



An  
Bord  
Pleanála

## Inspector's Report PL26.248427

---

<b>Development</b>	5mw Solar PV farm and all ancillary development.
<b>Location</b>	Ballygoman Carrick, Co. Wexford.
<b>Planning Authority</b>	Wexford Co. Council.
<b>Planning Authority Reg. Ref.</b>	20170139.
<b>Applicant</b>	Power Capital Renewable Energy Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Power Capital Renewable Energy Ltd.
<b>Observers</b>	(1) Noel & Margaret Winston, Pat & Tara O'Leary
<b>Date of Site Inspection</b>	10/8/17
<b>Inspector</b>	Siobhan Carroll

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 6.44 hectares, is located in the townland of Ballygoman situated circa 6km to the west of Wexford Town. The N25 National Primary Road lies 115m to the south. A field which separates the appeal site from the form the northern side of the National Road.
- 1.2. The site is located in a relatively low lying area. The level of the site rises gradually from west to east between roughly 42m at the north-western corner to 54m at the eastern boundary. The River Slaney lies approximately 1.3km to the north. The upland area of Forth Mountain is situated to the south. The site is served by a local road. A 620m access road is proposed from the site entrance at the local road to the location of the proposed solar array. The junction with the N25 lies 265m to the south of the site access. A 38Kv ESB Substation adjoins the site to the south.
- 1.3. The site comprises one large field and the section of access track across a large field from to the local road to the east. The boundaries are formed by hedgerow. The closest residential property lies circa 50m south-east from the location of the proposed solar array. The nearest dwelling to the south is approximately 170m from the site on the opposite side of the N25. There are further dwellings to the west of that property to the south of the N25.
- 1.4. There are two dwellings situated circa 400m and 480m to the west of the location of the proposed solar array. The closest dwelling to the east is situated 370m from the site and there are further dwellings located along the local road circa 590m from the location of the proposed solar array.

## 2.0 Proposed Development

- 2.1. Permission is sought for 5mw Solar PV farm and all ancillary development. Features of the scheme include;
  - Area of panels — 5.94 hectares,
  - 15,500 no. photovoltaic panels,
  - Cable route — 0.06 hectares,

- Access road – 0.26 hectares,
- Substation site – 0.18 hectares.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was refused for two reasons;

1. It is considered that the proposed development could endanger public safety by reason of traffic hazard because it has not been demonstrated that the glint and glare as described in Section 5.4 of the Glint Assessment dated February 2017 from the proposed development will not have a negative impact on the adjoining road network in particular users of the heavily trafficked N25 National Primary Road and the busy local roads directly to the south. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The Planning Authority consider that the change of character of the existing landscape from predominately rural/agriculture to commercial/industrial would negatively impact on the landscape and visual amenity of this River Valley Landscape. The proposed development would be visually obtrusive when viewed from sensitive receptors in the immediate vicinity of this rural area and would therefore be contrary to Objective L03 of the County Development Plan 2013-2019 and to the proper planning and sustainable development of the area.

#### 3.2. Planning Authority Reports

- 3.2.1. **Planning Reports** – It was concluded that the applicant had failed to demonstrate that the proposed development would not give rise to glint and glare to the adjoining road network in particular the N25 National Primary Road.

3.2.2. **Other Technical Reports**

**Area Engineer** – Further information requested in relation to the impact of glint/glare on the national route N25.

**Roads Design Engineer Tramore Office** – Impact from glint and glare to the N25 have not been sufficiently ruled out.

**Chief Fire Officer** – A fire safety certificate is required.

### 3.3. Prescribed Bodies

- 3.3.1. Transport Infrastructure Ireland – It is requested that the Council have regard to the provisions of Chapter 3 of the DoELCG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

### 3.4. Third Party Observations

- 3.4.1. The Planning Authority received 4 no. submissions/observations in relation to the application. The main issues raised are similar to those detailed in the observation to the appeal.

## 4.0 Planning History

**Reg. Ref. 20160596** – Permission was refused for a 5mw Solar PV farm comprising 17,500 photovoltaic panels on ground mounted frames on a 11.74 hectare site.

