consists of a 9MW (megawatt) solar photovoltaic (PV) array with associated infrastructure, landscaping and cable route to enable the export of renewable energy to the National Grid for which a 25 year permission is sought.

2.1.2. The development will include five inverter stations, a switchgear building, a DNO (distribution network operator) substation building, a HV kiosk, a customer room, a control building and a storage container.

2.1.3. The total installed capacity 9MWp (megawatt peak) is based on a solar irradiation level of approx. 900kWh/m<sup>2</sup>. The development is anticipated to generate approx. 8,220 MWh per year. The scheme has been designed to maximise the amount of electrical hours of production per hectare. The industry standard allows for 1MW PV modules per 2.8ha. The design has achieved a design criteria of 9MWp in 19 hectares equivalent to 1MWp/2.11 ha.

The description of development includes a description of the array of panels and their mounting (elevation only provided). Each frame table will be supported on galvanized steel posts/frames that will be driven or screwed into the ground to a depth appropriate to the soil conditions. The angle of tilt relative to horizontal is given in various documents as 20<sup>0</sup> (Design and Access Statement), 30<sup>0</sup> (Ecological Impact Assessment), 30<sup>0</sup> (NIS), 20<sup>0</sup> (Landscape & Visual Appraisal), and 20<sup>0</sup> (Solar Photovoltaic Glint & Glare Study).

Security cameras will be installed around the site and directed solely into the solar farm.

2.1.4. The application was accompanied by the following:

- A letter of consent from the landowner
- A Planning Statement

- A Design and Access Statement
- An Ecological Impact Assessment
- A Natura Impact Statement
- Archaeological & Architectural Assessment
- Landscape & Visual Appraisal
- Solar Photovoltaic Glint & Glare Study
- Construction Traffic Management Plan
- Maps and Drawings

## **2.2. Planning Statement**

- 2.2.1. The Planning Statement includes a review of policy, reference to a pre-planning meeting, reference to the accompanying statements and a conclusion that the planning balance is in favour of the development.

## **2.3. Design and Access Statement**

- 2.3.1. The Design and Access Statement includes – the construction phase will involve 175 HGV deliveries, the majority of construction staff will travel in crew buses. There will be a small number of managerial cars/vans; no more than 30 vehicles at peak. Site traffic post construction will be minimal.

## **2.4. Ecological Impact Assessment**

- 2.4.1. The Ecological Impact Assessment includes – a review of designated sites in the vicinity, a review of habitats in the site (including depositing / lowland rivers FW2 of international importance (as the stream leads to a SAC/SPA), drainage ditches (FW4) of high local importance, treelines (WL2) / hedgerows (WL1) of low-high local importance and other habitats of lower or less importance) an evaluation of those habitats, a review of species recorded in the vicinity, a review of the aquatic environment in the vicinity in the site, and a summary ecological evaluation. As there is a source pathway receptor linkage between the application site and Lough Forbes SAC and Ballykenny Fisherstown SPA via the stream adjacent to the site and the

River Camlin, potential impacts on these designated areas cannot be ruled out and a stage two NIS has been submitted. An ecological impact assessment (EcIA) was carried out based on solar farm evidence.

The proposed development will result in the loss of some mature trees / hedgerows: 75 m of remnant field boundary in two sections north and south of the existing overhead power lines; disturbance to birds and mammals; and construction and operational phase impacts on water quality. Ongoing disturbance impacts on wildlife are also considered, which includes – solar panels have the capacity to reflect polarised light which can attract polarotactic insects (i.e. those attracted to polarised light) and which may potentially impact on their reproductive biology by mistaking the panels for water they may attempt to lay their eggs on the solar panels; in this instance, if there is any affect, it is likely to be insignificant. If insects are attracted that may provide an additional source of prey for local bird species. The development will involve 410m of new hedgerow planting, and 1835m of hedgerow enhancement. Inappropriate landscaping could lead to the introduction of non-native and invasive plant species. It is unlikely that the development will lead to any cumulative impacts.

Assessment of impacts – grassland habitats and hedgerow/treelines will be impacted without proper mitigation. Disturbance to wildlife should be temporary and if suitable habitats are maintained or provided it is likely that they will return. Negative impact on water quality could be serious long term.

- 2.4.2. Mitigation and monitoring proposed include: training of contractors, confining works to within the site and adherence to best practice, work to conform to the IFI document ‘Requirements for the Protection of Fisheries Habitats during Construction Works in and Adjacent to Waters’. Measures to control erosion, sediment generation and other pollutants associated with construction; riparian vegetation along the stream to be left intact and a 10m buffer between the footprint of the solar panels and this stream. Only biodegradable phosphate free cleaning products to be used to ensure that there is no leaching of harmful chemicals into local surface or groundwater receptors. Best practice concrete / aggregate management measures to be employed are listed. Best practice hydrocarbon / fluid management measures to be employed are listed.

- A 1m verge between the footprint of the solar panels and existing hedgerows and treelines of high value. These areas to be managed for biodiversity in accordance with the guidelines outlined in the All Ireland Pollinator Plan. A biodiversity management plan to be prepared.
- No spreading of material excavated, close to any drain or watercourse or in any area of biodiversity value. Topsoil should be stored until it is required for landscaping at appropriate locations within the site. Excess must be removed by a registered contractor and recorded.
- The felling of mature trees should be avoided, especially those with obvious fissures, cracks and ivy growth as these are potential bat habitats. Where possible only immature trees saplings / shrubs should be removed.
- If absolutely necessary mature tree removal should be carried out outside the bird nesting season and a prior check carried out for bat roosting.
- Landscaping should involve planting of native Irish species that are indigenous to the site and should be cognisant of the sensitivity of the natural habitats surrounding. Herbicides should be avoided.
- Basking sites for lizards could be provided.
- Low intensity operational lighting to be used.
- Bat and bird boxes to be erected.
- Bare soil should be seeded as soon as possible. Non-native windflower mixes should be avoided.
- Monitoring measures recommended – implementation of biodiversity management plan and the outcomes for biodiversity to be reviewed on an annual basis. Any bat or bird boxes to be checked periodically.
- With proper mitigation the development will have a neutral impact on the local ecology.

