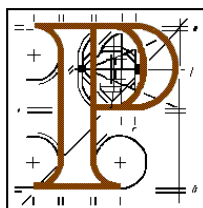


An Bord Pleanála



Inspector's Report

Appeal Reference No: 06D.247179

Development: A 10 year permission for the construction of a Solar PV Energy development within a total site area of up to 19.9HA, to include one single storey electrical substation building, electrical transformer/inverter station modules, solar PV panels ground mounted on steel support structure, access roads, fencing and associated electrical cabling, ducting and ancillary infrastructure at Tomfarney, Clonroche, Co. Wexford.

Planning Application

Planning Authority: Wexford Co. Co.
Planning Authority Reg. Ref.: 20160717
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 appeal site is located in the townland of Tomfarney approximately 2km from Clonroche, Co. Wexford.

The site consists of four fields of agricultural land with a stated area of 19.9 hectares. The site consists of improved agricultural land and a commercial Christmas tree plantation. The land is gently sloping with an approximate elevation of 80 – 121AOD. The N30 runs along the western boundary of part of the site. The site will be accessed from this road via an existing private lane. The private lane serves a farmyard and two houses. There is commercial Christmas tree planting on other lands within the landownership to the east of the site and there is a pull in area on the laneway with machinery associated with same. The lands themselves are very well screened with mature landscaping and hedgerow. The site is within a 50m buffer zone for the NRA Clonroche Bypass which is approved under Part VIII but there is no timescale in place for the construction of same. One RMP site (WX030-065: Toberwonaghan holy well) is located within the proposed development area but this feature no longer survives above ground. The site is located approximately 3km from a ESB substation in Clonroche and it is proposed to connect to same with an underground cable subject to agreement with ESB networks.

2.0 PROPOSED DEVELOPMENT

The development comprises of the following:

- Solar farm with a generation capacity of between 8.0MW and 12MW.
- 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, 11 No. inverter/ transformer stations, CCTV cameras and ancillary construction works including security fencing and internal gravel access tracks.
- A temporary construction and storage compound.
- An existing laneway off the N30 is to be used for access.

Application is accompanied by the following:

- Screening for Appropriate Assessment
- Ecological Impact Statement

- Solar Resource Map
- Landscape and Visual Appraisal and Glint and Glare Technical Note
- Archaeology Assessment
- Flood Risk Mapping
- Traffic Management Plan
- Indicative underground cable route for connection to the electricity grid is attached to Appendix 2 – Figure 2.7. The connection is shown terminating at the existing ESNB Clonroche substation located approximately 3km to the northeast of the site. This indicative route runs along the N30 towards the village of Clonroche.

3.0 PLANNING HISTORY

PA 20023224

Permission for dwelling refused.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that one submission was received. The report noted that the site was highly screened from the N30 due to the separation distance, the level of the ground and existing trees and hedgerows. No objection in principle, however the concerns of the Road Design Section in relation to the use of an existing farm access on the N30 were noted.

Roads Design

Refusal recommended as the proposed access for the development is from an existing access on the N30, on a sweeping bend where the maximum speed limit applies and at a location where there is a history of accidents.

Senior Executive Scientist (Environment)

This report required further information in relation to a number of items.

4.2 Planning Authority Decision

Wexford Co. Co. refused permission for one reason only as follows:

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard as the proposed access for the development is from an existing access located on the N30, on a sweeping bend where the maximum speed limit applies and at a location where there is a history of accidents. Notwithstanding the fact that there is an existing access, the required sightlines for new developments is 230m and are not available from the proposed access.

5.0 GROUNDS OF APPEAL

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

- Operational traffic for the proposed development is likely to be considerably less than existing operational traffic.
- It is possible to improve sightlines either side of the entrance.
- Whilst the proposed N30 Moneytucker to New Ross Scheme may not be delivered in the immediate future, there is a distinct possibility that the new access point shown in Figure A attached to the appeal will be in place prior to the construction phase of the proposed development.
- A temporary construction entrance could be constructed at an alternative location on the N30 where 230m sightlines are available (Figure B).
- Operational Traffic could access the site from the local road to the south (Figure C).

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

The Planning Authority Response can be summarised as follows:

- The applicant in their appeal refers to 'a distinct possibility' that a new access point as proposed in the approved N30 road scheme may be in place prior to the construction phase of the proposed development. As there is no time frame for

the delivery of the road scheme, it is contrary to good planning practice to allow the development on the 'possibility' of an appropriate safe road access being developed by third parties at some unknown point in the future.

