



An
Bord
Pleanála

Inspector's Report PL09.248329.

Development	Solar Photovoltaic farm on 10.6Ha site and associated works.
Location	Cardington Site, Milltown, Athy, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	17/39.
Applicant(s)	Renewable Energy Systems Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party.
Appellant(s)	Renewable Energy Systems Ltd.
Observer(s)	None.
Date of Site Inspection	11th July 2017.
Inspector	Ciara Kellett.

1.0 Site Location and Description

- 1.1. The appeal site is located c.3km north-west of Athy town centre in Cardington, Milltown, Athy, Co. Kildare. The site is accessed via the L8068 local road which is off the R428 Athy to Stradbally Road. The surrounding area is rural in nature. A small quarry lies to the east and a large Bord Na Mona peatland area lies c.3km to the north-east.
- 1.2. The Grand Canal forms the eastern boundary of the site and further to the east lies the River Barrow. The canal and the river run almost parallel to each other at this point c.130m apart. The Bert Bridge crosses over the River Barrow c. 200m from the north-east corner of the site and the Millmount Bridge crosses the Grand Canal c.700m to the north which provides access to the site from the L8068 road. Between the canal and the river there are a small number of dwellings.
- 1.3. The site itself comprises two fields which are currently used for arable agriculture. A farm house and buildings lie in the north-west corner of the site. These buildings are outside the red line of the proposal.
- 1.4. The site is generally flat although it slopes gently downwards to the east towards the canal. The terrain in the area is flat and the fields are bounded by low lying berms and ditches on the western side and there are hedgerows and a treeline on the eastern boundary between the site and the canal. The site is surrounded to the north, west and south by agricultural fields.
- 1.5. Another solar farm has recently been granted planning permission by Kildare County Council, Reg. Ref. 16/1007, granted in April 2017. This is known as the Moatstown development on a 12Ha site. The applicant is the same applicant for this development. The Moatstown site shares a boundary with the subject site to the west.
- 1.6. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development is for a Solar PV Farm with a potential capacity of up to 5MW on a 10.6Ha site. The site is accessed from the existing farm track associated

with the Milltown Farmhouse. This access is to be shared with the recently permitted Moatstown Solar Farm. This proposal is to be called the Cardington Solar Farm.

- 2.2. The proposal provides for c.19,500 PV module arrays and racking system covering c. 3.5Ha of the site. Electrical control cabinets for control and protection of the cable system will be installed adjacent to some of the panel racks and are generally located near or under the raised northern edge of the racks so they are shaded and visually unobtrusive.
- 2.3. There will be 4 embedded substations in self-contained weatherproof units typically 9m long by 3m wide by 3m high. An on-site grid connection building housing switchgear and metering equipment is required at the point of connection with the electricity grid. The building will be 12m long by 6m wide by 4.5m high. An energy storage device is also proposed for energy storage. Permanent containers, mounted on concrete pad foundations will each house an energy storage battery device. These will be either co-located with the embedded substations or in a single compound next to the on-site grid connection building. Both options are illustrated on the drawings. Cabling is proposed to be buried in trenches 1.5m depth by 1.5m wide.
- 2.4. CCTV and Infra-red lighting will be installed. There will be 15 support posts up to 3.5m high located around the perimeter of the site. Fencing up to 2.4m high with badger gates will surround the site.
- 2.5. A temporary construction compound 50m by 30m will be located in the north-west corner of the site to the rear of the farmhouse.
- 2.6. The planning application is supported by a number of documents, as well as the standard forms and drawings. There is a Planning Statement, a Landscape and Visual Impact Assessment and Photomontages, Glint and Glare Assessment, Cultural Heritage Impact Assessment, Ecological Impact Assessment, Appropriate Assessment Screening Report, Stage 1 Flood Risk Assessment and a Traffic and Mobility Assessment.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason as follows:

1. *The proposed development by reason of its scale, nature and proximity to the River Barrow – an area designated as High Amenity in the Kildare County Development Plan 2017 – 2023, would seriously injure the visual amenities of the area and would be contrary to policy WC3 of the Plan which seeks to protect the visual integrity of distinctive linear sections of water corridors and river valleys.*

Furthermore, the proposed development would contravene the provisions of section 14.4.2 of the Kildare County Development Plan 2017 – 2023, being located within 300 metres of the River Barrow, where Solar Farm developments are categorised as having “low compatibility” with the “Special” landscape classification of the River Barrow as set out in tables 14.2 and 14.3 of the Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

The Planner’s Report is the basis for the Planning Authority decision. It includes:

- Notes that the current Development Plan contains a matrix which outlines that ‘Solar’ installations are ‘Very likely to be incompatible’ if located within 300m of a high sensitivity landscape. The Barrow River and its banks are categorized as being a ‘High Amenity, High Sensitivity’ area.
- Considers the distance or offset from the river is of serious concern given the policy objective.
- Notes that the east and west facing boundaries provide a good level of screening for the site, however, considers the proposed development would contravene policy objective 14.4.2.
- Refers to mapping associated with the ‘Blue Way’ River Barrow (Map 23 of 35). Planning Application is noted relating to the immediate area to the west of the western site boundary.
- Notes whilst no new infrastructure is proposed along this stretch of the river, the adjacent towpath walkway will have views to the development.