## 2.5. NIS

### 2.5.1. The Natura Impact Assessment includes:

- 2.5.2. Screening for Appropriate Assessment which includes:
- 2.5.3. A review of habitats in the site, water features and water quality. Habitats include a depositing / lowland river of international importance; flowing in a northerly direction along the western boundary. It flows from Brown Bog so it has a naturally high level of humic matter. Other habitats are either of local importance or none.
- 2.5.4. The site is within 10km of five designated sites: Lough Forbes SAC (001818) 723m south west (1km downstream); Ballykenny – Fisherstown Bog SPA (004101) 723m south west (1km downstream); Brown Bog SAC (0023446) 339m south (upstream); Clooneen Bog SAC (002348) 5.8km north; and Mount Jessop Bog SAC (002202) 7.3km south.
- 2.5.5. Potential impacts considered are: deterioration in water quality in designated areas resulting from pollution from surface water run-off during site preparation and construction; and cumulative impacts with other proposed /existing developments.
- 2.5.6. It can be considered that Brown Bog SAC, Clooneen Bog SAC and Mount Jessop Bog SAC can be excluded based on their distance from the proposed development and that they are outside the zone of influence.
- 2.5.7. Stage two appropriate assessment is required in respect of Ballykenny – Fisherstown Bog SPA and Lough Forbes SAC. The site is upstream of these protected sites.
- 2.5.8. Lough Forbes SAC is described in detail (4.2) and its conservation objectives are outlined.
- 2.5.9. Ballykenny – Fisherstown Bog SPA is described and its conservation objectives are outlined. Ballykenny Bog is unusual in that some of its margins are intact, a rare feature in the Irish midlands. Between the Camlin River and this bog, a complete transition from raised bog to callow grasslands can be seen, while the interface between the bog and lake is colonised by a narrow band of deciduous woodland. At the time of its designation it was being used by part of the Loughs Kilglass and Forbes Greenland White-fronted Goose population. The geese have since abandoned the peatland. The last recorded sighting at this site was in 1990/91.

2.5.10. Certain qualifying interests of these sites will not be potentially impacted, either due to distance or because they are features that are not sensitive to changes in water quality. These are listed in table 3 and are:

2.5.11. Active raised bogs, Degraded raised bogs still capable of natural regeneration, Depressions on peat substrates of the Rhynchosporion; these habitats are not present within of adjacent to the subject site and the proposed development will not lead to the loss or fragmentation of any of these bog habitats within the SAC / SPA. Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, this habitat occurs at two locations within the Lough Forbes Complex SAC approx. 3.5km from the subject site. There will be no impacts on this habitat.

Greenland White-fronted Goose, traditionally linked to bog habitats where they feed on common cotton grass. The range of habitats used by this species has shifted towards arable lands. There will be no impacts upon bog habitats arising from this application and no impacts on potential feeding resources of this species. No impact upon these species arising from overhead power lines will occur as all lines will connect into the grid within the site and no tall infrastructure is required.

The remaining QI (qualifying interests) of the SAC with potential to be impacted are set out in table 4: natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation. Possible direct /indirect impacts on this habitat include: loss or decrease in the quality or area of the habitat due to pollution or a decrease in water quality arising from run-off from construction or operation. Run-off may contain cement, hydrocarbons and silt, which would have a negative impact on this qualifying feature.

2.5.12. Deterioration in water quality during construction – silt, oil, cement, hydraulic fluid etc would directly affect the habitat of protected species and would have a toxic effect on the ecology of the water in general, directly affecting certain species and their food supplies. An increase in siltation levels of local water bodies could result in the smothering of fish eggs, an increase in the mortality rate in fishes of all ages, a reduction in the amount of food available for fish and the creation of impediments to the movement of fish. Pollution of the water with hydrocarbons, cement and concrete during the construction phase could also have a significant negative effect on the aquatic invertebrate populations. Solutions used to clean the solar panels or dust suppressants may also impact local surface or ground water quality due to leaching

of these substances through the soil. Appropriate mitigation will be required to maintain the conservation status of the Lough Forbes SAC and Lough Forbes SPA and their protected habitats and species.

- 2.5.13. Cumulative impacts – two domestic developments were granted planning permission in the past five years in Ballykenny; where necessary they were accompanied by AA reports. Future developments will be screened for AA and where necessary a NIS will be carried out to mitigate against potential impacts.
- 2.5.14. A proposed application for a low carbon battery store on a site adjacent was refused<sup>1</sup> planning permission. Two other solar farms have been granted planning permission in Longford, at Kilashee and Clondra. Their construction and operation in combination with the proposed solar farm will have no impacts on sensitive ecological receptors. There will be no in combination impacts with septic tanks, which under the Water Services Act 2007 and Water Services (Amendment) Act 2012 are subject to a nationwide programme of inspection which will help to reduce impacts from inadequate septic tank / treatment systems on local ground and surface water quality. Agricultural activities are required to operate within the legislation defined in the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017. Cumulative impacts will be negligible.
- 2.5.15. With the implementation of mitigation measures it is unlikely that the proposed development will lead to any cumulative impacts on the Lough Forbes SAC/SPA. Mitigation measures are listed in section 5 of the report, and a finding of no significant effects is reached.

## 2.6. **Archaeological & Architectural Assessment**

- 2.6.1. The Archaeological & Architectural Assessment – includes a report of the database entries for archaeological investigations in surrounding townlands; a cartographic review; a review of place names; and a field by field report of inspection of the 6 fields. The latter includes reference to field number 4 where a plot shown on the historic OS map and the house within this plot are evident, with the plot defined by a low denuded earth bank and the house as low wall lines generally covered by grass

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<sup>1</sup> The planning authority decision to refuse was appealed and the Board granted permission, see history section.

with some stone collapse evident in places, the pond at the north was evident as a waterlogged hollow area. The archaeological origin of several linear undulations across this field, although likely to be agricultural in origin, cannot be completely discounted.

