



An  
Bord  
Pleanála

## Inspector's Report PL26.247886

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<b>Development</b>	Development of a solar photovoltaic array farm of up to 268,700m <sup>2</sup> of solar panels on 84.4 hectares, including a substation, electricity control buildings, 20 no. transformer units, underground cabling, internal access tracks, security fencing and CCTV and a new entrance to the public road, with all associated site services and works.
<b>Location</b>	Brookhill, Ballyhoge, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20161212
<b>Applicant(s)</b>	Harmony Solar Brookhill Ltd.
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Harmony Solar Brookhill Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> May 2017
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site lies to the west of the Slaney River in the scenic Slaney River Valley which is on a North-south axis. It is located between the N11 to the east and the R730 to the west, which connects the N25 to the N30 at Clonroche. It is situated approx. 6km north of Wexford Town and approx. 8km to the south of Enniscorthy. Ballyhoge village is located approx. 800m to the north and is a small settlement of approx. 100 people. The site is accessed from a local road between Ballyhoge and Killurin to the south. There are several private roads criss-crossing the site. The proposed access track to the site is located within the field to the south of the Protected Structure and to the north of the wooded valley along the Tinnokilla Stream.
- 1.2.** The site comprises a single parcel of land (of 91.7ha), which is divided into approx. 14 fields. It is noted, however, that the Planning and Environmental Report submitted by the applicant refers to the site area as being 84.4ha (2.1), which appears to refer to the area to be covered by the proposed panels. The fields are in agricultural use (tillage and grassland) and are generally defined by low boundary hedging, with more dense hedging and tree groupings in places. The parcel of land is bounded to the west by the wooded river valley of the Tinnokilla Stream, which is a salmonid tributary of the Slaney. The site is bounded to the east by the Dublin-Wexford/Rosslare Europort mainline railway and the Slaney River. The lands are gently undulating, but are generally level in the centre and slope down towards each of the watercourses which bound the site to the east and west.
- 1.3.** The rail line follows the River Slaney southwards and there is a dense woodland which bounds the rail line to the immediate east and south at the southern end of the site. The site, including lands immediately to the north and to the north-east, are under the control of three separate landholders. There is a residence located c.35m to the north-east, and a farm house approx. 140m to the north of the site, (Brookhill House), which is a Protected Structure, and a further Gatehouse associated with the PS (NIAH listed) to the north-west. There are a few further one-off houses and farmhouses in the general vicinity, which are located along the public roads, but otherwise the lands surrounding the site are mainly in agricultural use. There are a number of houses/farmhouses which overlook the site from adjoining farmland which are on elevated ground to the east and west of the site.

## 2.0 Proposed Development

2.1. It is proposed to construct a solar farm (40MW) on a 91.7ha site with associated electrical infrastructure and indicative connection to the national grid at Ballygorman.

2.2. Details of the proposed development may be summarised as follows :

- Solar panels - Construction of solar panels covering up to an area of 256,908m<sup>2</sup> (84.4ha) in module units typically made up of three panels (1.65 x 0.992), in a landscape orientation, on ground mounted steel frames.
- Substation – construction of a fenced electricity substation compound containing a control and switch room building, a transformer substation and hardstands for ancillary equipment;
- Transformers - Installation of up to 20 no. inverter/transformer stations, comprising 20 no. transformers and up to 40 no. inverters;
- Site access – provision of a new vehicular site access (approx. 130m in length) from the local road between Ballyhoge and Killurin;
- Access tracks – upgrade approx. 853m of existing track and construction of approx. 6,557m of internal service tracks and associated drainage infrastructure;
- Cabling – provision of underground internal site power and communications cabling to facilitate operation and control of the proposed SPVS;
- Security – provision of perimeter security fencing around arrays and access gates as well as CCTV cameras;
- Biodiversity – preparation of screening and ecology/biodiversity enhancement areas (45,430m<sup>2</sup>) and 3,300m of new/enhanced hedgerows.
- Construction – temporary site compound in north of site; temporary lay down hardstand areas; temporary drainage infrastructure for construction phase.

2.3. The Maximum Export Capacity would be 40MW. The panels would be installed in arrays which are connected in series and are then connected to the substation by means of collector modules at each end of the arrays. It is stated that the proposed site would be connected to the ESB Network via an 'embedded generation procedure'. However, it is not clear at this point in time where the precise connection

will be made as this will be determined by ESB Networks in due course. However, it is anticipated that grid connection would be made at Ballygorman, (to the west of Wexford Town), which is approx. 9.5km to the south. This would be undertaken by means of underground cabling, (indicative route, including two options, shown in Fig. 2.2A, Planning and Environment Report).

- 2.4.** The application was accompanied by a Planning & Environment Report, a Natura Impact Statement, an Outline CEMP, an Archaeological Assessment Report, an Ecological Appraisal, a set of Photomontages and a Glint and Glare Report. Landholders' consent letters were also submitted. The Planning and Environmental Report addressed various topics including Planning Policy and Need for the Development; EIA Screening; Hydrology and Drainage; Landscape and Visual Impact; Roads, Traffic and Transportation; Ecology; Human Environment; Glint and Glare; and Construction Impacts.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for one reason. This was based primarily on visual amenity, having regard to the location of the site within the landscape designation 'River Valley' and to the scale of the proposed development. The reason reads as follows:-

It is an objective of the Council as expressed in Section 14.4.3 of the Wexford County Development Plan 2013-2019 (Objective LO5) 'To prohibit developments which are likely to have adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal Landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location.' The proposed development due to its overall scale, siting and undulating nature of the site in this area of landscape designated as 'River Valley' fails to have regard to its setting in the landscape where there is no overriding need for the development in this location. Therefore, the proposed development would

have an adverse effect on the visual amenity of the area and be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- 3.2.1.1 The Planning report notes that the development of renewable energy schemes is supported by national, regional and local policies. It is further noted that CDP policy EN10 seeks to prepare a Renewable Energy Strategy for the County during the lifetime of the Plan. It was considered that the proposal would not result in the permanent loss of agricultural land as the panels are to be secured to the ground by steel piles with limited soil disturbance, which could be removed in the future without permanent loss of agricultural land quality. However, it was considered that a maximum design life of 25 years would be more appropriate than 30 years in the interests of the long term impact on the agricultural use of the lands.
- 3.2.1.2 The location of the site within the 'River Valley' Landscape designation was considered to be of significance. It was noted that the LCA states that the Slaney and Barrow River Valleys have a scenic appearance and that the unit is sensitive to development. Reference was also made to the pre-application advice in which the applicant was advised that the P.A. would not be supportive of such a solar farm development at this location. Although it was accepted that the proposed development would be screened from most vantage points by means of vegetation and topography, it was considered that it would be excessively prominent at a number of locations from the River Slaney due to the undulating nature of the land. As such, it was considered that it would have a negative effect on this sensitive landscape.
- 3.2.1.3 It was considered that the impact of glint and glare on residential properties is likely to be limited. However, concern was expressed about the potential impact on the Rosslare-Dublin train line running alongside the site to the east. It was noted from the applicant's Glint and Glare Study that there is a potential for glint and glare to affect north-bound trains between 1800 and 1900 daily, and that the current timetable indicates a daily north-bound service during this time. However, the Area Planner considered that the impacts on the railway line would not be significant given

the limited nature of the possible impact due to time of day, weather dependency, mitigation proposed (3m high screening) and the level of activity on the railway line.

3.2.1.4 It was noted that there was one Protected Structure and an NIAH structure in close proximity to the site, but it was considered that due to dense, mature vegetation, the proposed development would not be visible from these locations. It was further noted that there are two Recorded Monuments within the site and a further one to the west. The mitigation measures, providing for supervision by an Archaeologist and limited pre-development testing, were considered to be appropriate.

3.2.1.5 It was considered that an EIA would not be necessary as the development did not qualify for the mandatory requirement and the proposal was not considered to be sub-threshold. It was considered that the proposal would have a fairly benign impact on ecology subject to appropriate mitigation measures. It was noted that the Natura Impact Statement had concluded that there would be no impact on the Natura 2000 network, namely the Slaney River Valley SAC, Wexford Harbour and Slobs SPA and The Raven SPA, subject to an appropriate approved construction management plan.

### **3.2.2. Other Technical Reports**

3.2.2.1 Biodiversity and Forward Planning – (15/12/16). It was noted firstly, that the NIS had concluded that there would be no significant direct, indirect or cumulative effects on the integrity of a European site, and secondly, that the IFI had expressed concern regarding the proximity of the Tinnokilla stream and the potential for pollution during construction. However, it was considered that implementation of the proposed mitigation measures would mean that there would be no significant impacts on the watercourses. It was further considered that disturbances to birds would be very minor and that any displacement of a SCI species which may use the site for feeding is not anticipated to have a significant negative impact on the population of these species as improved agricultural grassland habitats are available nearby.

3.2.2.2 It was acknowledged that there is little literature or research in respect of mortality of bird species due to collision with solar farms. However, it was recommended that post-construction monitoring be carried out, including peak migration periods for geese and other high risk species, to inform whether further mitigation would be required. It was considered that there would be no incursion into the intertidal habitat

and that the potential for disturbance to species would be minimal due to the ameliorative quality of the woodland adjoining the site to the south-east.