Permission was refused for two reasons;

1. The proposed solar farm would be visually obtrusive when viewed from adjacent roads, surrounding countryside and a number of properties in the immediate vicinity and would be unduly obtrusive in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development could endanger public safety be reason of traffic hazard because it has not been demonstrated that the glint and glare as described in Section 5.4 of the Glint Assessment dated 31<sup>st</sup> May 2016 from the proposed development will not have a negative impact on the users of the N25 National Primary Road. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## 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. Wexford Harbour and Slobbs SPA (Site code 004076) is 1km to the north of the appeal site.
- 5.4.2. Slaney River Valley SAC (Site code 000781) is 1km to the north of the appeal site.
- 5.4.3. Raven Point Nature Reserve SAC Site code 000710) is 11km to the east of the appeal site.
- 5.4.4. The Raven SPA (Site code 004019) is 12.8km to the east of the appeal site.
- 5.4.5. Screen Hills SAC (Site code 000708) is 11km to the north-east of the appeal site.
- 5.4.6. Bannow Bay SAC (Site code 000697) is 13km to the south-west of the appeal site.
- 5.4.7. Bannow Bay SPA (Site code 004033) is 16km to the south-west of the appeal site.
- 5.4.8. Ballyteigue Burrow SPA (Site code 004020) and Ballyteigue Burrown SAC (Site Code 000696) are 15km to the south.
- 5.4.9. Tacumshin Lake SPA (Site code 004092) and Tacumshin Lake SAC (Site code 000709) are 15km to the south.

## **6.0 The Appeal**

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

A first party appeal was submitted by IMG Planning on behalf of the applicant Power Capital Renewable Energy Ltd. The main issues raised concern the following;

- Under Reg. Ref. 20160596 permission was refused for a solar Pv farm within three land parcels within the landholding of 11.74 hectares. Permission was refused on the basis that the development would be obtrusive when viewed from adjacent roads and that it had not been demonstrated that the glint and glare from the proposed development will not have a negative impact on the users of the N25.
- The proposed development was revised to address the previous refusal. Under the current application the area of the proposed solar farm was reduced from 11.74 hectares to 5.94 hectares. It would be confined to the western side of the landholding away from adjoining existing residential properties. Construction access will be via the N25 to the south and access to the site from the local road to the east will be confined to operational traffic which would only involve 3-4 trips per annum.
- The refusal issued by the Planning Authority under the current application refers to glint and glare, the change of character of the landscape from rural/agricultural to commercial/industrial and that it would be visually obtrusive when viewed from sensitive receptors.
- A glint and glare assessment was lodged with the application and a supplementary report has been included with the appeal. As set out in the glint and glare assessment modern solar panels reflect less than 9% of the total incident visible. The panels will be installed in a south facing direction at an angle of 16° relative to the ground.
- It is stated that the site is well screened with existing mature hedgerows which surround the site. They will be boosted as part of an extensive landscaping plan. It is considered that almost all views of the site from roads in the vicinity are well screened from glint. It is therefore argued that any glimpse of glint visible from public roads will be by motorists passing very quickly and this is not deemed to have a material impact on motorists driving ability.
- The Supplementary glint and glare assessment submitted with the appeal provides more detailed information based on site photography, road orientation, motorists direction of travel, sun's position, geometric analysis and screening and mitigation.



- The supplementary assessment considered the N25 National Primary Route, two local roads to the east, local roads to the south-west and south of the N25, the network of local roads on elevated lands to the south-east and the N11/N25 Oilgate to Rosslare Harbour Scheme Preferred Route Corridor.
- As set out in the supplementary assessment the potential glint and glare effects associated with the proposed development will not have a material impact on the safe operation of the N25 or local roads surrounding the site. This is concluded based on the orientation of the roads relative to the site, the motorists' direction of travel relative to the site, results of the geometric analysis which shows the limited extent of predicted glint events, the position of the sun relative to the site and a motorist when glint events are possible, existing screening in the surrounding area and significant additional mitigation screening proposed within the application boundary.
- Regarding the issue of impact on the landscape while it is not disputed that the proposed development would change the character of the local landscape it is submitted that the established landscape is capable of absorbing the change.
- Reference is made in the refusal to the negative impact on the River Valley landscape. This relates to the River Slaney which is located over 1.2km to the north-east. While the site is located within the River Valley Character Area the boundary of this area and the less sensitive Lowland character area runs along the N25 circa 100m to the south. As detailed in the Development Plan the River Valley Landscape Character Area has similar characteristics to the Lowland area. The site is detached from the Slaney River Valley and the Ecological appraisal identified the lack of riparian or woodland habitats.
- It is considered that the presence of the N25 and existing adjacent commercial industrial development including commercial sheds, Barnstown ESB substation also the school building and a significant number of one-off houses would mean that the site is located in a less sensitive lowland area. Therefore, it is considered that the landscape is sufficiently robust to accommodate the solar farm.

