



An
Bord
Pleanála

Inspector's Report PL26.248210

Development	Temporary ground mounted solar photovoltaic farm on a 11 hectare site with all associated site works.
Location	Bannoge, Courtown, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2016 1449
Applicant	Renewable Energy Solutions Limited.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Renewable Energy Solutions Limited.
Observers	None
Date of Site Inspection	24/05/2017
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 11 hectares, is situated circa 3km to the west of Courtown, Co. Wexford. The M11 Motorway lies 1.2km to the north. The site is located to the south-eastern side of Banogehill lying between 30m-50m contour levels. The Banoge River lies 900m to the west and the Owenagvorrhagh River 350m to the south.
- 1.2. The site comprises one large field, a smaller triangular shaped field adjoining it to the south and another smaller rectangular field adjoins this to the west. The boundaries are formed by hedgerow. The closest residential properties are located 100m to the south and 130m to the east.
- 1.3. The site is served by a local road which runs along the southern boundary for circa 60m. The junction with the Regional Road R742 lies 1.4km to the east. A private lane runs along the eastern site boundary it serves the surrounding agricultural lands and the 110Kv ESB Substation located to the north-east of the appeal site.

2.0 Proposed Development

- 2.1. Temporary ground mounted solar photovoltaic farm on a 11 hectare site with all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for 1 no. reason.

1. Objective L04 under Section 14.4.3 Landscape Management of the Wexford County Development Plan 2013-2019 seeks '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'. The proposed development due to its scale, siting and elevated nature of the site fails to have regard to its setting in the

landscape and, therefore, 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

- The northern field of the site is elevated and exposed to the south. It was concluded that the proposed development due to the scale, siting and elevated nature of the site would have the potential to adversely affect the visual amenities of the area. Refusal was recommended on that basis.

3.2.2. Other Technical Reports

3.2.3. Area Engineer – none

3.2.4. Chief Fire Officer – Permission recommended. Fire Safety Certificate is required.

3.3. Third Party Observations

3.3.1. The Planning Authority did not receive any submissions/observations in relation to the application.

4.0 Planning History

None on site

Adjacent lands

Reg. Ref. 20170077 – Permission was refused by the planning authority for a solar farm comprising solar photovoltaic panels laid out in arrays on ground mounted frames on a site of approximately 28.52 hectares with all associated site works. This application is the subject of a current appeal (PL26.248364). The site is located 112m to the east of the appeal site

Reg. Ref. 20161217 – Permission granted by the planning authority for temporary (27 year) permission for ground mounted a solar photovoltaic panels farm on 10 hectares with all associated site works. The site is located 8m to the east of the

appeal site on the opposite side of the lane and comprises two fields adjoining the public road.

5.0 Policy Context

5.1. Development Plan

The operative plan is the Wexford County Development Plan 2013-2019.

Chapter 11 – Energy

- Objective EN07

To encourage and favourably consider proposals for renewable energy developments and ancillary facilities in order to meet national, regional and county renewable energy targets and to facilitate a reduction in CO2 emissions and the promotion of a low carbon economy, subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.

- Objective EN10

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).

- Section 11.3.5 refers to Solar Power

Solar Photovoltaic Systems use daylight to convert solar radiation into electricity; the greater the intensity of light, the greater the flow of electricity.

- The area in which the site is located is within the 'Lowland' landscape which areas are deemed to have a higher capacity to absorb developments.

- Objective L04

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.

- Consideration of siting, design and landscaping is another over-arching objective for all developments under Objective L09 and to have regard to the site specific characteristics of the natural and built environment. In volume 3 it is noted that care still needs to be taken on a site by site basis, particularly to minimise the risks of developments being visually intrusive.

