



An  
Bord  
Pleanála

## Inspector's Report PL15. 247808

---

<b>Development</b>	Solar PV energy development of maximum export capacity 4MW to include one ESB networks substation building, two transformer stations and solar PV panels.
<b>Location</b>	Willville, Dundalk, Co. Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	16/524
<b>Applicant(s)</b>	Wexford Solar Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Willville Solar Action Group
<b>Observers</b>	none
<b>Date of Site Inspection</b>	15 <sup>th</sup> March 2017
<b>Inspector</b>	Patricia Calleary

## Contents

1.0	Site Location and Description .....	4
2.0	Proposed Development .....	4
3.0	Planning Authority Decision.....	5
4.0	Planning Authority Reports .....	6
4.1.	Planning Reports.....	6
4.2.	Other Technical Reports .....	7
4.3.	Prescribed Bodies.....	7
4.4.	Third Party Observations .....	8
5.0	Planning History .....	8
6.0	Policy Context.....	9
6.1.	Ireland's Transition to a low carbon Energy Future 2015-2030.....	9
6.2.	Strategy for Renewable Energy, 2012 – 2020.....	9
6.3.	National Renewable Energy Action Plan (NREAP).....	10
6.4.	National Spatial Strategy 2002-2020.....	10
6.5.	Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland (October 2016).....	10
6.6.	Food Harvest 2020.....	11
6.7.	Border Regional Authority – Regional Planning Guidelines 2010-2022 .....	11
6.8.	Louth County Development Plan 2015-2021 .....	11
6.9.	Solar PV Development Guidelines in the UK. ....	13
6.10.	Natural Heritage Designations .....	13
7.0	The Appeal .....	13
8.0	Assessment.....	16
8.1.	Introduction .....	16

8.2.	Principle of the Development .....	16
8.3.	Landscape and Visual.....	18
8.4.	Glint and Glare .....	20
8.5.	Archaeology .....	21
8.6.	Traffic and Access.....	22
8.7.	Other .....	22
9.0	Recommendation .....	25
10.0	Reasons and Considerations.....	25
11.0	Conditions.....	26

## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 10.11 hectares is located in north east of County Louth c.6.2km south east of Carlingford. It is regular in shape comprising one low lying field which rises from east to west by c.4m and is currently in tillage use. The site is positioned south of the regional road (R175) which leads to Greenore and Carlingford Lough. It lies c.400m south of Willville village, a level 4 settlement and c.700m west of Whitestown, an ACA. Site boundaries consist of mature hedgerows and trees. Landuse in the immediate environs of the site is mostly agricultural with a mix of grass farmland and tillage.
- 1.2. Current access to the site is via an existing agricultural laneway which serves the farm complex and garden nursery to its immediate west. The access laneway connects directly with a local road, c.700m from the site. There are some individual dwelling houses located along the roads around the site, the closest which lies c.350m to the north east of the site.
- 1.3. I have attached a context map showing the site and environs as an appendix to this report.

## 2.0 Proposed Development

- 2.1. The proposed development would consist of a Solar PV Energy Development with an export capacity of c.4.0 MVA. It would broadly comprise of the following: solar PV panel arrays mounted on steel support structures c.2.65m in height, an ESB Networks substation building with a height not exceeding 4m, two electrical transformer stations with a height of 2.7m, eight CCTV poles 2.5m in height with security system, site access roads, associated cabling and ducting. It is stated that the solar module arrays would run in a west to east direction and face south to optimise the sites solar gain. The substation building would have rendered finish walls and a slate roof.
- 2.2. It is proposed to connect the development into the existing ESB electricity network via a 20kV overhead line c.3km northwest of the site at an ESB networks substation located at Bush.

- 2.3. It is proposed to erect a 2.0-2.4m high secure fence around the site which would be offset from the ground. A photo of the type of fence proposed (weld mesh fencing) is included with the application.
- 2.4. The Solar Farm would be unmanned and remotely monitored using CCTV cameras. These cameras utilise passive infrared technology and would not emit any light. The cameras would only be focused on the site and would not survey adjoining third party lands.
- 2.5. It is stated that the proposed life span of the project is 25 years after which time all structures and equipment would be removed and the land returned to agricultural use.
- 2.6. The planning application was accompanied by a report entitled – Planning Application – Project Overview, a Visual Assessment (photographs), a Traffic Management Plan, a Construction Management Plan, Flood Information and details of proposed electrical equipment. Site Information including community information and boundary fence images were also detailed.
- 2.7. Further information was received on 8<sup>th</sup> November 2016 which provided additional details on landscape and visual impact, CCTV, glint and glare, building finishes and solar PV technology. The further information was accompanied by a Landscape plan, a Visual Impact assessment, an Appropriate Assessment Screening statement and an Archaeological Assessment report.