- 2.6.2. Recorded monuments in the vicinity are: a levelled ringfort c50m to the east of the northern corner, a levelled ringfort c120m to the east, a partially extant enclosure located 40m to the south of the proposed development area; the area between being occupied by a public road and farmyard.
- 2.6.3. Impacts – no impacts and no negative visual impacts are predicted on the recorded monuments. Impacts on unknown features cannot be discounted. The extensive sub-surface ground disturbance will be largely confined to access/maintenance tracks, linear cable trenches and the creation of a temporary compound. No operational phase impacts will occur. Subject to mitigation there will be no residual impacts.
- 2.6.4. Mitigation – it is recommended that a geophysical survey will be undertaken within field 4 to investigate the irregular linear features, followed by targeted test trenching in areas where the survey identifies features of archaeological potential. Pre-development test trenching is also recommended in areas where sub-surface excavation works will be required within the remainder of the site: alignment of access roads, cable trenches, temporary hardstanding areas, sub-stations and site storage / compound areas. If any sub-surface archaeological features are identified in proximity to proposed solar array steel frames, appropriate mitigation measures should be enacted in their vicinity, which may include avoidance of ground impacts by the use of additional buffer zones or the use of concrete shoe support instead of earth piling or screws. Existing field boundaries should be retained and existing field access points utilised during the construction phase where possible. No works should be carried out within 15m of the remains of the 19<sup>th</sup> house, within the rectangular plot in the south end of field 4, and a protective fence should be erected around this buffer zone for the duration of the construction phase. The report includes in 'Appendix A' a copy of an internal guidance document of the National Monuments Service titled Solar Farm developments – Internal Guidance Document. 'Appendix B' lists entries in the Archaeological inventory for the area. 'Appendix C' of

the report is a photographic record of potential archaeological features within the site.

## **2.7. Landscape & Visual Appraisal**

- 2.7.1. The Landscape & Visual Appraisal – includes. The site forms part of a local landscape pattern comprising small to medium-scale, rectilinear fields. The site has a semi-enclosed character. Local ridgelines and field boundaries combine with nearby tree vegetation to provide a sense of containment whilst gappy or absent field boundary vegetation allows occasional distant views. Beyond the site, hedgerows local ridgelines and blocks of woodland provide a strong sense of enclosure. Gappy hedgerows or absent field boundary vegetation allow some middle-distance views across and along minor valleys within undulating areas of the peatlands LCU (landscape character unit). Table 5.1 is an appraisal of the effects on landscape characteristics. Although the solar PV panel layout has been designed to retain as much of the existing vegetation within the site as possible, the proposal would remove c75m of remnant field boundary (two sections north and south of the existing overhead power lines), in the west of site, parcels E and F. This would not alter the overall field scale that is characteristic of the site and surrounding landscape. Furthermore c410m of new hedgerows would be planted and c1835m of existing hedgerow would be enhanced.
- 2.7.2. Zones of theoretical visibility, from a reference point of 2.75m, are shown and discussed, the main area being within 0.5km of the site. There are a few more distant views towards landscape features in adjacent LCUs.
- 2.7.3. Representative viewpoints are discussed and related to 19 attached photographs.
- 2.7.4. Details of representative viewpoints are set out in table 5.2, for stages: ‘on completion’ and ‘medium to long term’, the latter representing the impact of the proposed landscape planting. The most significant impact on completion is at the viewpoint from the local road immediately adjacent to the south-east where the effect would be ‘large to medium’; long term the effect at this location would be very small. At all other locations the visual effects on completion are medium or below, diminishing to very small or negligible long term.

- 2.7.5. Effects on settlement is analysed separately, and considers 13 adjacent houses, set out in table 5.3. The most significant visual effects on completion are 'large to medium' at a dwelling 35m south east of the site; medium to long term the impact at this location would be very small. At all other locations the visual effects on completion are medium or below diminishing to very small or negligible long term.
- 2.7.6. At some locations 'no effect' is recorded.
- 2.7.7. Cumulative effects with other solar farms and the Richmond Battery Energy Storage System are considered and found to be very small or negligible.
- 2.7.8. The report states that the proposal is well-sited. The adjacent substation lends a semi-industrialised character to the landscape in the immediate vicinity. The wider study area also contains a number of industrial landscape features. The undulating topography combines with the containment of views by local vegetation to screen all distant views and most middle-distance views towards the site. The majority of landscape and visual effects would arise within the immediate landscape setting (to 0.1km) with limited, very small magnitude effects occurring up to c 0.5km from the site.
- 2.7.9. The proposal includes screen planting which would improve the integration of the proposal into the landscape and further reduce the impact on views.

## **2.8. Solar Photovoltaic Glint & Glare Study**

- 2.8.1. The Solar Photovoltaic Glint & Glare Study – includes an assessment of impact at 20 road receptor points and at 10 dwelling receptors. Table 6.3 sets out the results for the road points analysed. Table 6.4 sets out the results for the dwellings analysed. Reflectance could be experienced along sections of the adjoining local road, involving approx. 0.45km of road, for short periods. Reflectance could be experienced from four of the houses; existing vegetation is expected to remove any views of the reflecting solar panels. For the remaining two houses the reflectance would be seen from the same general direction as the sun, would last for less than 60 minutes over a period in excess of three months. The impact is considered moderate. The proposed landscaping would reduce views to partial views. Conclusions as set out in section 8 indicate that the impact on roads would be low

and the proposed screening will remove views from roads and that at worst impact on residential amenity would be moderate.