- In tacit recognition of the unsafe nature of the proposed entrance, the applicant in their appeal, suggests a number of 'alternative' access points may be available, yet fails to identify any of these 'safe access points' and instead suggests that the Planning Authority should have looked for alternative access points when the applicant themselves fail to identify 'safe access points.'
- Whilst the Planning Authority have no objection in principal to the proposed development at this location, the issue of traffic safety as outlined in the Roads Report must be addressed before any further consideration can be given to this application.

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 8.6.1 National Roads
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 Traffic Safety
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 and would contribute to the diversity of sources of energy supply and hence the security of supply. I would note that the acceptability of the proposal is contingent on issues including impacts on traffic safety and visual impact.

Impact on Traffic Safety

The main concerns raised in relation to traffic safety relate to the intensification of an existing access on the N30.

The Regional Planning Guidelines for the South East Region 2010-2022 identifies the N30 as a main access route. The enhancement of this route is of great importance to the economic well-being of the county as whole and in ensuring ease of access to and from Rosslare Europort. The Guidelines for Planning Authorities on Spatial Planning and National Roads (DECLG, 2012) set out planning policy considerations relating to development affecting national roads including motorways, national primary and national secondary roads outside of 50kph and 60kph speed limit zones for towns and villages. The guidelines require that planning authorities have due regard to the protection of investment in and the strategic function of national roads and restrict proposals which unduly intensify use of existing access points and junctions, particularly on stretches of national road outside of the 50kph and 60kph speed limit zones. It is Council policy to only permit new and/ or intensified use of existing access points to national roads in a very limited number of circumstances, where such proposals meet the criteria set out in Objective T20. I have attached a copy of Objective T20 to this report. This objective identifies a number of exceptional circumstances where a less restrictive approach for access onto the national road network may apply.

In my view the proposed development does not come within any of the four categories identified as 'exceptional circumstances.' Furthermore, I note that it is required under Objective T20 that the applicant must prepare a Road Safety Audit and where appropriate a Transport and Traffic Assessment. The applicant is also required to demonstrate to the Planning Authority that the envisaged usage of the access will not compromise the safety, capacity and efficient operation of national roads.

The main case presented in the appeal is that the construction period is relatively short (16 weeks) and maintenance traffic is likely to be restricted to 1-2 visits per month for service personnel. It is also pointed out that operational traffic for the proposed development is likely to be considerably less than the existing operational traffic; currently there are relatively large volumes of annual HGV movements using the site during Christmas tree harvesting from the area associated with the proposed

development. It is pointed out in the appeal that land either side of the site entrance is within the landowner's ownership and removal of the hedgerows to improve sightlines during construction access is available. There is an approved bypass of Clonroche and the site entrance is located at the proposed Clonroche West Roundabout. Figure A indicates a new access point and whilst it is acknowledged that the N30 scheme may not be delivered in the immediate future, given the timeframes associated with grid connection of new energy schemes, it is a distinct possibility that the new access point proposed in Figure A will be in place prior to the construction phase. The appeal identifies an alternative construction access point on the N30 where sightlines of 230m are available (Figure B) together with an alternative site access for operational traffic from a local road to the south of the site.

I note that the Planning Authority Response states that 'in tacit recognition of the unsafe nature of the proposed entrance a number of alternative access points maybe available, yet fails to identify any of these 'safe access points' and instead suggests that the Planning Authority should have looked for alternative access points where the applicant themselves failed to identify 'safe access' points.' The Planning Authority Response states that there is no time frame in place for the delivery of the approved N30 road scheme and as such, it would be contrary to good planning practice to allow the development on the 'possibility' of an appropriate safe road access been developed by third parties at some unknown point in time in the future.

The N30 is a highly trafficked route where a speed limit of 100kmph applies at this location. The existing access is located on a sweeping bend with poor sightlines in a southern direction. There is a single white line on the road in this location. It appears that improvements have already been made to the sightlines by removing and setting back part of the boundary to the north. The appeal suggests that further improvements could be made at this location but has not indicated same on a drawing or provided evidence of the landowner's consent for same. I note that the Roads Design Report recommended refusal as the existing access is located on a sweeping bend where the maximum speed limit applies and where there is a history of accidents. I observed on my visit that turning in and out of the site was extremely difficult given the speed of traffic and the bend in the road to the south.

An alternative entrance off the N30 is indicated in Figure B of the appeal documentation for the construction period only but I would have concerns regarding same having regard to the traffic movements involved over a 16 week period. I refer the Board to

Table 1.0 of the Traffic Management Plan which indicates that there will be very considerable traffic movements during the 16 week period.

