



An
Bord
Pleanála

Inspector's Report PL27.247714

Development	Solar PV panel array with capacity of 19MWP comprising 73,000 photovoltage panels on ground mounted frames, D50 substation, spares building, communication pole.
Location	Threecastles, Talbotstown Lower, Blessington, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	16/1060
Applicant(s)	Solas Eireann Development Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-v-Refusal
Appellant(s).	Solas Eireann Development Ltd
Observers	(1) Anita & Paul Flanagan (2) Jim Shanahan (3) Birdwatch Ireland

(4) Eoghan Ryan

Date of Site Inspection

17th February 2017

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 33.06 hectares, is located to the west of the N81 and north of Poulaphuca reservoir in Co. Wicklow. The appeal site is made up of a number of fields currently in use as grazing lands. There are existing hedgerows along a lot of the boundaries of the individual fields that make up the site. The appeal site is accessed from an existing agricultural entrance on the western side of the N81 with an existing laneway running on an east to west axis through the site (lands on both side of the lane). The laneway links up with an existing farmyard complex associated with the lands to the west of the site. The site also has a small bit of road frontage and an access off the Kilbride Road, a local road that runs to the south of the site and north of the Poulaphuca Reservoir. Adjoining lands are similar in nature to the appeal site. The nearest dwellings to the appeal site are existing dwellings located along the N81 to the north and south of the existing access to the site and a dwelling adjacent the farmyard complex to the west.

2.0 Proposed Development

- 2.1. Permission is sought a solar PV panel array with a capacity of 19MWp comprising approximately 73,000 photovoltaic panels on ground mounted frames within a site area of 30.06 hectares, single-storey MV substations, 1 no. single-storey DSO substation, 1 no. single-storey spares building, 1 no. communication pole, boundary security fencing, CCTV, associated electrical cabling and ducting, to include access gates and all associated ancillary development works on land south of the N81.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. Having regard to:

- The nature and scale of the development proposed,

- The proximity of the proposed development to the Poulaphocua Reservoir SPA, and the main *conservation objective* for this site which seeks 'To maintain the special conservation interests for this SPA at favourable conservation status: Greylag Goose, Lesser Black-backed Gull, Wetland & Waterbirds.
- The characteristics of the site which provide a suitable feeding ground for protected species
- The Stage 1 appropriate assessment screening which concluded that the qualifying features of Natura 2000 sites are at risk of experiencing likely significant effects
- The need for Stage 2 Appropriate Assessment.
- The information submitted with this application which is deemed inadequate to carry out stage 2 Appropriate Assessment
- The need for further investigations, surveys and research, to determine the full nature and extent of the development proposed and its possible effects on the integrity of the Nature 2000 site

It is not possible to rule out possible adverse effects on the integrity of Natura 2000 sites. The proposed development would, therefore, be contrary to the provision of Article 6(3) of the Habitats Directive and to the proper planning and sustainable development of the area.

- 2 Having regard to the insufficient information submitted in relation to:
 - a) Any impact on the nutrient management plan for the existing agricultural landholding due to loss of land available for land spreading
 - b) Grid connection
 - c) Measures for cleaning of panels particularly with regard to water supply

It is not possible to fully assess the potential impacts of the proposed development on the environment, visual amenities etc. To assess this

application in the absence of such information would be contrary to proper planning and sustainable development.

3.2. Local Authority and External reports

- 3.2.1. Roads Design Office (10/10/16): Conditions to be attached in the event of a grant of permission.
- 3.2.2. Development Applications Unit (27/10/16): Further information required including an Archaeological Impact Assessment and a Stage 2 Appropriate Assessment due to proximity to Poulaphouca Reservoir SPA.
- 3.2.3. TII (02/11/16): Official policy on for Development along National Routes to be complied with.
- 3.2.4. Waste Management Division (29/06/16): Conditions in the event of a permission.
- 3.2.5. Roads & Traffic Planning (12/07/16): Official policy regarding national roads is to be complied with. The submission includes conditions to be attached in the event of a grant of permission.
- 3.2.6. Dublin City Council (10/11/16): Inadequate details have been provided regarding a number of the structures proposed. Dublin City Council is opposed to the proposal due to the proximity to the Poulaphuca Reservoir, which is an important water supply.
- 3.2.7. Planning Report (11/11/16): The recommendation of the Development Applications Unit was noted and it was considered insufficient information is provided to carry out an appropriate assessment. The proposal was considered satisfactory in regards to visual impact and access. The proposal was considered acceptable in regards to impact on residential amenity. Refusal was recommended based on the reasons outlined above.