### 3.0 Planning Authority Decision

- 3.1. The Planning Authority issued a decision to **grant permission** subject to 13 conditions, the following of note:
  - C2 – structures to be removed not later than 25 years; restoration plan to be submitted prior to commencement;
  - C3 – landscape details to be submitted;
  - C4 – halogen lighting shall not be permitted;
  - C6 – revised archaeological impact assessment to be submitted;
  - C7 – archaeological monitoring.

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

- 4.1.1. Following initial assessment, the planning officer recommended seeking further information on issues around landscaping/boundary treatment, visual effects from Whitestown ACA and protected views, CCTV, lighting, glint and glare, building finishes, technology changes, Appropriate assessment and an Archaeological assessment.
- 4.1.2. On receipt of further information, the final planner's assessment can be summarised as follows:
- Principle of the development is acceptable in a rural location and supported by renewable energy policy including Policy RD 39;
  - Building finishes (rendered walls and slate roof) acceptable;
  - CCTV required for remote surveillance which is acceptable subject to conditions;
  - Heritage officer has raised no objection;
  - Size and scale proposed together with additional planting will be such that the visual impact will not be significant;
  - No floodlighting should be permitted and halogen lighting should be permitted in the absence of a separate planning permission;
  - Glint and Glare impacts ruled out, condition on additional screening recommended;
  - 25-year permission life and decommissioning proposals should be regulated by way of conditions;
  - Further archaeological details and archaeological monitoring required which will be dealt with by way of planning conditions;
  - Proposal will not have a negative impact on the scenic rural character of the area or detract from the view/prospects from VP6;

- Subject development would not impact on the integrity of the Natural 2000 network and does not require a Stage 2 NIS;
- Applicant has confirmed that the most up to date technology will be employed;
- No foul water or water connections proposed. Site is not indicated as being vulnerable to flooding;
- Construction management and hours of operation can be addressed by way of a planning condition;
- Infrastructure section raised no objection regarding traffic hazard subject to condition regarding traffic management during construction phase. Once operational, traffic movements will be very limited;
- The methodology for the calculation of development contributions is included.

A recommendation to **grant permission** was put forward subject to 13 conditions.

#### 4.2. Other Technical Reports

- Infrastructure – No objection subject to conditions;
- Environment – No objection subject to conditions;
- Heritage Officer – Copy of report received by the Board on 20<sup>th</sup> February 2017. No objection (recommends the applicant liaise regarding planting of native hedgerow).

#### 4.3. Prescribed Bodies

- Comhairle Ealaíon – No response;
- Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs - DAHRRG (Applications Unit) – Requested further information (Archaeological Impact Assessment). No submission received on foot of FI response;
- An Taisce – A strategic national and regional strategy is required for solar array developments;
- Heritage Council – No response.

#### 4.4. **Third Party Observations**

4.4.1. Twelve<sup>1</sup> third party submissions were received objecting to the development.

Concerns raised related to the following:

- Impact on residential amenity;
- Impact on views;
- Property devaluation;
- Public consultation;
- Crime;
- Solar Panel technology becoming obsolete;
- Environment;
- Sanitary services & Flood risk;
- Roads and Parking.

4.4.2. The Planning Authority refers to the issues raised by third parties and states that they were considered in the assessment of the application. I have also considered these in my assessment of the appeal.

### 5.0 **Planning History**

#### 5.1. **Appeal site**

- None

#### 5.2. **Vicinity**

- 07/1066 – Planning permission was granted on 7<sup>th</sup> December 2007 for an extension to a cattle shed, slurry store and silage pit.

---

<sup>1</sup> The Planning Officers report states that 14 submissions were received. There are 14 on the submissions list which also includes An Taisce and DAHLG, whose submissions I have referenced separately under prescribed bodies.



