



An
Bord
Pleanála

Inspector's Report PL27.248258

Development	3041sq m of solar panels, electricity control room, underground cable ducts, CCTV cameras, fence and all associate site works.
Location	Kiltimon, Newtownmountkennedy, Co. Wicklow.
Planning Authority	Wicklow Co. Council.
Planning Authority Reg. Ref.	16/307
Applicant	Today's Generation Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Douglas & Rosaline Hutton & Others
Observer	Michelle O'Connor
Date of Site Inspection	21/06/2017
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.914 hectares, is situated circa 2km to the south of Newtownmountkenndy, Co. Wicklow. The N11 National Road lies 197m to the east. The site is located within the landholding of Kiltimon Farm which is accessed of a narrow local road. The property is served by a recessed gated vehicular entrance. There four agricultural sheds within the landholding situated to the north-east of the proposed location of the solar arrays.
- 1.2. The junction with the Regional Road R772 lies 315m to the north. There is a mature forested area immediately to the east of the site which extends to the N11 corridor. To the west of the site and on the opposite side of the local road there is an extensive forested area at Dunran Demesne.
- 1.3. The site comprises a section of one large field within the landholding. The level of the site lies between 110m-125m contour levels. The closest residential property is located 178m to the north. Kiltimon House a Protected Structure is situated 230m to the south of the appeal site and there is another dwelling 270m to the south of the site.

2.0 Proposed Development

- 2.1. Permission is sought for 3041sq m of solar panels set out in linear arrays, electricity control room, underground cable ducts, CCTV cameras, fence and all associate site works.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 12 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 16/4/16 - Further information requested regarding matters in relation to the submitted Visual Impact Assessment, Details of site levels, grid connection, life of facility, landscaping, noise levels, proposed cleaning and surface water details and impact of loss of agricultural land on the overall holding.

Report dated 28/2/17 – The Planning Authority were satisfied with the details provided with the response to the further information and permission was granted.

3.2.2. Other Technical Reports

Roads Department: No objections

Wicklow District Engineer: Further information requested

Water & Environmental Services: Further information requested

3.3. Prescribed Bodies

3.3.1. Irish Aviation Authority: No response received

3.3.2. The Heritage Council: No response received

3.3.3. An Comhairle Ealaíon: No response received

3.3.4. An Taisce: No response received

3.3.5. Failte Ireland: No response received

3.3.6. Development Applications Unit: No response received

3.4. Third Party Observations

3.4.1. The Planning Authority received two submissions in relation to the planning application. The issues raised concerned visual impact and impact upon residential amenity.

4.0 Planning History

None on site

5.0 Policy Context

5.1. Development Plan

The operative plan for the area is the Wicklow County Council Development Plan 2016 - 2022.

Chapter 9 – refers to Infrastructure

Solar Energy

The principal application of solar energy is use in heating. Therefore this aspect of solar power is addressed in Section 5 to follow. However, as technology advances, solar power is increasingly being used to generate electricity through the use of photovoltaic (PV) cells. Photovoltaic systems use semiconductor materials to convert light into electricity. This technology is widely used in consumer products such as solar calculators, watches or garden lights, and is increasingly used as a cost-effective solution in Ireland for stand-alone applications where a grid connection is too expensive (e.g. parking meters, caravans or remote holiday homes). Solar PV can also be used to provide free solar electricity to houses as well as for commercial and industrial applications. It is now possible to connect solar PV systems to the grid, opening up a new era for solar PV in Ireland. Applications are also being made for commercial scale ground mounted solar PV ‘Solar Farms’ and such developments are supported, subject to suitable locations being selected and environmental criteria being satisfied.

Solar Energy Objectives

CCE9 – To facilitate the development of solar generated electricity.

CCE11 – To support the development of commercial scale ground mounted solar PV ‘Solar Farms’ subject to compliance with emerging best practice and available national and international guidance. *(It should be noted that there is currently (2016) no national guidance available on the appropriate location and design of solar farms. However there are a number of excellent examples of such guidance provided in other jurisdictions and these will be utilised in the assessment of any applications; for example ‘Planning guidance for the development of large scale ground mounted solar PV systems’ produced by BRE National Solar Centre and Cornwall Council in the UK.)*

Chapter 10 – refers to Heritage

- The site is located within the Eastern Corridor Landscape Character Area

5.2. National Policy

Energy White Paper - Transition to a Low Carbon Energy Future 2015:2030.

