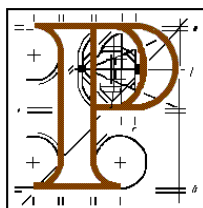


An Bord Pleanála



Inspector's Report

Appeal Reference No: 26.247176

Development: Permission sought for a 10 year permission for the construction of a Solar PV Energy development within a total site area of up to 12.7 HA to include one 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 infrastructure at Monfin, Enniscorthy, Co. Wexford.

Planning Application

Planning Authority: Wexford Co. Co.
Planning Authority Reg. Ref.: 20160689
Applicant: Highfield Solar Ltd.
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Highfield Solar Ltd.
Type of Appeal: First Party
Observers: None
Date of Site Inspection: 15th November 2016

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The site which is located 2.5km south of Enniscorthy, Co. Wexford comprises of a plot of land with a total area of 12.7 hectares separated into two distinct portions.

The site is deemed to be of moderate grade agricultural land, generally made up of tillage land. The northern site is located within the rural settlement of Tomnalossett which consists only of houses and a Londis shop and petrol station. The southern site is located on a minor road which also serves Monfin substation. The substation is located 0.3km from the site. Development in the area generally consists of one off dwellings on large sites with a mixture of house types.

The location of the substation in relation to the application site is shown on Figure 2.7 of Appendix 1.

2.0 PROPOSED DEVELOPMENT

The development comprises of the following:

- Solar farm with a generation capacity of between 4.0MW and 5.4MW.
- The validity of consent is requested to be 10 years.
- The lifespan of the solar farm post commissioning is projected to be at least 30 years.
- PV panels, mounting frames, substation compound, 6 No. inverter/ transformer stations, CCTV cameras and ancillary construction works including security fencing and internal gravel access tracks.
- Two temporary storage compounds.
- Access to the site will be via three new site entrances.

Application is accompanied by the following:

- Screening for Appropriate Assessment
- Ecological Impact Statement
- Solar Resource Map
- Landscape and Visual Appraisal and Glint and Glare Report
- Archaeology Assessment
- Geological Mapping

- Flood Risk Mapping
- Noise Impact Assessment

3.0 PLANNING HISTORY

No formal applications on site. Details of pre-planning discussions attached to file raises concern that the northernmost site within the settlement of Tomalossett was not considered suitable for this type of development.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that 4 letters of objection had been received. It expressed serious concerns in relation to the visual impact of the proposed development in the northern part of the site. It considered that the glint and glare assessment was relatively generic with no assessment on individual receptors. It was considered that the dwellings to the west of the site could be impacted by glint and glare.

Biodiversity Report

Slaney River Valley SAC is located approximately 0.5km to the south of the proposed development site. All proposed works are confined to an area within the proposed site which is removed from watercourses or drainage ditches so no hydrological pathway exists for sediment run-off etc. Further Information recommended in relation to fencing and lighting.

4.2 Planning Authority Decision

Permission was refused by the Planning Authority for two reasons as follows:

1. Objective L04 under Section 14.4.3 Landscape Management of the Wexford County Development Plan 2013-2019 seeks 'To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the

landscape so as to ensure that any potential adverse visual impacts are minimised'. The proposed development due to its scale, siting and elevated nature of the site fails to have regard to its setting in the landscape and, therefore, would have an adverse effect on the visual amenity setting in the landscape and, therefore, would have an adverse effect on the visual amenity of the area and be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority is not satisfied that it has been adequately demonstrated, given the absence of any natural screening, the orientation of the arrays and the topography of the land, that the dwellings to the west of the site will not be adversely affected by glint from the proposed development. Therefore, the proposed development would have a detrimental effect on residential amenity and would be contrary to the proper planning and sustainable development of the area.

5.0 GROUNDS OF APPEAL

A first party appeal against the Council's decision was submitted on behalf of Highfield Solar Ltd. The grounds of appeal and main points raised in the submission can be summarised as follows:

- The proposal is satisfactory in regards to visual impact and landscape character.
- Five viewpoints are included in the Visual Appraisal Appendixes which show that the visual impact is limited to the immediate locality of the site.
- There is a separation distance of approximately 100m between the site and the dwellings to the west.
- The site is only 300m from Monfin 38kV substation.
- Sufficient detail has been provided in the application with regard to glint and glare.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

Notwithstanding the appellant's relevant points regarding the general classification and characteristics of a lowland unit under the Wexford County Development Plan 2013-2019, Objective L04 does

require *'all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.'* Given this, the appellants were advised not to apply for planning permission on this site. It is considered that the proposed development will have an adverse visual impact. This is effectively accepted by the appellant with the proposals for mitigation. It should be noted that a significant amount of the mitigation proposals are outside of the site edged red and not in the control of the applicant.

The Board is advised that glare cannot be mitigated against by landscaping in the short term (for the 7 year period that the applicant proposes in the application). The Board should also be aware that there are many sites and landscape areas in County Wexford that are capable of accommodating solar developments of this scale without the possibility of adverse visual or residential amenity impacts and, therefore, in the absence of policy at local, regional and national level, the Board should exercise considerable caution when assessing applications of this nature.

