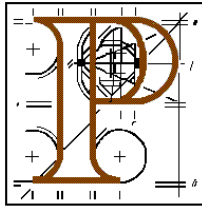


An Bord Pleanála



Inspector's Report

PL27.246527

DEVELOPMENT:- 10 year permission for a solar PV energy development on 13.76 hectares. Electrical substation, access road, fencing and ancillary infrastructure at Ballycooleen, Avoca, Co. Wicklow.

PLANNING APPLICATION

Planning Authority: Wicklow County Council
Planning Authority Reg. No: 16/176
Applicant: Highfield Solar Limited
Application Type: Permission
Planning Authority Decision: Refuse

APPEAL

Appellant: Highfield Solar Limited
Type of Appeal: 1st-v-Refusal
DATE OF SITE INSPECTION: 29th June 2016
Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area 13.76 hectares, is located to the south east of the village of Avoca in the town land of Ballycoolen and to the north of the L2180. The site is currently made up of a number of fields in agricultural use with levels on site increasing in a west to east direction away from the public road. A new access to the site from the public road is proposed from the L6171 to the north west of the site and adjacent the junction of the L6171 (runs to the north of the site) and the L2180. To the west of the site is an existing complex of sheds/warehousing including commercial activity such as agricultural supplies. The appeal site can be accessed from the existing access to these buildings from the L2180. Adjacent lands to the north, east and south are similar in nature (agricultural lands). The nearest dwellings are located to the west and south west along the L2180 as well as a number of dwellings located to the north east along the L6171. The boundaries of the site are defined by existing hedgerow and in some case there are no established boundaries due the fact that the site takes up parts of existing fields.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for a 10 year permission for the construction of a solar PV energy development within a total site area of 13.76 hectares. The proposal includes a single-storey electrical substation building, electrical transformer/inverter station modules, solar PV panels ground mounted on steel support structures, access roads, fencing and associated electrical cabling, ducting and ancillary structures. It is proposed to provide a new access to the site from the public road off the L6171 to the north west of the site and adjacent the junction of the L6171 (runs to the north of the site) and the L2180.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Water & Environmental Services (31/03/16): Further information required including details regarding mechanism for cleaning panels and proposal for water disposal. It is also noted that the impact of displacement of agricultural land on the existing farm in the context of nutrient replacement should be considered and a construction environmental management plan is required before any permitted development commences.

- (b) Roads Section (31/03/16): Further information required including a traffic impact assessment for both the construction and operational phase of the development.
- (c) Inland Fisheries (04/04/16): It is noted that the proposal is in the Avoca catchment and all measures necessary to protect local aquatic ecological integrity should be taken including the provision of a construction management plan.
- (d) Planning report (01/04/16): The PA raised concerns regarding the visual impact of the proposal in the area with it considered to detract from the character of the rural area and set an undesirable precedent. Refusal was recommended based on the reason set out below.

4. DECISION OF THE PLANNING AUTHORITY

4.1 Permission refused based on one reason...

1. *Having regard to:*

- (a) the location of the site on elevated lands.*
- (b) The exposed nature of the site, particularly from parts of the L2180, L6171 and L6169 roads and surrounding areas.*
- (c) The industrial character of the development given the large area of free standing solar pv panels and associated infrastructure it is considered that the proposed development would be a prominent and obtrusive feature in the landscape which would alter the intrinsic rural character of the area which is designated as a landscape zone of Special Amenity in the County Development Plan 2010-2016. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

5. PLANNING HISTORY

5.1 No history on the appeal site.

5.2 PL04.245862 (PA Ref. 14/06644) – Permission sought for a solar PV panel array consisting of up to 5400 sq. m. of solar panels on ground mounted steel frames, electricity control room and all associated works at Ballytrasna, Lissarda, Co. Cork. Permission granted by Local Authority and An Bord Pleanála on appeal.

5.3 PL04.244539 (PA Ref. 14/06644) – Permission sought for a solar PV panel array consisting of up to 5400 sq. m. of solar panels on ground mounted steel frames, electricity control room and all associated works at Ballytrasna, Lissarda, Co. Cork. Permission granted by Local Authority and An Bord Pleanála on appeal.