## **2.9. Construction Traffic Management Plan**

- 2.9.1. The Construction Traffic Management Plan states that construction will take approx. 12-15 weeks on a 6 day basis. Peak construction traffic would involve 18-20 movements a week. It is considered that the local road network will be readily able to accommodate the small number of additional vehicles during construction. Construction stage signage is detailed. The proposed site compound, to be located close to the site access in the north east corner of the site, is detailed. A number of ground work installation teams will work on the site to establish the posts into the ground, using tracked ramming vehicles, each team expecting to erect 300 poles in a day. Other teams will then assemble the structural mountings and fix the PV panels onto the structure. The pile driving will not exceed 80dB. Vibration is very local and will not exceed an area of 5m<sup>3</sup>. Six stages of construction are set out. External lighting will be used for construction, if required, between the hours of 08.00 and 18.00 Monday to Friday and 8.00 to 13.00 on Saturday.
- 2.9.2. Decommissioning – the design life is in excess of 35 years. If the applicant decides to decommission, replace or refit the modules, or if required by a condition following a period of 12 months of non-continuous generation, an appropriate method statement based on the preferred option for decommissioning will be prepared and submitted to the Council for their consideration and agreement. Should the modules be decommissioned, this will be undertaken within 6 months of notice given to the Council, and is anticipated to take approximately two to three weeks and follow the construction stages in reverse. Reinstatement will occur at each stage of the decommissioning and all waste will be removed from site to a suitably licensed facility.

## **2.10. Maps and Drawings**

- 2.10.1. Maps and drawings include site locations maps at scales of 1:2,500 and 1:10,560, layouts at 1:1500, 1:200 and divided into five sections at 1:500; contiguous elevations, building details and dimensions to boundaries are also provided.

2.10.2. The floor area is given as 209.7m<sup>2</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The planning authority decided to grant permission subject to 14 conditions including:

- 2) Implement the recommendations in the Architectural & Architectural Assessment.
- 3) No groundworks within 20m of the 19<sup>th</sup> century house.
- 4) Road design requirements.
- 5) The structure shall be removed after 30 years and the site reinstated.
- 6) No external light during the operational phase unless agreed in writing.
- 7) No advertising signage.
- 8) All landscaping within the first planting season.
- 9) After installation the grasslands shall be supplemented with native wild grass and flower seeds and maintenance shall be by livestock management.
- 10) All cables to be located underground.
- 11) Prior to commencement a detailed reinstatement programme shall be agreed.
- 12) Surface water shall be disposed of on site.
- 13) Construction management plan.
- 14) Development contribution of €65,070.

### **3.2. Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The planning report, recommendation a grant of permission, includes:

- a review of policy
- reference to observations and submissions

- the Chief Fire Officer's report requesting additional information is noted however the proposed development would require a fire certificate under the building control regulations and compliance with fire safety requirements is therefore covered under separate parallel regulatory requirement and is not a material consideration under the current planning process; 7.8 of the Development Management Guidelines is cited.
- The proposed arrays will be connected to the national grid via a point of connection into the adjacent Richmond Substation, via underground cable.
- EIA – not listed in schedule 5 nor does the development meet the requirements in section 103 as the proposed development will not have any significant effects on the environment.
- AA – the development does not have the potential to significantly affect the conservation objectives of the Lough Forbes SPA / SAC and the integrity of these sites as a whole will not be adversely impacted.
- The assessment considers visual impact, glint & glare, landscape, guidance and access and concludes that the solar panels have been positioned so as to limit their visual impact on the surrounding landscape and would not be visually intrusive. The site benefits from a high degree of visual containment. Visual impacts would be minor. It has the potential to deliver renewable energy, without posing significant negative impacts on residential properties in the area, biodiversity, archaeological features, or residential amenities.

### 3.2.3. Other Technical Reports

CFO (4 October 2019) recommending further information re.

Items for the proposed battery storage works.

Items for the PV panels / array –

- Evidence that they will be installed to the manufacturer's recommendations including that arc-fault protection will be fitted; and Sustainable Energy Authority of Ireland and Risk Insight Strategy and Control Authority Guidance Document 'RC62 Recommendations for Fire Safety with photovoltaic panel installations (UK guidance) and best international practice.

- It is widely accepted that firefighting of such facilities is extremely problematic due to electrical power being generated, submit a comprehensive firefighting action plan.
- Submit a fire risk assessment detailing the space requirements between photovoltaic arrays and forestry, houses and site boundaries, based on what effect a large fire could have in terms of fire spread.

### 3.3. Prescribed Bodies

3.3.1. IAA (17 September 2019) – no observations.

3.3.2. An Taisce (4 October 2019), a geophysical survey and test trenching should be carried out prior to commencement.

3.3.3. DAU, Department of Culture, Heritage and the Gaeltacht

- (8 October 2019) – conditions:
- The applicant is required to employ a qualified archaeologist to monitor all excavations carried out on site.
- Groundworks associated with the removal of damaged piles or of large rocks to facilitate piling, should also be monitored archaeologically.
- The report of the archaeological monitoring should include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which photographs were taken should be included in the report. An annotated site location map will suffice for this purpose.
- Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigation action (e.g preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

- The planning authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

### 3.4. **Third Party Observations**

- 3.4.1. Third party observations on the file have been read and noted.

## 4.0 **Planning History**

- 4.1.1. No recent planning history is given pertaining to the appeal site.

Adjacent:

303611-19, PA Reg Ref 18157, in an appeal against the planning authority's decision to grant permission for a battery energy storage system the Board granted permission, file attached.

PA Ref. 04/716: Permission granted for a 110-kV overhead electricity line from a 110-kV substation at Lanesboro to the 110-kV substation at Richmond.

PA Ref. 03/196: Permission granted for an extension to the existing 110-kV substation at Richmond to include a second transformer and associated high voltage equipment.

## 5.0 **Policy Context**

### 5.1. **National Planning Framework**

- 5.1.1. National Strategic Outcome 8 – Recognises the need to harness both on-shore and off-shore potential from energy sources including solar. The following points are noted:

5.1.2. Green Energy

- 5.1.3. 'Deliver 40% of our electricity needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond. It is expected that this increase in renewable deployment will lead to a greater diversity of renewable technologies in the mix'.

5.1.4. 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’.

## 5.2. **Regional Spatial Economic Strategy**

5.2.1. The regional strategy (RSES) of the Eastern Midlands Regional Authority supports harnessing on-shore and off-shore potential from wind wave and solar and connecting the richest sources of that energy to major demand centres.

## 5.3. **Guidelines**

5.3.1. No national guidelines have been issued to date. I have noted the following as of relevance to this development:

5.3.2. Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland (October 2016 report prepared by Future Analytics for the Sustainable Energy Authority Ireland/ SEAI).