3.2.2.3 It was recommended that permission be granted subject to conditions. These may be summarised as follows:-

- the implementation of mitigation measures as proposed,
- facilitation of movement of wildlife through (under) fence panels,
- provision of silt traps/fencing during construction,
- restriction on use of herbicides following construction together with a conservation grazing and mowing regime,
- implementation of measures to prevent the importation of invasive species,
- no artificial lighting in the interests of the protection of bats and residential amenity,
- Submission of a methodology for the post-construction monitoring of birds for a period of 3 years. Should risks to birds be identified, mitigation measure to be put in place to reduce such impacts.
- Existing trees, hedgerows and field boundaries to be maintained.

### **3.3. Prescribed bodies**

3.3.1 There were two observations from prescribed bodies, namely, Iarnród Eireann and Inland Fisheries Ireland.

#### **3.3.2 Iarnród Eireann (1<sup>st</sup> December 2016)**

3.3.2.1 Proximity to railway – due to the close proximity of the development to the railway, the Developer must ensure that there would be no increased risk to the railway from the design, construction or operation of the proposed scheme. Observations were made in the interests of safety in operation of the railway and it was requested that

should planning permission be granted, that the matters set out below be incorporated into conditions of any such permission.

3.3.2.2 Glint and Glare – the railway has the capacity to operate 24 hours a day, 7 days a week. Existing train services and the presence and location of infrastructural assets (including signals) are constantly under review. Thus the potential for any future impacts on the railway are of great significance. The following specific points were made in respect of glint and glare:

- Any increase in possible reflections must be avoided.
- The proposed mitigation measures, providing screening hedges with the ability to “reduce the possibility of reflections within 2-4 years” are unacceptable in terms of the timeframe. It is therefore proposed that in the interim period of hedge establishment, alternative adequate screening is provided by the applicant.
- No trees are to be planted directly along the railway line boundary as they can impair the vision of train drivers or their views of signals. In addition, falling leaves, leaf litter etc. can adversely affect the operation of trains by reason of poor wheel adhesion.
- Lights (construction/operation phases) should not be permitted to cause glare or in any way impair the vision of train drivers or personnel operating track machines.

3.3.2.3 Boundary treatment and embankments – details to be identified on site in co-operation with Iarnród Eireann Infrastructure. It should include measures to ensure maintenance of security of the railway boundary prior to and during construction works. The integrity of an embankment or cutting must be maintained at all times. No permanent development is to take place within 4m of the boundary. Railway mounds and ditches are to be maintained.



3.3.2.4 Track support zone – any excavations which infringe on the track support zone will require permission and approval from the Senior Track & Structures Engineer.

3.3.2.5 Other matters – guidance was provided in respect of the need to maintain access for Irish Rail staff to culverts, bridges etc., maintenance or cutting of trees close to the railway, siting of electrical cables and equipment, crossing of services along/over/under the railway, and drainage/discharge close to the railway.

### **3.3.3 Inland Fisheries Ireland (10<sup>th</sup> November 2016)**

3.3.3.1 It was noted that the site borders the lower reaches of the Tinnokilla Stream, an important salmonid tributary of the River Slaney. Much of the ground at the northern end of the site is known to be very wet adjacent to the stream with the consequent risk of erosion. Hence it is important that buffer zones are put in place to prevent soil erosion and the discharge of deleterious matter to the stream. A set of mitigation measures was recommended in respect of the use of concrete/cement, and the prevention of the discharge of silt-laden waters, soil erosion, suspended solids and any other deleterious matter to waters during construction, operation and landscaping works. Further concerns were raised regarding storage of all oils and fuels, the need for oil interceptors for discharge waters and the disposal of waste oils. A further set of mitigation measures was suggested. It was requested that, should the Board be minded to grant permission, these measures be required to be implemented.

### **3.4.1 Third Party Observations**

3.4.1 There were no third party observations.

## **4.0 Planning History**

4.1. **Dwelling house** - permission was refused in 2007 (Peter & Theresa Byrne) for a single dwelling house on the site on the grounds of adverse impact on the landscape and visual amenities of the area (20070368), but permission was subsequently granted for a dwelling house to the same applicants (20072911).

**4.2. Solar farms** - There have been several recent planning decisions regarding solar farms in County Wexford. Information on each of the applications to date is not readily available. However, it is noted that the P.A. has granted planning permission for at least 5 separate solar farms within the past year in the south-east of the county with a combined land take of approx. 92 hectares. In addition, the Board has granted permission for five solar farms in the centre of the county with a combined land take of approx. 65ha and there are a number of appeals currently pending, (See Table 4.1). Notably, two proposed developments have been refused by the Board in recent months, namely, 247217 (89ha) and 247366 (19ha on split decision).

**Table 4.1****Solar farm appeals County Wexford**

<b>Board Ref.</b>	<b>P.A. Ref.</b>	<b>Location</b>	<b>Proximity to site</b>	<b>Land take/size</b>	<b>Decision/status</b>
<b>244351</b>	20140392	Tintern	c. 40km to SW	10ha	Permission <b>Granted</b>
<b>246966</b>	20160487	Enniscorthy	c. 13km to N	10ha	Permission <b>granted</b>
<b>247179</b>	20160717	Clonroche	c. 14km to NW	20ha	Permission <b>granted</b>
<b>247176</b>	20160689	Enniscorthy	c. 13km to N	13ha	Permission <b>granted</b>
<b>247217</b>	20160690	Tomhaggard	c. 28km to S	89ha	Permission <b>refused</b>
<b>247366</b>	20160811	Bridgetown	c. 25km to S	31ha	<b>Split decision</b> part of site <b>granted</b> /part <b>refused</b>
<b>247801</b>	20161110	Murntown	c. 20km to S	39ha	Granted by PA appeal against S48 Condition <b>pending</b>
<b>247886</b>	20161212	Ballyhoge	Subject site	84ha	Appeal against PA decision to refuse <b>pending</b>
<b>247780</b>	20161096	Ballybrennan Killinick	c. 24km to SE	9.9ha	Appeal against PA decision to refuse <b>pending</b>

## **5.0 Policy Context**

### **5.1 Energy White Paper – Transition to a Low Carbon Energy Future 2015-2030**

5.1.1 The Energy White Paper comprises a complete update on national energy policy. It sets out a range of actions that the Government intends to take. The vision is to achieve low carbon energy, whereby Green House Gas (GHG) emissions from the energy sector would be reduced by 80-95% compared to 1990 levels and that GHG *would fall to zero or below by 2100. However, it does not supercede the NREAP* (National Renewable Energy Action Plan), which set out Ireland’s approach to achieving its (legally binding) targets, with a target of 40% of electricity consumption to be from renewable sources by 2020.

5.1.2 Paragraph 137 of the White Paper states:

“The deployment of solar in Ireland has the potential to increase energy security, contribute to our renewable energy targets, and support economic growth and jobs. Solar also brings a number of benefits like relatively quick construction and a range of deployment options, including solar thermal for heat and solar PV for electricity.....[and] is one of the technologies being considered in the context of the new support scheme for renewable electricity generation which will be available in 2016.”

5.1.3 The White Paper also sought to publish a Renewable Electricity Policy and Development Framework (with a spatial dimension) to underpin the proper planning and development of larger scale renewable electricity generation development on land. It is envisaged that such a plan will give guidance to those seeking development consent and to planning authorities in relation to larger-scale onshore renewable electricity projects.

### **5.2 Draft Strategic Environmental Assessment Scoping Report for a Renewable Electricity Policy and Development Framework 2016 (DCENR)**

5.2.1 The Draft Scoping report was published in early 2016. The consultation phase has ended but the final document has not yet been published. This document outlines a process which seeks to identify potentially suitable land areas for the large scale

generation of renewable energy (over 50MW), which would in future inform any revised NSS and/or regional and local planning policy. It is stated that up to 4,000MW of renewable energy generation capacity will be required to allow Ireland to meet its 40% renewable electricity needs by 2020. It is stated that

A Progress Report on the NREAP was issued in January 2012, showing that 3,900MW of renewable energy grid connection offers had been made. Not all of these projects have planning permission and it is likely that a significant number will not be developed.

#### 5.2.2 Reference to solar power is made in Section 5.1.3

The 2010 NREAP does not envisage solar power making a contribution to Ireland's 2020 renewable electricity targets. However, it is noted that there has recently been a significant decrease in the cost of solar PV panels and that this technology should offer some possibilities in Ireland in the medium term up to 2030. The recently published Green Paper on Energy Policy in Ireland, May 2014, DCENR, raises the question of the future role of solar energy. The contribution made in 2014 by solar power on the island of Ireland is shown in Table 1. This indicates that out of a total of 3,194MW of renewable capacity, 5.6MW was contributed by solar power.

### **5.3 Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland October 2016**

5.3.1 This is a research paper which was funded by the SEAI. It sets out the policy framework for renewable energy, including reference to relevant targets, and provides information on the achievements to date. It is noted that at the beginning of October 2016, planning applications for over 100 utility scale solar PV (USSPV) developments had been submitted to planning authorities across the state. It was estimated that, if implemented, these would contribute at least 594MW of renewable electricity. However, it was also noted that there is currently no REFIT scheme to subsidise the generation of electricity from USSPV sources. The document also provides guidance on the assessment of proposed solar farm

developments. It is suggested that this guidance 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 in due course.

## **5.4 Wexford County Development Plan 2013-2019**

### **5.4.1 Renewable Energy**

**Objective EN07** is to favourably consider proposals for renewable energy subject to compliance with standards in Chapter 18.