5.2. National Policy

- 5.2.1. The Government White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future 2015 – 2030', published in December 2015. The White Paper is a complete energy policy update, which sets out a framework to guide policy between now and 2030. The vision of the White Paper is to achieve a low carbon energy system that targets greenhouse gas (GHG) emissions from the energy sector that will be reduced by between 80% and 95%, compared to 1990 levels, by 2050, and will fall to zero or below by 2100. Paragraph 137 of the White Paper states 'solar photovoltaic (PV) technology is rapidly becoming cost competitive for electricity generation, not only compared with other renewables but also compared with conventional forms of generation. The deployment of solar in Ireland has the potential to increase energy security, contribute to our renewable energy targets, and support economic growth and jobs. Solar also brings a number of benefits like relatively quick construction and a range of deployment options, including solar thermal for heat and solar PV for electricity. It can be deployed in roof-mounted or ground-mounted installations. In this way, it can empower Irish citizens and communities to take control of the production and consumption of energy.'
- 5.2.2. The National Spatial Strategy 2002 – 2020 This document states, "in economic development the environment provides a resource base that supports a wide range of activities that include agriculture, forestry, fishing, aqua-culture, mineral use, energy use, industry, services and tourism. For these activities, the aim should be to ensure that the resources are used in sustainable ways that put as much emphasis as possible on their renewability" (page 114).

5.3. **International Guidance**

5.3.1. 'Planning Guidance for the development of large scale mounted solar PV systems' prepared by BRE National Solar Centre (UK).

- This guidance document provides advisory information on planning application considerations including construction and operational works, landscape / visual impact, ecology, historic environment, glint and glare and duration of the planning permission.
- The document also provides guidance on the information which should be provided within a Landscape and Visual Impact Assessment.
- The document also provides guidance on EIA Screening procedures.

5.4. **Natural Heritage Designations**

5.4.1. Slaney River Valley SAC (Site code 000781) is 5.7km to the west of the appeal site.

5.4.2. Kilpatrick Sandhills SAC (Site code 001742) is 11km to the north-east of the appeal site.

5.4.3. Cahore Marshes SPA (Site code 004143) is 11km to the south of the appeal site.

5.4.4. Cahore Polders and Dunes SAC (Site code 000700) is 11.3km to the south of the appeal site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal was lodged by Renewable Energy Systems Ltd. on the 21st of March 2017. The main issues raised are as follows;

- The Planning Authority refused permission on the basis that the proposed development due to its scale, siting and elevated nature of the site that it fails to have regard to its setting in the landscape and would have an adverse effect on the visual amenity of the area.

- The applicant notes that there were no third party submissions or objections in relation to the application.
- The site is well screened by the existing vegetation. The number of locations where views of the proposed development are available are extremely limited. As indicated in the landscape and visual assessment the proposed development would have no significant effects on the landscape character or visual amenity of the area.
- The report of the Planning Officer had concern regarding viewpoint 4 from the road to the south at Ballingaeeloge. The photo included with the Planner's report take from this location is a single frame shot and does not indicate the wider landscape. When viewed in the wider context the proposed development occupies only a small portion of the overall wider landscape.
- The extent of the site in the original photomontage for figure 15d was incorrect. This has been corrected in the photomontage accompanying the appeal.
- The location of viewpoint 4 has been altered to take account of the concerns raised in the Planner's report. The visual impact from this minor road to the south is not considered to be significant and any impacts are confined to the immediate locality of the site.
- Any views of the proposed development must be considered within the context of the existing views which contain a number of man-made elements including steel lattice electricity pylons, telecommunications mast, telegraph poles, agricultural and residential buildings. Furthermore, there are a number of wind turbines on the slope of Croghan Mountain.
- A number of electricity pylons and the telecommunications mast break the skyline. In contrast the solar arrays are low level structures which follow the contours of the land. Thus minimising the visual impact.
- The applicant proposes to provide additional screening along the north-west boundary of the site and also along the southern boundary to mitigate any visual impacts from viewpoint 4.

- Objective L04 of the Wexford County Development Plan 2013-2019 requires that all development 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.”
- The Objective does not state that all potential adverse visual impacts are to be eliminated. The site has existing screening and additional screening is proposed to ensure that any potential visual impacts are minimised. Furthermore, there are no listed views in the vicinity of the site. Therefore, it is considered that the proposed development does not contravene Objective L04.
- The Planner’s report does not refer to the absence of national planning guidance in relation to solar farms. While the applicant acknowledges that there are currently no Irish guidelines for solar projects they state that the UK Best Practice guidelines were followed in terms of the siting and design of the solar farm to minimise visual impact.
- The proposed 5MV development is supported by the national, regional and local policies in terms of renewable energy. Objective EN07 of the Development Plan states that it is policy to “encourage and favourably consider proposals for renewable energy development.”
- The applicant cites the appeal made under PL26.247176 where the Board granted permission for a similar solar farm at Monfin, Enniscorthy Co. Wexford. The Board granted permission notwithstanding the recommendation by the Inspector to refuse permission on visual grounds.
- In relation to that appeal case the Board did not concur the visual impact of the proposed development would merit a refusal of permission. The Board did not consider that the site was notably prominent or elevated especially from views in close proximity. The Board did not consider that the site was especially open and exposed. The Board also considered that it was appropriate to supplement the existing hedgerows with semi-mature planting by means of condition. The Board considered subject to the implementation of the landscaping proposals that the visual impact would be acceptable.