4.0 Planning History

- 4.1 04/865: Permission refused for the construction of a facility for the screening of imported top soil and sub soil.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Wicklow County Development Plan 2016-2022.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Meridiem Renewables on behalf of Solas Eireann Development Ltd. The grounds of appeal are as follows...

- In response to refusal reason 1 relating to Natura 2000 sites two ecological reports have been submitted, an Ecological Survey Report including an Appropriate Assessment Screening report and a consideration regarding Poulaphuca SPA and the potential impact of the development. The reports include a full assessment of the impact of the proposal on bird species. It is noted that the level of land within the site suitable for grazing habitat is not significant in the context of the level of such lands in the immediate area and wider catchment. It is noted that construction would occur outside the wintering period. It is concluded that there would no significant direct, in direct, secondary or in-combination effects on any Natura 2000 sites and a Stage 2 Appropriate Assessment is not required.
- In regards to refusal reason 2 it is noted that the land will be restored to its original condition as part of the decommissioning of the proposal and will not be permanently lost for agriculture. It is noted that there is no policy that precludes developments of this type on higher grades of agricultural land. It is noted there is precedent for solar farms on land such as this with a recent example quoted.

- In regards to grid connection, it is noted that the applicant has applied and received a grid connection offer. The appellants note the details of the grid connection including a grid connection route map. Any potential impact of the grid connection on Natura 2000 sites have been considered as part of the Appropriate Assessment screening report with no significant, direct, indirect, secondary or in combination adverse effects anticipated.
- In regards to cleaning of the panels it is noted they do not require much maintenance and are self-cleaning by way of the weather, it is noted they occasionally need to be wiped or cleaned with a minimal amount of water and no chemicals.
- The appellant's note that the Council had no concerns regarding access arrangements, residential amenity and archaeology and cultural heritage.

6.2 Responses

6.2.1 No responses.

6.3 Observations

6.3.1 An observation has been received from Anita & Paul Flanagan, Lake View, Three Castles, Manor Kilbride, Co. Wicklow.

- The development is in an area of high amenity and would have an adverse visual impact at this location and from the observers' property, which is elevated relative to the site.
- Reflection from the panels has not been adequately considered with a potential adverse impact on residential amenity and a traffic hazard.
- There is an inadequate level of detail to assessment environmental impact with no EIS. The proposal is out of character and scale at this location would be contrary the zoning objective for the site.
- There is inadequate detail regarding grid connection.

6.3.2 An observation has been submitted by Jim Shanahan, 'Robin Hill', Threecastles, Manor Kilbride, Blessington, Co. Wicklow.

- The observer notes that the proposal would result in loss of 15 hectares of habitat relating to the Greylag Goose and that such would impact upon the integrity of the Poulaphuca Reservoir SPA.
- The information regard grid connection does not adequately deal with impact on the environment.

6.3.3 An observation has been submitted by BirdWatch Ireland.

- The observer notes that the status the proximity of the Poulaphuca SPA and its designation as such due to being a habitat for the Greylag goose and Whooper swans. The observation notes the importance of surrounding lands for feeding purposes and the fact that the proposal would significantly reduce the foraging area for such.
- The observation outlines the requirements of the Habitats Directive in regards to appropriate assessment. It is considered that the there is potential for significant effect on the conservation interest of a designated Natura 2000 site and that a Stage 2 Appropriate Assessment is required.
- It is noted that there is a lack of a management plan or detail conservation objectives available for the overall management of the Poulaphuca SPA.

6.3.4 An observation has been submitted Eoghan Ryan, Laurhill, Hempstown, Blessington, Co. Wicklow.

- The observer questions the level of detail in regards to surveys noting no field surveys carried out in relation to bird species.

- The observer does not accept the appellant's views that the lands in question are a small percentage of lands suitable for the Greylag Goose noting that the species in question inhabit the entire site and is a key area for such based on survey data by the NPWS.
- The observer highlights the importance of the site as wintering area for the Greylag Goose as well as the importance for the Whooper Swan, which is also in decline in terms of numbers.
- The observer notes there is direct loss to wintering habitat for the bird species in question and they are likely to be displaced to other areas with a less favourable habitat.
- It is noted that part of the site is identified on the OPW Draft Flood Maps as being in the indicative 1% AEP- 100-year flood event zone).
- The observer questions the method of the grid connection and the implications of such.