- Regarding the matter of visual intrusion, the proposed development has been designed to ensure that the panels will be set within existing field boundaries and will follow existing site contours.
- The existing screening provided by the hedgerow field boundaries will be enhanced with the planting of additional native species. The existing screening between the site and local receptors including road users means that only static glimpse views of parts of the site would be possible and from the elevated land of Forth Mountain.
- A landscape and visual assessment was prepared by Doyle O'Troithigh. It was concluded in the report that there would be no negative impact from the proposed development on any of the sensitive receptors including scenic routes, scenic views, walking trails, SAC's and NIAH's.
- There are only a small number of houses in the area which have panoramic views over the whole area particularly the upper elevation of Forth Mountain. There will be some distant views of the site from this location. The low level solar panels will follow the field boundaries and contours and will appear as crop covering and therefore could not be described as visually intrusive.
- Objective LO3 of the Development Plan states it is Council policy, 'To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.
- Section 14.4.3 of the Development Plan states that the Council acknowledges that some types of development will have an overriding need to be located in an Upland, River Valley or Coastal landscape or in or near a landscape of Greater Sensitivity.
- The applicant considers that the proposed development would not be visually intrusive even though it is located within the River Valley Landscape Character Area. Furthermore, it is located close to an ESB substation which would facilitate connection to the national grid.

- Objective EN07 refers to Council policy to develop sustainable energy supply. Objective EN21 refers to Council policy to promote using renewable energy sources.
- Objective L09 of the Development Plan requires development to be sited, designed and landscaped in a manner which has regard to site specific characteristics of the natural and built environment and to minimise the loss of natural features including mature trees and hedging.
- The proposed development complies with these requirements with the retention of existing hedgerows and trees. The proposed development ensures that the ground between panels will be maintained as a grass sward to facilitate grazing as the development is not permanent the land can revert to its original use when the solar farm is decommissioned.
- It is requested that the Board overturn the decision of the Planning Authority and grant permission for the proposed development.

## 6.2. Planning Authority Response

A response to the first party appeal was received from the Planning Authority, which stated;

- The additional assessment on glint and glare in the first party appeal is noted. However, the Planning Authority does not consider that the possibility of glint and glare impacting on the surrounding road network has been satisfactorily ruled out in this assessment.
- Whilst additional boundary screening is a welcome proposal, the Planning Authority note that much of the Landscape and Visual Impact Assessment report is based on maintaining and reinforcing existing hedgerow now outside of the site edged red and subsequently is outside the applicant's control. Therefore, any proposals or conditions regarding these hedgerows are not enforceable.

### 6.3. Observations

An observation to the appeal was submitted by Noel & Margaret Winston, Pat & Tara O'Leary. The main issues raised concern the following;

- Potential health risks to the local community are cited including the proximity of the proposed transformer/inverter to existing homes. There is an existing ESB substation and telecommunications mast within 450m of existing homes.
- The glint and glare from the proposed solar panels would directly impact traffic on the Wexford to New Ross road.
- The glint and glare will be more acute in the early morning and evening which is the peak time for traffic flows at the junction of the local road and the N25.

## 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
- Glint and Glare
- 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 Ballygoman, Carrick, Co. Wexford is located within the Slaney River Valley and is within the 'River Valley' landscape Character Area. These areas have similar characteristics to that of the Lowlands, but have a more scenic appearance due to the presence of the rivers and their associated riparian

and woodland habitats. As set out in the Plan this Landscape Character Area is very sensitive to 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 traffic, the amenities of the area and environmental issues.