**Objective EN10** is to prepare a Renewable Energy Strategy for County Wexford during the lifetime of the Plan which will build on and support the Wind Energy Strategy 2013-2019, any Climate Change Strategy for the County and the National Renewable Energy Action Plan (DCENR 2010).

**5.4.2 Solar power - Section 6.4.4** notes that the County is ideally positioned to capitalise on its assets in terms of hydro, solar, tidal and wind energy. **Section 11.3.5** refers specifically to Solar Power, providing a description of the technology.

**5.4.3 Landscape** - The area in which the site is located is within the **'River Valley' landscape character unit**. This is one of four Landscape Character Units, three of which are described as sensitive to development.

*"The Slaney and Barrow Rivers, which include the rivers and their riparian and woodland habitats, offer significant scenic qualities, which are sensitive to development."*

**Objective L03** is to ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River valley and coastal Landscape Units and/or on the vicinity of Landscapes of Greater Sensitivity.

**Objective L04** is to require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.

**Objective L05** is to prohibit developments which are likely to have significant adverse impacts, either individually or cumulatively, on the character of the Uplands,

River Valley or coastal Landscapes or Landscapes of Greater Sensitivity and where there is no overriding need for the development to be in that particular location.

**Objective L06** is to ensure that, where an overriding need is demonstrated for a particular development in an Upland, river Valley or coastal LCU or in a Landscape of Greater Sensitivity, careful consideration is given to site selection. The development should be appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape and will be required to comply with all normal planning and environmental criteria and the development management standards.

There are **no listed views or prospects** in the vicinity of the site. There are no protected structures within the red line boundary, but there are a number of structures in the vicinity. These include the original Georgian farmhouse (Brookhill House) and the associated Gatelodge, which are located immediately to the north.

**5.4.4 Agriculture - Section 6.4.6** outlines the importance of agriculture in the local economy including for employment. **Objective ED17** is to promote the continued development of food production and processing, while other policies refer to diversification.

## **5.5 UK Guidance – PPG for Renewables and Low Carbon Energy (DCLG 2015)**

5.5.1 This guidance includes advice on developing a strategy for renewable and low carbon energy development, as well as particular planning considerations relating to specific renewable technologies, including solar power. These include the following points:

- Encourage effective use of land by focussing large scale developments on previously developed and non-agricultural land.
- On greenfield sites, question whether the proposed use of agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.
- Establish whether the proposal would allow for continued agricultural use where applicable or encourage biodiversity improvements around arrays.

- Consider visual impacts and the impacts of glint and glare on the landscape, local residents and aircraft safety and the potential to mitigate these impacts through for example screening with native hedges.
- Consider the impacts of security lighting, fencing etc.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.
- Cumulative impacts should be considered.

## **5.6 Planning Guidance for the Development of Large Scale Ground Mounted Solar PV Systems (BRE 2013)**

5.6.1 This guidance provides similar advice to the PPG but also includes advice on Environmental Impact Assessment in relation to solar farms. It is stated that USSPV developments should be directed to brownfield or industrial land in preference to agricultural land and that the best quality agricultural land should not be the first choice, with lands in the poorer classifications being the most appropriate.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The first party appeal was submitted by Fehily Timoney Consultants on behalf of the applicant, Harmony Solar Brookhill Ltd. The main points raised may be summarised as follows:

#### **6.1.1 Site justification and need for development**

- Need for Renewable Energy – Reference made to national targets of 40% of electricity generation to be derived from renewable energy sources (RES) by 2020. As the proposed development would generate up to 40MW, this would make a substantial contribution to the achievement of this target.
- Availability of site - In order to sustain meaningful progress in the transition from hydrocarbons to RES, large scale development is required in order to achieve economies of scale and financial sustainability. A large land bank (approx. 80ha) is required to develop a solar farm with an output of 40MW.



The availability of such sites is, therefore, an important consideration and can be difficult to source.

- Suitability of site – the subject site is suitable in terms of its scale and extent, proximity to the grid, topography, aspect and slope, the landscape and visual amenity characteristics of the site, accessibility and the ecological, drainage and cultural heritage aspects of the site.
- Electricity infrastructure – A solar farm of the scale proposed must connect to a 110kV substation. There are only four such nodes in the area, of which one is just 10km from the site, (Ballygorman near Wexford town). It is possible to connect to the grid by means of underground cables, which could be laid along public roads. Although this does not form part of the current application, an indicative route for a grid connection to Ballygorman (with a second option for part of the route) is given.

### **6.1.2 Landscape and Visual Impact**

It was reiterated that there would be no landscape impact and it was noted that the P.A. report had considered that the site was well chosen in terms of limited visual impact.

- The local configuration of landforms, adjacent woodlands and extant mature hedgerows provide visual enclosure which result in minimal adverse impact to the landscape character of the River Valley.
- The initial LVIA examined the impact from the surrounding area, including many sensitive viewing locations along the Slaney, and was supported by photomontages from 9 no. viewpoints. The visual impact was found to be slight and with additional landscape mitigation, would recede to slight-imperceptible as the planting establishes and matures.
- An addendum report submitted with the appeal found that whilst there would be some localised impacts, which will diminish as planting matures, the wider character of the valley will not experience any significant adverse impacts and the integrity of the landscape will be maintained. This was based on a more refined overview of the landscape in the Slaney River Valley. It was found that although parts of the valley have very sensitive features, but that the

landscape is best described as medium sensitivity with a moderate carrying capacity.

### **6.1.3 Glint and Glare impacts**

6.1.3.1 The Glint and Glare modelling study (Pager Power) submitted with the application examined the potential for glint and glare at 158 no. residential properties. It showed that glint was possible at two adjoining dwellings (referenced as House nos. 61 and 155). House no. 61 is occupied by one of the landowners and they do not consider that they will be adversely affected. Glint was found to be possible at House No. 155 between 0610 and 0630, March to September. It was concluded that this would not significantly impact on residential amenity and the P.A. had concurred with this finding.

6.1.3.2 The glint and glare study also examined the potential for impact on two other receptors, namely, the adjacent road network and the rail line.

- The road receptors were identified at 200m intervals along a 3.6km stretch of the Ballyhoge-Killurin road to the west of the site. A solar reflection was deemed possible for two stretches of road (approx. 400m) from just south of the proposed entrance early in the morning (between 6.00 and 6.45). However, it was considered that no significant impacts would occur.
- The potential for glint and glare on the rail line receptor was found to relate to 950m of track. This related to north-bound trains only between the hours of 18.00 and 19.00, mid-March to end of September. However, it was considered that no significant impacts would occur. It was submitted that the submission from Iarnród Eireann was in support of this view.

### **6.1.4 Ecology and drainage**

6.1.4.1 There would be no disturbance to the existing drainage regime at the site and any increase in surface water run-off would be negligible, given the small increase in hardstanding area. No additional flood risk is anticipated. Mitigation measures are proposed to avoid any risk of sediment entering local water courses.

6.1.4.2 The Ecological appraisal demonstrated that the local biodiversity on the site would be enhanced and that there were a number of opportunities to further enhance biodiversity through specific measures. These include enhancement of arable and

meadow grassland species, enlargement of the woodland and thicket areas adjacent to existing riparian habitat and use of existing borrow pit as a wildlife shelter. Overall, there would be a positive long-term impact on the ecological value of the area.

6.1.4.3 The appropriate assessment included the preparation of a full NIS. This concluded that with the design control measures, any impact on water quality would be negated and any disturbance to otter would be avoided. It was further concluded that there would be no significant impacts on the adjacent European sites, the Slaney River Valley cSAC or the Wexford Harbour and Slobbs SPA.

### **6.1.5 Cultural heritage**

6.1.5.1 The sites of the Recorded Monuments within the development site would be protected in the proposed layout. However, it is unlikely that there would be many other sites in Wexford where both the archaeological features, and the presence of more recent features of built heritage, would not result in more constraints on solar development.

### **6.1.6 Traffic and access**

6.1.6.1 The CEMP confirms that the adjoining road network has the capacity to accommodate the estimated traffic levels which would only be increased on a temporary basis for a short period of time. The P.A. was also satisfied with the proposals. The appellant is willing to prepare a Traffic Management Plan prior to commencement, in line with the recommendations of the P.A.

### **6.1.7 Planning precedent/permission duration/Development Contribution Scheme**

6.1.7.1 Reference is made to four previous Board decisions, two in Wexford (247176 and 247179), one in Wicklow (246527) and one in Longford (2468500). The references related to the approach the Board had taken in respect of landscape and visual impact assessment, the duration of permission and to the imposition of development contributions on solar farms.

6.1.7.2 It is requested that the Board recognises that the landscape impact from solar farms is localised, that a precedent has been established for the duration of permission of 10 years and for the lifetime of a project of 30 years and that Development Contributions should not be required where the Development Contributions Scheme does not make specific provision for solar development.

## **6.2. Planning Authority Response**

6.2.1 The P.A. responded on the 15<sup>th</sup> February, 2017. The following points were made:-

- Notwithstanding the detailed Visual impact Assessment and Photomontages submitted by the applicant, Policy Objective L05 remains relevant specifically and principally.
- It is submitted that the recent decision by the Board under PL26.247217 is relevant here.
- It is requested that the Board uphold the planning authority's decision to refuse permission for the proposed development.