This comprises a complete energy policy update. It sets out a range of actions that the Government intends to take and reiterates a previously adopted target of achieving 40% of electricity generation by 2020 in renewable forms. The document emphasises the role of new technologies and the role of the citizen. Paragraph 137 refers to the potential of solar energy.

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. Solar technology 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.

5.3. 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. The Murrough Wetlands SAC is located 3.2km to the east.
- 5.4.2. The Murrough SPA is located 3.2km to the east.
- 5.4.3. Carriggower Bog SAC is situated 6km to the north-west.
- 5.4.4. Glen of the Downs SAC is situated 7.5km to the north.
- 5.4.5. Wicklow Mountains SAC is located 10km to the west.
- 5.4.6. Wicklow Mountains SPA is located 11km to the west.
- 5.4.7. Wicklow Head SPA is located 11km to the south-east.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Kiaran O'Malley & Co. Ltd. on behalf of Dougals and Rosaline Hatton on the 29th of March 2017. The main issues raised concern the following;

- The appellants have queried the validity of the application.
- The potential impact upon Kiltimon House which is a Protected Structure and is situated to the south of the site.
- Visual impact of the proposed solar arrays upon the neighbouring dwelling to the south.
- Lack of information provided in relation to the construction method to be used for fixing the steel frames upon which the panels would be mounted.
- There is a lack of detail provided in relation to the proposals for cleaning the solar arrays.
- The appellants have concerns that the existing tree screening which is located on the applicant's lands could be removed.

- In relation to the further information response submitted to the Planning Authority the appellants have concerns regarding the visual impact the proposed arrays would have when viewed from the N11 on travelling south.

6.2. Planning Authority Response

- None received

6.3. Observations

An observation to the appeal was received from Michelle O'Connor on the 25th of April 2017. The main relevant planning issues raised are as follows;

- Proximity of the site circa 10km from Newcastle Aerodrome and the potential impact from 'glint and glare'.
- Potential impacts of the proposed development upon water sources.
- Visual impact.
- Proximity of the proposed development to Kiltimon House, its gardens and grounds and ancient woodland.
- Light pollution

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
- Impact upon Amenity
- Kiltimon House
- Environmental Impact Assessment

- Appropriate Assessment
- Other issues

7.1. Planning policy and need for the development

- 7.1.1. The appeal site at Kiltimon, Newtownmountkennedy is located within the 'Eastern Corridor' Landscape Character Area. It is stated in the Plan that Development proposals within the western and north eastern corridor landscape area should not unduly impinge on any views or prospects in these areas.
- 7.1.2. The proposed development a solar photovoltaic farm is supported by national, regional and local policies in terms of renewable energy. 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.
- 7.1.3. Chapter 9 of the Wicklow County Development Plan 2016-2022 refers to infrastructure. In relation to solar energy it is stated in the Plan that applications are also being made for commercial scale ground mounted solar PV 'Solar Farms' and such developments are supported, subject to suitable locations being selected and environmental criteria being satisfied. Objective CCE9 seeks to facilitate the development of solar generated electricity and Objective CCE11 seeks to support the development of commercial scale ground mounted solar PV 'Solar Farms' subject to compliance with emerging best practice and available national and international guidance.
- 7.1.4. 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. A Landscape and Visual Impact Assessment has been submitted with the application documentation. This assessment outlines the visual impact including photomontages to illustrate the impact from the surrounding landscape. The Planning Authority requested further information regarding matters in relation to the submitted Visual Impact Assessment. The Planning Authority had specific concerns regarding visual impact when viewed from the southbound carriageway of the N11 to the north.
- 7.2.2. In response the applicant submitted a revised visual impact study and a revised landscape plan. As indicated in the revised visual impact study the proposed development would be visible from some distance from a number of points on the N11. However, it is noted that it would not break the skyline at any point. The Planning Authority in their assessment had concerns that a section of the proposed arrays would break the skyline. Having reviewed the submitted photomontage indicating the proposed development when viewed from the N11 I noted that a section of the arrays on the western side of the site would break the skyline. The Planning Authority attached a condition requiring the submission of revised details indicating the layout of the solar panels and the boundary fencing adjusted so that no part is visible from the N11. In order to ensure that this western section of the arrays is not visible from the N11 to the north, I would consider it appropriate that the Board attach a similarly worded condition should they decide to grant permission.
- 7.2.3. In relation to views of the proposed development from the south and west, I consider that the topography of the area and the existing forestry will provide satisfactory screening and that it can be successfully integrated into the landscape.
- 7.2.4. As indicated on the revised layout plan Drw No: TG 001-02 it is proposed to plant semi-mature native species including Mountain Ash, Common Ash, Hornbeam, Hawthorn and Field Maple immediately to the north and south of the solar arrays and along the roadside boundary for circa 180m to the west of the arrays.
- 7.2.5. Following the implementation of the proposed landscaping measures and the adjustment of the layout of the arrays to ensure that no part visibly exceeds the skyline when viewed from the N11 to the north I am satisfied that the visual impact

would be acceptable, and that no serious injury would arise in respect of the visual amenities of the area.