## 6.0 Policy Context

### 6.1. Ireland's Transition to a low carbon Energy Future 2015-2030

6.1.1. This **White paper on Energy policy** (Department of Communications, Energy and Natural Resources – Dec 2015) provides a complete energy policy update for Ireland. It sets out a vision to reduce greenhouse gas (GHG) emissions by between 80% and 95%, compared to 1990 levels, by 2050, falling to zero or below by 2100 with the following statements:

- **Paragraph 130** – Thus far, renewable electricity projects have typically been large scale. While there will continue to be an important role for larger projects, there will also be an increasing role for smaller, community-level projects. As new renewable energy solutions, such as bioenergy, solar photovoltaic (PV) and offshore energy mature and become more cost effective they will be included in the renewable energy mix.
- **Paragraph 137** – 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 power in Ireland has the potential to increase energy security, contribute to our renewable energy targets, and support economic growth and jobs. Solar also brings several benefits like relatively quick construction and a range of deployment options, including solar thermal for heat and solar PV for electricity.

### 6.2. Strategy for Renewable Energy, 2012 – 2020

6.2.1. This strategy reiterates the Government's firm view that: "...the development and deployment of Ireland's abundant indigenous renewable energy resources, both onshore and offshore, clearly stands on its own merits in terms of the contribution to the economy, to the growth and jobs agenda, to environmental sustainability and to diversity of energy supply."

### **6.3. National Renewable Energy Action Plan (NREAP)**

- 6.3.1. Published in 2010, The National Renewable Energy Action Plan (NREAP) set out the Government's strategic approach and concrete measures to deliver on Ireland's 16% gross final energy consumption target under Directive 2009/28/EC. The NREAP stated that Ireland was working to create the economic, infrastructural and planning conditions conducive to the sustainable development of all of Ireland's renewable energy resources, which offer the potential for Ireland to become a significant exporter of renewable energy over the coming decades.

### **6.4. National Spatial Strategy 2002-2020**

- 6.4.1. Section 2.6 - How to Strengthen Areas and Places

National and international evidence also demonstrates that rural areas have a vital contribution to make to the achievement of balanced regional development. This involves utilising and developing the economic resources of rural areas, particularly in agriculture and food, marine, tourism, forestry, renewable energy, enterprise and local services, while at the same time capitalising on and drawing strength from vibrant neighbouring urban areas.

### **6.5. Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland (October 2016).**

- 6.5.1. This is a research paper by Future Analytics which was funded by the SEAI. The report contains a set of planning policy and development guidance recommendations, which it is suggested may contribute to the evidence base that will inform the development of Section 28 planning guidance for Utility Scale Solar Photovoltaic (USSPV) developments in Ireland. It notes that over a hundred applications for USSPV developments have been lodged with planning authorities by October 2016 and that an estimated 594 MW have been granted or are on appeal. The combined site area for these schemes is 1331.9 hectares. This constitutes 0.03% of the area of land available for agriculture.

6.5.2. Recommendations include that the development plans set out policy objectives to support USSPV development and put in place development management standards. Clear policy guidance can alleviate public concerns. Agricultural lands are listed amongst the list of types of locations where such development is particularly suited.

## 6.6. **Food Harvest 2020**

6.6.1. This strategy to chart the direction of agri-food, forestry and fisheries for the next decade, was published in July 2010. **P.16 – Renewable Energy** sets out that Opportunities for renewable energy should be exploited where possible but care is required to ensure no conflicts with environmental sustainability requirements, food security and with other industries.

## 6.7. **Border Regional Authority – Regional Planning Guidelines 2010-2022**

6.7.1. **Rural Development** - As previously outlined, rural areas will play an important role as the location for a diverse range of activities relating to food production, renewable energy generation, maritime related enterprises, and tourism.

6.7.2. **Renewable Energy in the Border Region** - The development of more sustainable, competitive, diverse and secure supplies of renewable energy generation to support economic and social development is a key priority for the Region.

6.7.3. **ESP7** - Develop a Renewable Energy Strategy, based on both large and small scale projects, with specific targets and support for farmers, in the development of small-scale community-based and cooperatively owned projects, to maximise the potential for rural diversification, which make best use of the various forms of renewable energy such as wind, solar, biomass and biofuel.

## 6.8. **Louth County Development Plan 2015-2021**

6.8.1. The site is in open countryside, located in Zone 5 on the Development Zone Map 3.1. The following extracts, policies and objectives are relevant in the assessment of this appeal.