## **6.3 Observations on grounds of appeal**

### **6.3.1 Response from Dept. Arts, Heritage, Regional, Rural and Gaeltacht Affairs**

6.3.1.1 The Development Applications Unit (DAU) of the Department responded on 19<sup>th</sup> April 2017. It was noted that the applicant had proposed a 25m buffer zone around the Recorded Monuments. However, it is stated that it is not possible to identify the necessary buffer zone until a detailed archaeological assessment involving a geophysical survey has been completed and is followed by targeted archaeological testing. It is considered that insufficient archaeological assessment has been carried out in respect of the proposed development to date, particularly given the potential for hitherto unidentified buried archaeological remains to be discovered. This was based on the fact that the proposal relates to a large scale site and to its location on the banks of the River Slaney, and to the presence of the post-medieval house and formal gardens on the site. It is further considered that there is no provision for archaeological mitigation included in the proposed development.

6.3.1.2 It is stated that any further archaeological assessment should involve a geophysical survey of the areas surrounding the identified Recorded Monuments followed by targeted archaeological testing and to develop a strategy in advance of site works. This archaeological strategy should address matters such as the appropriate buffer zones and mitigation measures for the development. It is considered that should the Board be minded to grant permission, a condition to this effect should be attached to any such decision.

## **7.0 Assessment**

**7.1.** It is considered that the main issues arising from the appeal are as follows:-

- Strategic policy and need for the development
- EIA screening
- Visual amenity and landscape character
- Glint and Glare
- Traffic and access
- Cultural Heritage
- Ecology
- Appropriate assessment

### **7.2. Strategic policy and need for the development**

#### **7.2.1 Need for development**

**7.2.1.1** It is acknowledged that there is a need to urgently and strenuously combat climate change, which is consistent with the identified need for additional renewable energy development and that this is supported by both national and local policy objectives. The national objective, contained in NREAP, of achieving 40% of electricity generation from renewable sources by 2020 forms part of the national strategy for meeting our legally binding targets in this respect. Thus the contribution of renewable energy projects, such as that proposed, to achieving the transition to a low carbon future is well established. Solar power is also acknowledged as being capable of being delivered relatively quickly and efficiently without the need for large scale transmission grid infrastructure. Thus it is accepted that the proposed USSPV development, which could contribute up to an estimated 40MW of electricity, is a desirable form of development, which is supported in principle in both national and local policy guidance.

#### **7.2.2 Absence of strategic policy**

**7.2.2.1** Notwithstanding the general acceptability of solar power as a form of energy generation, the land-use policy and spatial framework is poorly developed, and there is no guidance on the type of land or landscape which would be most appropriate.

The SEAI document referred to at 5.3 above indicated that by October 2016, 100 planning applications for solar energy development projects had been submitted to planning authorities across the country and that, if implemented, this would amount to 594MW of renewable electricity being generated, encompassing a land area of 1,331.9ha. The first appeal against such a scheme came before the Board in July 2015 and since then, over 12 appeals have been decided, the majority of which have been granted. In Wexford alone there have been five solar farms granted by the Board and there are three, (including this one), awaiting decision. The P.A. has also granted several solar farms within the county, (See Table 4.1 above). The earlier solar farm developments were medium in scale, (approx. 5MW and occupying 10-20ha), but more recent proposals have been larger, varying in land area from 30ha – 90ha. The Board has, however, refused two recent proposals in Wexford, one 19ha in area (near Bridgetown – 247366) and another at Tomhaggard near Rosslare at 89.46ha, (247217).

7.2.2.2 It is clear, therefore, that there has been a sudden wave of proposed solar power development within the last two years and that both the volume and scale of such development is increasing. At present, however, there is no spatial strategy or strategic plan to direct such important renewable energy development to appropriate locations at either a national, a regional or a local level. Although the majority of proposals have tended to occur along the south coast, with a particular concentration in Wexford/Waterford, there is recent evidence of development proposals in the midlands and the west. For example, the Board recently granted permission for a development in Longford (246850), which indicates that locations other than the south may be viable for solar power investment. The most recent intake of appeals on this subject matter is also represented across the country with appeals in Cork, Kerry, Clare, Kilkenny and Wicklow, in addition to Wexford and Waterford.

7.2.2.3 It is noted that until quite recently, the Board had not considered the absence of a land-use policy framework to be an impediment to granting permission. However, the refusal of permission for an 89ha development at Tomhaggard, (247217), followed by a split decision in respect of a 31ha solar farm near Bridgetown, (247366 - 19ha parcel refused and 11ha parcel granted), in January and March, 2017 respectively, have signalled a reluctance by the Board to accept the continuation of this piecemeal approach to solar power development. These decisions to refuse were on the

grounds of premature development pending the adoption of national, regional and local policy guidance or strategy for solar power, having regard to the scale of these developments.

### **7.2.3 Local policy**

7.2.3.1 Wexford CDP 2013-2019 is supportive of renewable energy in general, and solar power in particular, and acknowledges the geographical advantages of the area in this respect. However, it does not contain any specific policies in relation to large scale solar power schemes. Objective EN10 seeks to prepare a Renewable Energy Strategy within the lifetime of the Plan. It is noted that the Development Management Guidelines (DoELG 2007) indicate (7.16.1) that where the issue of prematurity arises because of a commitment in a development plan to prepare a strategy, this should only be used as a reason for refusal where there is a realistic prospect of the strategy being completed within a specific time frame. It is considered that given the stated objective to prepare a Renewable Energy Strategy by 2019, the fact that the P.A. has already adopted a Wind Energy Strategy (2013-19), and the large number of applications coming before the P.A., there is a reasonable prospect that such a strategy will be adopted in the near future.

### **7.2.4 Loss of agricultural land**

7.2.4.1 The SEAI document (3.2) provides an overview of policy and practice relating to solar power elsewhere, (including countries with established markets such as the USA, the UK and Germany), where there is concern regarding the perceived loss of good quality agricultural land. The UK's PPG and the BRE documents (5.3 above), each indicates that solar power development should ideally be directed to previously developed land, brownfield land, contaminated land, industrial land or agricultural land which is not classified as the best or most versatile land. Agricultural land is classified with the most productive at Grade 1 and the most marginal at Grade 5. Due partly to concerns about the dependence on the UK on imported foods, the UK Government has stated that solar farms should be directed to lands graded 3b – 5. California too seeks to minimise solar power development on active farmland and Germany has withdrawn financial support for larger schemes partly on the basis of the need to balance the land use needs of agriculture and forestry against renewable energy development.

- 7.2.4.2 The SEAI document strongly recommends that national, regional and local policy should set out clear policy objectives which support USSPV development, but that land-use policy “should not prioritise the delivery of development of utility scale solar PV on lands with lower agricultural value”. Notwithstanding this, there is broad cross-sectoral support for the adoption of consistent planning policy approaches, which is seen as key to the realisation of community acceptance and to providing greater certainty to both developers and communities.
- 7.2.4.3 The area in which the site is located is predominantly in use as operational farms engaged in productive agriculture, in a landscape that is characterised by high quality farmland. The fields are generally large and well drained and the topography is gently undulating. However, there are sharp gradients close to rivers and streams, which have well established woodland riparian environments. The hedgerows are generally mature and well established and there are copses and thickets of trees and woodlands occurring throughout the farmland.
- 7.2.4.4 The proposed development is sited on lands which are in the ownership of three land holders, Peter Byrne, Theresa Byrne and James Byrne, which would have originally formed part of one large farm anchored by a Georgian farmhouse with its own gatelodge. The site comprises a substantial flat area on elevated ground which overlooks the River Slaney to the east and the Tinnokilla Stream to the west. It is subdivided into at least 15 large fields, delineated by mature hedging, which are currently in productive agricultural use. The lands are either under tillage, (planted with corn at the time of my inspection), or in use as pastureland or grassland. The farm seems to have been well tended and maintained over the years and appears to benefit from high quality, fertile and well drained soils, with favourable aspect and slope. It is served by good public road access and by a number of long established internal tracks.
- 7.2.4.5 The proposed development constitutes a solar farm of a substantial scale with a site size of 84ha, which raises significant concerns regarding the loss and potential sterilisation of a sizeable portion of productive lands in the area. Given the sudden and rapid escalation in the number and scale of such developments, particularly in Wexford, it is considered that there is also potential for a cumulative effect on the viability of agriculture in the area, which could undermine the national objectives of the agri-food industry as expressed in the Government’s ‘Foodwise 2025’. The



principal objectives of this national strategy for the agri-food industry include increasing the value of

- the Primary Production sector by 65%,
- the Agri-food, Fisheries and Wood Production sector by 70% and
- Agri-food Exports by 85%.

7.2.4.6 'Foodwise 2025' identified several potential weaknesses and threats to the achievement of the above objectives which include limited land availability and farm fragmentation, particularly in respect of cereals, tillage and horticulture. It is noted that the grounds of appeal contend that in order to make meaningful progress in the transition from hydrocarbons to RES, it is necessary to develop renewable energy projects at a large scale, such as that proposed. It was also submitted that the availability of large land banks with suitable attributes was key to the development of such projects. These attributes include topography, aspect, slope, landscape and visual amenity characteristics, and ecological, drainage and cultural heritage aspects of the lands, as well as good accessibility and access to the grid.