- The nearest scenic viewpoint (Milltown Bridge ref. GC29 table 14.8) is located c.1km to the north. There are no scenic routes in the vicinity of the site.
- Notes policy WC3 and having regard to the policy and the proximity of the proposed development, considers development should be refused.
- Notes no concerns with Glint & Glare, Ecology & Archaeology, Hydrogeology & Flood Risk, and Transportation.
- Recommends refusal having regard to policy objective 14.4.2 of the Plan.

The decision was in accordance with the Planner's recommendation.

3.2.1. Other Technical Reports

- **Environmental Section:** No objections.
- **Area Engineer:** Seeking Further Information.
- **Transport:** No report.
- **Water Services:** No objection subject to conditions.
- **Heritage Officer:** Verbal discussion held regarding proximity of the site to the Grand Canal and associated walkway. There is a buffer of between 50-100m noted and the existing hedgerow will remain intact.

3.3. Prescribed Bodies

- **Dept. of Arts, Heritage, Regional, Rural & Gaeltacht Affairs:** No objection subject to conditions.
- **Waterways Ireland:** Report notes that due to sites proximity to the River Barrow, the existing hedgerow interspersed with trees should remain intact.
- **Arts Council, An Taisce, Failte Ireland, Heritage Council, Dept. of Communications, Energy & Natural Resources, Central Fisheries Board:**
No report

3.4. Third Party Observations

- None on file.

4.0 Planning History

Planning Applications associated with the site to the west (Moatstown Solar Farm):

- **KCC Reg. Ref. 16/1007:** Permission granted in April 2017 for the development of a Solar PV Farm on a 12.02Ha site sharing the western boundary of the subject site. The permission was subject to 17 standard conditions including a restoration condition requiring that after 27 years the structures are to be removed.

The Board has considered appeals in respect of a considerable number of ground-based solar PV developments in recent years. Those which are considered of relevance to this appeal being in excess of 10Ha include:

- **PL26.247366:** Split Decision in March 2017 for the development of a solar PV array on c. 31.28Ha separated into two distinct plots located at Bridgetown, County Wexford with an estimated power output of 17 MW. The northern array (11.7Ha) was granted permission and the southern array (19.5Ha) was refused.
- **PL26.248364:** Proposed solar farm on a 28 ha site near Gorey, Co. Wexford, which is currently on appeal to the Board.
- **PL26.247179:** Permission granted in December 2016 for the development of a Solar PV development on a 19.9Ha site.

5.0 Policy Context

5.1. Kildare County Development Plan 2017 – 2023.

Chapter 8 of the Plan refers to Energy and Communications, Chapter 10 to Rural Development, Chapter 14 to Landscape, Recreation and Amenity, and Chapter 17 to Development Management Standards.

Chapter 8 of the Plan specifically refers to Solar Energy in Section 8.7. The Plan states *'Like all forms of development, solar farms have the potential to affect the landscape and natural and built heritage. Cumulative impacts may also arise with farms located close to each other. Site selection is vital for potential solar farms as*

solar resource, topography and proximity to the grid must be considered. There are also many environmental considerations associated with solar farms.'

Policies SE1, SE2, SE3 and SE4 all refer to solar energy. SE1 promotes the development of solar energy subject to environmental safeguards. SE2 refers to the considerations solar energy development proposals will have to have regard to, including (summary):

- site selection, by focussing in the first instance on developing on previously developed and non-agricultural land;
- where a proposal involves greenfield land, whether poorer quality land has been used in preference to higher quality land;
- decommissioning and site rehabilitation plans;
- glint and glare;
- visual and landscape impact;
- the guidance provided in relation to compatibility with landscape designations of Tables 14.3 and 14.4 of Chapter 14 of the plan;
- the need for, and impact of, security measures such as lights and fencing;
- Conservation of heritage assets including the impact of proposals on protected views and scenic routes etc.

Section 10.4.8 of Chapter 10 refers to Green Energy Projects and states that rural areas have the potential to be harnessed for renewable energy projects including solar energy.