- **Section 3.7 – Energy** - .... in a rural development context, particularly in relation to the production of renewable fuel sources such as wind farms,

biomass and solar energy, renewable energy production provides a significant opportunity for the generation of rural based economic activity and employment;

- **Chapter 9 – Energy & Communications, Section 9.4 - Renewable Energy and Section 9.4.2 Solar Energy;**
- **Policy EnCo 1-** To promote and encourage the provision of renewable energy sources;
- **Policy EnCo 18-** To encourage and support the use of solar energy technologies in all new and proposed retrofit developments taking place in County Louth;
- **Policy RD 23-** To support the development of renewable energy resources in rural areas where proposals are consistent with the landscape objectives of the Louth County Development Plan 2015-2021, the protection of the natural and built environment and the visual and residential amenities;
- **RD 7-** To maintain a vibrant and healthy agricultural sector based on the principles of sustainable agriculture and associated activities as a cornerstone of rural development and prosperity;
- **RD 18-** To resist development along the coast which would detract from its visual appearance or conflict with its recreational and leisure functions;
- **3.10.5 (Development zone 5) -** To protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance. Critical infrastructure projects of local, regional or national importance will also be considered within this zone;
- **RD 39-** supports renewable energy schemes and farm diversification within development zone 5;
- **HER 62-** To prohibit development that would interfere with or adversely affect the scenic routes identified (includes SR 15 - supports renewable energy schemes within development zone 5;

- **HER 63-** To preserve views and prospects of special amenity (includes VP 6 – Slieve Foy);
- **Table 5.5 – Landscape Area Classification for Louth** (4 classification types including landscapes of ‘local importance’ in which the appeal site is located within Cooley Lowlands and Coastal Areas as shown on **Map 5.5 – Landscape Character Areas**).

## 6.9. Solar PV Development Guidelines in the UK.

6.9.1. **‘Planning Guidance for the development of large scale mounted solar PV systems’** prepared by BRE National Solar Centre (UK) 2013 is national guidance which provides best practice planning guidance in respect of how large ground mounted arrays are developed setting out planning considerations and requirements. It 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. Guidance is included on the information which should accompany a Landscape and Visual Impact Assessment and on EIA Screening procedures.

## 6.10. Natural Heritage Designations

6.10.1. The nearest Natura 2000 sites to the proposed solar farm are Carlingford Shore SAC (Site Code 002306)/Carlingford Lough SPA (Site Code 004078), Carlingford Mountain SAC (Site Code 000453) and Dundalk Bay SAC (Site Code 000455).

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. An appeal was received from **Willville Solar Action Group**, who it is stated comprise a number of concerned residents in the locality, against the Planning Authority’s decision to grant permission. The grounds of appeal centre around landscape, archaeological, local amenity and traffic impacts. The main points put forward can be summarised as follows:

- Contrary to many aspects of the Louth County Development Plan 2015-2021;
- Design is out of character with the scenic area of the Cooley Peninsula/ Carlingford Lough area and would contravene policies HER 61, HER 62 and HER 63 of the CDP;
- Would impact on local amenities (especially Templetown beach) which would be contrary to RD10 and RD35 in the Louth CDP;
- Inaccurate photographic evidence from VP6 provided which cited access to a clear view was not possible. Provides a photograph (Picture 1) from Slieve Foye Mountain at a location known locally as 'Maeve's Gap' with views of the Cooley peninsula;
- Archaeological assessment provided was incomplete as no geophysical survey was carried out;
- Would result in an increase in heavy traffic along the L7062 (Mucklagh Road). Proposed route from the R175 is along the narrow road with numerous dangerous bends resulting in a traffic hazard;
- Requests that should permission be granted, the road would need to be improved and construction traffic should be kept away from other routes which pass by the local primary and secondary schools.

## 7.2. First Party Response

7.2.1. A response to the appeal was received from Wexford Solar on behalf of the applicant. The points made in the response are summarised under as follows:

- The development is not located in any area designated as Areas of Outstanding Beauty or Area of Outstanding Natural Beauty;
- The development would be sited c.5.6km from View Point 6 and at such a distance would be considered to have very little impact from the view point. Solar panels would be south facing, i.e. facing away from the view point referenced which would reduce the visual impact;

- Consider the development complies with policy RD 35 of the CDP as it is an ‘appropriate farm diversification’ and a ‘renewable energy scheme’. Also, complies with Policy RD 18;
- Archaeological Assessment finding is that the proposed development is low impact and the assessment was carried out in accordance with current industry practice and guidelines;
- Matters of road traffic management were submitted with the application and the requirements of the Council are set out under Condition 9.

### 7.3. Planning Authority Response

7.3.1. The Planning Authority response requests An Bord Pleanála to uphold its decision to grant permission. The following points are put forward.