7.2.4.7 I would agree that the appeal site scores highly on many of these attributes. It is considered, however, that the intrinsic value of the lands as a resource for food production is also highly dependent on several of these attributes such as topography, aspect, slope, drainage and the size of the site/extent of lands in conjunction with adjoining compatible land uses. The attribute of greatest value, however, is likely to be the fertility of the soils, which appears to score highly on this site, but which is not necessary for solar power development. It is acknowledged that the solar farm would not result in the permanent loss of the lands to agriculture and that the management of the land would involve reseeded with grazing or species-rich wild flower meadow mix and subsequently with livestock grazing continuing between and underneath the solar panels. However, the productive value of the land would be considerably reduced and the lands would be taken out of intensive agricultural use for 25-30 years. Thus there seems to be a conflict between national objectives for the growth and expansion of the agri-food industry and the transition from hydrocarbon based energy supply to renewable energy. In the absence of a national or local spatial strategy for solar farm development, I would draw the Board's attention to emerging trends of best practice in other jurisdictions, (as

referenced in 7.2.4.1 above), wherein the policy is to protect premium agricultural lands from development as large scale solar energy projects.

7.2.5 In conclusion, it is considered that given the escalating number and scale of solar farm development proposals in County Wexford and to the extensive area of the site (84 ha) which currently constitutes high quality, productive agricultural lands, it is considered that a grant of permission for the proposed development, having regard to the absence of any current national, regional or local spatial strategy or land-use planning guidance, would be premature pending the preparation and adoption of a renewable energy strategy for solar power for the area.

### **7.3. EIA Screening**

7.3.1 The first party considers that the proposed development does not fall within a class of development requiring EIA under either Part 1 or Part 2 of Schedule 5 of the planning and Development Regulations 2001 (as amended), and as such, the requirement for EIA can be screened out. This approach is generally consistent with that taken by the Board in previous decisions and by the planning authority in this case. It has also been established in previous decisions that a solar power generation facility, such as that proposed, does not qualify as subthreshold development. This is where a project listed in Schedule 5 Part 2 does not exceed a quantity, area or other limit specified in respect of the relevant class of development but would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations.

7.3.2 I would agree that the solar farm does not fall within any of the categories of installations for the production of electricity, i.e. Class 2(a) Thermal power station (300 megawatt output threshold); Class 3(a) Industrial installation for the production of electricity, steam and hot water not included in Part 1 (300MW output threshold); Class 3(h) Installation for hydroelectric energy production; Class 3(i) Wind farm. Class 3(a) relates to combined heat and power plants and the other two classes are not relevant to the current case. Thus the need for Environmental Impact Assessment can be ruled out in the instance of the current case.

### **7.4. Impacts on visual amenity and landscape character**

7.4.1 The site is located within the 'River Valley' Landscape Character Unit of the Landscape Character Assessment (Volume 3 of the County Development Plan). The

LCA has divided the county into four LCU's, of which 'River Valley' is one, (the others being 'Uplands', 'Lowlands' and 'Coastal'). It can be seen from Map No. 13 of the CDP, (Chapter 14, page 367), that the majority of the county is classified as 'Lowlands', which has a greater capacity to absorb development. The Uplands, Coastal and River Valley units are described as being more sensitive with more limited capacity to absorb development. The 'River Valleys' unit is concentrated on the Barrow/Suir River Valley at the western extremity of the county and the Slaney/Bann River Valley in the centre of the county. The LCU is described as

“The Slaney and Barrow River Valleys have similar characteristics to that of the Lowlands, but have a more scenic appearance due to the presence of the rivers and their associated riparian and woodland habitats. This unit is very sensitive to development”

7.4.2 The CDP Landscape policies (L01-L06) are generally aimed at ensuring that development is not unduly obtrusive and is appropriately scaled, sited and designed to minimise any adverse impacts on the character of the landscape, particularly the more sensitive LCUs. The policies also distinguish between development which has/has not an overriding need to be located within a particular location. **Policy L05** prohibits development which is likely to have a significant adverse impact on the landscape character of a LCU where there is no overriding need for the development to be in a particular location. **Policy L06** seeks to ensure that, where such an overriding need has been demonstrated, careful consideration is given to site selection and that it should minimise potential adverse impacts through appropriate scale, siting, design and landscaping.

7.4.3 The Landscape and Visual Impact Assessment considered that the receiving landscape is characterised as a rural landscape which is open in expanse due to its lowland, undulating topography and set within the wider Slaney River Valley. Notwithstanding the heightened sensitivity of the River Valley landscape unit and the valued scenic and recreational amenity of the Slaney River Valley, together with its rich archaeological heritage, it was considered that, with mitigation and screening, the landscape is robust and textured enough to accommodate the change arising from the proposed development without significant alteration to its character or deterioration of the integrity of the sensitive elements. This was largely attributed to the visual containment of the proposal, the absence of any designated views or

prospects or any notable amenity, recreational or visitor attractions within or around the site. The visual impact was found to be slight, which would reduce to slight-imperceptible as the planting matures and becomes established.

7.4.4 Despite the undulating nature of the landscape, the presence of the river introduces a more dramatic and scenic quality to the landscape than would otherwise exist, particularly close to the channel. A significant part of the site forms a plateau or ridge which sits above the river valleys on either side. I would agree, however, that the topography and existing woodlands, mature hedgerows and established mature trees within and adjoining the site provide for a high level of visual enclosure, which would screen the development to a considerable extent, particularly from the south. The visibility of the site and development is restricted particularly by means of the substantial wooded areas to the south-west, south and south-east. However, the site is quite elevated relative to the surrounding landscape. It overlooks the Slaney River Valley including the riparian woodland and the river channel itself, which is navigable up as far as Enniscorthy. It also overlooks (and is overlooked by) the extensive farmland on elevated ground on the eastern banks of the river and is overseen by the elevated lands to the west of the Tinnokilla stream. This was particularly evident in views from within the site. It is acknowledged that the elevated lands to the east and west are predominantly in private ownership, and as such, views from the public realm are limited.

7.4.5 The development would also be quite visible from parts of the Ballyhoge to Killurin road to the west and from parts of Ballyhoge village to the northwest, as well as from private properties along these roads. Photomontages 5-8 demonstrate this impact. It is considered, however, that the use of a wide angled lens has flattened the images somewhat and that the impact is likely to be more pronounced than depicted in the photomontages. It should be noted that the view from VPN 7 will be substantially mitigated by the recently planted conifer woodland, once it matures. Views of the site from two sensitive sites (Killurin Bridge VPN 4 and Bellevue Church VPN 9) are effectively screened by existing woodland and vegetation. Views from much of the Dublin-Rosslare train line are also obscured by means of either topography or vegetation, with a relatively short section of track (just under 1km) alongside the site. The use of a wide angle lens at VPN 1 and VPN2 again flattens these images and

does not provide a realistic depiction of the likely impact from the eastern side of the Slaney.

7.4.6 The potential operational impacts on the landscape character and visual amenity comprise the introduction of a strongly geometric and engineered appearance across the existing field pattern which is likely to increase the perceived human influence and erode the intrinsically rural character of the landscape. Given the extent and elevated nature of the site, and the scale of the development proposed, it is considered inevitable that the introduction of a large utility scale solar farm into a scenic rural area such as this would create a substantial degree of change to the landscape. This could have substantial long term impacts on both the character of the landscape and on the visual amenity of the area. Construction impacts would be substantial but would be temporary (up to 5 months) and localised in nature. The existing hedges would not be affected and as such, the negative impacts would be somewhat ameliorated.

7.4.7 The P.A. had accepted that the development would be screened from many vantage points but considered that the impact on the Slaney River Valley would be significant and adverse. As such, it considered that it would contravene CDP Objective L05 which prohibits such development in this LCU, where there is no overriding need for the development in this particular location. The grounds of appeal addressed the issue of overriding need and the Addendum LVIA carried out a more in-depth and refined study of the potential impact on the Slaney River Valley. It is difficult to determine the extent and impact of views on the river channel itself as there are no photomontages from there. I can confirm, however, that views to the river are generally limited to a section at the northern end of the eastern boundary and to a small section of the southern boundary due to the dense and mature vegetation along the boundary. However, the effectiveness of this screening dissipates with distance from the site due to the fact that the gradient of the site rises towards the plateau in the centre. The eastern banks of the river are also highly visible from within the elevated site, as are several private houses facing the site. Notwithstanding the high level of visual containment of the site and the proposed mitigation, it is difficult therefore to accept that the introduction of a substantial utility development on a site of this scale and elevation, which is located on a ridge adjoining and overlooking two river valleys, one of which is identified in the LCA as

“very sensitive to development”, would not have a long term significant adverse effect on the character of this landscape and on the visual amenities of the area.

7.4.8 The appellant has argued in support of the overriding need for the development on the basis of compliance with the national objectives in respect of renewable energy and on the suitability and availability of the site. These arguments have considerable merit. However, it is considered that they are equally applicable to other agricultural lands in the area, particularly in the extensive Lowlands LCU, which surrounds the River Valley LCU, and which would have equivalent attributes and access to the grid. I am not convinced, therefore, that there is a justifiable overriding need which satisfies the requirements of Objective L05. Should the Board disagree with this, it is considered that the requirements of Objective L06 would apply. This provides that where an overriding need to locate in one of the sensitive LCUs has been demonstrated, careful consideration should be given to site selection and the development should be appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the landscape. Given the scale of the proposed development (84ha), which if granted, would be larger by a factor of 4 than any other solar farm thus far permitted by the Board, it would be difficult to accept that the requirements of L06 could be satisfied.