Chapter 14 refers to the landscape and Map V1.14.1 identifies Athy as being in the Landscape Character Area *Southern Lowlands* and having a Low Sensitivity. The River Barrow is identified as Class 4 Special Sensitivity. Class 1 areas are described as areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area. Class 4, which includes the River Barrow, is considered to have a low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape.

Section 14.4.2 refers to Impact of Development on Landscape. Table 14.4 *'identifies the likely compatibility between a range of land uses and proximity of less than 300m to the principal Landscape Sensitivity Factors. It should be noted that all developments are unique and at micro / local level landscapes vary in terms of their ability to absorb development and each site should be assessed on its individual merits.'* The table identifies solar energy development as being *'very unlikely to be compatible'* near major rivers and water bodies and *'compatible only in exceptional circumstances'* near canals.

Section 14.5 refers to Areas of High Amenity. With respect to the River Barrow, it states *'The River Liffey and River Barrow valleys are of significance in terms of landscape and amenity value and as such are sensitive to development. They are characterised by smooth terrain and low vegetation, with extensive upland views..... As a result development on the banks of the rivers can have a disproportionate visual impact, due to an inherent inability to be visually absorbed'*.

Section 14.5.4 refers to the Grand Canal. It states *'Canal corridors are potentially vulnerable linear landscape features, as they are often highly distinctive in the context of the general landscape'*.

The view from Milltown Bridge Moatstown ref. GC29 is listed in Table 14.8 as a view of the River Barrow.

Section 14.8.5 refers to Water Corridors. **Policy WC1** states:

Seek to locate new development in the water corridor landscape character areas towards existing structures and mature vegetation.

Policy WC3 states:

Control development that will adversely affect the visual integrity of distinctive linear sections of water corridors and river valleys and open floodplains.

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

This is a research paper which was funded by the SEAI. It does not purport to be a policy document. The report contains a set of planning policy and development guidance recommendations, which it is suggested may contribute to the evidence

base that will inform the development of Section 28 planning guidance for Utility Scale Solar Photovoltaic (USSPV) developments in Ireland.

It notes that over a hundred applications for USSPV developments have been lodged with planning authorities by October 2016 and that an estimated 594MW have been granted or are on appeal. The combined site area for these schemes is 1331.9 hectares.

Recommendations include that the development plans set out policy objectives to support USSPV development and put in place development management standards to control development. With respect to glint and glare assessments, it is recommended that a national standard for the undertaking of these assessments is developed. It is also recommended that the deployment of USSPV should not be prohibited in undulating landscapes and that a decommissioning statement should be included as a standard component of a planning application.

It is noted that four out of the seven developments refused planning permission (October 2016) have had glint and glare concerns cited as a ground of refusal. The sensitive receptors are loosely categorised as being: Residential dwellings, Historical Monuments/Heritage Landscapes, Road Networks and Aviation Infrastructure.

5.3. International Guidance

There are a number of guidance documents produced including the *Planning guidance for the development of large scale ground mounted solar PV systems* BRE (Building Research Establishment 2013). This provides information with respect to Planning Application Considerations, which includes Site Levelling works, Development in relation to Current Land Use, Assessment of impact on agricultural land, ground maintenance, construction compound, soil stripping, storage and replacement, Access Tracks, Security fencing and lighting, Ecology, Drainage, surface water run-off and flooding, Glint and glare and Community involvement and gain.

5.4. Food Wise 2025 (Department of Agriculture, Food and the Marine, 2015)

This document sets out a 10-year vision for the Irish agri-food industry up to 2025. Subject to following actions identified in the strategy, the sector projections are:

- Increasing value of agri-food exports by 85%, increasing value added in the agri-food, fisheries and wood products sector by 70%, increasing the value of Primary Production by 65% and the creation of an additional 23,000 direct jobs in the agri-food sector.

To achieve the projections set out above, Food Wise 2025 identifies c.400 recommendations and actions to achieve sustainable growth.

5.5. Natural Heritage Designations

The River Barrow and River Nore SAC (Site Code 002162) is located c. 100m to the east of the site. Ballyprior Grassland SAC (Site Code 002256) is located c.8km to the west.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged against the decision of the planning authority to refuse permission. In summary it states:

- Notes there were no third party submissions or objections made.
- Consider the proposed development is supported by national policy in terms of renewable energy.
- Notes that it could be said that there are conflicting objectives in the Kildare County Development Plan and provides example – clear policy to promote development of solar energy infrastructure while a matrix outlines that solar installations are very likely to be incompatible located within 300 metres of high sensitivity landscape. Consider that this should not be interpreted as a blanket ban but should be assessed on a case by case basis – note Waterways Ireland and the Heritage Officer did not raise any objection.
- Policy WC3 seeks to protect the visual integrity of distinctive linear sections of water corridors and valleys – proposed development does not impact on the integrity.