- Refers to Policy EnCo 1 – to promote and encourage renewable energy sources in line with Government’s National Renewable Energy Action Plan (NREAP);
- Planning Authority are satisfied with the applicant’s analysis of the visual impacts from the scenic routes and views identified in the development plan (SR15 protected view and view from Slieve Foy VP6) and does not accept that the development contradicts policies HER 61, HER 62 and HER 63 of the CDP;
- Conclusions of the archaeological assessment submitted by the consultant was such that further assessment was conditioned (Conditions 6 and 7).

### 7.4. Further Responses

7.4.1. On 14th February 2016, the Board wrote to the PA and requested the following:

- Heritage Officers report (referred to in the planner’s report);
- Drawing No. WILLD003 – Site Location map received with the application.

7.4.2. The Planning Authority responded with a copy of the Heritage Officers report and regarding the site location map and also clarified that the drawing which was referenced in the applicant’s schedule (WILLD003) was not received with the application but 2 maps were received WILL D001.0b and WILL D001.0a and these

were furnished to the Board in their response. Regarding the Heritage officers report (dated 01 September 2016), no objections are raised and reference is made to species of hedgerow plants which could enhance biodiversity.

## **7.5. Invited Responses under S.131**

- 7.5.1. The Commission for Energy Regulation (CER) was invited to comment on the appeal. An acknowledgement was received from the CER in relation to the application.

## **8.0 Assessment**

### **8.1. Introduction**

- 8.1.1. I have read and considered the contents of the planning application, grounds of appeal, responses and relevant planning policy. I have also attended the site and environs. I consider the key issues in determining the application and appeal before the Board are as follows:

- Principle of the Development
- Landscape and Visual
- Glint and Glare
- Archaeology
- Traffic and Access
- Other (Appropriate Assessment, Requirement for Environmental Impact Assessment, Land Use during life of project, Development Contributions)

I consider each of the above issues as set out under the respective headings below.

### **8.2. Principle of the Development**

- 8.2.1. Solar photovoltaic (PV) development is relatively new in Ireland. Nonetheless, the principle for its development is strategically supported by national and regional policy. Par 130 of Ireland's 'Transition to a low carbon Energy Future 2015-2030 - White paper on Energy policy' has an objective to reduce carbon emissions. It



recognises that solar energy will become more cost effective as technology matures and that it will be an integral part of the mix of renewables going forward. Solar energy is supported under Policy ESP7 of the Border Regional Guidelines as a means of rural diversification in the overall mix of renewable energy. Section 3.7 (Energy) of the Louth County Development Plan recognises renewable energy production as an opportunity for the rural economy. Policy RD 23 seeks to 'support the development of renewable energy resources in rural areas where proposals are consistent with the landscape objectives of the Louth County Development Plan 2015-2021, the protection of the natural and built environment and the visual and residential amenities'. Policy RD 39 supports renewable energy schemes and farm diversification within development zone 5.

- 8.2.2. The research paper on USSPV prepared by Future Analytics on behalf of the SEAI indicates that 594MW of solar energy capacity has been permitted or is on appeal. The Board is referred to the stated capacity of 5.6MW in situ on an all-Ireland basis in October 2016. This is very low in comparison to UK and EU countries and may well change noting the rapid improvements in technology which make it more cost competitive. The USSPV research paper also indicates the very significant number of current applications for solar PV developments and the Board will be aware of a number of these which have been decided on appeal.
- 8.2.3. There is currently no national guidance in relation to siting or environmental considerations around solar panel developments in Ireland. However, I would note that the proposal for a solar PV energy farm is supported by national and local planning policy at a strategic level and I am satisfied based on a review of the policy documents referenced under Section 6 above, that the principle of the development is acceptable and would contribute to the diversity of sources of energy supply and hence the security of supply. However, other planning and environmental considerations arise and these are now considered under the respective headings in the remainder of my assessment under this section.

