



An
Bord
Pleanála

Inspector's Report PL27.247942

Development

Development of a solar photovoltaic (PV) energy development, construction of a single-storey electrical substation, electrical inverter and transformer stations, solar panel on metal frame, and all associated site works.

Location

Garrymore Upper, Rarthdrum, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

16/1099

Applicant(s)

Gaelectric Renewable Energy
Developments Ltd

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third-v-Grant

Appellant(s).

Dympna & Roger Boffey & Others

Observers

Date of Site Inspection

20th April 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 15.38 hectares, is located to the north west of Rathdrum. The site is located in a rural area and is made up of a number of existing fields. The site is to be accessed from the L2127 (runs to the north west of the site) through an existing agricultural entrance and a access track that runs through the field adjoining the public road as the main body of the site is located away from the public road. An alternative access is proposed from the L6145, located to the west of the site, which also includes access through an existing agricultural entrance and an access track through an existing field. Levels on site fall moving north west to south east on site and the site is defined by existing hedgerow boundaries that define the existing fields. In terms of adjoining land uses, the lands immediately adjoining the site are fields similar in nature and land use to the appeal site. There is sporadic rural housing located in the vicinity of the site with a number of dwellings located to the north and north west of the site along the L2127 and to the west of the site along the L6145.

2.0 Proposed Development

2.1. Permission is sought for development of a solar photovoltaic (PV) energy development to include: a single-storey electrical substation, electrical inverter and transformer stations, solar PV panels mounted on metal frames, new access tracks, underground cabling, perimeter fencing with infrared CCTV and access gates temporary construction compound, spare parts container, weather station, an upgraded access (north access) from the L2127 (Greenane Road), a new access (west access) from the L6145 (Ballyknockan Road) and all ancillary infrastructure and associated works. A 10 year permission is sought.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 14 conditions. The conditions are standard in nature.

3.2. Local Authority and External reports

- 3.2.1. Inland Fisheries Ireland (08/11/16): The development is located immediately adjacent to a tributary of the Avonburg River, which is an important salmonid channel and tributary of the Avoca River. The Avoca River and its tributaries support Atlantic salmon, sea trout, brown trout and lamprey and other fish populations. Measures are necessary to protect the ecological integrity of such.
- 3.2.2. Planning report (23/11/16): Further information required including a demonstration that adequate sightlines are available at the entrance onto the L2127 and a demonstration that the applicant has sufficient control over lands to ensure adequate sightlines can be achieved.
- 3.2.3. Planning Report (24/11/16): Further information required including details regarding sightlines for the entrance onto the L2127, details of the colour of the panels in the context of overall visual impact, measures to deal with concerns regarding visual impact in particular from viewpoint 5.
- 3.2.4. Planning Report (22/12/16): The response to further information was noted. The proposal was considered satisfactory in the context of visual amenity. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 No planning history on the appeal site.
- 4.2 There are a number of relevant applications for similar developments including ref no.s PL26. 244351, PL04.244359 and PL27. 246527.

5.0 Policy Context

5.1. Development Plan

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

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Sheridan Woods Architecture, Urban Design, Planning on behalf of...

Dympna & Roger Boffey

Roger Boffey

Rodney Manley & Catherine Miller,

Brendan Barry,

Lina Waldron,

David Waldron,

Aby Waldron,

Ronan Smith,

Siobhan & Conor Parsons,

Carol & Jack Goucher,

Olivia & John Cullen,

Fiona & Stephen Gammell,

Doreen Byrne, Mairead O'Reilly & Others

The grounds of appeal are as follows...

- The appellants note that the proposal should have been assessed in the context of national guidance document/recommendations with the appellants refer to a document entitled Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland. The appellants note that recommendations regarding identification of the types of location suit able for solar development (development plan, assessment of cumulative impact of such development on landscape and the provision of national assessment of glint and glare. The appellants note that the proposal should be assessed in this regard and that such is premature.