6.4 Prescribed bodies

6.4.1 A submission has been received from the Development Applications Unit.

- The submission reiterates the concerns regarding the fact that the site is part of the feeding grounds for the Greylag Goose and that the numbers of such are in decline. The submission also reiterates that the site is connected with a range of other wildfowl species including the Whooper Swan.
- The National Parks and Wildlife Service (NWPS) is of the view that the information provided by the applicant is wholly inadequate for an assessment of impact and the Appropriate Assessment Screening report failed to adequately address the SPA interest features. It is noted that in their submission in October 2016 it was recommended that further information was required for proper consideration of the impacts of the development on the protected site and species.

7.0 Assessment

7.1 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

Appropriate Assessment

Other Issues

7.2 Principle of the proposed development:

7.2.1 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.

7.2.2 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.

7.2.3 The Wicklow County Development Plan 2016-2022, 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.

7.3 Impact on residential/adjoining amenity:

7.3.1 The site is in a rural area on agricultural grazing lands. Adjoining uses and development are similar in nature. There is sporadic housing development in the vicinity with the nearest existing dwellings located along the N81 to the east of the site, an existing dwelling adjacent the farmyard complex associated with the landholding the site is taken from to the west, existing dwellings located on the local road linking the Kilbride Road to the N81 to the south east of the site. There are a number of potential impacts from the proposed development in terms of residential amenity. 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.

7.3.2 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. It is noted that the panels are south facing where views of the development are well screened with existing vegetation and proposed additional planting. It is noted that solar panels are designed to absorb light to generate electricity and not reflect it and much less reflective than other sources of solar reflection. It is noted that solar reflection is unlikely to be observable from the roads surrounding site and there are few dwellings that may be affected by such. It is noted that solar reflections over a static receptor would pass within approximately 5 minutes and would have negligible effect. I would note that in the inspector's report (appeal ref. 244539) it was stated that the issue of glare is not particularly relevant to solar panels.

7.3.3 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 some information regarding potential impact of the development in regards solar reflection. 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, west and south west. 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.

7.3.4 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.

7.4 Landscape/visual impact:

7.4.1 The Planning Authority's assessment of the proposal was that the overall visual impact of the proposal is acceptable. Some of the observations raise concerns regarding the visual impact of the proposal at this location. In regards to Landscape character, the appeal site is located in an area defined as being within the Access Corridor Area noted as being an area of 'medium' vulnerability. The appeal site is made up of agricultural lands (divided into a number of fields) located to the west of the N81 and north of the Poulaphuca Reservoir. The appeal site is a flat low lying site as is the lands located to the north, south and east. To the west of the site there are more elevated lands (lands defined as AONB, Area of Outstanding Natural Beauty for the purposes of Landscape Character Assessment). 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 receptors within 10km of the site (includes settlements, residential properties, roads and points of interest). 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. In addition the assessment identifies views of scenic value in the surrounding area (Wicklow and Kildare, 6 points) as well as views of local value (6 points). The LVIA provides an assessment of the visual impact from 12 Viewpoints. The LVIA notes that significance of visual impact of the proposed development is slight-imperceptible from four of the viewpoints (VP 1, 2, 9 and 12), moderate-slight from three of the viewpoints (VP 6, 7 and 8) and moderate from the remainder of the viewpoints (VP 3, 4, 5, 10 and 11). It is concluded that the overall visual impact of the proposal would be acceptable.

7.4.2 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, the site itself is low lying and flat, and the proposals entail retention of existing hedgerow boundaries and additional planting. 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. 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.

7.5 Traffic and Access:

7.5.1 In regards to traffic and access the appeal the appeal site currently has two vehicular access points. There is an existing vehicular access to the agricultural lands that make up the site on the western side of the N81 as well as an existing access to the

site from Kilbride Road, a local road to the south of the site. According to the information on file the existing access from the N81 is to be used for construction of the proposal, while the access from Kilbride Road is to be used for the operational phase.

7.5.2 It is noted that the construction phase will generate a variety of traffic including articulated goods vehicles and small rigid vehicles with it estimated there will be 15 vehicles movement per day. 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. 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.

7.5.3 In terms of traffic safety I would consider that the layout and visibility at the proposed entrances to the site at the N81 and the Kilbride Road would to be satisfactory to deal with the traffic movements likely to be generated including both the construction and operational phases.

7.6 Ecology:

7.6.1 The applicant submitted an ecological survey and assessment of the site. This assessment notes that the site agricultural lands that are no of significant ecological value. It is noted that fauna using the site include common bird species, with some birds considered to be of conservation concern observed on site. The conclusion of the assessment is 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. The appeal site is not a protected habitat or identified as supporting any protected species. The appeal site is

agricultural lands that at present grassland. 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.