7.3. Impact upon Amenity

- 7.3.1. There are a number of existing dwellings located along the local road network to the north and south of the appeal site. The closest residential properties are situated 178m to the north with two properties 230m and 270m to the south. 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 arrays are to be situated on land ranging between approximately 110m-125m contour levels. 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 2.5m 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. Having regard to the separation distances provided, the existing screening and the topography of the area I am satisfied that the risk of glint and glare to dwellings would be mitigated to an acceptable degree. Regarding glint and glare effects upon road users due to the topography of the site, and the location of the proposed arrays relative to the local to the west, I do not consider that any undue glint and glare effects would be possible. In relation to views from the N11 to the north. The solar arrays are south facing and therefore they would be viewed end on from this perspective. Therefore, the proposed development would not pose any impact in terms of glint and glare to motorists.
- 7.3.5. The observers raised the issue of glint and glare in relation to Newcastle Aerodrome. Newcastle Aerodrome is situated 4km to the east of the appeal site. Newcastle Aerodrome is a private aerodrome with a grass landing strip and not a commercial airport. There is no guidance available in Ireland with respect to the potential for glare to affect aircraft. A search of available information internationally indicates that there is a lot of research ongoing into this area, and that there are many examples of

solar arrays being located at airports in the UK and the U.S.A. Solar panels are designed to absorb as much light as possible and reflect as little as possible to maximise their electricity generation and the current generation of panels reflect as little as 2% of the incoming sunlight. I also note that many documents state that the reflectivity of solar panels is similar to that of still water and significantly less than glass and steel.

7.3.6. Having reviewed the website of Newcastle Aerodrome I note the advice provided to pilots flying to the Aerodrome. In relation to flights arriving from the north aircraft are requested to track the N11 motorway from Bray as far as Druids Glen golf course. On reaching Druids Glen, the aircraft must track directly to the airfield (South East from Druids Glen) to join overhead the airfield not below 1500ft. In relation to flights arriving from the west aircraft they are requested to route directly to Druids Glen golf course. On reaching Druids Glen, aircraft must track directly to the airfield (South East from Druids Glen) to join overhead the airfield not below 1500ft. Therefore, flights from these directions would not fly over or close to the appeal site. In relation to aircraft arriving from the south they are requested to route to Wicklow town and follow the N11 northbound as far as Druids Glen golf course. On reaching Druids Glen, aircraft must track directly to the airfield (South East from Druids Glen) to join overhead the airfield not below 1500ft. Aircraft arriving from the south would fly to the east of the appeal site however their altitude would not be less than 1500ft. Having regard to the information set out above and the relative limited scale of the proposed solar arrays, I consider that its location at the site at Kiltimon, Newtownmountkennedy would be acceptable.

7.4. Kiltimon House

7.4.1. Kiltimon House which is a Protected Structure is situated 230m to the south of the appeal site. The house is also listed in the National Inventory of Architectural Heritage (NIAH) as being of regional importance. It is described in the NIAH as a detached three-bay two-storey house with basement, built c.1800. The house is set within extensive grounds with outbuildings and a walled garden. There is an area of extensive forestry around the Kiltimon House, its walled garden and associated outbuildings. I particularly note the area of forestry to the north and east of Kiltimon House which in my opinion provides adequate screening between the location of the proposed solar arrays and the Protected Structure.

7.4.2. Accordingly, having regard to the separation distance provided between the appeal site and Kiltimon House and the existing mature screening I am satisfied that the proposed development can be appropriately integrated into the site and that it would not unduly impact upon the character and setting of Kiltimon House a Protected Structure.

7.5. Environmental Impact Assessment

7.5.1. 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.

7.6. Appropriate Assessment

7.6.1. 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.

7.6.2. There are seven Natura 2000 sites within 15km of the appeal site. They are the Murrough Wetlands SAC (Site code 002249) which is located 3.2km to the east. The Murrough SPA (Site code 004186) which is located 3.2km to the east. Carriggower Bog SAC (Site code 00) which is situated 6km to the north-west. Glen

of the Downs SAC (Site code 000719) which is situated 7.5km to the north. Wicklow Mountains SAC (Site code 002122) which is located 10km to the west. Wicklow Mountains SPA (Site code 004040) which is located 11km to the west Wicklow Head SPA (Site code 004127) which is located 11km to the south-east.