- 5.4 PL26.244351 (PA Ref. 20140392) – Permission sought for a solar PV panel array consisting of up to 36,959 sq. m. of solar panels on ground mounted steel frames and associated development in Coolroe, Tintern, Co. Wexford. Permission granted by Local Authority and An Bord Pleanála on appeal.

6. PLANNING POLICY

- 6.1 The relevant plan is the Wicklow County Development Plan 2010-2016.

Under Chapter 14 (Energy & Telecommunications) it is noted strategy “to encourage and facilitate the exploitation of renewable sources of energy in the County”.

There are no policies in regards to larger scale solar development but there are the following objectives in regards to solar energy.

Solar Energy Objectives

SE1 To facilitate the development of solar generated electricity.

SE2 To positively consider all applications for the installation of PV cells at all locations, having due regard to architectural amenity and heritage.

- 6.2 For the purposes of landscape characterisation (Chapter 17 Natural Environment) the site is located in an area classified as an Area of Special Amenity (ASA) with vulnerability classified as ‘high’.

7. NATIONAL/INTERNATIONAL GUIDELINES

- 7.1 The Government White Paper entitled ‘Ireland’s Transition to a Low Carbon Energy Future 2015 – 2030’, published in December 2015. The White Paper is a complete energy policy update, which sets out a framework to guide policy between now and 2030. The vision of the White Paper is to achieve a low carbon energy system that targets greenhouse gas (GHG) emissions from the energy sector that will be reduced by between 80% and 95%, compared to 1990 levels, by 2050, and will fall to zero or below by 2100. Paragraph 137 of the White Paper states ‘solar photovoltaic (PV) technology is rapidly becoming cost competitive for electricity generation, not only compared with other renewables but also compared with conventional forms of generation. The deployment of solar in Ireland has the potential to increase energy security, contribute to our renewable energy targets, and support economic growth and jobs. Solar also brings a number of benefits like relatively quick construction and a range of deployment options, including solar thermal for heat and solar PV for electricity. It can be deployed in roof-mounted or ground-mounted installations. In this way, it can empower Irish citizens and

communities to take control of the production and consumption of energy. Solar technology is one of the technologies being considered in the context of the new support scheme for renewable electricity generation which will be available in 2016'. The National Spatial Strategy 2002 – 2020 This document states, "in economic development the environment provides a resource base that supports a wide range of activities that include agriculture, forestry, fishing, aqua-culture, mineral use, energy use, industry, services and tourism. For these activities, the aim should be to ensure that the resources are used in sustainable ways that put as much emphasis as possible on their renewability" (page 114).

7.2 'Planning Guidance for the development of large scale mounted solar PV systems' prepared by BRE National Solar Centre (UK).

- This guidance document provides advisory information on planning application considerations including construction and operational works, landscape / visual impact, ecology, historic environment, glint and glare and duration of the planning permission.
- The document also provides guidance on the information which should be provided within a Landscape and Visual Impact Assessment.
- The document also provides guidance on EIA Screening procedures.

8. GROUNDS OF APPEAL

8.1 A first party appeal has been lodged by Highfield Solar Limited. The grounds of appeal are as follows...

- In relation to visual impact and landscape character it is noted the Landscape and Visual Impact Assessment categorised the impact of the proposal as extremely limited and contained. It is noted that the proposal does not impact on designated views and prospects under the Development Plan. It is noted that the Development Plan policy allows the proposal to be evaluated on its merits and that the overall visual impact is satisfactory notwithstanding the location of the site within a special amenity zoning.
- It is noted that the site is in an area identified as open for consideration for wind energy developments under Development Plan policy and that such are much larger more highly visible structures. The appellants noted that the proposed solar panels are 2.85m in height.
- The site has been chosen due to need to be close to grid infrastructure with the site within 2km of an existing 38KV line. Given the requirement for proximity to such it is considered that the proposal does not set a precedent as feasible locations are determined by such factors.