7.4.9 In conclusion, it is considered that notwithstanding the potential for successful mitigation of localised visual impacts and the general visual containment/absorption capacity of the site, I am not satisfied that the proposed development would not, because of its scale and extent, in this sensitive landscape, introduce a substantial magnitude of change to the character of the landscape which would be of medium duration. Thus, it is considered that a grant of permission for this proposal, in the absence of any strategic or policy guidance on the most appropriate locations for such development, would be premature and would be contrary to the proper planning and sustainable development of the area.

## 7.5 **Glint and Glare**

7.5.1 Glint and glare from reflected surfaces is a recognised issue in relation to solar farms. Glare is described in the submissions as reflected diffuse light, which is not a direct reflection of the sun, but a reflection of the bright sky around the sun. Glint is defined as either specular (concentrated) reflection or diffuse reflection of sunlight

and is the principal element of nuisance. It is pointed out in the applicant's submissions that solar panels are designed to absorb light in order to convert it to useful energy, rather than reflect it, as reflected light is wasted. For glint and glare to occur, however, the sun must be shining. Most reflections are skyward due to the angle of orientation, with reflections to the east in the evening and to the west in the morning, when the sun is low in the sky, and are generally confined to the months of March to September.

7.5.2 The applicant submitted a Glint and Glare Study with the application (PagerPower), which identified potential receptors within 1 km of the site, undertook geometric reflection calculations and compared the results to impacts from other sources in the environment. There were three types of receptors identified, namely residential, road users and railway users. The PagerPower study found that of the 156 dwellings within the 1km study area, 62 could geometrically experience a solar reflection. There was potential for minor glint and glare impacts on only two of these. The properties that were identified as being unlikely to experience an impact were ruled out on the basis of either being geometrically impossible or being unlikely due to intervening terrain and/or vegetation (based on google street view imagery). The results are summarised in Table 6.2 of the Study.

7.5.3 The dwellings where an impact was considered to be possible were located as follows

D61 Located immediately to the north of the site. This is the Georgian farm house owned by one of the landholders.

D155 Located to the west of the road between Ballyhoge village and Killurin to the south.

7.5.4 The PagerPower study concluded that the effects would last up to 20 minutes per day under particular conditions, but that a clear view of the panels would be required on a sunny day, during months when it was geometrically possible. The potential impact would arise early in the morning, between 0610 and 0630, March to September. Although it was accepted that screening would be unlikely to be effective due to the elevated receptor position, it was predicted that this would not result in any significant adverse impacts on residential amenity. The P. A. agreed that there would be no significant impacts on residential amenity. From my site inspection, I

noted that there were a number of houses on the hillside to the west (2 no. in particular) and to the east (Dwelling 62) which have clear, uninterrupted views of the site. As these views are from elevated positions, landscaping would be unlikely to provide adequate mitigation. Given the short duration and early morning timeframe, I would agree that the impact on the houses to the west would be minimal. The impact on the large house to the east would be likely to be in the early evening (6-7pm). However, the short time frame means that the impact on residential amenity would be unlikely to be significantly adverse.

7.5.5 The conclusions for the road and rail receptors were that there would be no significant impacts as only short stretches of road/rail would be affected, that the effects would be fleeting and in most cases outside of the direction of travel. The reflective effects were considered to be similar to many other sources commonly found in the environment, such as still water. It was also considered that additional screening, as proposed, would further reduce any such impacts. In respect of the road receptors, it is stated that 400m of the local road to the west would be affected, which would be split between two stretches. However, it was considered that screening with a height of 2m for a short section of the north-western boundary would remove the panels from view. The road is elevated such that it would generally be at a similar level to that of the site, which would potentially reduce the effectiveness of mitigation by landscaping. However, the roadside boundary itself is generally well screened by means of vegetation and given that the proposed panels would be well set back from the road and having regard to the direction of travel, I would agree with the conclusions regarding road receptors that the impact would be negligible or nil.

7.5.6 The analysis of the impact on rail receptors indicates that northbound train drivers would potentially have views of solar panels for approx. 950m along the eastern boundary of the site, when existing topography and vegetation is taken into account. This is predicted to be up to 25 minutes duration (when it occurs) in the evening, (between 6 - 7pm), between March and October. Section 8.3 of the Planning and Environment Report notes that the reflections would be obliquely to the west, and that from published timetables, this would affect only one train per day and that there are no signals on this stretch. It was concluded that with adequate mitigation, the impact on rail receptors would be negligible or nil. However, Íarnrod Eireann has



stated that any increased potential for reflections on train drivers must be avoided (see 3.3.2.2 above). It is further pointed out that the railway has the capacity to operate 24 hours a day, 7 days a week and that the infrastructural assets are constantly under review.

7.5.7 I would agree that any increase in solar reflections that could potentially affect the safety of trains should not be permitted in the interests of health and safety, and that the current timetable and location of signals is of little significance in this respect, as these matters could change in the future. The proposed mitigation is to provide additional screening, which would be set back from the rail line, to a height of 3m. Íarnrod Eireann is concerned that the timeframe for the establishment of such screen planting at 2-4 years is unacceptably long. I would share this concern. It is considered, therefore, that should the board be minded to grant permission, additional mitigation measures would be required to ensure that there would be no adverse impact on the safety of trains during the interim period of hedge establishment and that any such screen planting should be in accordance with the safety requirements of Íarnrod Eireann.

7.5.8 In conclusion, I would agree with the planning authority's conclusion that the proposed development is not likely to result in glint and glare which would adversely affect the residential amenities of properties in close proximity to the site and with adequate mitigation, would not affect road users or rail receptors.

## **7.6 Traffic and access**

7.6.1 The indicative haul route/delivery route is shown and discussed in Section 9 of the Planning and Environmental Report. This involves use of the N11, the N25, the R730 and the local road between Killurin Cross and Ballyhoge village. The installation phase is expected to result in approx. 4,000 additional HGV trips (two way) over the duration of the construction phase (3-6 months). This would involve approx. 38 HGV trips daily on average. The increase in LGV traffic is likely to range from 24 trips per day to 72 trips at peak period. However, the estimated level of traffic generated is not expected to exceed local road network capacity.

7.6.2 It is proposed to access the site via a new entrance from the local road to the west. The proposed entrance would be on a relatively straight stretch of road and the submitted drawings indicate that the required sightlines can be achieved. It is stated

that a detailed Construction Traffic Management Plan will be prepared prior to the commencement of development. It is considered that should the Board be minded to grant permission, a condition requiring this plan to be agreed with the P.A. prior to commencement of development should be attached to any such decision.

## **7.7 Cultural Heritage**

- 7.7.1 An Archaeological Assessment was carried out by John Cronin on behalf of the applicants. The site contains three recorded archaeological monuments, two of which have zones of notification. Details are provided in Table 1 and Fig. 11 of the Archaeology Report. Two ringforts are located within fields close to the north-eastern boundary of the site (WX032-015001/2). However, they are not clearly visible above ground. There is a promontory fort (WX032-014) dating from the Iron Age adjacent to the south-western boundary, which is within dense woodland. The lands form part of Brookhill Estate, and there was a further post-medieval house and formal gardens located in the south-western corner of the site. The development site is therefore considered to be of moderate to high archaeological potential.
- 7.7.2 It was concluded that, the proposed development would not give rise to any significant visual impact on the setting of any recorded or protected archaeological heritage, but that there was some potential for ground works to affect unrecorded sub-surface archaeology. Buffer zones of 25m around the recorded monuments have been included as a minimum mitigation measure. A programme of pre-development archaeological testing where extensive sub-surface excavation works are required is also proposed to be carried out by a suitably qualified archaeologist. Should any archaeological features be discovered, mitigation by avoidance, reduction and remediation is proposed.
- 7.7.3 It is noted that the DAU has advised (19/04/17) that it is not possible to identify the required buffer until the completion of a detailed archaeological assessment involving a geophysical survey followed by targeted archaeological testing. It is further stated that in the opinion of the DAU, insufficient archaeological assessment has been carried out to date, particularly given the potential for hitherto unidentified buried archaeological remains to be discovered, having regard to the scale and location of the site on the banks of the Slaney river and to the post-medieval house and formal gardens on the site. It is further considered that there is no provision for

archaeological mitigation. It is considered that should the Board be minded to grant permission, a condition to this effect should be attached to any such decision.

7.7.4 There is one protected structure listed in Wexford County Development Plan, Brookhill House. I would agree that the proposed solar farm is unlikely to adversely impact the setting of this protected structure by reason of the distances involved and/or screening by means of existing vegetation.

## **7.8 Drainage**

7.8.1 The existing and proposed drainage systems are set out in Sections 6.2 and 6.3 of the FT Planning Report which accompanied the planning application. It is stated that the site drains in a south-easterly direction towards the River Slaney via the Tinnokilla Stream, that the gradient varies from 1-6 to 1-60 and that the existing farmland is well drained. It is noted that the existing grass covered areas will only be marginally reduced, the additional impermeable area due to the development would be minimal (approx. 1%) and that it is not anticipated that there would be a need for any significant drainage systems. It is stated that there would be no disturbance to the existing drainage regime and that mitigation measures will be provided during construction (set out in Section 6.5 of the Planning Report), mainly in the form of silt protection controls.