## 7.2. Visual amenity and landscape character

- 7.2.1. The second reason for refusal issued by the Planning Authority refers to concerns regarding impact upon the rural character of the area and the visual amenities the River Valley Landscape. The Planning Authority considered that the proposed solar array would be visually obtrusive when viewed from sensitive receptors in the immediate vicinity.
- 7.2.2. In relation to the location of the site within the River Valley Landscape Character Area it is stated in the appeal that the site is located 1.2km from the River Slaney and while it is within this landscape character area that it is also located at the boundary between this area and the less sensitive 'Lowland' character area which runs along the N25 100m to the south. It is also noted in the appeal that the site is relatively detached from the Slaney River Valley and that it does not contain riparian or woodland habitats.
- 7.2.3. It is also argued in the appeal that due to the proximity of the N25 and existing commercial and industrial development which includes commercial sheds, Barnstown ESB substation, Scoil Mhuire school building and also a significant number of one-off houses in the area that the site should be considered to be located in a less sensitive lowland area. As set out in the appeal, the landscape is considered sufficiently robust to accommodate the proposed solar farm.
- 7.2.4. A Landscape and Visual Assessment was prepared by Doyle O'Troithigh and 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.
- 7.2.5. A number of visual receptors were identified to the east, west and south of the site. The receptors to the east are identified as houses along the local road circa 500m from the location of the proposed solar array. It is noted that there is a natural ridgeline on the eastern boundary which would obscure the view from the majority of dwellings. The house to the east circa 300m from the site is identified as having some views into the top of the site, however the existing and proposed additional hedging will restrict this. Furthermore, it is proposed to augment the existing hedgerow.
- 7.2.6. To the south of the site there are a number of houses and a network of local access roads. The closest property to the south has an extensive number of outbuildings

closer to the site than the dwelling itself and the existing hedgerows will screen the proposed development from the dwelling.

- 7.2.7. It is noted that there are potential views of the site from the elevated road to the south close to Forth Mountain. The submitted photomontage no. 5 indicates the view from the car park of St. Alphonsus Church to the south-east. It indicates that the proposed development would be well screened by the existing planting.
- 7.2.8. Photomontage no. 6 is taken from the south-east of the site at the gate from the car park to Scoil Mhuire. It indicates that the solar array would be well screened by existing mature hedging. Photomontage no. 7 is taken from the local road to the south of Scoil Mhuire. As indicated on the photomontage only a small section of the proposed solar array would be visible from this vantage point.
- 7.2.9. Photomontage no. 8 taken from the local road which is elevated at roughly 120m contour and located 750m to the south of the site. There would be views of the proposed solar array from this vantage point however given the relatively flat and low lying nature of the site I do not consider that the proposed development would appear unduly obtrusive in the landscape.
- 7.2.10. There are a number of dwellings to the west of the site. The closest is circa 400m from the site. Other properties are situated further to the west. As set out in the visual assessment the existing topography and vegetation will satisfactorily screen those properties from the proposed scheme.
- 7.2.11. The N25 – National Primary Road is located circa 120m to the south of the site. Due to the presence of existing roadside vegetation and the topography of the area it is considered that there would be minimal views of the site when travelling on this road. Photomontage no. 2 is taken from the hard shoulder on the southern side of the N25 and indicates that glimpses of the upper section of the solar array would be possible. There would be circa 500m from the road to the section of the array which would be partially visible. It is stated in the assessment that there be a slight visually negative impact from this viewpoint.
- 7.2.12. Photomontage no. 3 taken from the northern side of the N25 indicates that due to the presence of mature trees and hedging that there would be an imperceptible visual impact. Photomontage no. 1 is taken from Larkins Cross to the west of the site. The

topography of the area, specifically the ridgeline to the north-east fully screens any view of the proposed development from this location.

- 7.2.13. Having regard to the topography of the site which is relatively low lying I do not consider that it is notably prominent or elevated, especially from views in proximity to the site. Furthermore, having regard to the existing mature hedgerows surrounding the site, this contributes significantly to the effective screening of the site.
- 7.2.14. There would be very limited glimpsed views of the proposed solar array from the N25 to the south-west. There would be a view of the proposed solar array from the elevated position of the local road due south of the site at roughly 120m contour and circa 750m from the site. However, given the limited scale of the proposed solar array which would cover 5.94 hectares and the flat nature of the site, I consider that the proposed solar array can be integrated into the landscape.
- 7.2.15. As detailed on Drawing No: PP-01-PP which indicates screening proposals, it is proposed to plant additional screen planting around the perimeter of the site and where there are existing gaps in the hedgerow it will be supplemented with holly planting. Accordingly, I am satisfied that the proposed solar array can be integrated successfully into the landscape.

