



Planning and Development Acts 2000 to 2019

Planning Authority: Wexford County Council

Planning Register Reference Number: 20191272.

Appeal by Terra Solar II Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 6th day of November, 2019 by Wexford County Council to refuse permission for the proposed development.

Proposed Development: A10-year planning permission for a solar farm which will connect to the national grid consisting of circa 384,000 square metres of solar panels on ground mounted frames, 25 number single storey electrical inverter/transformer stations, battery storage module and associated equipment container, security fencing, satellite communications pole, CCTV, upgrading to existing access tracks and new access tracks (including two agricultural bridges over the River Brackan), temporary construction compounds, landscaping and all associated ancillary development works. Construction and operational access will be via existing field entrances from the L-5092. The operational lifespan of the solar farm will be 35 years. All at Ballyclogh, Tullabeg, Medophall and Medophall Demesne, 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 national and regional policy objectives in relation to renewable energy,
- the provisions of the Wexford County Development Plan 2013-2019, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the development plan, would not seriously injure the residential amenities of property in the vicinity, would not have unacceptable impacts on the visual amenities of the area, would not result in a serious risk of pollution, would be acceptable in terms of traffic and rail safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed development, the documentation on file, in particular the Screening Assessment Report submitted in support of the proposed development, the submissions on file – including that from the planning authority – and the assessment of the Inspector in relation to the potential for effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other development in the vicinity, the proposed development would not be likely to have significant effects on any European Site in view of the sites' conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and by the further particulars received by An Bord Pleanála on the 3rd day of December, 2019, 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 the 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. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report and other particulars submitted with the planning application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

4. (a) This permission shall be for a period of 35 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 farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

5. All of the archaeological mitigation measures set out in the Archaeological, Architectural and Cultural Heritage Impact Assessments of lands at the Proposed Solar Array at Tullabeg, Medophall, Medophall Demense and Ballyclogh, County Wexford and other particulars submitted with the planning application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In 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.

6. Buffer zones shall be established around –

(a) Recorded Monument I.D. WX011-040002 – Ring Ditch, and

(b) Recorded Monument I.D. WX011-040001 – Enclosure

as set out in the Archaeological, Architectural and Cultural Heritage Impact Assessment report received by the planning authority on the 13th day of September, 2019.

The buffer zones shall be delimited using appropriate temporary boundary fencing and signage until the solar panels are installed. No construction works, stockpiling of topsoil, or any development, landscaping and/or planting shall take place within the designated buffer zones.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

7. (a) All existing hedgerows (except at access track openings) shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to the planning authority with the planning application on the 13th day of September, 2019 and the details and particulars submitted to An Bord Pleanála on the 3rd day of December, 2019.
- (b) A revised landscaping plan with amended planting proposals alongside the railway line that bounds parcel number 1 to the north shall be submitted to the planning authority for written agreement prior to commencement of development. The planting shall comprise of native evergreen plant and tree species.
- (c) Wind stop netting shall not be used along the northern boundary with the railway line. Details of temporary fencing to be erected along the boundary during the construction phase and which shall be retained in situ until the landscaping is fully established shall be submitted to the planning authority for written agreement prior to commencement of development.
- (d) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority

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

8. (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 road.
- (c) Cables within the site shall be located underground.
- (d) The inverter/transformer stations shall be dark green in colour.

Reason: In the interests of clarity and of visual and residential amenity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic, and the off-site disposal of construction waste.

Reason: In the interests of public safety, residential amenity and protection of the environment.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

Reason: In the interests of environmental protection and public health.

11. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey on the section of local road L-5092 which forms part of the identified access route for the site shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

12. 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 on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

13. 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 the 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.

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

Dated this day of 2020.