- In regards to visual impact from the roads listed the conclusions of the Landscape Visual Assessment is reiterated, however it also noted that augmented planting can be implemented if required.
- It is noted that overall scale of the structures is no more intrusive than the existing agricultural structures in the vicinity. In regards to its classification as being industrial in nature it is noted that a study has indicated that such developments can lead to an increased diversity of species on sites they are located on.
- It is noted that the proposal does not entail removal of existing field boundaries and will entail additional field boundaries and planting. It is noted that development is low impact and can be easily decommissioned.
- It is noted that developments such as this will aid the meeting of national targets for renewable energy.

9. RESPONSES

9.1 No response.

10. ASSESSMENT

10.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of Development
 Impact on Residential Amenity
 Landscape / Visual Impact
 Traffic and Access
 Ecology
 Surface Water Drainage
 EIS Screening
 AA Screening
 Other Issues

10.2 Principle of the proposed development:

10.2.1 In considering the principle of a proposed solar panel development I would have regard to both national and regional policy provisions and site specific objectives. I would note that since the publication of the 2009 Renewable Energy Directive (2009/28/EC) that Ireland has a target objective requiring that 16% for all energy comes from renewable sources by 2020. This Directive is enshrined into national policy objectives. I have referred to the Government White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future 2015 – 2030', published in December 2015. The main objective of this policy document is to reduce carbon emissions and in this regard solar panel developments are considered an integral part of achieving

this objective. The National Spatial Strategy, 2002 – 2020, recognises the importance of renewable energy as it is stated that the aim should be to ensure that resources such as energy is used in sustainable ways.

10.2.2 There is currently no national guidance in relation to solar panel developments in Ireland however I would note that the UK Guidelines 'Planning Guidance for the development of large scale mounted solar PV systems' recommend that when solar panels are located in agricultural land there is a preference to locate them in poorer or more marginal agricultural land as opposed to fertile agricultural land.

10.2.3 The Wicklow County Development Plan 2010-2016, has no strategy or guidance in relation to larger solar panel developments but does have objectives that support to solar energy development as well as having an overriding strategy to encourage the provision of renewable energy sources. I would consider that the proposal is acceptable in principle and the nature of use would not be contrary to the objectives and policies either nationally or under the County Development Plan. I would note that the acceptability of the proposal is contingent on issues such as the visual impact on the landscape taking into account the siting, scale and layout of the proposed solar panel development, impact on local residents and the amenities of the area including noise and glint and glare, environmental issues including impact on the ecology, cultural heritage and accessibility/traffic and drainage issues need to be taken into account.

10.3 Impact on residential amenity:

10.3.1 There are a number of existing dwellings located to the west and south west of the site (of the L2180). There are a number of potential impacts from the proposed development in terms of residential amenity.

10.3.2 In regards to noise impact it is noted that all manufacturing is to be carried out off site with no welding or cutting machinery to be used. Construction noise levels will meet best practices standards. It is noted that the construction phase is a temporary phase and that the operational phase of the proposal will generate no noise impact. I would consider that noise levels likely to be generated would be within acceptable limits and that a standard condition requiring compliance with recommended EPA noise emission limit could be applied. I would consider that the main noise impact would be during the construction phase with the nature of the use and operation generating very little noise impact. Given the temporary nature of construction and appropriate construction management restrictions including noise limits and hours of construction the proposal would be acceptable in to noise impact.

10.3.3 In certain conditions when the sun is low light can be reflected from the solar panels to ground based receptors and this is known as glint and glare. As such glint and glare can cause nuisance and have an impact on established amenities in the local area. Glint only occurs when the sun is shining. In general, a fixed receptor will be subjected to glint once per day over two periods per year either side of the summer solstice. The proposed panels are fixed and will not track the sun. I would note that in the inspectors report (appeal ref. 244539) it was stated that the issue of glare is not particularly relevant to solar panels.