- The appellants note Development Plan policy in regards to cultural heritage. It is noted that the Avondale Estate is located south of Rathdrum and the area is characterised by 18th and 19th century historic farmhouses. It is noted that the landscape at this location is culturally important and the proposal would detract from the character and setting of such and be contrary Development Plan policy.
- It is noted that the site is within a landscape area designated as an Area of High Amenity. It is noted that the landscape at this location is sensitive and such is demonstrated in the classification of such in regards to wind energy developments. The proposal would be an incongruous built form and be detrimental to landscape character at this location.
- The proposal is contrary Development Plan objectives regarding natural heritage with it noted that the local area is habitat for a number of rare species, of particular note is the Red Kite. It is noted information submitted with the application is inadequate in its assessment of impact on natural heritage.
- It is noted that the visual impact assessment is inadequate to assess the proposal with a lack of importance placed on certain views and insufficient viewpoints used. The proposal would have a negative visual impact. The appellants are particular critical of assessment of visual impact in relation to viewpoints 5, 2 and 6 as well as noting there is inadequate assessment from existing dwellings in the vicinity. It is also noted proposed mitigation measures are inadequate due to the sloping nature of the site.
- The appellants note concerns regarding the existing road network and the construction traffic likely to be generated and that proposal would constitute a traffic hazard.
- The appellants raise concerns regard potential health hazards relating to the proposed development.

6.2 Responses

6.2.1 Response by the applicants, Gaelectric Renewable Energy Developments Ltd.

- The applicants note that the guidance document referred to by the appellants is not a national policy document. The applicants also note that absence of national policy is not a reason for refusal and note that the Board has permitted similar developments despite no specific national policy being in place. The applicants note that the location of the site was based on a number of factors to ensure the most suitable site, in regards to cumulative impact it is noted there are no other solar developments existing or permitted within 5km of the site (nearest is 10km away).
- It is noted that the proposal would; not be contrary Development Plan policy in relation to cultural heritage with no features of heritage importance within or immediately adjacent the site, no impact on the field pattern on site and no view of the proposal from the Avondale Estate.
- It is noted that the site would be acceptable in the context of landscape character.
- The applicant notes that the proposal would have no adverse impact on natural heritage and that the proposal would not result in loss of natural habitat but enhancement of such. It is noted that information submitted regard ecology is sufficient. It is noted that the proposal would not have an adverse impact on species such as Red Kite, Bats and the Barn Owl in the area.
- The applicants note that the Landscape and Visual Impact Assessment submitted is accurate and sufficient to assess the proposal. The applicants do not accept the appellants' arguments regarding the inadequate assessment of specific viewpoints and in regards to views from existing and proposed residential properties. The applicants note the images submitted by the appellants in regards to visual impact are misrepresentative and that the Landscape and Visual Impact Assessment submitted with the application is accurate and representative of visual impact.

- The applicants note that the application was accompanied by a Traffic Impact Assessment. This assessment shows that traffic generated by the proposed development (construction) would have no difficulty accessing the site using the route proposed in Option 1. The applicants also note suitability of Option 2 in regards to impact of traffic on the existing road network. The applicants note the condition attached requiring a detailed Traffic Management Plan to be submitted and agreed in writing.
- In regards to the appellants claims in relation to grid connection and traffic implications, it is noted that the application does not include grid connection, however the impacts such have been assessed in the information with this application.
- In regards to the appellants claims in relation to health hazard it is noted that the appellants' claims are inaccurate. It is noted that the proposal has no adverse implications and the appellants note a previous assessment of such issues by the Board and under ref no. PL06D.246966.

6.3 Submissions

6.3.1 Submission on application were received from

Michael Phelan, Sean & Lisa Woods, Rodney Manley & Catherine Miller Manley, Aby Waldron, Noel & Eimear Campbell, Olivia & John Cullen, Carol & Jack Goucher, Doreen Byrne & Mairead O'Reilly, Niamh & Cormac O'Ceallaigh, Siobhan & Conor Parsons, Fiona & Stephen Gammell, Ian Goodbody, Brenda Brady, David Waldron, Ian Waldron, Roger Boffey, Ronan Smith, Linda Waldron, Dympna & Roger Boffey. The issues raised can be summarised as follows...

- Visual impact, impact on ecology, environmental impacts, residential amenity, health implications, traffic concerns, impact on architectural and cultural heritage.