### 8.3. Landscape and Visual

- 8.3.1. The UK Guidelines '*Planning Guidance for the development of large scale mounted solar PV systems*' state that the landscape / visual impacts of a solar farm are likely to be one of the most significant impacts which would result. I would agree that the same applies in the Irish context.
- 8.3.2. A Landscape and Visual Impact Assessment accompanied the planning application and further details were submitted at further information stage. The factors that come into play in considering the visual impacts include the visual dominance, the viewing distance, the character of the landscape and the absorption capacity. The solar panels take up a wide area but would be low in height which would reduce their visual presence and dominance.
- 8.3.3. Based on information gathered on site and a review of available mapping, I note that the solar panels would be sited c.350m from the closest houses and roads. Nonetheless, they would be well screened by local field and road hedge boundaries which it is stated would be further strengthened by filling in gaps with native species such that almost full screening of the development from the road users and boundary dwellings would result.
- 8.3.4. In relation to Whitestown ACA located c.700m to the east of the site, I agree that the development would not affect its traditional character and it would not be visible from the road entering the village including the scenic route, S15. I am satisfied that the natural screening from hedgerows and houses coupled with the distance from the development site and that it is lower than the road, would collectively ensure that the development site would not be visually intrusive on the ACA.
- 8.3.5. Due to the location and distance from the site, it is submitted that there would be no view up the Slieve Foye path. This is contradicted by the appellants who presented a photograph from a location on Slieve Foye known as 'Maeve's Gap' (stated to be south of V6) on which the approximate location of the site is marked in the distance. It is evident from the photo that in all probability, the solar panels would not be discernible from such a distance and even if they were, the site is located 5.5km from VP6 and the solar panels would have very little impact on the view point from such a distance. I note the solar panels which are orientated towards the south, would be located away from VP6 which would decrease the impact further. Scenic

route 15 (coast road) is one which requires protection under the Louth County Development Plan. The site was not visible from all 6 viewpoints along this route.

- 8.3.6. Having attended the site and environs and considered the Visual Impact Assessment on file with supporting photographs together with the landscape character and relevant planning policy, I would consider that the landscape change would result in a minor physical impact as the site is contained within an established farm complex with an array of used and vacant farm buildings and glasshouses and is surrounded by agricultural fields on each side. The remainder of the Cooley Lowlands and coastal area landscape unit would be without significant impacts.
- 8.3.7. The development itself is modest with low height of solar arrays, c. 2.6m, which combined with the flat low-lying character of the site in a relatively enclosed landscape, views would be constrained to land within and close to the site. Views along the local road network would be negated by intervening vegetation and topography, proposed to be strengthened in places, with no significant visual impacts predicted for road users. In the wider area, views of the proposed development site would be generally screened by existing intervening hedgerows and trees. It is stated that the hedge around the site would be managed to a height of 2-2.5m and up to 2.7m-3m in the northern section of the field. While I consider there may well be gap views of the solar panels and some distance views from higher viewpoints, I am satisfied that following delivery of the additional hedgerow strengthening, the site can accommodate the proposed development without causing unacceptable visual intrusion.
- 8.3.8. The development would not be visually intrusive on Whitestown ACA and its traditional character, located c. 700m to the east of the site. The development would not impact on the County Louth's areas of outstanding natural beauty or scenic areas of high scenic quality as shown on Map 5.16 of the County Development Plan. Neither would it impact on View VP6 (Slieve Foy) which is a considerable distance of c.5.5km separated from the site or from Scenic Route 15 along the coast road.
- 8.3.9. In conclusion, I am satisfied, based on the information available on file and gathered during my site visit, that while the proposed development would be a departure from the established landscape locally, the proposal would not adversely impact on the landscape setting or the visual amenities of the area or be contrary to Policies RD 35

and RD 18. Having regard to the retention and proposed augmentation of site boundaries and the scale of development proposed I am satisfied that medium and long range visual impacts arising would be minor. Accordingly, I am satisfied that the proposal is acceptable regarding considerations of landscape and visual amenities of the area.

#### **8.4. Glint and Glare**

- 8.4.1. Glint results from the specular reflection of direct solar irradiation. It is a reflection of the sun and can cause visual distraction and discomfort. Glare is a continuous source of brightness from the reflection of diffuse solar radiation and is usually not a significant issue with solar farm developments.
- 8.4.2. Solar panels are normally dark in colour and designed to absorb daylight and therefore have a low level of reflectivity when compared to other surfaces such as window glass, still water or snow. The potential for glint and glare from a solar farm is much lower than from other manmade structures such as poly tunnels and glass houses which form a normal part of the rural countryside as well as natural features such as water or snow.
- 8.4.3. I would agree with the applicant that the only location where glint and glare may be possible would be at location D3, c.440m south of the site. Having regard to the orientation of the panels (facing south), the separation distance from these properties to the south and to the mature hedgerows screening and proposals for strengthening of same, I am satisfied that glint and glare issues would be negligible or in all probability eliminated. This I believe so as the angle of reflectance from the solar panels will not coincide with the angle of incidence during the year. Receptors to the east and west are located a considerable distance away (c.700m in each direction) and given the intervening hedgerows, I am satisfied that glint and glare would not arise. As there are no local roads bordering or close to the site, I am satisfied that glint and glare would not arise for road users because of the development.
- 8.4.4. Overall, I would consider that there is low potential for occurrence of glint and glare from the proposed development and neither would result in any significant adverse impact on established amenities. Accordingly, I do not consider the proposal should be refused based on glint and glare.