5.3.3. Planning guidance for the development of large scale ground mounted solar PV systems (British Research Establishment/ BRE – 2016).

## 5.4. **Development Plan**

5.4.1. Longford County Development Plan 2015-2021 is the operative plan, relevant provisions include:

Chapter 5 infrastructure - the council will favour applications related to renewable and or alternative energy resources (examples: wind and solar energy). However, applications must comply with relevant legislation and be environmentally sustainable.

## 5.5. **Natural Heritage Designations**

5.5.1. The nearest Natura sites are: Lough Forbes SAC (001818) 723m south west (1km downstream); Ballykenny – Fisherstown Bog SPA (004101) 723m south west (1km downstream); Brown Bog SAC (0023446) 339m south (upstream); Clooneen Bog SAC (002348) 5.8km north; and Mount Jessop Bog SAC (002202) 7.3km south.

## 5.6. EIA Screening

- 5.6.1. The proposed development is not of any type included in Schedule 5 of the Planning and Development Regulations 2001 (as amended), i.e. development for which mandatory EIA is required nor is it integral to any project that is of a type included in Schedule 5. Having regard to the nature and scale of the development, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The third party appeal against the planning authority's decision has been submitted by Sean Lucy & Associates. The issues raised include:
- Lack of national guidance on solar farm development, except the generous tax breaks available to farmers. What are being permitted are numerous speculative locations none of which are guaranteed to proceed and subject to generic conditioning.
  - 1 - The proposed development will impact significantly on the avenue and approach to the farmhouse listed in the NIAH 13401308, of regional interest, and on Brianstown House and demesne.
    - NIAH 13401308 should be regarded as a protected structure, although not listed. The boundary is shared with NIAH 13401308 from the entrance gate along the entire length of avenue and is separated by a single field from the rear of the house and the house itself. Its location has not been shown on the maps presented with the application.
    - Areas D, C impact the protected structure Brianstown House, in views to and from; and B in views from the rear. For areas A, E and F it will be visible from the entrance steps, from all rooms facing west/south west and from the entrance gate and avenue.

- Views from the entrance gate and avenue will be significantly affected and give rise to glint and glare impact and will give rise to a significant reduction in the quality of the landscape of the attendant grounds of Brianstown House, which are protected grounds, Longford CDP 6.2.4.
- They disagree with the Landscape & Visual Appraisal re NIAH 13401308 which appears to rely on the fact that the house does not directly overlook the site. They have discounted views from the building from all floors. The development site means Brianstown House and is visible in views from the rear until the ridgeline to the west.
- Due attention has not been given to either house.
- Far more significant alteration to the layout is required to ensure the protection of the historic landscape and architectural heritage of the area particularly areas A, B, C, d, E and F. to reduce proximity and visual impact.
- 2 - The proposed landscaping will significantly impact upon the current rural setting and will serve to enclose the currently open aspect of the public road around this curved site and will be detrimental to road safety. The screening will take 10 years, two fifths of the lifetime of the project. Glint and glare on houses should be entirely mitigated prior to development. The development will cause glint and glare to motorists and constitutes a traffic hazard. On the Newtownforbes approach the screening would need to be higher and would take more than 10 years.
- 3 - Appellants are owners of mature trees on the boundary. They are concerned regarding the legal responsibility for damage to solar panels from these hedgerows. Where the neighbouring use is agricultural there are rarely any impacts from tree falls. The consequences of falling trees is a concern for adjoining landowners.
- 4 - Glint and glare – solar reflections are possible over 0.45km of public road for periods up to 20mins and screening is expected to take 10 years to effectively screen. There will be moderate impact on residential amenity.

There is an unacceptable risk to traffic safety. One appellant's house could experience up to 60 minutes of solar glare per day during certain months.

- 5 - Residential amenity - the visual assessment lodged includes that the impact on Brianstown House would be moderate-small at inception until screening matured; the Beirne house to the northwest NIAH 13401308 would have a medium impact; and houses across the road in Tully would experience a large-medium impact. It describes the altered view as being semi-industrial. They disagree, stating that it will be an industrial landscape. The houses have accrued a significant level of rural amenity over time. The proposal will alter their long-established outlook from rural to industrial reducing their amenity and quality of life. It should be subject to rigorous screening prior to commencement.
- They request refusal.
- Should the Board be minded to grant permission they request the imposition of conditions which reflect their concerns.
  - The protection of their farms and landholdings from future responsibility for damage resulting from tree falls into the site from hedgerows in their ownership, and a 25m separation distance from their boundaries.
  - Effective screening prior to commencement to protect drivers and residents. The provision of a temporary fence of suitable height would ensure that impact was mitigated until such time as the proposed planting matured into an effective screen.
  - Redesign of the layout, in consultation with the Department of Culture, Heritage and the Gaeltacht, to ensure that views to and from the listed buildings and demesne are protected.

## 6.2. Applicant Response

6.2.1. Grasstec has responded on behalf of the applicant to the third party grounds of appeal, including:

- The proposal is supported by national and local policy and accords with relevant UK planning guidance.

- The proposal has been designed having regard to site features and dwellings in the area.
- The farmhouse remains will be protected by a buffer and archaeological monitoring carried out.
- The glint and glare report concludes that existing and proposed screening will eliminate the majority of glint and glare effects and given the short duration and time of occurrence, the residual impacts on local dwellings or road users will not be significant.
- There are no noise or odour issues.
- The proposal will have minimal landscape and visual impacts. The adjacent substation already lends a semi-industrialised character to the landscape in the vicinity and there is capacity to accommodate the proposal without causing landscape or visual harm.
- The effectiveness of mitigation would improve as the proposed vegetation matures, with effective mitigation of the 2.75m high panels occurring within three to five years.
- Legal responsibility for damage to the development from existing boundary planting and trees not in the applicant's control is not a matter for the Board. It is a commercial risk and a civil matter between parties.
- The conditions drafted are appropriately worded. The additional conditions proposed by the appellant including the erection of a fence to screen the site and a boundary separation buffer are unnecessary, irrelevant and imprecise and would be unreasonable.