7.8.2 It is noted that the site does not lie within any area susceptible to fluvial flooding. Although there is a small area susceptible to pluvial flooding, there is no infrastructure proposed for this area. It was found that the solar panels would not increase surface water run-off and that the hardstanding around the electrical infrastructure would increase run-off minimally. Cumulative impacts are expected to be minimal. In light of the design of the proposed development, with the proposed mitigation measures, it is considered that the proposal would not result in any significant increase in flooding, or in contamination of the receiving waters downstream. Having inspected the site and reviewed the proposed scheme, I would agree with these conclusions.

## **7.9 Ecological Impacts**

7.9.1 The Planning Report includes an Ecological Assessment comprising a desk top study and a field survey carried out on the 5<sup>th</sup> and 21<sup>st</sup> July 2016. In general, the habitats reflect the intensively farmed nature of the area, with improved grassland

and arable crops dominating as well as highly maintained hedgerows and tree lines with some small areas of woodland. There are no Annex I habitats and the habitats identified are of low ecological value. No rare or protected flora species were recorded. There are 3 SACs and 2 SPAs within 15km of the site. This includes the River Slaney and Valley SAC and pNHA which is approx. 100m to south and east, with which there is a hydrological link via two separate pathways. The site drains directly to the Slaney via culverts under the railway line and pathways across woodland and pastureland, and drains indirectly via a tributary, the Tinnokilla Stream. An NIS has been submitted which addresses these issues. The potential for indirect habitat loss and/or alteration to habitats from run-off or discharge of pollutants is noted as being a short term slight impact and mitigation measures are proposed accordingly.

- 7.9.2 12 no. species of birds were recorded of which 2 were Red listed, (Grey Wagtail and Meadow Pipit), and 2 amber listed (Robin and Starling). It was noted that the NPWS had advised that the site may also be used for foraging for a number of species including Golden Plover, Curlew, Lapwing (all qualifying interests for the SPAs nearby), and Little Egret. Three red listed and 7 amber listed species have been recorded within 10km of the site. Although it was noted that there would be a slight impact on certain species, such as Yellowhammer, due to the removal of arable crops, an important source of food, there are plenty of similar habitats along the Slaney River Valley. However, it would result in a long-term slight impact on this species. Standard measures of mitigation were proposed for the construction period and it was considered that no impacts would arise during the operational phase.
- 7.9.3 Evidence of otter was recorded adjacent to the Tinnokilla Stream and of badger within the site. However, it is not anticipated that there would be any significant impact on these species. The site was deemed to be of low ecological value for foraging bats and there would be no loss of potential roosting sites or foraging habitats, as it is not proposed to remove any trees or hedgerows. No impact is anticipated during the operational phase.
- 7.9.4 Section 6 of the Ecology appraisal sets out the proposed mitigation measures which include water quality measures to prevent any increase in surface water run-off to the Tinnokilla or Slaney and pollution control measures. Section 7 provides details of the proposed biodiversity enhancement measures. These include the installation of

bat boxes, kestrel and barn owl boxes, an insect hotel and an area for mining bees at the site of a disused borrow pit in the southern part of the site. It is further proposed to sow an area of almost 17,000m<sup>2</sup> with wildflower meadow seed mix on the western side of the site and to the north east. New hedgerows will be created (3,290m in length) along the new access tracks and along the railway boundary (890m). A further area of 21,680m<sup>2</sup> of arable seed mix and an area of hedgerow thicket (5,300m<sup>2</sup>) will also be planted. The margins of the site will be allowed to return to scrub.

- 7.9.5 It is considered that subject to conditions as outlined above and the implementation of the proposed mitigation and enhancement measures, the proposed development is unlikely to result in unacceptable impacts on ecology, and the proposed biodiversity enhancement is likely to have a long term slight positive impact on ecology in general. The issue of the impact on birds migrating through the area will be discussed in the following section.

## **7.10 Appropriate Assessment**

- 7.10.1 The site of the proposed development is not located within any European designated sites. However, it is directly adjacent to the Slaney River Valley cSAC and is within 100m of the Wexford Harbour and Slobbs SPA. The Appropriate Assessment Screening considered all European sites within 15km of the development site. In addition, European sites which lie beyond 15km were also reviewed, but none were considered to be within the “Zone of Influence” of the project. Having regard to the nature of the development, a 15km radius is generally considered to be appropriate. However, there may be an impact on an SPA which is greater than 15km away in terms of bird flight paths or river catchment areas. It is therefore important that bird migration routes are considered as well as routes of birds travelling on a daily basis between roosting and feeding areas. This point was made by the NPWS in its pre-application consultation with the applicant (Appendix 1 of NIS).

- 7.10.2 The European sites that were taken forward to Stage 2 Appropriate Assessment are as follows:

### **7.10.2.1 Slaney River Valley SAC (000781) (Directly adjacent)**

The site comprises most of the Slaney system including the headwater streams to the extensive estuarine area of Wexford Harbour. The tidal influence extends up-

river as far as Enniscorthy. Habitats include woodland and swamp vegetation, wet grassland, scrub, improved grassland, arable land, salt marshes, estuaries and intertidal sand and mud flats. The site is of high importance for several species of fish, otter and includes a population of freshwater pearl mussel (upstream from the site of the proposed development). It also provides year round habitat for the annex II species, harbour seal. The site has high ornithological importance, especially for wintering waterfowl with internationally important populations of Brent goose, mute swan and black-tailed godwit.

**7.10.2.2 Wexford Harbour & Slobs SPA (004076) 100m to East of site**

The 'Slobs' are two flat reclaimed areas of farmland, (mainly arable and pasture grassland), which form the lowest part of the estuary of the R. Slaney. The site is internationally important for several species of waterbirds and because it regularly supports 20,000 waterbirds. It is described in the Site Synopsis (Appendix 4 of NIS) as one of the top three sites in the country for the number and diversity of wintering birds and is one of two most important sites in the world for Greenland White Fronted Goose. The Qualifying Interests include Berwick's Swan, Whooper Swan, Hen Harrier, Golden Plover, Little Tern, Bar-Tailed Godwit and the Greenland White Fronted Goose.

**7.10.2.3 The Raven SPA (004019) 6.2km to NE of site**

The Raven SPA extends from north of Rosslare Point to Blackwater Harbour on the coast of Co. Wexford. It is described in the Site Synopsis for the SPA as an important ornithological site, being part of the Wexford Slobs and Harbour complex. The Raven SPA is of international importance as it provides important roosting habitat for the Wexford Harbour Greenland White-fronted Goose as well as a range of other species, five of which are listed on Annex 1 of the E.U. Birds Directive.

7.10.3 Copies of the Site Synopses for the above sites are appended to the applicant's NIS. It can be seen from the above summaries that the area in general, and the SPAs located adjacent to the site in particular, is of significant ornithological interest, particularly for wetlands and waterbirds and especially during the winter months. Many of the sites are of international significance and support an excellent diversity of wintering waterfowl. Some are considered to be amongst the most important ornithological sites in the country for breeding and/or wintering birds.

7.10.4 A hydrological link was established with two of the European sites, namely, Slaney River Valley SAC and Wexford Harbour and Slobbs SPA. It is stated (10.1.1)

“The site drains in a south-easterly direction to the River Slaney via the Tinnokilla Stream tributary from the western portion of the site with a large section of the site draining directly to the main channel of the River Slaney and via an unnamed small tributary from the eastern portion of the site. The stream connects to the River Slaney to the south. This hydrological link indicates potential for indirect habitat loss and/or alteration from the effects of run-off or discharge of potential pollutants in the aquatic environment through the displacement of silt, nutrients or contaminants via overland flow in heavy rainfall.”

7.10.5 It is noted that any further deterioration in water quality as a result of this development could have a negative effect on Annex I habitats and Annex II species for which the Slaney River Valley SAC is designated. However, it is stated that impacts on water quality associated with the construction phase will be avoided by best practice construction site management, including a comprehensive drainage plan, to avoid deterioration of water quality in the Tinnokilla Stream and the Slaney River. The mitigation measures are set out in 10.1.1 of the NIS. It is further noted that implementation of the control measures will ensure that there is no impact on other qualifying interests such as alluvial woodlands, floating river vegetation and fish species. In respect of otter, it is stated that the development site provides suitable habitats and there was some evidence of use by otters, particularly adjacent to the stream and woodland habitat to the west and south. However, it was stated that there would be no direct or indirect habitat loss or disturbance as it is not proposed to carry out any clearance of bankside vegetation, and there would be no impact during the operational phase. There would be no impact on harbour seals due to distances from resting/breeding sites, the presence of bankside vegetation and as there would be no deterioration in water quality after mitigation.

7.10.6 The proposed mitigation is generally in the form of standard drainage and construction measures based on best practice. I would agree, therefore, that provided the proposed mitigation measures are implemented to prevent contamination, siltation or sedimentation of any watercourse, the proposed development is not likely to adversely affect the integrity of the European sites,

Slaney River Valley SAC, Wexford Harbour and Slobbs SPA and The Raven SPA, having regard to the Conservation Objectives for these sites.