10.3.4 As such I would consider that the significant issue before the Board is whether glint from the proposed development would have any adverse impact on local amenities. The applicant has provided no information regarding potential impact of the development in regards to glint. The impact of glint can be mitigated by the provision solar panels that are very dark in colour as they are designed to absorb light rather than reflect light and the surface may be further treated with anti-reflective coating to scatter any reflected light rather than cause specular reflections. The applicant has not provided any information regards to such but it is possible that conditions could be applied in this regard. In addition I would note that vegetation would mitigate against any glint impacts and in general I noted, from a visual observation from the subject site, that looking southwards from the site that existing vegetation and topography between it and properties further south would potentially screen any impacts of glint. The panels are orientated southwards and the nearest dwellings are located to the east. The Board may wish to request an assessment of applicant of the potential impact of glint from the proposed development. Overall I would consider that given the low potential occurrence of glint from the proposed development and the nature of the landscape that the proposed development would not have any significant impacts on the surrounding area in relation to glint and glare.

10.3.5 There is potential for the construction activities to have an impact in relation to noise, dust, traffic and general disturbance. The issue of noise was dealt with earlier. I would consider that these impacts are mainly at the construction stage and that such are temporary in nature and can be dealt with through adequate construction management. I would consider it appropriate that a construction management plan be submitted and implemented including measures such as restriction on constructions hours, dust suppression measures (wheel wash) etc and such can be dealt with by way of condition. I would note that the operational phase of the proposal is unlikely to have an adverse impact on residential amenity given the passive nature activity.

10.4. Landscape / Visual Impact:

10.4.1 Permission was refused based purely on concerns regarding visual impact in the landscape with specific concerns regarding its elevated location, industrial appearance and visibility from surrounding public roads. The visual impact of the proposal was considered unacceptable in context of the designation of the area as being an Area of Special Amenity (ASA). The applicant submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA outlines the description of the site and landscape character as well its context in relation to Development Plan policy. The LVIA identified visual receptor within 5km of the site (includes settlements, residential properties, roads, visitor attractions and rail lines). To assess visual impact a zone of theoretical visibility (ZTV) was generated with a radius of 10km from the centre of the site. It is noted that the ZTV does not take into account existing vegetation and built form and such would reduce the visual impact of the proposal. It is noted that views of the development beyond 5km of the site would be very limited. Five viewpoint panoramas were selected to represent the most open/key views/receptors within 5km of the site. These points coincided with local roads in the vicinity of the site. The visual impact of the proposal was considered highest at viewpoint 1 (L2180 0.25km west of the site) with its impact assessed as 'Slight/Moderate'. At viewpoint 2 (L6171 0.25km north of the site) the impact was assessed as 'Slight'. At viewpoint 3 (L2180 0.6km south of the site) the visual impact is assessed as 'None'. At viewpoints 4 (public road 3.2km north west of the site) and 5 (public road 3.5km west of the site) the visual impact is assessed as 'Imperceptible'. The LVIA also identified the fact the development is not visible (screened by intervening topography and vegetation) from settlements in the area, or any of the designated views and prospects under the County Development Plan. It is noted that all protected views in the surrounding area are orientated away from the site.

10.4.2 The LVIA notes that the dwellings located 250m to the south west may have some views of the proposed development however such will be screened by the existing complex of buildings (Quinn's agricultural supplies) and that a landscaping scheme with native planting would adequately mitigate against an adverse visual impact at these properties. It is also noted there are 4 dwellings located to the north of the site and on the southern side of the L6171 approximately 350-400m from the site. It is considered that landscaping would also mitigate the visual impact of the proposal from these properties, which would have a partial view of the development at its northern limit. It is noted that there is no visual impact from any visitor attractions in the area or wider area. It is noted that the visual impact of the proposal from the roads network/rail network in the vicinity and further away (other than those identified in the viewpoints) is imperceptible due to topography. It is concluded

that the overall visual impact of the proposal is acceptable and has adequate regard to the classification the area as an Area of Special Amenity.