- 7.6.3. 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 applicant employed the services of Roger Goodwillie and & Associates to carry out screening for Appropriate Assessment. A Stage 1 Screening Assessment was prepared 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.
- 7.6.4. Wicklow Mountains SAC, Wicklow Mountains SPA and Wicklow Head SPA 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.
- 7.6.5. Glen of the Downs SAC lies 7.5km from the site and Carriggower Bog SAC is situated 6km from the site. Having to the separation distances to these European Sites, and to the low potential for connectivity with those sites, by itself or in combination with other plans or projects, it is not considered that the proposed development would be likely to have significant effects on the European Sites.
- 7.6.6. The Murrough Wetlands SAC and The Murrough SPA are both within 5km of the proposed development. The Murrough Wetlands SAC is a coastal wetland complex which includes a shingle ridge. The conservation objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The qualifying interests of the designated site are listed as....

Annual vegetation of drift line

Perennial vegetation of stony banks

Atlantic salt meadows

Mediterranean salt meadows

Calcareous fens

Alkaline fens

- 7.6.7. The Murrough SPA comprises a coastal wetland complex which stretches for 13 km from Kilcoole to Wicklow town. The site includes an area of marine water to a distance of 200m from the low water mark. The conservation objective of the site is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interest which are....

Black-throated diver

Greylag goose

Brent goose

Wigeon

Teal

Black-headed gull

Herring gull

Little tern

- 7.6.8. The possible impact of the proposal on the conservation status of the designated sites 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 sites and that the operation of the proposed development will not generate any effluents or other materials which would impact upon the Murrough or the water that flows in to it. It is therefore concluded that there is no direct, indirect or cumulative impacts on the designated sites.

- 7.6.9. 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 Murrough Wetlands SAC (Site code 002249) and the Murrough SPA (Site code 004186), or any other European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

7.7. Other Issues

Drainage

- 7.7.1. The observers have raised the matter of drainage and the potential for proposed development to impact upon water sources. The solar panels are to be supported on concrete piles and will have a very low hard surface area. Therefore, the proposed development would result in some increase in 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. Accordingly, I consider that an appropriate condition can be attached deal with this mater and that the actual change to the drainage characteristics of the land are minimal.

Grid Connection

- 7.7.2. The applicant has stated in their response to the Planning Authority's Further information that due to the presence of a 3 phase transformer on site it will be possible to connect to the national grid subject to the approval of the ESB.

Validity of application

- 7.7.3. The appellants have raised the validity of the application. The Planning Authority determined that the application was valid being in accordance with the provisions of the Planning and Development Regulations 2001(As amended).
- 7.7.4. The Planning and Development Act 2000, as amended, requires that the applicants have sufficient legal interests in the lands to carry out the development. The applicant Today's Generation Ltd. are stated on the application form as the owner of the site. Furthermore, I note that it is not within the remit of the Board to determine legal interests and/or obligations held by the applicant, in relation to such lands. Section 34(13) of the Planning and Development Act, 2000, as amended, relates as follows: "A person shall not be entitled solely by reason of a permission or approval under this section to carry out a development." This subsection makes it clear that

the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate.” Accordingly, I do not consider that these matters are reasonable and substantive grounds for refusal of the proposed development.

8.0 Recommendation

8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

9.0 Reasons and Considerations

Appropriate Assessment

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 her conclusions.

Environmental Impact Assessment

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 suitability of the topography of the site, the proximity of a grid connection, 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 have acceptable impacts on visual amenity, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not prejudice the operation of a national road, and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans submitted on the 6th day of February 2017, 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 proposed development shall be amended as follows: -
 - a) The layout of the proposed solar arrays and boundary fencing shall be adjusted to ensure that no part of the development is visible from the N11. In this regard the applicant shall provide profiles on site to indicate the final location of the proposed solar arrays and furnish the Planning Authority with photograph evidence of the profiles, including views of the site when the profiles are in place from the N11.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity

3. The permission shall be for a period of 25 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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

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

Reason: In the interest of clarity.

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

Reason: To protect the environment.

6.
 - a) New planting shall be undertaken in accordance with the plans submitted.
 - b) 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.

- a) 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.
- b) 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, 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 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.

15. 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.

Siobhan Carroll
Planning Inspector

30th of June 2017