## 8.5. Archaeology

- 8.5.1. There are no recorded archaeological monuments within the boundary of the proposed development and no features of archaeological significance were noted during the field survey. However, there is a recorded monument (LH009-008 - Church) located c.100m east of the site boundary.
- 8.5.2. The applicants submitted an archaeological impact assessment report as part of a response to the request for further information. It is stated that while the farm and house (Willville House) are marked on the 1835 OS Map, there is no reference to the Church. It is stated that the large barn close to the site was constructed around 1935 and is located on the site of the recorded monument. The report states that during field survey, no visible surface evidence of the presence of the church was noted within the appeal site.
- 8.5.3. It is recognised that the site may have potential to contain subsurface features and deposits of an archaeological nature associated with the recorded monument and other periods of activity in the surrounding townlands. It is also submitted that the proposed development is low impact and the development can be redesigned to allow for preservation of in-situ archaeological features should these be encountered.
- 8.5.4. The PA attached an archaeological condition requiring an updated archaeological assessment to the requirements set out by the DAHRRG including geophysical survey. A second archaeological condition was also attached requiring archaeological monitoring to take place by a qualified archaeologist during the ground works phase of the development.
- 8.5.5. I agree with the applicant that the development is one which is of low impact in terms of ground disturbance and consequential impact on any archaeology. Should permission be granted by the Board, I recommend these conditions should be attached to reflect the DAHRRGs requirements and to ensure archaeological heritage is preserved. On this basis, I am satisfied that the development should not be refused based on its impact on archaeological heritage.

## 8.6. Traffic and Access

- 8.6.1. The application was accompanied by a traffic management plan. Access to the site would be off a regional road, R173 connecting to the R175 and travelling south onto a local road and then via an access track to connect with the site. The site is c.3.5km from the regional road. It is stated that the access route is currently used by HGVs to transport crops and stock to and from the farm. Visibility at the access is c.100m to the north and c.160m to the south of the entrance which I consider is acceptable. The road network at this location is lightly trafficked.
- 8.6.2. The proposed development would generate very low levels of operational traffic, for occasional maintenance visits, and is unlikely to be any greater than existing traffic generated by current agricultural activities. I am therefore satisfied that no material intensification would arise because of the operation of the proposed development, and that the safety and carrying capacity of the road network would accordingly not be prejudiced. I consider that the effects of construction traffic on the operation of the road network would be acceptable considering that it is stated would be for a defined period of 13 weeks and by reference to the site manager having responsibility to co-ordinate transport and will liaise with stakeholders including neighbours during the construction period.
- 8.6.3. Overall, subject to compliance with the measures set out in the traffic management plan which accompanied the application, I am satisfied that the traffic which would likely be generated during construction and operation phases would not constitute a traffic hazard and the development should not be refused for traffic reasons.

## 8.7. Other

- 8.7.1. Appropriate Assessment
- 8.7.2. Article 6 (3) of The EU Habitats Directive (92/43/EEC) 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 considering its conservation objectives'.

8.7.3. No conservation designation applies directly to the appeal site. The closest Natura 2000 site to the appeal site is Carlingford Shore SAC (site code 002306) which is c.524m south of the site. A Stage 1 Screening Assessment report was submitted in response to a request for further information. It identified five Natura sites within 10km of the proposed development. These include **Carlingford Shore SAC (site code 002306)**, **Carlingford Lough SPA (site code 0044078)**, **Carlingford Mountain SAC (site code 000453)**, **Dundalk Bay SAC (Site code 000455)** and **Dundalk Bay SPA (Site Code 004026)**. The qualifying interests are listed for each site and are contained in Table 1 (Pages 12-13) of the screening report. The generic conservation objectives of all of the sites include *'to maintain the favourable conservation status of the qualifying interests, to maintain the extent, species richness and biodiversity of the entire site and to establish effective liaison and co-operation with landowners, legal users and relevant authorities'*. Section 3.4 of the report describes potential impacts which could give rise to significant effects for the construction and operation phase of the development. It is submitted that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects and that the process does not need to proceed to Stage II of the Appropriate Assessment process.