10.4.3 As noted earlier the appeal site is within an area designated as an Area of Special Amenity from the point of view of landscape character and is noted as being a gateway to the more upland areas of the county classified as Areas of Outstanding Natural Beauty. In this regard the visual impact of the proposal is an important consideration however the designation of the area as such does not necessarily preclude development if it can be demonstrated that such would have an acceptable visual impact. The site consists of part of three existing fields with the only existing external boundary of the site being the existing hedgerow field boundary to the south of the site. The main body of the site (excluding the access and access lane) is located away from the public roads to the north and west. The appeal site is elevated relative the immediate surroundings with levels on site increasing in a gradual manner west to east away from the public road (L2180) and north south in a more abrupt manner in relation to the public road to the north (L6171). Despite the sloping nature of the site, the main body of the site where the panels are to be sited is mainly level and flattens out with changes in level across the site not particularly abrupt or steep. The nature of the topography of the site would mean that the development on site would not be visible from any locations to the east of the site, north east or south east as the land further east of the site is at a higher level. Having inspected the site and the surround area, I would concur with conclusions of the Landscape and Visual Impact Assessment submitted by the applicant in that the development is not going to have visual impact beyond the 5km radius identified in the Zone of Theoretical Impact. Within the 5km zone I would also consider that the visual impact of the proposal is not significant and the overall visual impact is constrained to the immediate locality of the site and in particular from the L2180 and L6171 and a number of dwellings located along these roads.

10.4.4 The site does cover a large area and the proposed development is likely to entail a significant visual change to the character of the landscape. Notwithstanding such the solar panels themselves are low profile structures and the proposals entail retention of existing hedgerow boundaries and the creation of new hedgerow boundaries along the boundaries of the site that are not currently defined by any physical boundaries. Having regard to such and given the localised nature of the visual impact, which would not be unacceptable in the context of the adjoining local road and from existing dwellings in the vicinity, I would consider that the overall visual impact of the development would be acceptable. It is notable that the refusal reason refers to visual impact from three roads, which are the R2180, the L6171 and the L6169. I am satisfied that the visual impact from the L2180 and L6171 would be acceptable and is constrained to the immediate vicinity of the site as well

as softened by landscaping proposals and existing vegetation and intervening structures. The L6169 is a road located on the west side of Avoca that travels in north west direction into a more upland area. I would consider that the proposal would be acceptable in regards to visual impact from the L6169 due to distance from the site, and the fact that intervening topography, structures and vegetation, would mean the proposal would not have significant or adverse visual impact from the identified route. In addition the proposed development would have no significant or adverse impact in relation to any of the views and prospects including scenic routes identified under the County Development Plan. In this regard I would consider that the proposal is satisfactory in regards to visual impact and landscape character.

10.5 Traffic and access:

10.5.1 The proposal entails the provision of a new vehicular entrance to the site from the L6171 adjacent the junction of it and the L2180. The site has 180m of road frontage along the L2180 and 60m along the L6171. Not much detail is provided about anticipated traffic levels with it noted that the construction phase will last between 12-16 weeks. Given the passive nature of the proposal and use, it would appear that the main traffic impact of the proposal would be during the construction phase and the later decommissioning phase. As noted the applicant has not provided any information regarding anticipated traffic levels and type; however it is noted that the development will require HGV's. The Board may wish to seek additional information regarding traffic impact, however I would note the proposal is be accessed from the L2180 (off the L6171 adjacent the junction to the L2180). The L2180 emanates from Arklow to the south east of the site and joins up with the R722 and then the M11. The likely haul route for structures is using the M11, R722 and then onto the L2180. In terms of traffic impact I would be satisfied that the existing road network would be capable of facilitating construction traffic for the proposed development. I would also note that the construction period is a temporary period and therefore traffic levels would not be an ongoing issue given that the operational phase is likely to consist of maintenance only.

10.5.2 In terms of traffic safety I would consider that the layout and visibility at the proposed entrance to the site and the junction between the L2180 and the L6171 to be satisfactory to deal with the traffic movements likely to be generated including both the construction and operational phases.