I note that the applicant has not demonstrated how the proposed development complies with any of the four categories of exceptional circumstances identified in T20 or prepared a Road Safety Assessment of Transport and Traffic Assessment. Another entrance is proposed off a local road for operational traffic only (Figure C) which would go through the existing farmyard. Having regard to the minimal amount of traffic movements in the operational phase I have no objection to same.

There appears to be intensive Christmas tree planting on lands in the vicinity of the site in addition to Christmas tree planting on part of the site. There is an area for machinery to wrap and compress trees and a pull in for trucks close to the right angled bend on the laneway. There was no activity on the site on my inspection of the 15th of November so this activity is likely to be intensive for a very short period only very close to Christmas and in my view could not compare to the intensive traffic proposed over a 16 week period. I would agree, however that the existing traffic associated with the commercial tree plantation is likely to be more intensive than the traffic proposed during the operational phase.

In the absence of an approved timeframe for the approved N30 road scheme, I am of the view that it would be premature to approve this application. Notwithstanding the revised access arrangements submitted in the appeal, I consider that the proposed development would be contrary to Objective T20 of the Wexford County Development Plan 2013-2019 and that the proposed development has the potential to endanger public safety by reason of the increased turning and cross over movements onto the N30 where a 100km/hr speed limit applies, and with poor sightlines in a southern direction.

Landscape and Visual Impact

The Landscape Character Assessment for County Wexford includes this site within an area described as 'lowlands' with a high capacity to absorb development.

I am of the view that whilst the proposed solar farm will read as a distinctive new industrial feature in the landscape, the potential views are greatly restricted by hedgerows and trees both on the site and within the surrounding landscape. I note that the Raheenahoon

Hill Landscape of Greater Sensitivity is located approximately 4.9km south east of the site, however the proposed development would only comprise of a small component of the view from parts of Raheenahoon Hill and there would be a negligible impact upon the Raheenahoon Hill. From the N30 views of the development would only be possible towards the site for a very short duration resulting in minor effects at most in year 1, reducing to negligible by year 4.

Whilst there is no doubt that the proposed development would change the local landscape from a visual perspective, the established landscape is capable of absorbing change in my view. I note that landscape mitigation forms an integral part of the proposal. The existing hedgerows would be grown to approximately 3 - 3.3m in height, existing gaps will be filled and additional hedgerow trees would be planted in order to strengthen the visual screening and further reduce the visibility of the proposals. Having regard to the established landscape, the mitigation measures proposed and the absence of any landscape designations in the area, I am satisfied that the proposed development would not adversely impact on the landscape and visual amenities of the area.

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. Only one site occurs within a 5km radius which is the Slaney River Valley cSAC c. 3.4km north-east of the site. Wexford Harbour and Slobbs SPA is located 11km east of the proposed development site. Section 3.5 describes potential impacts which could give rise to significant effects for the construction and operational phases. It is noted that though there are no natural watercourses within the proposed solar farm development site, the site drains to the east where a large drainage ditch drains to the south of Tomfarney stream. The Tomfarney stream occurs c. 6km upstream of the cSAC. Having regard to the nature, scale and location of the proposed development, the separation distance from the sites and the absence of linkages or pathways between the site and the Natura 2000 sites, it was determined by the screening process that these sites would not be impacted by the proposed development.

It is therefore concluded that there is no direct, indirect or cumulative impacts on the designated sites. 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.

Environmental Impact Assessment

The proposed development does not come within any class specified in the Planning Regulations 2001 (as amended). Having regard to the limited nature of the development, the absence of any nature conservation designations in the immediate area, the absence of any emissions from the development and the absence of any connection to watercourses, it must be concluded that the development will not have a significant impact on the environment.

RECOMMENDATION

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

REASONS AND CONSIDERATIONS

The proposed development is accessed from an existing laneway off the N30 at a point where a speed limit of 100 km/h applies and where there is inadequate sightlines and a history of accidents. Objective T20 of the Wexford County Development Plan 2013 - 2019 seeks to restrict the intensification of any existing accesses in such locations, and to protect the potential of the county's national roads as key strategic infrastructure. This objective is considered to be reasonable, and is in accordance with the Spatial Planning and National Roads Guidelines issued by the Department of the Environment, Community and Local Government in January, 2012. It is considered that the proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a national primary road by traffic and would be contrary to the objectives of the current Wexford County Development Plan. Furthermore, it is considered that proposed development notwithstanding the revised proposals submitted at appeal stage, would endanger public safety

by reason of traffic hazard due the increased turning and cross over movements onto a heavily trafficked national primary route.

Emer Doyle
Inspector
29th November 2016