7.0 **Assessment**

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of Development

Impact on Residential Amenity

Landscape / Visual Impact

Traffic and Access

Ecology

Surface Water Drainage

EIS Screening

Appropriate Assessment

Other Issues

7.2 **Principle of development:**

7.2.1 In considering the principle of a proposed solar panel development I would have regard to both national and regional policy provisions and site specific objectives. I would note that since the publication of the 2009 Renewable Energy Directive (2009/28/EC) that Ireland has a target objective requiring that 16% for all energy comes from renewable sources by 2020. This Directive is enshrined into national policy objectives. I have referred to the Government White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future 2015 – 2030', published in December 2015. The main objective of this policy document is to reduce carbon emissions and

in this regard solar panel developments are considered an integral part of achieving this objective. The National Spatial Strategy, 2002 – 2020, recognises the importance of renewable energy as it is stated that the aim should be to ensure that resources such as energy is used in sustainable ways.

7.2.2 There is currently no national guidance in relation to solar panel developments in Ireland however I would note that the UK Guidelines ‘Planning Guidance for the development of large scale mounted solar PV systems’ recommend that when solar panels are located in agricultural land there is a preference to locate them in poorer or more marginal agricultural land as opposed to fertile agricultural land.

7.2.3 The Wicklow County Development Plan 2016-2022, has no strategy or guidance in relation to larger solar panel developments but does have objectives that support to solar energy development as well as having an overriding strategy to encourage the provision of renewable energy sources. I would consider that the proposal is acceptable in principle and the nature of use would not be contrary to the objectives and policies either nationally or under the County Development Plan. I would note that the acceptability of the proposal is contingent on issues such as the visual impact on the landscape taking into account the siting, scale and layout of the proposed solar panel development, impact on local residents and the amenities of the area including noise and glint and glare, environmental issues including impact on the ecology, cultural heritage and accessibility/traffic and drainage issues need to be taken into account.

7.2.4 The appellants refer to a document entitled ‘Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Scheme in Ireland, October 2016’. This document was prepared by Future Analytics and funded by the Sustainable Energy Authority of Ireland (SEAI). The appellants refer to this document as national policy and note concern that such have not been taken into account in assessing the proposal. I would note that this document is not a national policy document and does not have the status alluded to be the appellants. I would also note that the absence of national policy specifically for solar energy developments is not solely a reason for rejecting such proposals and that such

should be assessed on their merits as will be the case in the following section of the report.

7.3 Impact on residential/adjoining amenity:

7.3.1 The site is in a rural area on agricultural lands. Adjoining uses and development are similar in nature. There is sporadic housing development in the vicinity with the nearest existing dwellings located along the L2127 to the north of the site, as well dwelling located along the L6145 to the west of the site. There are a number of potential impacts from the proposed development in terms of residential amenity. In regards to noise impact it is noted that all manufacturing is to be carried out off site with no welding or cutting machinery to be used. Construction noise levels will meet best practices standards. It is noted that the construction phase is a temporary phase and that the operational phase of the proposal will generate no noise impact. I would consider that noise levels likely to be generated would be within acceptable limits and that a standard condition requiring compliance with recommended EPA noise emission limit could be applied. I would consider that the main noise impact would be during the construction phase with the nature of the use and operation generating very little noise impact. Given the temporary nature of construction and appropriate construction management restrictions including noise limits and hours of construction the proposal would be acceptable in to noise impact.

7.3.2 In certain conditions when the sun is low light can be reflected from the solar panels to ground based receptors and this is known as glint and glare. The applicant has included a glint and glare study. The study notes the panels are south facing and are fixed so they will not track the sun. the study includes identifying a study area and modelling to determine potential impact. The study identifies the potential receptors (existing dwellings in the vicinity of the site) and determines the magnitude of impact of glint and glare based on a scale of impacts (Table 1 of the study). The magnitude of effect on all receptors is identified as being 'none', which defined as "effects not geometrically possible or no visibility of reflecting surfaces likely due to high levels of intervening screening". The study notes that the existing factors such as topography and intervening vegetation would reduce impact of glint and glare and that the

overall and that the proposal would have no significant or adverse impact in terms of glint and glare.