- Notes site is located in the Southern Lowlands LCA which is tolerant to change. Notes Canal and River Barrow have a high sensitivity.
- LVIA reaches a conclusion of 'Medium-Low' in terms of the receiving landscape's overall sensitivity. Effects of proposal will be 'moderate-slight' at worst and only in the immediate vicinity (<500m) of the site. Beyond this distance landscape effects are more likely to be slight and imperceptible.
- Notes Planner considers the site has a good level of screening.
- Proposal is closest at north-east corner to the Barrow and is over 100m away.
- Proposal is extremely well screened and is screened by the raised level of the banks of the Barrow.
- Conclusions of LVIA show proposal would have no significant effects on the landscape character or visual amenity of the area particularly with regard to policy WC3.
- Considers it significant that Moatstown solar farm was granted on an adjoining site post adoption of the new Development Plan.
- Planner's Report clearly states that there will be no cumulative effect with the two operating in tandem and the Stage 1 AA screening states that no cumulative adverse will be derived.

6.2. **Planning Authority Response**

The Planning Authority have no further comments to make and refer to all internal reports on file.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development

- Visual Amenities
- Appropriate Assessment

7.1. Principle of Development

The proposal was refused permission by the Planning Authority for one reason which included stating that the proposal would contravene the provisions of Section 14.4.2 of the Kildare County Development Plan, being located within 300m of the River Barrow, where Solar Farms are categorised as having “low compatibility” with the “special” landscape classification of the River Barrow.

Policy SE1 of the Plan promotes the development of solar energy subject to environmental safeguards. Policy SE2 refers to the considerations solar energy development proposals will have to have regard to, including the guidance provided in relation to compatibility with landscape designations of Tables 14.3 and 14.4 of Chapter 14 of the Plan.

I note that the Planning Authority granted permission in April 2017 for a solar farm adjoining the western boundary of the subject site - known as the Moatstown Solar Farm. This development is located further west, is unlikely to be visible from the banks of the River Barrow or the canal, is not within 300m of the River Barrow, and therefore not subject to the limitations of Section 14.4.2 of the Plan. Table 14.4 of the Plan considers that Solar Farms are ‘*very unlikely to be compatible*’ with major rivers and water bodies. Following my site visit to the area, I consider that the proposal would be visible at points along the towpath of the canal. There is tree and hedge cover along the canal but there are gaps which the applicant states they intend to fill in with appropriate shrubs and hedging etc. However, I have concerns that this is part of the Barrow Way and the proposal would alter the land use in the area and would detract from the character of the landscape. This is demonstrated in a number of the photomontage images submitted with the application (particularly VP2 and VP3). Once trees and hedgerows are established as part of the mitigation, the impact is reduced, albeit that this will take a number of years to provide effective screening. Due to the generally deciduous nature of the hedgerows, glimpsed views of the development will be more available from late autumn to early spring.

Having regard to the fact that the Development Plan considers that Solar Farms are categorised as '*very unlikely to be compatible*' with major rivers and water bodies, and having regard to the proximity of the site to the canal and the River Barrow, I consider that the principle of development in this location is not acceptable.

7.2. **Visual Amenities**

The Planning Authority granted permission for the Moatstown Solar Farm in April 2017 which shares the western boundary of the subject proposal as well as the access from the farm. The two projects cumulatively add up to 22Ha of arable land. Section 8.7 of the Plan notes that '*Like all forms of development, solar farms have the potential to affect the landscape and natural and built heritage. Cumulative impacts may also arise with farms located close to each other*'. I consider that the cumulative impact of both developments on the visual amenities would be unacceptable and contrary to policy WC3 which seeks to control development that will adversely affect the visual integrity of distinctive linear sections of water corridors.

7.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

1. The proposed development by reason of its scale, nature and proximity to the River Barrow, an area designated as High Amenity in the Kildare County Development Plan 2017 – 2023, and the Grand Canal, would seriously injure

the visual amenities of the area and would be contrary to Policy WC3 of the Plan, which seeks to protect the visual integrity of distinctive linear sections of water corridors and river valleys, and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to Section 14.4.2 of the Kildare County Development Plan 2017 – 2023, the proposed development being located within 300m of the River Barrow and the Grand canal, is considered to contravene the provisions of Table 14.3 and Table 14.4 and would therefore be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Inspectorate

17th July 2017