8.7.4. I consider that the possible effects of the proposal on the conservation status of the designated sites include loss/reduction of habitats, disturbance of key species, habitat or species fragmentation, reduction in species density and decrease in water quality and quantity. However, the site does not form part of any designated site and does not require any resources from them. There are no direct or indirect pathways or links to the site including any hydrological link. There are no significant earthworks required to facilitate the development. Control to reduce risks of suspended sediment entering a watercourse can be reinforced through an appropriate planning condition regulating compliance with the construction management plan received by the Planning Authority, which I consider is satisfactory. With the implementation of good construction management, I am satisfied that 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 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 sites.

8.7.5. In this regard, it is reasonable to conclude that based on the information on file, which I consider adequate 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 European site and that a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

8.7.6. Requirement for Environmental Impact Assessment

Solar farms are not listed as a class of development under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, whereby a mandatory EIA and the submission of an EIS would be required. I note that there are some projects under No. 3 of Part 2, 'Energy Projects' which relate to energy production. I consider that none of these projects would be applicable to a solar farm as proposed. Article 92 of the Planning and Development Regulations, 2001, (as amended). 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 also consider that the subject development is a not 'sub-threshold development' for the purpose of EIA and an EIS is not required.

8.7.7. Land Use during life of project

The current land is in tillage use, where on the day of my inspection, I noted winter barley planted. No reference is made about the land use proposed when the solar panels are in existence beyond stating that it is the intention to follow best practice guidelines to develop a sustainable co-habitation land holding. Generic references to options including livestock management or mechanical maintenance are referenced. I do have some concerns with the loss of viable agricultural land, however, given the changing nature of agriculture and the importance of supporting diversification of agricultural land, I am satisfied that the proposal is sustainable in that c.95% of the land under the solar panel arrays would continue to be available for vegetation



growth and could support sheep grazing. It would also lead to an enhancement of biodiversity through planting new and augmenting existing hedgerows and planting of native vegetation throughout the site. Following decommissioning of the development, the land can return to tillage or other such main agricultural use.

#### 8.7.8. Development Contributions

In accordance with the Louth Development Contribution scheme 2016-2021, renewable energy development with a capacity greater than 0.5 MW attract a development contribution. I recommend an unspecified S.48 contribution condition attach. I am of the view that no special contributions under Section 48(2)(c) of the PDA 2000, as amended, would be applicable.

### 9.0 Recommendation

9.1. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and including my site inspection, I recommend that **permission** should be granted for the reasons and considerations set out below.

### 10.0 Reasons and Considerations

10.1. Having regard to the nature and scale of the proposed development, the suitability of the topography of the site, the proximity of a grid connection, the pattern of development in the vicinity, the provisions of the Louth County Development Plan 2015 – 2021, 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 have acceptable impacts on visual amenity, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of November 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

**Reason:** Having regard to the nature of the proposed development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The permission shall be for a period of 25 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.

4. 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.

5. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

**Reason:** To protect the environment.

6. The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as grey or off-white; the roof shall be of black tiles/slates.

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

7. 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 and of property in the vicinity.

8. Prior to commencement of development, plans and particulars of any proposed infrared or motion-controlled lighting shall be submitted to, and agreed in writing with, the Planning Authority. The lighting shall be directed onto the site and away from adjacent property and roads; and shall be directed and cowled such as to reduce, as far as possible, light scatter in the vicinity. No artificial lighting otherwise shall be installed or operated on site, unless authorised by a prior grant of planning permission.

**Reason:** In the interest of visual and residential amenity and traffic safety.

9. 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.

10. The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the Planning Authority.

**Reason:** In the interest of clarity.

11. Cables within the site shall be located underground.

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

12. (1) Prior to commencement of development, a detailed landscaping plan, to an appropriate scale, illustrating precise detail of additional screening landscape proposals which were broadly indicated on Figure 31 (Screening) of the report received by the Planning Authority on 8<sup>th</sup> November 2016, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

(2) All landscaping shall be planted to the written satisfaction of the Planning Authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased 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 biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

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 the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and, arising from this assessment, the developer shall agree in writing 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 the construction management plan and the traffic management plan received by the Planning Authority on 29<sup>th</sup> July 2016 and shall include any further requirements of the Planning Authority.

**Reason:** In the interests of road safety and residential amenity.

16. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

17. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the Planning Authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the Planning Authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the reinstatement of public roads that may be damaged by construction transport.

18. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the Planning Authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the Planning Authority to apply such security or part thereof to such reinstatement. The form and amount of the security

shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the reinstatement of public roads that may be damaged by construction transport.

19. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

---

Patricia Calleary

Senior Planning Inspector

22<sup>nd</sup> March 2017