### **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority has not responded to the grounds of appeal.

### **6.4. Board Correspondence**

- 6.4.1. The Board wrote to various prescribed bodies on 20<sup>th</sup> December 2019 inviting their submissions or observations.

6.4.2. The DAHG responded regarding archaeology on the 3<sup>rd</sup> February 2020, including:

- The applicant is required to employ a qualified archaeologist to monitor all excavations carried out on site.
- Groundworks associated with the removal of damaged piles or of large rocks to facilitate piling, should also be monitored archaeologically.
- The report of the archaeological monitoring should include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which photographs were taken should be included in the report. (An annotated site location map will suffice for this purpose).
- Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs with regard to any necessary mitigation action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be furnished with a report describing the results of the monitoring.

## 7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: the principle of the development, appropriate assessment, environmental impact assessment and other issues and the following assessment is dealt with under these headings.

### 7.2. **The Principle of the Development**

7.2.1. The proposal consists of a 9MWp solar photovoltaic (PV) array with associated infrastructure, landscaping and cable route to enable the export of renewable energy

to the National Grid. Renewable energy development is supported in principle at national, regional and local policy levels, with collective support across government sectors for a move to a low carbon future and an acknowledgement of the need to encourage the use of renewable resources to reduce greenhouse gas emissions and to meet renewable energy targets set at a European Level. It is also an action of the NPF under National Policy Objective no. 55 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'.

- 7.2.2. Longford County Development Plan 2015-2021 (Section 5) favours applications related to renewable and or alternative energy resources (examples: wind and solar energy). However, applications must comply with relevant legislation and be environmentally sustainable.
- 7.2.3. The site is located on agricultural lands that are outside any designated settlement. There is no national guidance in relation to the location of solar energy facilities. Although national policy seeks to increase agricultural productivity, the scale of the proposed facility is such that it would not be likely to compromise this strategic objective. Furthermore, the facility is located adjacent to an existing electricity substation where it can connect into the national grid; and the permitted battery energy storage system, (303611-19, PA Reg Ref 18157), although not yet implemented, would facilitate the proposed development.
- 7.2.4. There is policy support for this type of development at national, regional and local policy levels and I am satisfied that the proposed development is suitably located and is acceptable in principle.

### 7.3. **Appropriate Assessment**

- 7.3.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment.

7.4. AA Screening Report and NIS

7.4.1. To facilitate the Board in carrying out this function the applicant has submitted a Natura Impact Statement which includes a Screening Report.

7.4.2. The sites with potential for impact and the qualifying interest/special conservation interest species (QI/SCI) for these sites are:

European Site	Site Code	Relevant QI & SCI	Distance
Brown Bog SAC	002346	active raised bogs*, degraded raised bog, rhynchosporion depressions.	c.650 m south.
Cloneen Bog SAC	002348	active raised bogs, degraded raised bog, rhynchosporion depressions, bog woodland	5.8km north
Louth Forbes Complex SAC	001818	natural eutrophic lakes, active raised bogs*, degraded raised bogs, rhynchosporion depressions, alluvial forests*.	c.1.9 km north west.
Ballykenny – Fisherstown Bog SPA	004101	Greenland White-fronted Goose.	c. 1.0 km north – west.

\* Denotes priority habitat

7.4.11. The potential impacts considered are: deterioration in water quality in designated areas resulting from pollution from surface water run-off during site preparation and construction; and cumulative impacts with other proposed /existing developments.

7.4.12. In the NIS Brown Bog SAC, Cloneen Bog SAC, Mt Jessop Bog SAC were excluded from further consideration because there is no direct impact on these sites and they are not hydrologically connected to the subject site.

7.4.13. The NPWS website details state that Lough Forbes SAC’s conservation objectives are to be read in conjunction with Clooneen Bog SAC, which it adjoins. However in terms of hydrological connectivity the main part of Lough Forbes SAC is separated from Clooneen Bog SAC by the Rinn River. Therefore in my opinion, a screening determination may be made, in relation to these sites, that stage II appropriate assessment is not required.

#### 7.4.14. **Stage II AA**

7.4.15. The two European sites which are considered to require Stage II AA are Lough Forbes SAC and Ballykenny – Fisherstown Bog SPA.

Lough Forbes SAC site code 001818 - site specific conservation objectives for Lough Forbes SAC have been developed which could be summarised as: to maintain or restore the favourable conservation status of habitats and species of community interest:

Natural Eutrophic Lakes

Active raised bogs\*

Degraded raised bogs still capable of natural regeneration

Depressions on peat substrates of the Rhynchosporion

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*\*

Ballykenny – Fisherstown Bog SPA site code 004101 - site specific conservation objectives have not been developed for Ballykenny – Fisherstown Bog SPA. The conservation objectives are to maintain or restore the favourable conservation status of habitats and species of community interest:

Greenland White-fronted Goose

7.4.16. The site synopsis for Ballykenny – Fisherstown Bog SPA notes that the site was regularly utilised during the 1980s by Greenland White-fronted Goose but the last record of Greenland White-fronted Goose at this site was in 1990/91. The proposed development, as described in the public notices, drawings and accompanying documents does not include any high structures which could potentially impact on birds in flight. The NIS notes that there will be no impact from overhead power lines.

7.4.17. There is potential for impact on both protected sites (which are almost co-terminus) from impact on water quality, via the stream adjacent to the site and the River Camlin.

7.4.18. Mitigation measures to avoid impacts on water quality are listed, in section 5 of the NIS. These include measures for both the construction stage of the project and the operational stage.

7.4.19. Construction stage mitigation includes:

- Training of contractors.
- Confining all works to the application site.
- Site preparation and construction to adhere to best practice and to the Inland fisheries Ireland document Requirements for the Protection of Fisheries Habitats during construction Works in and adjacent to Waters ([www.fisheriesireland.ie](http://www.fisheriesireland.ie)).
- Strict controls of erosion, sediment generation and other pollutants associated with construction including attenuation measures, silt taps, geotextile curtains and/or a 1m high grassed berm between the solar panels and the stream, allowing for 10m buffer.
- Maintaining the riparian vegetation along the stream intact. There should be a 10m buffer zone between the footprint of the solar panels and this stream.
- Best practice concrete / aggregate management measures are listed.
- Hydrocarbon / fluid management measures are listed.

