



Planning and Development Acts 2000 to 2017

Planning Authority: Wexford County Council

Planning Register Reference Number: 20170132

Appeal by Joe and Valerie Murphy and others of Borrmount, Enniscorthy, County Wexford against the decision made on the 9th day of August, 2017 by Wexford County Council to grant subject to conditions a permission to Power Capital Renewable Energy Limited care of Peter Thomson Planning Solutions of Suite 1, Burchall Place, Parnell Street, Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 10 year permission for the construction of an up to 5 Mega Watts Solar PV farm comprising approximately 20,000 number photovoltaic panels on ground mounted galvanised steel frames within a site of 13.17 hectares and all associated development including four number transformer stations, four number auxiliary transformer stations, four number inverters, one number client side substation, one number single storey storage building, one number single storey communications building, one number single storey distributor network operator building, three number CCTV cameras mounted on four metres high poles, site access gate, perimeter security fencing (two metres high) and improvements to existing farm access road at Loughgerald, Enniscorthy, County Wexford.

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 provisions of the current Wexford County Development Plan, to the pattern of development in the vicinity, and to the nature and extent of the proposed development and the application details, particularly in relation to surface water management, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or the landscape character of the area, would not lead to a risk of flooding of adjoining lands, would generally comply with the provisions of the current Development Plan for the provision of renewable energy, and would not be injurious to the ecology of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

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 had regard to the nature, scale and location of the proposed development, the appropriate assessment screening report submitted with the application, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion 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 sites' 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 the following European Sites: Slaney River Valley Special Area of Conservation (site code 000781), and Wexford Harbour and Slobs Special Protection Area (site code 004076), or any other European site, in view of the conservation objectives of these sites, and that, therefore, a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not required.

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, particulars and the hydrology study submitted to the planning authority on the 17th day of July 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. (a) This 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.
- (b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

- (c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the planning authority to review the operation of the solar 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 of the mitigation measures set out in the ecological appraisal and biodiversity action plan report submitted with the application.

Reason: To protect the environment.

6. Apart from the site compound required for the location of the substation and ancillary infrastructure and the upgraded access road, no other hard-core areas shall be laid.

Reason: In the interest of clarity and to ensure that the development does not give rise to flooding of adjacent lands.

7. Surface water management shall be in accordance with the revised proposal submitted to the planning authority on the 17th day of July, 2017.

Reason: In the interest of clarity and to ensure that the development does not give rise to flooding of adjacent lands.

8.
 - (a) Existing field boundaries shall be retained, and new planting and landscaping, including the provision of berms, shall be undertaken in accordance with the plans submitted to the planning authority.
 - (b) All landscaping shall be planted to the written satisfaction of the planning authority within the first planting season following commencement of commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm, as set out in condition 3 of this Order, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

9.
 - (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the public roads.
 - (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
 - (d) Cables within the site shall be located underground.

- (e) 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 light grey or off-white and the roof shall be of black slates or tiles.

Reason: In the interests of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

- 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. All cables within the site shall be located underground.

Reason: In the interest of visual amenity.

- 12. 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
- (a) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site (including archaeological testing) 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.

13. 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, and
- (i) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains or watercourses.

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

Reason: In the interest of environmental protection, amenities, public health and safety.

14. 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.

15. 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.

