



Planning and Development Acts 2000 to 2017

Planning Authority: Louth County Council

Planning Register Reference Number: 16/524

Appeal by Willville Solar Action Group care of Ann-Marie Thornton of Willville, Carlingford, County Louth against the decision made on the 1st day of December, 2016 by Louth County Council to grant subject to conditions a permission to Wexford Solar Limited of Glen Erin, Caulstown, Dunboyne, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Solar PV energy development of maximum export capacity 4 Mega Watts to include one ESB Networks substation building with a height not exceeding of 4 metres, two electrical transformer stations with a height of 2.7 metres, site access roads and solar PV panels mounted on steel support structures 2.65 metres in height, associated cabling and ducting and fencing at Willville, Dundalk, County Louth.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the suitability of the topography of the site, the proximity of a grid connection, the pattern of development in the vicinity and to the provisions of the Louth County Development Plan 2015-2021 and of regional and national policy objectives in relation to renewable energy, it is considered that, subject to compliance with the conditions set out below, the proposed development would have acceptable impacts on visual amenity, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8th day of November 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. The permission shall be for a period of 25 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing.

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

5. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

Reason: To protect the environment.

6. The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as grey or off-white and the roof shall be of black tiles/slates.

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

7. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the public road.

Reason: In the interest of the amenities of the area and of property in the vicinity.

8. Prior to commencement of development, plans and particulars of any proposed infrared or motion-controlled lighting shall be submitted to, and agreed in writing with, the planning authority. The lighting shall be directed onto the site and away from adjacent property and roads and shall be directed and cowled such as to reduce, as far as possible, light scatter in the vicinity. No artificial lighting otherwise shall be installed or operated on site, unless authorised by a prior grant of planning permission.

Reason: In the interest of visual and residential amenity and traffic safety.

9. Each fencing panel shall be erected such that a minimum of 300 millimetres of its length and its bottom edge is no less than 150 millimetres from ground level.

Reason: To allow wildlife to continue to have access to and through the site.

10. The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of clarity.

11. Cables within the site shall be located underground.

Reason: In the interest of visual amenity.

12. (1) Prior to commencement of development, a detailed landscaping plan, to an appropriate scale, illustrating precise detail of additional screening landscape proposals as indicated on Figure 31: Screening of further information received by the planning authority on the 8th day of November 2016, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) 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 within five years from planting shall be replaced within the next planting season with trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

13. (1) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.
- (2) On full or partial decommissioning of the solar array, or if the solar array ceases operation for a period of more than one year, the site, including access roads, shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

Reason: To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

14. The developer shall facilitate the archaeological appraisal 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 the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and, arising from this assessment, the developer shall agree in writing 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.

15. The construction of the development shall be managed in accordance with the Construction Management Plan and the Traffic Management Plan received by the planning authority on the 29th day of July, 2016 and shall include any further requirements of the planning authority.

Reason: In the interests of road safety and residential amenity.

16. 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads that may be damaged by construction transport 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 the reinstatement of public roads that may be damaged by construction transport.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon 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.

19. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018