7.3.3 Glint only occurs when the sun is shining. In general, a fixed receptor will be subjected to glint once per day over two periods per year either side of the summer solstice. The proposed panels are fixed and will not track the sun. It is noted that the panels are south facing where views of the development are well screened with existing vegetation and proposed additional planting. Solar panels are designed to absorb light to generate electricity and not reflect it and much less reflective than other sources of solar reflection. It is noted that solar reflection is unlikely to be observable from the roads surrounding site and there are few dwellings that may be affected by such. I would note that in the inspector's report (appeal ref. 244539) it was stated that the issue of glare is not particularly relevant to solar panels.

7.3.4 As such I would consider that the significant issue before the Board is whether glint from the proposed development would have any adverse impact on local amenities. The applicant has provided some information regarding potential impact of the development in regards solar reflection. The impact of glint can be mitigated by the provision solar panels that are very dark in colour as they are designed to absorb light rather than reflect light and the surface may be further treated with anti-reflective coating to scatter any reflected light rather than cause specular reflections and it is possible that conditions could be applied in this regard. In addition, I would note that vegetation would mitigate against any glint impacts and in general I noted, from a visual observation from the subject site, that looking southwards from the site that existing vegetation and topography between it and properties further south would potentially screen any impacts of glint. The panels are orientated southwards and the nearest dwellings are located to the north, north, east and west. Overall I would consider that given the low potential occurrence of glint from the proposed development and the nature of the landscape that the proposed development would not have any significant impacts on the surrounding area in relation to glint and glare.

7.3.5 There is potential for the construction activities to have an impact in relation to noise, dust, traffic and general disturbance. The issue of noise was dealt with earlier. I

would consider that these impacts are mainly at the construction stage and that such are temporary in nature and can be dealt with through adequate construction management. I would consider it appropriate that a construction management plan be submitted and implemented including measures such as restriction on constructions hours, dust suppression measures (wheel wash) etc and such can be dealt with by way of condition. I would note that the operational phase of the proposal is unlikely to have an adverse impact on residential amenity given the passive nature activity.

7.4 Landscape/visual impact:

7.4.1 The Planning Authority's assessment of the proposal was that the overall visual impact of the proposal is acceptable. Some of the observations raise concerns regarding the visual impact of the proposal at this location. In regards to Landscape character, the appeal site is located in an area defined as being within the Area of Special Amenity, which is noted as being an area of 'medium' vulnerability. The appeal site is made up of agricultural lands (divided into a number of fields) located to the west of Rathdrum. The appeal falls in a north to south direction. To north of the site is the L2127 and to the west is the L6145. The R752 Regional Route runs to the east of the site from Rathdrum and the R753 runs to the south of the site emanating from the R752 to the south east of the site.

7.4.2 The applicant submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA outlines the description of the site and landscape character as well its context in relation to Development Plan policy. To assess visual impact a zone of theoretical visibility (ZTV) was generated with a radius of 5km from the centre of the site. It is noted that the ZTV does not take into account existing vegetation and built form and such would reduce the visual impact of the proposal. The LVIA provides an assessment of the visual impact from 9 Viewpoints. The LVIA notes that significance of visual impact of the proposed development is slight-imperceptible from one of the viewpoints (VP 7), moderate-slight from one of the viewpoints (VP 2), slight from four of the viewpoints (VP 1, 3, 5 and 9) and imperceptible from the remainder of the viewpoints (VP 4, 6 and 8). It is concluded that the overall visual impact of the proposal would be acceptable.