- In conclusion, the applicant considers that the Landscape and Visual Assessment clearly shows that the proposed development would have no significant effects on the landscape character or visual amenity of the area.

6.2. Planning Authority Response

A response to the first party appeal was received from the Planning Authority on the 10th of April 2017.

- The Planning Authority note the contents of the appeal.
- In response to the altered view of the location of viewpoint no. 4, it is acknowledged and noted. The 'extent of site' as indicated on the northern field on the revised photomontage extends to half the width of the northern field and it doesn't accurately reflect the adverse visual impact the proposed development would be likely to create.
- The Planning Authority request that the Board uphold the decision to refuse permission.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Planning policy and need for the development
- Visual amenity and landscape character
- Residential Amenity
- Environmental Impact Assessment
- Appropriate Assessment

- 7.1. Planning policy and need for the development
- 7.1.1. Section 14.4 of the Wexford County Development Plan 2013-2019 refers to landscape. The appeal site at Bannoge, Courtown Co. Wexford is located within the 'lowlands' Landscape Character Unit. It is stated in the Plan that the landscape in lowland areas have characteristics which have a higher capacity to absorb development.
- 7.1.2. The proposed development a solar photovoltaic farm is supported by national, regional and local policies in terms of renewable energy. Objective EN07 of the Development Plan refers to renewable energy developments and states that it is policy to encourage and favourably consider proposals for such developments subject to compliance with development management standards set out in Chapter 18 of the Development Plan and subject to compliance with Article 6 of the Habitats Directive.
- 7.1.3. At a strategic level the proposal is presented as supporting the national objective to achieve the target of 40% electricity generation from renewable sources by 2020. 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.
- 7.1.4. The Wexford County Development Plan 2013-2019, 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 note that it is an objective of the Development Plan (EN10) to prepare a Renewable Energy Strategy for County Wexford during the lifetime of the plan however no such strategy is currently in place.
- 7.1.5. Therefore, 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. Accordingly, I consider that the proposal is acceptable in principle subject to all other relevant planning issues being satisfactorily addressed, including 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 and environmental issues.

7.2. Visual amenity and landscape character

- 7.2.1. Permission was refused by the Planning Authority on the basis of concerns regarding visual impact in the landscape with specific concerns regarding its elevated location, and visibility from surrounding public roads. The visual impact of the proposal was considered unacceptable due to the scale, siting and elevated nature of the site.
- 7.2.2. The selection of a site within the Lowland landscape is noted and the absence of protected views is also noted. A Landscape and Visual Assessment was submitted with the application. It 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. The assessment identified visual receptors within 5km of the site. Four viewpoints were identified to the south and south-east of the site.
- 7.2.3. Viewpoint no. 1 is taken from the minor road to the south circa 350m from the site. The main receptor is indicated as motorists. The predicted view is stated that there would be glimpsed views of the development due to the presence of existing mature boundary planting. Accordingly, the magnitude of the effect of the development upon the visual amenity at this location is low.
- 7.2.4. Viewpoint no. 2 is taken from the minor road at Ballydane circa 1.44km to the south-east of the appeal site. There are also a number of dwellings along the local road. It is stated in the Landscape and Visual Assessment that due to the presence of existing planting only the arrays on the upper section of the site would be visible. In relation to this, I note that there are extensive open views north from the Ballydane road towards Banogehill where the appeal site is located on the southern slope and also north towards Croghan Mountain which is circa 15km from Ballydane.
- 7.2.5. Viewpoint no. 3 is taken from the minor road at Ballinageeloge to the west of Ballydane and circa 1km to the south of the appeal site. It is stated in the Landscape and Visual Assessment that the main receptor would be motorist however it is also noted that there are approximately 6 no. dwellings in the vicinity of this viewpoint.

