



An
Bord
Pleanála

**Board Order
PL 27.248424**

Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 16/1380

Appeal by Anne Morrissey and Others care of Hillview, Ballinabarney, County Wicklow against the decision made on the 5th day of April, 2017 by Wicklow County Council to grant subject to conditions a permission to Gaelectric Renewable Energy Developments Limited of Portview House, Thorncastle Street, Ringsend, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: A 10 year permission for development of a solar photovoltaic (PV) energy development to include a single storey electrical substation building, electrical inverter and transformer stations, solar PV panels mounted on metal frames, upgraded and new access tracks, underground cabling, perimeter fencing with infrared CCTV and access gates, temporary construction compound spare parts container, weather station, an upgraded access point and all ancillary infrastructure and associated works within a total site area of up to 57 acres at Ballinaclogh, Rathnew, County Wicklow.

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.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the site's Conservation Objectives.

Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2016-2022, the nature and scale of the development proposed, the suitability of the site in terms of location, topography and visibility, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not have a significant impact on the surrounding road network, and would, otherwise, 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 16th day of March 2017, 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 considered it reasonable and appropriate to specify a period of the 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 lodged supporting the application.

Reason: To protect the environment.

6.
 - (a) Save for those trees identified for removal, existing field boundaries shall be retained and new planting undertaken in accordance with the plans submitted.
 - (b) The landscaping to the site boundaries, as submitted to the planning authority on the 16th day of March 2017, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity, biodiversity and the residential amenities of the area.

7. 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:
- (a) details of site security fencing and hoardings,
 - (b) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (c) measures to obviate queuing of construction traffic on the adjoining road network,
 - (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (e) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
 - (f) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
 - (g) details of on-site re-fuelling arrangements, including use of drip trays,
 - (h) details of how it is proposed to manage excavated soil,
 - (i) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses, and

- (j) 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.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be made available for inspection by the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity and in the interest of environmental protection, amenities, public health and safety.

8. In the event of development commencing between the months of March and August, existing vegetation on site shall be inspected by an ecologist for the presence of nesting birds. Where no nesting is found, vegetation shall be removed within 48 hours and in the event of a nest being found, it shall not be removed except under licence from the National Parks and Wildlife Service.

Reason: To ensure the protection of the natural heritage on the site.

9. Cables within the site shall be located underground.

Reason: In the interests of visual and residential amenity.

10. (a) 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.
- (b) 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.

11. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: To prevent pollution.

12. No external artificial lighting shall be installed or operated on site, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of visual and residential amenity.

13. 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.

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, 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.

15. 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 which may be damaged by construction transport, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and convenience.

16. 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: In the interest of orderly development and visual amenity, and to ensure the satisfactory reinstatement of the site.