7.4.3 The site does cover a large area and the proposed development is likely to entail a significant visual change to the character of the landscape. Notwithstanding such the solar panels themselves are low profile structures and the proposals entail retention of existing hedgerow boundaries and additional planting. I am satisfied with the scope and conclusions of the visual impact assessment submitted by the applicant (including further information). Views of the site from the north, east and west would not be significant due to the topography of the lands, existing vegetation and the low profile nature of the structures proposed. The proposal is likely to be visible to some degree from the south east (viewpoint 5) due to the sloping nature of the site. Notwithstanding such, I would consider that the visual impact from this location would be detrimental to the visual amenities of the area. I am satisfied the retention of existing field boundaries, vegetation and new planting would mitigate against such an impact. I would note that the proposal would have no adverse visual impact in relation to any protected view or designated scenic routes, or be visible from any feature of architectural/cultural heritage significance. Having regard to such and given the localised nature of the visual impact, which would not be unacceptable in the context of the adjoining local road and from existing dwellings in the vicinity, I would consider that the overall visual impact of the development would be acceptable. In addition, the proposed development would have no significant or adverse impact in relation to any of the views and prospects including scenic routes identified under the County Development Plan. In this regard I would consider that the proposal is satisfactory in regards to visual impact and landscape character.

7.5 Traffic and Access:

7.5.1 In regards to traffic and access the appeal the appeal site currently has two vehicular access points with each being presented as potential access for construction and operational phase. Option 1 (preferred option) entails use of the existing agricultural access off the L2127 (Greenane Road) to the north west of the site. This option has a haul route that comes through Rathdrum Village with details of the junctions with the village construction traffic will use. Option 2 is to access the site from the existing agricultural entrance off the L6145 to the west of the site, which links into the R753 to the south of the site.

7.5.2 It is noted that the construction phase will generate a variety of traffic including HGV deliveries and light vehicles (9 HGV deliveries (16 movements) and 10-15 light vehicles (20-30 movements) during the peak of construction. Given the passive nature of the proposal and use, it would appear that the main traffic impact of the proposal would be during the construction phase and the later decommissioning phase. The applicants note that some small alteration may be required at existing junction such as trimming back vegetation. In terms of traffic impact I would be satisfied that the existing road network would be capable of facilitating construction traffic for the proposed development. I would also note that the construction period is a temporary period and therefore traffic levels would not be an ongoing issue given that the operational phase is likely to consist of maintenance only. In terms of traffic safety, I would consider that the layout and visibility at the proposed entrances to the site L2127 and L6145 would to be satisfactory to deal with the traffic movements likely to be generated including both the construction and operational phases. I would consider that either Option 1 or Option 2 would be satisfactory in terms vehicular access to the site/construction traffic route.

7.6 Ecology:

7.6.1 The appeal submission highlights concern regarding species such as Red Kite, bats and the Barn Owl. The applicant submitted an ecological survey and assessment of the site. This assessment notes that the site agricultural lands that are not of significant ecological value. It is noted that fauna using the site include common bird species, with some birds considered to be of conservation concern observed on site. The conclusion of the assessment is that the residual ecological impacts of the development would be imperceptible. The applicant also notes that the proposal would not adversely impact the conservation interest of any European Sites. The appeal site is not a protected habitat or identified as supporting any protected species. The appeal site is agricultural land with the land already in active use for agricultural purposes. There are existing hedgerows on site and such are to be

retained and additional hedgerow planting of native species is proposed. I would consider that the ecological impact of the proposal would be acceptable and that the proposal given the nature of structures and low level of hard surfacing it entails would not significantly alter the characteristics of the site so as to adversely impact existing ecology. I would also consider that the abundant level of lands similar in character and use adjoining the site would mean that any species displaced would have suitable habitats in the immediate vicinity.

7.6.2 I would also consider that the proposal would have no significant or adverse impact on existing aquatic habitats in the area due to the lack of a significant connection between the site and the proposed works to such habitats in the vicinity. I am satisfied that with adequate construction management in regards to dust suppression, chemical/fuel storage and surface water drainage, that the proposal would be acceptable in this regard.

7.7 Surface Water Drainage:

7.7.1 The proposed development will result in limited additional hard surface areas. This would include the new access laneway and substation. The solar panels are to be supported on concrete piles and therefore have a very low hard surface area. I would accept that these developments would increase surface water run-off on the site however given the scale of the hard surface areas in relation to the overall site I would not anticipate that the operational phase of the proposed development would generate any significant additional surface water. I am satisfied that an appropriate condition can deal with this matter and that the actual change to the drainage characteristics of the land are minimal.