6.2 Observations on grounds of appeal

None.

7.0 POLICY CONTEXT

DEVELOPMENT PLAN

The Wexford County Development Plan 2013 - 2019 is the operative County Development Plan for the area.

Map No. 13 Landscape Character Assessment – site is located within a lowlands area. These areas have a high capacity to absorb development.

Objective EN07 states that it is policy to encourage and favourably consider proposals for renewable energy developments... subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.

Section 5.2 Climate Change.

Section 11.2 Energy.

Section 11.3 Renewable Energy.

NATIONAL GUIDELINES

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).

INTERNATIONAL GUIDELINES

'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.

ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Development
2. Impact on Residential Amenity
3. Landscape and Visual Impact
4. Other Matters

Principle of Development

The subject site is located on unzoned lands in rural Co. Wexford which is identified as 'lowlands' in the Landscape Character Assessment. The Council recognises in Section 14.4 of the Plan that landscapes are living and will continue to change over time. The landscape in lowland areas have characteristics which have a higher capacity to absorb development.

The proposed development is supported by national, regional and local policies in terms of renewable energy. In particular, I note that Objective EN07 of the County Development Plan states that it is policy to encourage and favourably consider proposals for renewable energy developments... subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.

I consider that the proposal is acceptable in principle subject to normal planning and environmental considerations. Permission has been sought for a 10 year period and I consider that this is a reasonable period having regard to the delays that could potentially occur with funding and access arrangements to ESB Networks.

Impact on Residential Amenity

The site is broken into two parts- the northern and southern section. Whilst the area around both sites is unzoned rural land, I would consider that the northern site is adjacent to the rural settlement of Tomnalossett whilst the southern site could be described as lands in the open rural countryside. There are a significant amount of residential properties in close proximity to both parts of the site. Figure L2 of the visual impact statement identifies 8 No. dwellings close to the southern part of the site. The analysis of the visual effects in the operational phase concludes that the magnitude of change would be slight/ negligible from year 7 onwards.

Concern is expressed in the planner's report regarding the impact of glint and glare on the residential amenities of the area and this forms the second reason for refusal by the Planning Authority. Part of the documentation provided with the application includes a glint and glare study. The study outlines that glint effects are generally not observed north of the northernmost part of the site or immediately south of the site and are generally experienced to the east, west, south east and south west. The glint and glare study is very generic in nature and there is no identification of the individual houses that could potentially be affected by glint and glare. It would appear to me that the houses most likely to be impacted are those to the west of the site. I not satisfied that on the basis of information submitted with the planning application and appeal that the proposed development by reason of the absence of natural screening and proximity to houses to the west will not be adversely affected by glint from the proposed development and would not result in serious injury to the residential amenities of the area.

Landscape and Visual Impact

A Landscape and Visual Impact Assessment has been submitted with the application documentation. This assessment outlines the visual impact including photomontages to illustrate the impact from the surrounding landscape and provides a landscape masterplan.

The proposed development would occupy two areas - a northern site comprising part of an existing field and a southern site area comprising part of two existing fields. The northern site would be

accessed from the minor road through the rural settlement of Tomnalossett, and the southern site area would be accessed from the minor road along the eastern boundary.

Both sites are located in an area described as 'Lowlands' in the Landscape Character Assessment for County Wexford with a high capacity to absorb development.

I have concerns in relation to the Landscape and Visual Impact Assessment as it doesn't acknowledge the differences between the northern and southern site. The northern site is located on the opposite side of the road from the local Londis shop and petrol station in the small rural settlement of Tomnalossett and is very prominent and exposed. Photograph 4 gives a good illustration as to how exposed and open the site is but no photographs are included which show the proximity of the site to the local focal point for the community in this area. The northern site also rises very sharply to the rear so not only is it open and exposed but it also is very elevated rising from 34m at the western boundary to almost 50m at the eastern boundary. Whilst both sites are located off minor roads, I would consider that the northern site is located on a much busier road with lots of passing traffic. The southern site is considerably more enclosed with natural screening and would have the capacity to absorb the development in my view.

I am of the view that the photographs and photomontages submitted for the northern site do not adequately reflect the visual impact of the proposed development from the local area given that this is the main road going through the settlement of Tomnalossett. However, I draw the Boards attention to the baseline photograph and the photomontage for years 1, 4 and 7 which give a reasonably good illustration of the site in isolation.

The visual impact assessment identifies that there are two landscapes of greater sensitivity at Vinegar Hill approximately 3km north east of the site and Bree Hill approximately 3km south west of the site. It is noted that the proposed development will not be visible from Vinegar Hill and whilst long distance views may be possible from Bree Hill, the visual impact of same will be of negligible magnitude. The assessment also identifies dwellings close to the site and considers that by year 4 all visual effects from the dwellings would have reduced to a moderate level or less.