### **7.3. Glint and Glare**

- 7.3.1. The first reason for refusal issued by the Planning Authority referred to glint and glare. It stated that it had not been demonstrated that the glint and glare as described in Section 5.4 of the Glint Assessment dated February 2017 from the proposed development will not have a negative impact on the adjoining road network in particular users of the heavily trafficked N25 National Primary Road and the busy local roads directly to the south.
- 7.3.2. In relation to the matter of potential impacts from glint and glare on residential properties, I note that the Planning Authority did not have concerns that the proposed development would negatively impact any neighbouring dwellings.
- 7.3.3. There is no Irish guidance on the potential impact of glint and glare from solar panels. The UK guidance 'Renewable Energy Planning Guidance Note 2 – The Development of large scale (>50kW) solar PV arrays – Cornwall (UK) 2012' states on page 26,



- 7.3.4. *‘Glint may be produced as a direct reflection of the sun in the surface of the PV solar panel. It may be the source of the visual issues regarding viewer distraction. Glare is the continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint. Solar panels are designed to absorb, not reflect, irradiation. However, the sensitivities associated with glint and glare, and the landscape/visual impact and the potential impact on aircraft safety, should not be underestimated. In some instances it may be necessary to seek a glint and glare assessment as part of a planning application. This may be particularly important if ‘tracking’ panels are proposed as these may cause differential diurnal and/or seasonal impacts.’*
- 7.3.5. A Glint and Glare Assessment prepared by Wardell Armstrong accompanies the application. The appeal includes a Supplementary Glint and Glare Assessment also carried out by Wardell Armstrong. It was prepared with specific reference to potential impact arising from the proposed development on the surrounding road network. This provides more detailed information based on site photography, road orientation, motorists direction of travel, sun’s position, geometric analysis and screening and mitigation.
- 7.3.6. The proposed solar farm is to be situated on land ranging between approximately 42m and 54m above mean sea level (amsl). All of the solar panels will be fixed at 16 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 a minimum of 0.8m from the ground and set out in linear arrays.
- 7.3.7. Geometric analysis was used to predict whether glint effect are possible at a one minute temporal resolution over the course of a year. The model used does not account for buildings, trees or intervening topography. Five roads/locations in proximity to the site were identified and underwent glint assessment. They were the N25 to the east (RD1 east) and the N25 to west of the site (RD1 west), the local access road to the east of the site (RD2), the local road at Thomas Ashe Place (RD3), the local road which runs parallel to the N25 to the south (RD4) and a group of local access roads on elevated lands to the south-east of the site (RD5).

- 7.3.8. In relation to the section of the N25 to the east (RD1 east) the computer modelling indicates that glint can occur between the months of April and August and between the hours of 18.30 and 19.15. The maximum annual duration along this section of road was 82 minutes with 78 minutes at another receptor along this section of road. Using climate adjustment the maximum annual duration at these receptors reduces to 36 minutes and 34 minutes respectively.
- 7.3.9. Regarding the section of the N25 to west of the site (RD1 west) the analysis indicated that 1.46km of this section of the road was within the Ground Glint Zone (GGZ) and that 780m fell within the Zone of Theoretical Visibility (ZTV). As identified by Wardell Armstrong using imagery, approximately 300m of this section of the road has the potential to receive glint from the site. Glint can occur at this location between the months of April and August and between the hours of 05.45 and 06.25. The maximum annual duration along this section of road was 2,455 minutes with 2,261 minutes and 2,107 minutes at two other receptors along this section of road. Using climate adjustment the maximum annual duration at these receptors reduces to 1,080 minutes, 995 and 927 minutes respectively.
- 7.3.10. In relation to the local road circa 530m to the east of the site (RD2) the analysis indicated that glint was possible from March to October between 18.00 and 19.00. However, motorists would not perceive glint due to intervening screening provided by the topography, trees and hedgerow. Regarding the local road at Thomas Ashe Place approximately 600m to the east of the site (RD3) glint would be possible from March to May and July to October between 18.00 and 19.00. Due to the presence of existing dense planting views of the solar array would not be possible.
- 7.3.11. The local road which runs parallel to the N25 (RD4) lies 190m to the south of the appeal site. A 200m section of this road has the potential to experience glint within the month of May between the hours of 05.44 and 06.19. The maximum annual duration along this section of road was 1,373 minutes with 1,020 minutes at another receptor along this section of road. Using climate adjustment the maximum annual duration at these receptors reduces to 604 minutes and 449 minutes respectively.
- 7.3.12. The local roads to the south-east of the appeal site on elevated lands (RD5) was also assessed for glint impacts. It was found that two sections of road totalling 150m had the potential to experience glint. Following geometric analysis it was found that

glint was not possible at one of the identified sections. However, glint would occur along one section of the road between the months April and September and between 18.20 and 18.50. The maximum annual duration would be 271 minutes and with climate adjustment it would be 119 minutes.