10.6 Ecology:

10.6.1 The applicant notes in the information submitted that the residual ecological impacts of the development will be imperceptible. The applicant also notes that the proposal is will not adversely impact the conservation interest of any European Sites. It is noted that an Ecological Impact Assessment was submitted however it does not seem to be part of the documents submitted to

the Board. The Board may wish to seek this assessment prior to making a decision. Notwithstanding such there are number of factors for consideration. The appeal site is not a protected habitat or identified as supporting any protected species. The appeal site is agricultural lands that at present are sown with crops. In this regard the land is already in active use for agricultural purposes. There are existing hedgerows on site and such are to be retained and additional hedgerow planting of native species is proposed. I would consider that the ecological impact of the proposal would be acceptable and that the proposal given the nature of structures and low level of hard surfacing it entails would not significantly alter the characteristics of the site so as to adversely impact existing ecology. I would also consider that the abundant level of lands similar in character and use adjoining the site would mean that any species displaced would have suitable habitats in the immediate vicinity.

10.6.2 I would also consider that the proposal would have no significant or adverse impact on existing aquatic habitats in the area due to the lack of a significant connection between the site and the proposed works to such habitats in the vicinity. I am satisfied that with adequate construction management in regards to dust suppression, chemical/fuel storage and surface water drainage, that the proposal would be acceptable in this regard.

10.7 Surface Water Drainage:

10.7.1 The proposed development will result in limited additional hard surface areas. This would include the new access laneway and substation. The solar panels are to be supported on concrete piles and therefore have a very low hard surface area. I would accept that these developments would increase surface water run-off on the site however given the scale of the hard surface areas in relation to the overall site I would not anticipate that the operational phase of the proposed development would generate any significant additional surface water. I am satisfied that an appropriate condition can deal with this matter and that the actual change to the drainage characteristics of the land are minimal.

10.8 EIS Screening:

10.8.1 Schedule 5 of the Planning and Development Regulations, 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an EIS. Part 1, Schedule 5 outlines classes of development that require EIS and Part 2, Schedule 5 outlines classes of developments that require EIS but are subject to thresholds. I have examined the Part 1, Schedule 5 projects and I would not consider that a solar farm is included in any of these project descriptions. I have also examined the Part 2, Schedule 5 projects and although I would note that there are some projects under Paragraph 3 'Energy Projects' which relate to energy production. I would consider that none of these projects would be applicable to a solar farm as proposed. In reaching this conclusion I would have regard to the most recent solar farm

developments before the Board, i.e. appeal reference no.s PL04.244539 and PL26.244351 and PL04.245862, where a similar conclusion was reached in each case.

10.8.2 In accordance with the 'EIA Guidance for Consent Authorities regarding Sub-threshold Development', 2003, the following is stated "there is a requirement to carry EIA where competent/consent authority considers that a development would be likely to have significant effects on the environment". The guidelines advise the criteria to be considered for the need for sub-threshold E.I.S. and this includes (i) characteristics of the proposed development, (ii) location of the proposed development, and (iii) characteristics of potential impacts. Schedule 7 of the Planning and Development Regulations, 2001 (as amended), sets out criteria for determining whether a sub-threshold development is likely to have significant effects on the environment and therefore would require an EIS. An important issue before considering sub-threshold development is Article 92 of the Planning and Development Regulations, 2001, (as amended). Article 92 defines sub-threshold development, i.e. 'development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development'. As I have considered above that the solar panel development is not a development set out in Schedule 5 then I would not consider that the subject development is a 'sub-threshold development' for the purpose of EIS.

10.9 AA Screening:

10.9.1 The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that "any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in light of its conservation objectives. In light of the conclusion of the assessment of the implications for the site, and subject to the provisions of paragraph 4, the competent national authorities shall agree to a plan or project only after they have ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

10.9.2 A Stage 1 Screening Assessment was carried out in regard to the potential for the proposed development to impact upon the integrity of each of the designated Natura 2000 sites identified within 10km of the site. The screening report outlines a description of the site and proposal. The application documentation includes an Appropriate Assessment Screening which confirms that no conservation designation applies to the subject site. The screening report indicates all designated Natura 2000 sites within 10km of the

site with one identified within this radius. This site is the Buckroney-Brittas Dunes and Fen cSAC (Site Code 000729) and is located 5.3km to the east of the site. The designated site is a complex of coastal habitats consisting of sand dunes and fen systems. The qualifying interests of the designated site are listed as....