7.7.2 It is notable that there was a submission by Inland Fisheries Ireland raising concerns regarding potential adverse impact on water quality in the Avonburg River, which is an important salmonid channel and tributary of the Avoca River. The Avoca River and its tributaries support Atlantic salmon, sea trout, brown trout and lamprey and

other fish populations. Measures are necessary to protect the ecological integrity of such. I am satisfied that sufficient information has been provided regarding the nature and extent of structures proposed at this location. I am satisfied that the proposal subject to appropriate conditions regarding surface water drainage, poses no risk to the water quality of Avonburg River, any other watercourses or groundwater.

7.8 EIS Screening:

7.8.1 Schedule 5 of the Planning and Development Regulations, 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an EIS. Part 1, Schedule 5 outlines classes of development that require EIS and Part 2, Schedule 5 outlines classes of developments that require EIS but are subject to thresholds. I have examined the Part 1, Schedule 5 projects and I would not consider that a solar farm is included in any of these project descriptions. I have also examined the Part 2, Schedule 5 projects and although I would note that there are some projects under Paragraph 3 'Energy Projects' which relate to energy production. I would consider that none of these projects would be applicable to a solar farm as proposed. In reaching this conclusion I would have regard to the most recent solar farm developments before the Board, i.e. appeal reference no.s PL04.244539 and PL26.244351 and PL04.245862, where a similar conclusion was reached in each case.

7.8.2 In accordance with the 'EIA Guidance for Consent Authorities regarding Subthreshold Development', 2003, the following is stated "there is a requirement to carry EIA where competent/consent authority considers that a development would be likely to have significant effects on the environment". The guidelines advise the criteria to be considered for the need for sub-threshold E.I.S. and this includes (i) characteristics of the proposed development, (ii) location of the proposed development, and (iii) characteristics of potential impacts. Schedule 7 of the Planning and Development Regulations, 2001 (as amended), sets out criteria for determining whether a sub-threshold development is likely to have significant effects on the environment and

therefore would require an EIS. An important issue before considering subthreshold development is Article 92 of the Planning and Development Regulations, 2001, (as amended). Article 92 defines sub-threshold development, i.e. 'development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development'. As I have considered above that the solar panel development is not a development set out in Schedule 5 then I would not consider that the subject development is a 'sub-threshold development' for the purpose of EIS.

7.9 Appropriate Assessment:

7.9.1 The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that "any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in light of its conservation objectives. In light of the conclusion of the assessment of the implications for the site, and subject to the provisions of paragraph 4, the competent national authorities shall agree to a plan or project only after they have ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

7.9.2 An Appropriate Assessment Screening Report was submitted with the application. This report identified 9 Natura 2000 sites within 15km of the appeal site. It is noted that no part of the site is within the designated site and that the proposed development is not ecologically or hydrologically connected to any of the designated sites. It is noted that the only site with a potential link to the proposal is the Vale of Clara (Rathdrum Wood) SAC (Site Code 000733) with both indicative grid connections falling within the designated site. It is noted in both options the grid connection runs along the R755 which is within the Vale of Clara (Rathdrum Wood) SAC. The conservation objectives are identified as Old sessile oak woods with *Ilex* and *Blenchum*. It is noted that the grid connection would entail trenching of cable in the road or the grass verge along the R755. It is noted that such areas do not include

areas of the Annex 1 habitat (old sessile oak woods) and there no potential for direct impacts. It is noted there is potential impact from invasive plant species due to works associated with the trenching for the grid connection., however it is noted that adequate construction management can be applied to avoid such. The screening report notes that the proposed development on the appeal site itself would have no direct, indirect or in combination effects on any Natura 2000 sites. It is concluded that a Stage 2 Appropriate Assessment is not required.

7.9.3 The Board as a competent authority is obliged, as noted earlier in this section "shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned". In this regard it is appropriate to carry out a stage 1 screening assessment and then if necessary a stage 2 appropriate assessment. There are 9 Natura 2000 sites within 15km of the site.