7.4.20. In addition to the foregoing as set out under the heading Ecological Impact I consider that a 3m buffer should be maintained between the fence and the stream and that no work should take place within this area. This protection of the stream would also safeguard the qualifying interests/special conservation interests of the downstream protected sites.

7.4.21. Operational stage mitigation is given as ‘only biodegradable phosphate free cleaning products must be used to clean the panels to ensure that there is no leaching of harmful chemicals into local surface or groundwater receptors’.

7.4.22. In addition I consider that it should be a requirement that the use of pesticides & weedkillers is minimised and used only in the appropriate control of invasive weeds; and that fertilisers should not be used on these lands.

7.4.23. Subject to the implementation of these mitigation measures I am satisfied that it is not likely that there would be any significant effects on water quality.

7.4.24. There is potential for cumulative impacts with other projects in the area. A dwelling is currently under construction on the opposite side of the road, however that development is further removed from the drain connecting to the River Camlin and,

having regard to the nature and scale of the development, it is not considered likely that cumulative impacts would arise. The proposed substation, permitted under 303611-19, PA Reg Ref 18157, has yet to be developed. The Board considered the issue of AA in relation to that project and granted permission on the recommendation of the Inspector whose assessment was that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002346, 001818 and 004101, or any other European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment was not required. In my opinion the proposed development, subject to compliance with the mitigation proposed and further mitigation set out above, would not adversely affect the European sites or their conservation objectives.

- 7.4.25. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites numbered 001818 and 004101, or any other European site, in view of the sites' Conservation Objectives.

## **7.5. Lack of national guidance**

- 7.5.1. The lack of national planning legislation, guidelines or even local policies and objectives in respect of assessing solar farms has been raised in the grounds of appeal.
- 7.5.2. There is considerable policy support for renewable energy projects, including solar farms, at national, regional and local level. In relation to the lack of national guidelines the Board will note that this is not a material consideration.

## **7.6. Ecological Impact**

- 7.6.1. Impacts on the ecology of the area are considered in the Ecological Impact Assessment and mitigation is proposed, particularly in relation to maintaining the ecological value of the hedgerows and trees within the site.
- 7.6.2. The stream along the western boundary is identified in the Ecological Impact Assessment as a habitat of international importance: depositing / lowland rivers (FW2) leading to the SAC/SPA. It is worth noting that the NIS and the Ecological

Impact Assessment state that a buffer of 10 should be maintained between the footprint of the solar panels and the stream. However, the nearest parts of the proposed development, the fence and the stanchions for the security cameras, are shown located as close as 1m from the bank of the stream; although mainly 3m therefrom. It is considered appropriate that a reasonable distance should to be maintained between the bank of the stream and any construction works and that 3m would be a reasonable distance. The work of erecting the fence and the security cameras along the bank of the stream should be carried out under the supervision of an ecologist, prior to any work on the installation of solar panels, in order to safeguard this area of ecological importance.

- 7.6.3. The mitigation and monitoring set out in section 6 of the Ecological Impact Assessment includes the implementation of the biodiversity management plan and that the outcomes of the management of the site for biodiversity should be reviewed on an annual basis. It also recommends that post construction and during the operation of the site, any bird boxes or bat boxes that were erected, should be checked periodically to see if they are being used.
- 7.6.4. A biodiversity management plan was not submitted with the application and it is unclear what the future use of the land will be, and whether or not any farming activity will take place. It is considered that prior to commencement a biodiversity management plan, should be submitted for the agreement of the planning authority and should the Board be minded to grant permission, such a condition should be attached.
- 7.6.5. It is not likely that the development will lead to any cumulative impacts with either the battery energy storage system development or any other project or plan.
- 7.6.6. Subject to the foregoing and the detailed proposals for mitigation and monitoring set out in section 6 of the Ecological Impact Assessment, it is considered that there will be no adverse impact on the ecology of the area.

## 7.7. **Glint and Glare**

- 7.7.1. The impact of glint & glare is raised as a concern in the grounds of appeal. The Solar Photovoltaic Glint & Glare Study – includes an assessment of impact at 20 road receptor points and at 10 dwelling receptors.

- 7.7.2. Reflectance could be experienced along sections of the adjoining local road, involving approx. 0.45km of road, for short periods. The impact on roads would be low and the proposed screening will remove views from roads.
- 7.7.3. Reflectance could be experienced from two houses, where the reflectance would be seen from the same general direction as the sun, would last for less than 60 minutes over a period in excess of three months which they consider a moderate impact. The proposed landscaping would reduce views to partial views. At worst impact on residential amenity would be moderate.
- 7.7.4. In my opinion the impact of glint & glare should not be a reason to refuse or modify the proposed development.

## **7.8. Impact on Visual and Residential Amenity**

- 7.8.1. The impact on the farmhouse listed in the NIAH 13401308, of regional interest, and on the protected structure Brianstown House and its demesne are concerns raised in the grounds of appeal. The visibility of the proposed development, viewed from the grounds of these houses and from within Brianstown House are the main concerns and the grounds contests the assessment in the Landscape & Visual Appraisal regarding the impact on the farmhouse, referred to as NIAH 13401308, which they state appears to rely on the fact that the house does not directly overlook the site. The grounds also contests the assessment in relation to Brianstown House which the development site means. The grounds states that the applicants have discounted views from the building from all floors, and that the site is visible in views from the rear of Brianstown House until the ridgeline to the west.
- 7.8.2. The grounds of appeal also raises concern regarding the outlook from other dwellings in the area and contests the description semi-industrial, stating that the outlook will be transformed from rural to industrial.
- 7.8.3. The response to the grounds of appeal states that the proposal will have minimal landscape and visual impacts. The adjacent substation already lends a semi-industrialised character to the landscape in the vicinity and there is capacity to accommodate the proposal without causing landscape or visual harm. It points out that effective mitigation of the 2.75m high panels would occur within three to five years.