I agree with the conclusions of the assessment with regard to the impact on landscapes of greater sensitivity. However, I consider that whilst the southern site is robust and relatively flat and well screened, the northern site is very open and exposed and elevated

and would not have the capacity to absorb the proposed development. The introduction of man-made PV solar panels into a previously rural area would be entirely alien to the area and would represent an intrusion in the landscape. Having regard to the elevated nature of the northern site and the open and exposed views, I consider that the immediate visual impact would be entirely negative. I note that landscaping is proposed as a mitigation measure, however, having regard to elevated and exposed nature of the northern site, I consider that this is an inadequate mitigation measure which fails to address my concerns in relation to the northern part of the site.

Other Matters

Appropriate Assessment

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 5km of the site. The screening report submitted with the application outlines a description of the site and proposal. Two sites were identified within 5km of the proposed development - Slaney River Valley cSAC and Wexford Harbour and Slobbs SPA.

The Slaney River Valley cSAC is located approximately 0.5km south of the proposed site. Drainage ditches that occur along the boundary ditches flow westwards from the site for c.400m before entering a tributary river approximately 0.7km further downstream. The Boro River forms part of the River Slaney Valley cSAC. The site therefore is hydrologically connected to the cSAC thereby providing a pathway for potential impacts on downstream water quality. The cSAC is designated for a number of aquatic species that would be sensitive to any significant deterioration in water or substrate quality in downstream watercourses. However, all construction works are confined to areas within the proposed development site removed from water courses. The minor nature of the works being proposed coupled with the absence of watercourses in proximity to the proposed works means that potential risk to downstream watercourses is negligible.

The Wexford Harbour and Slobbs SPA is located approximately 1km east of the proposed site. The habitats affected by the proposed development are deemed to be of low value to those bird species listed as SCIs for the Wexford Harbour and Slobbs SPA. The proposed underground grid connection route occurs along an

existing public road for its entirety, there are no watercourse crossings along the proposed underground grid connection.

It was determined by the screening process that the proposed development is not directly connected with or necessary to the management of European sites. Furthermore, there is not likely to be any significant effects on the Natura 2000 network of sites resulting from the proposed development and as such a stage 2 AA and the submission of an NIS is not required.

Having regard to the nature, scale and location of the proposed development, to the separation distances to European Sites, and to the low potential for connectivity with those sites, by itself or in combination with other plans or projects, it is not considered that the proposed development would be likely to have significant effects on European Sites. In coming to this conclusion, I have had regard to the limited scale of excavation arising, the low potential to generate effects accordingly and their localised nature, and the poor drainage connectivity involved.

Environmental Impact Assessment

The proposed development does not come within any class specified in the Planning Regulations 2001 (as amended). Having regard to the nature, characteristics, scale and location of the proposed development, and to the characteristics of its potential impacts, it must be concluded that the proposed development would not be likely to have significant effects on the environment and that an Environmental Impact Statement is not required.

Traffic Safety

Access to the site is proposed from three new site entrances- two serving the southern site and one serving the northern site. The construction time for the development is stated to be 12 weeks. I refer the Board to Section 4.8 of the report which is headed 'Traffic Movements and Traffic Volumes'. This section of the report is a total of 5 lines in length and is entirely inadequate in terms of details with regard to traffic movements and traffic volumes. I would expect that a development of this size should provide details in relation to the amount and types of traffic in the construction and operational phases, the delivery route to the site, parking and turning facilities on the site during the construction period etc. On my site inspection, I did not identify any particular difficulties with the site in terms of access or parking. Traffic volumes for a development of this type for

the operational phase would be likely to be minimal. However, during the construction phase, I would expect that there would be considerable volumes of traffic which would need to be identified and managed correctly. Should the Board be minded to grant permission for the proposed development, I consider that a construction programme and a traffic management plan should be required by condition.

Grid Connection

Details of an indicative underground grid connection via the public road has been submitted with the application. According to the information submitted it is proposed to connect to the existing Monfin substation 300m to the east of the site. Having regard to the relatively low output, I would consider it unlikely that infrastructure requirements for the proposed solar farm would have a significant planning output.

RECOMMENDATION

Based on the above assessment, I recommend that permission should be refused for the reasons and considerations set out below:

1. It is Council policy under Objective L04 'To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised'. Having regard to the open, exposed and elevated nature of the northern part of the site, it is considered that the proposed solar farm would form a prominent and obtrusive feature in the landscape, which would be highly visible in views from its environs and which would adversely impact on the character of the local village setting. The proposed development would seriously injure the visual amenities of the area and would conflict with this development plan objective which seeks to protect the landscape. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied that on the basis of information submitted with the planning application and appeal that the proposed development by reason of the absence of natural

screening and proximity to houses to the west will not be adversely affected by glint from the proposed development and would not result in serious injury to the residential amenities of the area.

Emer Doyle
Inspector
7th December 2016