The upper section of the largest field within the site is highly visible from this viewpoint. It is concluded in the Landscape and Visual Assessment that the proposed development would be recognisable as a new element however it should be viewed in the broad context of the surrounding landscape which contains dark and muted colours and that the arrays would not change the overall nature of the view. The magnitude of the effect of the development upon the visual amenity at this location is deemed to be moderate in the Landscape and Visual Assessment.

7.2.6. When viewed from Ballydane and indeed along the local road between viewpoint no. 2 and viewpoint no. 3 the site particularly the upper section is notably prominent and elevated. Consequently, the location of the proposed solar arrays would in my opinion be highly visible. While I note the presence of 3 no. pylons within the vicinity of the site and a monopole telecommunication mast to the east, having regard to the scale of the proposed arrays and their elevated location I consider that the proposed solar farm would form a prominent and obtrusive feature in the landscape.

7.2.7. Viewpoint no. 4 is taken from the minor road at Ballinageeloge which is circa 750m to the south of the appeal site. The Planning Authority in their assessment of the application raised concerns in relation to the photomontage provided from this viewpoint and specifically the extent of the site indicated and the presence of a tree within the close range view. The applicant submitted a revised photomontage for viewpoint no. 4. The Planning Authority in their response to the appeal noted the altered view of the location of viewpoint no. 4. However they considered that the 'extent of site' as indicated on the northern field on the revised photomontage extends to half the width of the northern field and it doesn't accurately reflect the adverse visual impact the proposed development would be likely to create.

7.2.8. Having viewed the photomontages and inspected the viewpoint no. 4 at Ballinageeloge, I would concur with the Planning Authority that the photomontages from viewpoint no. 4 do not accurately reflect the visual impact of the proposed development from the local road 750m from the site. I consider that a substantial section of the site and consequently the proposed solar arrays would be highly visible from this location.

7.2.9. In conclusion, I consider notwithstanding the potential for successful mitigation of localised visual impacts from the closest viewpoint, viewpoint no. 1, having regard to

the open, exposed and elevated nature of the site, that the proposed development would form a prominent and obtrusive feature in the landscape, which would be highly visible in views from roads to south and south-east and which would adversely impact on the rural character of the area and seriously injure the visual amenities of the area.

7.3. Residential Amenity

- 7.3.1. There are a number of existing dwellings located along the local road network to the east, west and south of the appeal site. The closest residential properties are situated to the south between 90m and 160m from the site. There are a number of potential impacts from the proposed development in terms of residential amenity.
- 7.3.2. In relation to noise impact 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.
- 7.3.3. Regarding the matter of glint and glare, the solar farm is to be situated on land ranging between approximately 30m and 50m above mean sea level (amsl). All of the solar panels will be fixed at 20 - 30 degrees above the horizontal and orientated in a southward direction. The panels will be mounted up to a maximum height of 2.3m above ground level and set out in linear arrays. Glint can be defined as a momentary flash of bright light and glare a continuous source of bright light.
- 7.3.4. The applicant carried out a glint and glare assessment which is contained within the Main report accompanying the application. It is noted that there are no specific guidelines in Ireland in relation to glint and glare and their impact on residential amenity and road users. It is stated in the assessment that there are 22 no. dwellings within 1km of the site with the local road running to the south of the appeal site. Regarding the impact to dwellings in the area it was concluded due to existing screening and the topography of the area that no impacts are predicted. Regarding glint and glare effects upon road users it is noted that glint and glare effects would be possible from short sections of road within the vicinity of the panel area. Due to the existing screening it is considered in the assessment that this will reduce or remove any impacts to road users and therefore the overall impact from glint and glare would be minimal.

- 7.3.5. For a cumulative assessment it would be appropriate to review the planning applications for solar farms within the immediate surrounding area (either permitted, awaiting permission or under construction, or operational), to determine the visibility of the developments to surrounding receptors and to determine whether there could be an 'in combination' or 'in sequence' glint and glare impact. In relation to this matter I note that permission is granted under Reg. Ref. 20161217 for a 10 hectare solar farm on adjacent lands to the east. That site comprises two fields adjoining the public road which is well screened. In their assessment of the application the Planning Authority did not consider that the development would have any impact in terms of glint and glare.
- 7.3.6. There is a concurrent appeal (Reg. Ref. 20170077 & PL26. 248364) for a 28 hectare solar farm on the adjacent lands to the east and north-east of the appeal site. This site is at a higher level above the two fields where the 10 hectare solar farm was granted. In their assessment of the case the Planning Authority had concerns in relation to glint and glare impact and considered that there were six dwellings in the area which were likely to experience some degree of impact.