Vale of Clara (Rathdrum Wood) SAC: Site Code 000733

Deputy's Pass Nature Reserve SAC: Site Code 000717

Wicklow Mountains SAC; Site Code 002122

Wicklow Mountain SPA: Site Code 004040

Buckroneys-Brittias Dunes Fen SAC 000729

Magherabeg Dunes SAC: Site Code 001766

The Murrough Wetlands SAC: Site Code 002249

The Murrough Wetlands SPA: Site Code 004186

Wicklow Head SPA: Site Code 004127

The appeal site and proposed development is remote from all of the designated sites identified within 15km of the site (the nearest is the Vale of Clara 1.3km from the site). The proposal would not result in any habitat loss or reduction in the quality of the habitat and subsequently the conservation status of the designated sites. I would also consider that the project would not have any likely effects in conjunction with other plans or projects on any designated Natura 2000 site. In this regard it is reasonable to conclude that on the basis of information on the file, which I consider

adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have effects on any designated Natura 2000 and that a Stage 2 Appropriate Assessment is not therefore required.

7.10 Other Issues:

7.10.1 The issue of visual impact assessment discussed in an earlier section of this report. I would note that the proposal having regards to its location, topography and the nature and scale of structures proposed would have no adverse impact on the setting of any structures of architectural heritage significance.

7.10.2 There are no recorded or national monuments within the confines of the site or immediately adjacent the site with the proposal unlikely to have a significant impact on features or archaeological significance. The applicant did provide an archaeological assessment of the site. I am satisfied that an appropriate condition requiring archaeological monitoring is sufficient to deal with this issue.

7.10.3 The appellants raise concerns regarding the health implications of the proposed development. The applicant has refuted the appellants' claims regarding health issues. As noted under the section on planning history there have been a number of permissions approved for similar developments including with Co. Wicklow and the issue health implications has not been a concern. In terms of development the proposal entails the provision of solar panels, electrical substation, electrical inverter and transformer stations. These are located a significant distance from the nearest dwellings and as noted above have been permitted in similar locations without concerns regarding such issues.

8 Recommendation

8.1 I recommend a grant of permission subject to the following conditions.

9 Reasons and Considerations

9.1

REASONS AND CONSIDERATIONS

Appropriate Assessment Screening

Having regard to the Appropriate Assessment Screening Report submitted with the application, the report of the Inspector, the nature, scale and location of the proposed development, and the separation distances to European Sites, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have significant effects on European Sites in view of their conservation objectives. The Board accepted the assessment of the Inspector on this matter, and shared his conclusions. In doing so, the Board had regard to the scale of excavation arising, the localised nature of potential effects, the hydrological distance involved, and the measures proposed to protect water quality during construction in accordance with good industry practice.

Environmental Impact Assessment Screening

Having regard to the nature, characteristics, scale and location of the proposed development, and to the characteristics of its potential impacts, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment, either by itself or in combination with other development in the vicinity, including other permitted solar arrays, and concurred with the overall analysis set out in the Inspector's report. The Board, therefore, concluded that the submission of an environmental impact statement was not required.

Conclusions on proper planning and sustainable development

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the provisions of the Wicklow County Development Plan

2016–2022, and of regional and national policy objectives in relation to renewable energy, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not have unacceptable impacts on the visual amenities of the area, would not result in a serious risk of pollution, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Condition

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans submitted on the 13th day of December 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. The permission shall be for a period of 30 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing.

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

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

Reason: To protect the environment.

6. (1) Existing field boundaries shall be retained, and new planting undertaken in accordance with the plans submitted.

(2) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

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

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

8. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

Reason: In the interest of the amenities of the area and of property in the vicinity.

9. The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of clarity.

10. Cables within the site shall be located underground.

Reason: In the interest of visual amenity.

11. (1) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.

(2) On full or partial decommissioning of the solar array, or if the solar array ceases operation for a period of more than one year, the site, including access road, shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

Reason: To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) details of site security fencing and hoardings,
- (b) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (c) measures to obviate queuing of construction traffic on the adjoining road network,
- (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (e) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (f) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- (g) details of on-site re-fuelling arrangements, including use of drip trays,
- (h) details of how it is proposed to manage excavated soil, and
- (i) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection, amenities, public health and safety.

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

Reason: In the interest of traffic safety and convenience.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of orderly development and visual amenity and to ensure the satisfactory reinstatement of the site.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Colin McBride
Planning Inspector

04th May 2017