- 7.3.13. Having regard to the details contained in the Supplementary Glint and Glare Assessment it is clear that there is the possibility of glint and glare impact on the surrounding road network and particularly the N25 and also the local road to the south (RD2).
- 7.3.14. The analysis of the impact on users of N25 indicates that eastbound drivers would have views of the solar panels in the morning (around 6am) between April and August. The views would be up to 300m to the left of the driver, with intermittent hedging, at present, providing ineffective screening. The two fields which lie between the appeal site and the N25 are not indicated as being within the control of the applicant and therefore it is not entirely clear whether there would be sufficient planting to effectively address glint and glare at this location. Given that the proximity of the site to this stretch of road the National Primary Route, it is considered that this would result in an unacceptable traffic hazard. Furthermore, I note that glint and glare would possible along the local road to the south of the N25.
- 7.3.15. In conclusion, I would agree with the planning authority's conclusion that the proposed development is likely to result in glint and glare which would affect road users on the N25, which would give rise to a traffic hazard.

#### **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 ten Natura 2000 sites within 15km of the appeal site. They are Slaney River Valley SAC (Site code 000781) which is 1.3km to the north of the appeal site. Wexford Harbour and Slob SPA (Site code 004076) is 1.3km to the north of the appeal site. Raven Point Nature Reserve SAC Site code 000710) is 11km to the east of the appeal site. The Raven SPA (Site code 004019) is 12.8km to the east of the appeal site. Screen Hills SAC (Site code 000708) is 11km to the north-east of the appeal site. Bannow Bay SAC (Site code 000697) is 13km to the south-west of the appeal site. Ballyteigue Burrow SPA (Site code 004020) and Ballyteigue Burrown SAC (Site Code 000696) are 15km to the south. Tacumshin Lake SPA (Site code 004092) and Tacumshin Lake SAC (Site code 000709) are 15km to the south.
- 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. Raven Point Nature Reserve SAC, The Raven SPA, Screen Hills SAC and Bannow Bay SAC, Ballyteige Burrow SAC, Ballyteige Burrow SPA, Tacumshin SAC and Tacumshin SPA all 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) and Wexford Harbour and Slobs SPA (Site code 004076) are the closest Natura 2000 sites as they lie 1.3km from the appeal site. The conservation and qualifying interests and species and features of interest of the Slaney River Valley SAC include freshwater pearl mussel, sea lamprey, brook lamprey, river lamprey, allis shad, twaite shad, salmon, estuaries, mudflats and sandflats not covered by seawater at low tide, Otter, 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 conservation and qualifying interests and species and features of interest of the Wexford Harbour and Slobs SPA include for the Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Bewick's Swan, Whooper Swan, Greenland White-fronted Goose, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Mallard, Pintail, Scaup, Goldeneye, Red-breasted Merganser, Hen Harrier, Coot, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Lesser Black-backed Gull and Little Tern. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands, and as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

- 7.5.7. Wexford Harbour and Slobs SPA is one of the most important ornithological sites in the country supporting internationally important populations of Greenland White-fronted Goose, Light-bellied Brent Goose, Black-tailed Godwit and Bar-tailed Godwit. In addition, it has 26 species of wintering waterbirds with populations of national importance and nationally important numbers of breeding Little Tern. Also of significance is that several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Little Egret, Whooper Swan, Bewick's Swan, Greenland White-fronted Goose, Hen Harrier, Golden Plover, Bar-tailed Godwit, Ruff, Wood Sandpiper, Little Tern and Short-eared Owl.
- 7.5.8. 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 River Slaney and Wexford Harbour 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 and that a Stage 2 Appropriate Assessment is not required.
- 7.5.9. 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 Slaney Valley SAC Site Code (000781) and the Wexford Harbour and Slobs SPA (Site code 004076), or any other European site, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

## 8.0 Recommendation

- 8.1. In the light of 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. The proposed development, by reason of its scale and location in close proximity to the N25 National Primary Road, would give rise to glint and glare which would not be likely to be mitigated by vegetative screening in the short term, and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Siobhan Carroll  
Planning Inspector

30<sup>th</sup> of August 2017