7.6.2 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.

7.6.3 There is an issue concerning the impact of the proposal on bird species that are the primary conservation interests of the nearby Poulaphuca Reservoir SPA (in particular the Greylag Goose). In addition, the submission and observation highlight that the appeal site is also a feeding ground for notable species such as Whooper Swans as well as a number of bird species being observed on site of notable conservation status. There are concerns regard the adequacy of the information including updated ecological reports submitted with the appeal submission in regards to the level of survey/fieldwork carried out in regards to bird species. The issue regarding the Greylag Goose is also to be dealt with under the later section concerning Appropriate Assessment.

7.7 Surface Water Drainage:

7.7.1 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.

7.7.2 It is notable that there was a submission by Dublin City Council raising concerns regarding potential adverse impact on water quality in Poulaphuca Reservoir due to inadequate information regarding structures proposed. I am satisfied that sufficient information has been provided regarding the nature and extent of structures proposed at this location. I am satisfied that the proposal subject to appropriate condition regarding surface water drainage, poses no risk to the water quality of the Reservoir, any other watercourses or groundwater.

7.8 EIS Screening:

7.8.1 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.

7.8.2 In accordance with the 'EIA Guidance for Consent Authorities regarding Subthreshold 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 subthreshold 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.

7.9 Appropriate Assessment:

7.9.1 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.

7.9.2 An Appropriate Assessment Screening Report was submitted with the application. This report identified one Natura 2000 site in the zone of influence of the project and such is the Poulaphuca Reservoir SPA (site code 004063). It is noted that the conservation interests for the SPA is to maintain or restore the conservation status of bird species including the Greylag Goose and Lesser Black-backed Gull. It is noted that no part of the site is within the designated site with potential impacts identified as impact on water quality through discharge of chemicals or suspended solids. It is noted that the SPA supports mobile species that may make use of the project lands, however it is noted that nature of activity means plant diversity on site is low. It is noted that the potential for discharge of chemicals or suspended solids can be avoided during construction through best practice methods. It was concluded that there will be no significant direct, indirect, secondary or in-combination effects on any Natura 2000 sites and it was considered that a Stage 2 Appropriate Assessment was not required.

7.9.3 Permission was refused based on two reasons. The first reason relates to issues concerning Appropriate Assessment with the refusal reason stated as follows...

"1. Having regard to:

- The nature and scale of the development proposed,
- The proximity of the proposed development to the Poulaphuca Reservoir SPA, and the main *conservation objective* for this site which seeks 'To maintain the special conservation interests for this SPA at favourable conservation status: Greylag Goose, Lesser Black-backed Gull, Wetland & Waterbirds.
- The characteristics of the site which provide a suitable feeding ground for protected species

- The Stage 1 appropriate assessment screening which concluded that the qualifying features of Natura 2000 sites are at risk of experiencing likely significant effects
- The need for Stage 2 Appropriate Assessment.
- The information submitted with this application which is deemed inadequate to carry out stage 2 Appropriate Assessment
- The need for further investigations, surveys and research, to determine the full nature and extent of the development proposed and its possible effects on the integrity of the Nature 2000 site

It is not possible to rule out possible adverse effects on the integrity of Natura 2000 sites. The proposed development would, therefore, be contrary to the provision of Article 6(3) of the Habitats Directive and to the proper planning and sustainable development of the area”.

It is notable that the submission from the Development Applications Unit highlights that the nearby Poulaphuca Reservoir SPA (site code 004063) is designated as such due to conservation interest concerning the Greylag Goose and Lesser Black-backed Gull. It is noted in the case of the Greylag Goose that the SPA provides the main roost for the birds with feeding occurring on the improved grasslands surrounding the lake including the appeal site. It is noted that numbers of Greylag Geese are declining. It is also noted that the SPA is also notable for other wildfowl species including the Whooper Swan and the adjacent fields including the appeal site form the core feeding area for both the Greylag geese and Whooper Swan. It is noted that the ecological survey and appropriate assessment screening fail to acknowledge the importance of this location as a feeding site for the species in question and that the level of survey work carried out is inadequate. It was concluded that the level of information submitted was inadequate and that a Stage 2 Appropriate Assessment is required in this case.