Drift lines
Perennial vegetation of stony banks
Salt meadows
Embryonic shifting dunes
Marram dunes (white dunes)
Fixed dunes (grey dunes)
Decalcified dunes
Dunes with Creeping Willow
Dune slacks
Alkaline fens

The possible impact of the proposal on the conservation status of the designated site include loss/reduction of habitat, disturbance of key species, habitat or species fragmentation, reduced species density and decrease in water quality and quantity. It is noted that the appeal site/proposal is remote from the designated site and there is no direct or indirect links to the site including a hydrological link. It is therefore concluded that there is no direct, indirect or cumulative impacts on the designated site and that a Stage 2 Appropriate Assessment is not required.

10.9.3 The Board as a competent authority is obliged, as noted earlier in this section "shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned". In this regard it is appropriate to carry out a stage 1 screening assessment and then if necessary a stage 2 appropriate assessment. As noted earlier there is one Natura 2000 sites within 10km such is outlined above. In the case of Buckroney-Brittas Dunes and Fen cSAC (Site Code 000729) and based on the concept of source-pathway-receptor, there is no pathway/linkage between the designated site and the appeal site/project. The proposal would not result in any habitat loss or reduction in the quality of the habitat and subsequently the conservation status of the designated site. I would also consider that the project would not have any likely effects in conjunction with other plans or projects on any designated Natura 2000 site. In this regard it is reasonable to conclude that on the basis of information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have effects on any designated Natura 2000 and that a Stage 2 Appropriate Assessment is not therefore required.

10.10 Other Issues:

10.10.1 In regards to archaeological impact there are no recorded monuments within the confines of the site and the applicant did provide an archaeological assessment of the site. I am satisfied that an appropriate condition requiring archaeological monitoring is sufficient to deal with this issue.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and location of the proposed development, to the separation distances to European Sites, and to the lack of potential for connectivity with those sites, the Board is satisfied that the proposed development would not be likely to have significant effects on European Sites. The Board adopted the assessment of the Inspector on this matter and shared his conclusions.

Having regard to the nature, characteristics, scale and location of the proposed development, and to the characteristics of its potential impacts, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment, and concurred with the analysis and conclusion of the Inspector on this matter.

Having regard to the nature and scale of the proposed development, the suitability of the aspect and topography of the site, the proximity of the grid connection, the pattern of development in the vicinity, the provisions of the Wicklow County Development Plan 2010-2016 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 not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, and would 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, 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 permission shall be for a period of 10 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.

3. 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.

4. The electricity control unit, inverters, and fencing shall be dark green in colour.

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

5. 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.

6. 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.

7. 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.

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

8. Cables within the site shall be located underground.

Reason: In the interest of visual amenity.

9. All landscaping shall take place in the first planting season following commencement of development and in accordance with the scheme submitted to the planning authority by way of further information. The landscaping and screening shall be maintained at regular intervals. 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 by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

10. A bird survey programme, including arrangements for reporting, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The surveys shall be undertaken by a suitably qualified and experienced bird specialist. Survey reports shall be submitted annually for five years, unless otherwise agreed in writing with the planning authority. Copies of the reports shall be sent to the Department of Regional Development, Rural Affairs, Arts and the Gaeltacht.

Reason: To ensure appropriate monitoring of birds in the vicinity of the proposed development.

11. A road condition survey of public roads L-2180 and L-6171 shall be submitted to, and agreed with, the planning authority prior to the commencement of development. Within three months of completion of commissioning of the proposed development, a second road condition survey of these roads shall be submitted to the planning authority.

Reason: In the interest of maintaining the public road network.

12. Prior to commencement of development, a method statement for the proposed foundations shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity.

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, 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. 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 hours of working, the management of construction traffic, noise management measures and off-site disposal of construction/demolition waste.

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

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads that may be damaged by the transport of materials to the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 satisfactory completion of the development.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site on cessation of the project, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 satisfactory completion of the development.

18. 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.

Colin McBride
15th July 2016