

Planning and Development Acts 2000 to 2021

Planning Authority: Wexford County Council

Planning Register Reference Number: 20211538

Appeal by Tullabeg Solar Farm Limited care of Conor Frehill of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 24th day of November, 2021 by Wexford County Council to refuse permission for the proposed development.

Proposed Development: A 10 year planning permission for a solar farm consisting of circa 555,000 square metres of solar panels on ground mounted frames, 16 number single storey electrical inverter/transformer stations and associated spare equipment container, customer switchgear container, security fencing, CCTV, access tracks (including three agricultural bridges), temporary construction compounds, landscaping and all associated ancillary development works. Construction and operational access to the northern part of the solar farm will be provided via an existing agricultural entrance from the L1027 which will be upgraded, with access to the southern part via a new entrance also from the L1027. The solar farm will be connected to the national grid by means of the 110kv substation permitted under An Bord Pleanála Reference 305803-19, with the connection between the proposed solar farm and permitted substation comprising underground cabling. A

separate underground interconnector cable will connect the northern and southern parcels of the solar farm. The solar farm will have an operational lifespan of 35 years at Cain, Woodpark, Barnadown Lower, Brackernagh, Ballinamona, Cranacrower, Tomcoyle, Mountforest, Clonmore, Balloughter, Ballyeden, Tullabeg (Townlands), 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.

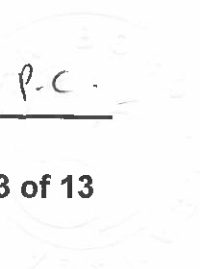
Reasons and Considerations

Having regard to:

- (a) European, national, regional, and county level support for renewable energy development including in particular:
 - (i) the national policy in support of renewable energy (including solar) set out in the relevant policy including in particular Project Ireland 2040 – the National Planning Framework and the Climate Action Plan 2021 (current version),
 - (ii) the Regional Spatial and Economic Strategy for the Southern Region (2020),
 - (iii) the provisions of the Wexford County Development Plan 2013 – 2019,

- (b) the nature, scale, and extent of the proposed development,
- (c) the documentation submitted with the planning application and appeal, including the environmental reports,
- (d) the nature of the landscape,
- (e) mitigation measures proposed for construction, operation, and decommissioning of the site,
- (f) the submissions on file including those from prescribed bodies, and the planning authority, and
- (g) the report and recommendation of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Wexford County Development Plan 2013 – 2019, would not seriously injure the visual or residential amenities of the area, or otherwise, of property in the vicinity, would not have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, or on the ecological environment, would be acceptable in terms of traffic, rail and aviation safety, would not result in unacceptable impacts on road, rail or residential receptors from glint and glare effects and, would otherwise make a positive contribution to Ireland's renewable energy requirements. 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 accepted and adopted the screening assessment and 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 potential 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 the Slaney River Valley Special Area of Conservation (Site Code: 000781), Cahore Marshes Special Protection Area (Site Code: 004143), Cahore Polders and Dunes Special Area of Conservation (Site Code: 000700), Kilmuckridge – Tinnaberna Sandhills Special Area of Conservation (Site Code: 001741), Blackwater Bank Special Area of Conservation (Site Code: 002953), Kilpatrick Sandhills Special Area of Conservation (Site Code: 001742) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of an Natura Impact Statement) is not therefore required.

P.C.

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 plans and particulars received by An Bord Pleanála on the 20th day of December, 2021, 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. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Statement and other reports and particulars submitted with the 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 interest of clarity and of the protection of the environment during the construction and operational phases of the development.

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4. (a) The 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.

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5. 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 (including archaeological testing) and monitor all site development works.

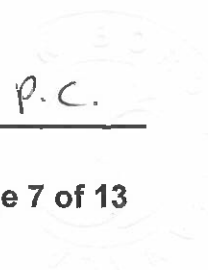
The assessment shall address the following issues:

- (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.

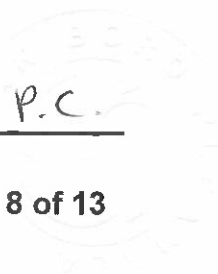
In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.



6. (a) All existing hedgerows (except at access/track openings) shall be retained notwithstanding any exemptions available and new planting shall be undertaken in accordance with the plans submitted to the planning authority with the application and the details and particulars submitted to An Bord Pleanála on the 20th day of December, 2021.
- (b) Details of wind stop netting/temporary fencing to be erected along the boundaries during the construction phase and which shall be retained in situ until the landscaping is fully established, including details of the provision for the movement of mammals at regular intervals along the perimeter of the site, shall be submitted to the planning authority for written agreement prior to commencement of development.
- (c) 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.



7. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals at regular intervals, using mammal gates or underpasses, along the perimeter of the site shall be submitted for prior approval to the planning authority.

Reason: To allow wildlife to continue to have access across the site, in the interest of biodiversity protection.

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:
 - (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,

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- (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.

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.

10. 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 amenities of property in the vicinity.

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. 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 interest of public health.

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13. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

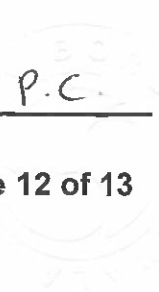
Reason: In the interest of traffic and pedestrian safety.

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 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.

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 the transport of materials to the site, 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 the proper planning and sustainable development of the area.



16. 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.

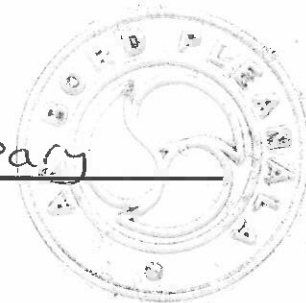
Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this 20th day of June 2022