7.10.7 Consideration of potential impacts on the Wexford Harbour and Slobbs SPA and the Raven SPA were confined to impacts on wintering bird species and the wetland habitat. It was stated that there would be no direct loss of intertidal habitat. It was noted that the NPWS had pointed out that wintering Curlew, Lapwing and Golden Plover (all Qualifying Interests) may use the large grasslands areas on the development site. The NIS considered, however, that these species would primarily favour coastal and estuarine habitats (e.g. mudflats, sand flats and salt marsh, which are largely south of Ferrycarrig), but accepted that they also use pasture land. It was considered that any displacement of small numbers of SCI species which may use the site for feeding to other similar grassland habitats within the area is not anticipated to have significant negative effects on the populations of these species. There is, however, potential for disturbance during construction. It is noted that the river channel is 150m from the site boundary and is largely separated by dense woodlands and some coniferous forests. I would agree that this is likely to shield visibility and buffer noise during construction. Thus the impact during both construction and operation in terms of displacement, with mitigation as proposed, is unlikely to be significant.

7.10.8 There is a recognised risk of direct mortality of bird species due to collision with solar panels associated with large scale solar arrays, whereby solar farms can be mistaken as water bodies by birds (especially waterfowl) and aquatic insects overflying the sites. The NIS has considered this issue in 10.2.3. It is pointed out that there is not a great deal of research on the matter, but international studies are referenced. It is noted that the nature and magnitude of the potential impact is related to matters such as location, size and technology used and the “lake effect”. It is stated that studies in California found that a mortality rate of 0.5 deaths p.a. per megawatt of electricity produced was attributed to known USSE related fatalities and a mortality rate of 10.2 deaths p.a. per megawatt for “unknown USSE-related fatalities”, (i.e. where carcasses were found on the site but the cause was unknown). As the proposed development has a capacity of 40MW, the fatality rates could be of the order of 20 deaths to 402 deaths p.a. However, the NIS cautions against



extrapolating the data as the environmental conditions and other variables would be quite different in Ireland.

7.10.9 The NIS acknowledged that the development site is close to the SPAs but states that the bird species with the greatest concentration of numbers are located on the North and South Slobs and on the more extensive mudflats and sandflats of the Lower Slaney estuary. It was also noted that the commuting routes for Greenland White-fronted Goose is generally between the Raven SPA (roosting) and the North Slobs (feeding). Thus it was concluded that the development site is remote from daily commuting routes for this species. It is noted that Slaney River Valley is a known migration route for the Greenland White-fronted Goose and possibly other migratory species. It is acknowledged in the NIS that –

“Whether the proposed solar farm would appear like a body of water or not is uncertain”.

It is also suggested that it is possible that the undulating nature of the landscape may obscure the “Lake Effect” and that the lack of continuity between the river channel and the site reduces the risk. It is further considered that the risk associated with the site’s proximity to known migration routes is very low based on the fact that Wexford is at the start or the end point and is unlikely to be used as a stopover site. I would agree that considerable uncertainty remains regarding this issue as the availability of empirical research on this topic is quite limited and is based on environments with different landscapes, climates and migrating patterns of bird species. However, as no solar farms have been constructed in Ireland to date, it will be some time before such data is available.

7.10.10 The analysis in the NIS is based on desktop studies and two site surveys conducted during the summer. It is not clear what evidence is relied upon to support the assumptions and statements regarding the likelihood of QI species frequenting the site/area, the location of the flight paths overhead, or the commuting routes for these species. The analysis also seems to be confined mainly to the Greenland White-fronted goose. However, the Site Synopses for the SPAs list a considerable number of Qualifying Interests including Whooper Swans, Berwick Swans, Curlew, Golden Plover, Little Tern, Lapwing, etc., many of which have unfavourable status, (Table 7.1 NIS). I note that there is supporting documentation on the NPWS website which

relates to specific surveys that were carried out in respect of the Conservation Objectives for Wexford Harbour and Slobbs SPA and Raven SPA, which includes information about the foraging habits and distribution of many of the QI's. Although it is pointed out that this information is not definitive, (as it is based on a limited number of surveys), it is nonetheless instructive. It indicates that most of the wintering swans and geese are herbivores who feed on aquatic plants, grasses and agricultural plants such as grain and vegetables, as well as stubble and beet. The NPWS has also informed the applicant that the site may be used by Lapwing, Curlew and Golden Plover (QIs). Thus there is considerable uncertainty regarding the issue of distribution and flight paths for the Qualifying Interests of these European sites in the vicinity of the development site.

7.10.11 There is also considerable uncertainty regarding the potential impact of the "Lake Effect" in respect of the development site. The assessment of the risk as being 'very low' in the NIS appears to be based partly on the unfounded assumptions regarding the ameliorative effects of the undulating nature of the landscape and the lack of continuity between the river channel and the solar arrays. Although the wider landscape is undulating, the main part of the site comprises large, flat expanses of grassland, and the extensive scale of the solar farm directly alongside the river channel raises doubts about any ameliorative effect of the lack of continuity with the solar arrays.

7.10.12 Thus it is there is considerable uncertainty regarding the issue of distribution and flight paths for the Qualifying Interests of the European sites in the vicinity of the development site, and in particular the potential impact of the "Lake Effect". The Conservation Objectives for these sites are to main the conservation conditions of the wintering water bird species, several of which have unfavourable status (Table 7.1 of NIS). I would agree that, in terms of displacement the significance of the loss of the site as a foraging area is unlikely to be great, given the current nature/use of the site and the availability of alternative feeding areas. Notwithstanding this, it is considered that considerable doubt remains regarding the likelihood of the "Lake Effect" as the conclusions in the NIS are not supported by sufficiently relevant scientific evidence. It is noted that the NIS acknowledges the lack of evidence (10.2.3)

“given the paucity of research and evidence related to the mortality risk of solar farms to birds in Ireland and as a precaution, the solar farm should be monitored for bird mortality after installation through the implementation of an appropriate bird monitoring programme for two years after construction. This would include monitoring during the peak migration periods of geese and or other high risk species.”

7.10.13 Given the paucity of evidence combined with the recent wave of applications/appeals for solar power development in the wider area, it is considered that the precautionary principle applies. It is not possible to determine, beyond reasonable scientific doubt and on the basis of objective information, that an adverse effect on the integrity of these European Sites would not occur, having regard to the Conservation Objectives for these sites. It is acknowledged that the Board has recently dismissed the potential for the “lake effect” to be a significant factor in the location of a solar farm in Wexford (PL26.247366). However, this decision related to a much smaller project (11ha permitted), which was much further removed from an SPA and did not constitute a large site directly adjacent to a significant watercourse that forms part of an SPA. The Board may, therefore, wish to seek further information on this matter, particularly in terms of the potential for in-combination effects with other solar farms (or other development projects), in the area in terms of the mortality risk to wildfowl.

7.10.14 In conclusion, it is considered that notwithstanding the general acceptability of the conclusions reached in the NIS in respect of Slaney River Valley SAC, Wexford Harbour and Slobs SPA and The Raven SPA, the information contained in the Natura Impact Statement is considered to be inadequate in respect of the issue of the potential impact on key species (wildfowl) in terms of key density reduction (collision/mortality). As a result, determination on whether or not the project would adversely affect the integrity of a European Site, in view of the Conservation Objectives, cannot be reasonably ruled out on the basis of objective scientific information. I do not consider, therefore, that the Board can be satisfied that the proposed development, individually or in combination with other projects, would not adversely affect the integrity of those SPAs whose Qualifying Interests include wintering wild fowl, that is, in respect of the following European sites : Wexford Harbour and Slobs SPA and The Raven SPA, in view of the conservation objectives of these sites. Given that there are other more substantive reasons for refusal

highlighted in my assessment, I intend to cite the above as a reason for refusal. However, should the Board be minded to grant permission, it is considered that further information should be required from the applicant to remove any uncertainty as to whether the sites are used by wintering wildfowl and/or whether the flight paths of such birds overfly the sites.

## **8 Recommendation**

8.6 It is recommended that planning permission be refused for the reasons and considerations set out below.

## **9 Reasons and Considerations**

1. The proposed development comprises the use of an extensive area of high quality farmland for a substantial scale of solar power in a single project, in a rural area that is characterised by long established farms on fertile, productive agricultural lands. Having regard to the scale of the proposed development, (c. 84ha) and to its potential impacts on the rural character of the area, to the lack of guidance on a national, regional or local level regarding the appropriate location of such development, and to the commitment of the planning authority in Policy EN10 to prepare a Renewable Energy Strategy within the lifetime of the current County Development Plan, the Board is not satisfied that the proposed development would not result in piecemeal and premature development pending the adoption of a Renewable Energy Strategy for solar power for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located within the River Valley Landscape Character Unit, which is classified in the Landscape Character Assessment for the area as a sensitive landscape with a limited capacity to absorb development, and wherein Policy Objective L05 of the Wexford County Development Plan prohibits development which is likely to have a significant adverse effect on the landscape character and where there is no overriding need for the development in that location. Notwithstanding the visual

containment of the site from the south, the Board is not satisfied that the proposed development on this substantial, elevated site overlooking the River Slaney, would not introduce a substantial magnitude of change and have a significant adverse effect on the character of this landscape, by reason of its scale, extent and strongly geometric and engineered appearance, for which there is no overriding need in this location. The proposed development would, therefore, contravene Objective L05 of the Wexford County Development Plan 2013-2019 and would be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, the Board is not satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the following European sites, in view of the Conservation Objectives of those sites.

Wexford Harbour and Slob SPA 004076

The Raven SPA 004019.

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**Mary Kennelly**  
**Planning Inspector**

**12<sup>th</sup> May 2017**