7.9.4 The appellants have attempted to address these concerns in the appeal submission including additional ecological assessment and updated Appropriate Assessment Screening report. In regard to the bird species that make up the conservation interest of the SPA, it is noted that the Black-backed gull is no longer a significant feature of the SPA with a significant decline in numbers. It is noted that the potential effect on the bird species in question negligible as the appeal site comprise a small percentage of suitable grazing land in the locality (10%) and in the wider SPA (3.2%). The report notes that although the site does provide for lands that are used for grazing by Greylag Geese, such make up a small amount of the total lands in the area suitable for this purpose and that the proposal does not result in a significant reduction of such grazing lands. The updated Appropriate Assessment Screening report reaches the same conclusion as the one originally submitted, in that It was concluded that there will be no significant direct, indirect, secondary or in-combination effects on any Natura 2000 sites and it was considered that a Stage 2 Appropriate Assessment was not required.

7.9.5 The Appropriate Assessment screening report identifies Poulaphuca Reservoir SPA (Site Code 004063) as the most like to be affected by the proposal due to proximity to the appeal site (within 200 m at their nearest points). In addition to the Poulaphuca Reservoir SPA there are two other Natura 2000 sites within 10km of the appeal site, which are...

Wicklow Mountains SAC (Site Code 002122)

Red Bog SAC (Site Code 000397)

In the case of these two sites, the appeal site is remote from such and has no direct or indirect path/source way receptors or linkages and the propanol is unlikely to have any significant direct, indirect, secondary or in-combination effects on the integrity of such. The main issue arises in regards to the Poulaphuca Reservoir SPA. The Conservation objectives for this site is "to maintain or restore the favourable conservation condition bird species listed as Special Conservation Interest for this SPA with the Greylag Goose and lesser Black-backed Gull listed as being the two species that are the reason for the designation of this site. The site synopsis of the

SPA notes that the “Poulaphuca Reservoir is of national importance for its Greylag Goose population, which is one of the largest in the country. This site provides the main roost for the birds, with feeding occurring mostly on improved grassland outside of the site”. It is clear from the submission by the Development Applications Unit that the land that make up the appeal site are core feeding areas of the Greylag Goose among other notable bird species. The Development Applications Unit are critical of the level of survey detail carried out in regards to such bird species and notes that the information provided is inadequate to carry out an Appropriate Assessment of the project in terms of the conservation objectives of the SPA. The development Applications Unit note that a Stage 2 Appropriate Assessment is required and highlight the fact that the numbers of the Greylag Goose are in decline. It is notable that the submission by the Development Applications Unit to the Board does not change its view regarding the proposal despite the appeal submission.

7.9.6 I would consider that based on the submission made and information on file, it is clear that the agricultural lands adjacent the SPA including the appeal site are important feeding areas for the Greylag Goose a species that is fundamental to the designation of the Poulaphuca reservoir SPA as a Natura 2000 site. I am satisfied that although the appeal site is not located within the boundaries of the site, the mobile nature of the species in question mean that the loss of important feeding areas has the potential to directly affect the conservation status of such species and in this regard the loss of such lands for feeding purposes have the potential to affect the integrity of the Natura 2000 site. I do not consider that the applicant/appellant has provided sufficient information (in particular adequate survey or fieldwork in regards to bird species) to demonstrate that the proposal would have no significant direct, indirect, secondary or in-combination effects on the Poulaphuca Reservoir SPA. In this regard I would consider that a Stage 2 Appropriate Assessment/Natura Impact Statement is required. In this regard I would note on the basis of information within the application and appeal and in absence of a Stage 2 Appropriate Assessment/Natural Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Poulaphuca Reservoir Special

Area of Conservation (Site Code 004063). In such circumstances the Board is precluded from granting approval/permission.

7.10 Other Issues:

7.10.1 In regards to grid connection the applicant has provided details of the method and route of such proposed grid connection.

8 Recommendation

8.1 I recommend refusal based on the following reason.

9 Reasons and Considerations

9.1

1. Having regard to the nature and scale of the development proposed, the proximity of the proposed development to the Poulaphocua Reservoir SPA, and the main conservation objective for this site which seeks 'to maintain the special conservation interests for this SPA at favourable conservation status of species including the Greylag Goose, the fact that the lands that make up the appeal site are important core feeding ground for Greylag Geese, which are confirmed to be in decline regarding numbers, there is potential for significant effects on the conservation status of Greylag Goose and the applicant has failed to provide adequate information to demonstrate that this would not be the case. In this regard I would note on the basis of information within the application and appeal and in absence of a Stage 2 Appropriate Assessment/Natural Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or

projects would not be likely to have a significant effect on the Poulaphuca Reservoir Special Area of Conservation (Site Code 004063). In such circumstances the Board is precluded from granting approval/permission.

Colin McBride
Planning Inspector

23rd March 2017