- 7.8.4. The first issue which the Board may wish to consider is whether or not having a view over the solar farm is a significant impact for a viewer. The public road encircles more than half the site boundary and there are a number of dwellings in the vicinity. The view from the road and that of many of the householders is of an area which already has multiple overhead transmission lines, and an electricity substation. The proposed solar farm would have less impact than either of these features and is amenable to screening in the medium term. I agree that the site will be altered from an industrially impacted rural setting to further quasi industrial use but in my opinion its function as a solar farm is taken account of in the perception of the viewer, this, in my opinion, makes it a much more acceptable intervention in the landscape than if it involved some other semi-industrial use.
- 7.8.5. The second issue is to what extent householders will have a view of the development. The Landscape & Visual Appraisal states that the most significant impact on completion is at the viewpoint from the local road immediately adjacent to the south-east where the effect would be 'large to medium'; but long term the effect at this location would be very small. At all other locations the visual effects on completion are medium or below, diminishing to very small or negligible long term. The analysis of visual effects is set out in Table 5.3 of the Landscape & Visual Appraisal.
- 7.8.6. In my opinion it provides a reasonable assessment of the extent of the visual impact. The site is in an area where the landform is flat to gently undulating and the site is divided into individual fields separated by hedges which will help to absorb the development. However in the short to medium term there will be views of the development from the road and from some houses. Some of these views will be in the context of the overhead power lines, the substation and permitted battery energy storage development and in any case due to the terrain the proposed development will not be unduly prominent in views from any sensitive location. The proposed hedgerow planting will be beneficial for the visual amenity of the area as well as for biodiversity.
- 7.8.7. There are no noise or odour issues.
- 7.8.8. In my opinion Impact on visual or residential amenity should not be reasons to refuse or modify the proposed development.

## **7.9. Legal Responsibility for Damage from Trees and Hedgerow**

- 7.9.1. The grounds of appeal states that some of the appellants are owners of mature trees on the boundary of the site and it is a concern for these adjoining landowners that they may have legal responsibility for damage to solar panels from these trees / hedgerows as a consequence of falling trees. Where the neighbouring use is agricultural there are rarely any impacts from tree falls.
- 7.9.2. The response to the grounds of appeal states that legal responsibility for damage to the development from existing boundary planting and trees, which are not in the applicant's control, is a commercial risk and a civil matter between parties and not a matter for the Board.
- 7.9.3. I don't accept that the Board has no role in this matter. If it were a site which appeared to be particularly vulnerable to trees falling towards the proposed panel arrays it could be a valid consideration. In this case there does not appear to be any vulnerability to note, and the appellant's concerns should not be a reason to refuse or modify the proposed development.

## **8.0 Recommendation**

- 8.1.1. In light of the foregoing assessment I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

## **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the provisions of the Longford County Development Plan 2015 to 2021, to regional and national policy, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously impact on natural heritage, the amenities of the area or property in the vicinity or give rise to a traffic hazard. The proposed development would supply renewable energy to the national grid and substitute for non-renewable generation and would accordingly be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The period for implementing this permission shall be 10 years from the date of this order.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>a) This permission shall apply for a period of thirty years from the date of this order. All 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.</p> <p>(b) The site shall be reinstated on removal of the solar farm structures and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission.</p> <p><b>Reason:</b> In the interests of orderly development and having regard to the fact that the structures are inherently temporary in nature.</p>

4.	<p>Prior to commencement of development the developer shall submit a revised site layout showing a minimum buffer of 3m between the stream along the western boundary and any development works. The installation of the perimeter fence and security cameras along the bank of the stream shall be carried out under the supervision of an ecologist, prior to any work on the installation of solar panels.</p> <p><b>Reason:</b> In order to safeguard this area of ecological importance.</p>
5.	<p>Prior to commencement the developer shall submit a biodiversity management plan for the site prepared by a qualified ecologist taking account of the document 'BRE National Solar Centre Biodiversity Guidance for Solar Developments', published by bre.co.uk, and addressing all relevant issues, including:</p> <p>The species to be used in hedgerow reinforcement and new hedgerow planting.</p> <p>Details of hedgerow management.</p> <p>Details of the management of the land beneath and between the solar panels.</p> <p>Details of the management of the land around the field edges.</p> <p><b>Reason:</b> In order to safeguard this area of ecological importance.</p>
6.	<p>Biodegradable, phosphate free cleaning products shall be used to clean the panels and pesticide &amp; weedkiller use shall be minimised and only used in the appropriate control of invasive weeds subject to the written agreement of the planning authority. No fertiliser may be used within the site.</p> <p><b>Reason:</b> To ensure that there is no leaching of harmful chemicals into local surface or groundwater receptors.</p>

7.	<p>The applicant is required to employ a qualified archaeologist to monitor all excavations carried out on site.</p> <p>Groundworks associated with the removal of damaged piles or of large rocks to facilitate piling, shall also be monitored archaeologically.</p> <p>The report of the archaeological monitoring shall include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.</p> <p>A key plan, clearly showing the location and direction from which photographs were taken shall be included in the report. (An annotated site location map will suffice for this purpose).</p> <p>Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs with regard to any necessary mitigation action (e.g. preservation in situ, or excavation) and shall facilitate the archaeologist in recording any material found.</p> <p>The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be furnished with a report describing the results of the monitoring.</p> <p><b>Reason:</b> In order to safeguard any archaeological heritage the site may contain.</p>
8.	<p>All the mitigation measures, proposed in the reports submitted with the planning application shall be implemented.</p> <p><b>Reason:</b> In order to safeguard ecology and archaeological heritage of the area.</p>
9.	<p>Prior to commencement of development, the developer shall enter into a water connection agreement with Irish Water.</p>

	<p><b>Reason:</b> In the interest of public health.</p>
10.	<p>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 a traffic management plan, intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
12.	<p>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. The application of any indexation required by this condition shall be agreed</p>

between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**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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Planning Inspector

16<sup>th</sup> March 2020

## Appendices

- 1 Photographs
- 2 Extracts from the Longford County Development Plan 2015-2021