7.4. Environmental Impact Assessment

- 7.4.1. 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. The proposed development falls below the threshold levels in Schedule 5 of the Regulations in relation to EIA, and does not involve potential impacts on any sites or areas of specific environmental sensitivity. Having regard to the limited nature of the development, the absence of any nature conservation designation in the immediate area, the absence of any emission from the development and the absence of any connection to watercourses, it must be concluded that the development will not have a significant impact on the environment. Overall it is considered that the proposed development does not come within the scope of the classes of development requiring the submission of an EIS as set out in Schedule 5 of the Planning and Development Regulations 2001-2011. The submission of an environmental impact statement is not required.

- 7.5. Appropriate Assessment
- 7.5.1. 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.
- 7.5.2. There are four Natura 2000 sites within 15km of the appeal site. They are Slaney River Valley SAC (Site code 000781) which is 5.7km to the west of the appeal site. Kilpatrick Sandhills SAC (Site code 001742) which is 11km to the north-east of the appeal site. Cahore Marshes SPA (Site code 004143) which is 11km to the south of the appeal site and Cahore Polders and Dunes SAC (Site code 000700) which is 11.3km to the south of the appeal site.
- 7.5.3. In relation to determining the effects of a development on a European site are likely and whether or not the effects are significant in light of the Conservation Objectives for the site. It should also be determined if there are cumulative effects with other projects. The Planning Authority carried out a screening for Appropriate Assessment. A Stage 1 Screening Assessment was carried out in regard to the potential for the proposed development to impact upon the integrity of each of the designated Natura 2000 sites identified within 15km of the site. In the screening report it was stated that there were no likely direct, indirect or secondary impacts from the proposed development. It was concluded in the screening report that the Planning Authority was of the opinion that having regard to the location and separation distance from the subject site to the closest designated sites that there is no potential for significant effects to Natura 2000 sites.
- 7.5.4. Kilpatrick Sandhills SAC, Cahore Marshes SPA and Cahore Polders and Dunes SAC lie over 11km from the appeal site. Having regard to the separation distances between the appeal site and these Natura 2000 sites and based on the concept of source-pathway-receptor, there is no pathway/linkage between the designated sites and the appeal site. The proposal would not result in any habitat loss or reduction in the quality of the habitat and subsequently the conservation status of these designated sites.

- 7.5.5. The Slaney River Valley Special Area of Conservation (Site code 000781) is the closest Natura 2000 site to the appeal site as it lies 5.7km to the west. The conservation and qualifying interests and species and features of interest of the Slaney River Valley SAC include freshwater pearl mussel (*Margaritifera margaritifera*), sea lamprey (*Petromyzon marinus*), brook lamprey (*Lampetra planeri*), river lamprey (*Lampetra fluviatilis*), allis shad (*Alosa alosa*), twaite shad (*Alosa fallax fallax*), salmon (*Salmo salar*), estuaries, mudflats and sandflats not covered by seawater at low tide, Otter (*Lutra lutra*), water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation, old sessile oak woods with *Ilex* and *blechnum* in British Isles, alluvial forests with *alnus glutinosa* and *fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).
- 7.5.6. The possible impact of the proposal on the conservation status of the designated site include loss/reduction of habitat, disturbance of key species, habitat or species fragmentation, reduced species density and decrease in water quality and quantity. It is noted that the appeal site is remote from the designated site and there is no direct or indirect links to the site including a hydrological link. It is therefore concluded that there is no direct, indirect or cumulative impacts on the designated site and that a Stage 2 Appropriate Assessment is not required.
- 7.5.7. In conclusion, it is reasonable to conclude that on the basis of the 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 a significant effect on the Slaney Valley SAC Site Code (000781), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

- 8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be refused for this development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. It is Council policy under Objective L04 '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'. Having regard to the open, exposed and elevated nature of the site, it is considered that the proposed solar farm would form a prominent and obtrusive feature in the landscape, which would be highly visible in views from roads to south and south-east and which would adversely impact on the rural character of the area. The proposed development would seriously injure the visual amenities of the area and would conflict with this development plan objective which seeks to protect the landscape. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

26th of June 2017