



An
Bord
Pleanála

Inspector's Report PL26.248641

Development	10-year permission for the construction of a solar PV energy development within total site area up to 10.7 hectares, with all associated site works.
Location	St. Johns, Enniscorthy Rural, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20170333
Applicant(s)	Highfield Solar Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-v-Refusal
Appellant(s).	Highfield Solar Limited
Observers	(1) Alphonsius Keogh (2) Anthony & June Wainer (3) Antonio & Paula Forte

Date of Site Inspection

21st September 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of hectares 10.7 hectares, is located a short distance (approximately 2km) south of Enniscorthy. The appeal site consists of a number of fields located just west of the River Slaney. The site is accessed from a public road that runs on a north south axis to the east of the site. The proposal entails provision of an access track through an existing field located east of the public road. Between the appeal site and the River Slaney is an existing wooded area. The appeal site is currently accessed over a laneway located to the south west of the site. The boundaries of the site are defined by existing trees and hedgerow and levels on site are flat and low lying. There is sporadic rural housing development in the area with two existing dwellings located adjacent the western boundary of the site including an existing dwelling accessed over the existing laneway that currently serves the site (south west). There are also a number of dwellings located along the public road to the west of the site.

2.0 Proposed Development

2.1. Permission (10-year permission) is sought for the construction of a solar PV energy development within a total site area of 10.7 hectares, to include electrical transformer/inverter station modules, solar PV panels ground mounted on steel support structures, access roads, fencing and associated electrical cabling, ducting and ancillary infrastructure.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. *It is an Objective of the Council as expressed in Section 14.4.3 of the Wexford County Development Plan 2013-2019 (Objective L05) 'To prohibit developments*

which are like to have adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal Landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location'. The proposed development due to its overall scale in combination with permitted development on the site to the west, siting and undulating nature of the site in regards to its setting in the landscape where there is no overriding need for the development at this location. Therefore, the proposed development would have an adverse effect on the visual amenity of the area and be contrary to the proper planning and sustainable development of the area.

2 There is a lack of guidance at national, regional and local level in relation to the appropriate location, scale and distribution of future proposal for solar power. Having regard to the scale of the proposed development in combination with the permitted development on the site to west and its potential impacts on the rural character of the area, the designated River Valley, the visual amenity of the landscape, the amenities of residential property, and agricultural land use patterns, the Planning Authority is not satisfied that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, or that the proposed development would not be premature pending the adoption of national, regional or local guidance or strategy for solar power. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Local Authority and External reports

- 3.2.1. Environment Section (20/04/17): Further information required including details of sanitary facilities during construction and waste generated during the construction phase including measures to remove and dispose of such.
- 3.2.2. Planning Report (04/05/17): The visual impact of proposal was considered to be unacceptable and the proposal would be contrary Objective L05 of the County

Development Plan. The proposal was considered premature due to the lack of any national guidance for solar energy developments.

4.0 Planning History

- 4.1 20160207: Permission (10-year permission) granted to Highfield Solar Limited for a solar PV energy development on a site of 7.5 hectares. This development is located to the west of the appeal site and includes the field through which, the entrance track for the appeal site is located as well as a field on the opposite side of the public road.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The relevant Development Plan is the Wexford County Development Plan 2013-2019.

The site is not zoned and is outside any designated settlement boundary. It is not subject to any specific spatial designation.

Energy policy

Objective EN07 is “To encourage and favourably consider proposals for renewable energy developments ...subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.”

Objective EN10 is to prepare a Renewable Energy Strategy for the county during the lifetime of the plan.

Section 11.3.5 covers Solar Power specifically, although it is focussed on small scale PV developments.

Section 6.4.4 discusses ‘Renewable Energies, Energy Crops and Sustainable Construction’ and states that “Wexford is ideally positioned to capitalise on its assets in terms of hydro, solar, tidal and wind energy.”

Landscape

Map 13 shows Landscape Units and Features. The subject site is in an area titled 'River Valley'. It is not designated as a 'Landscape of Greater Sensitivity'.

Volume 3 of the plan consists of a Landscape Character Assessment. Section 1.2.3 states that "The Slaney and Barrow River Valleys 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. This unit is very sensitive to development."

Objective L05: To prohibit developments which are like to have adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal Landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location'.

5.1.2 National Guidelines

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. 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’.

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).

5.1.3 International Guidelines

‘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.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Highfield Energy Limited. The grounds of appeal are as follows...

- The appellants note that the location of the proposed development is dictated by its proximity to existing substations and access to electricity distributions system as well as being land suitable for ground mounted solar panels. In addition, solar resources dictate the location of the proposed development.
- In regard response to refusal reason no. 1 it is noted that the site is well enclosed by existing trees and hedgerows with a full assessment of visual impact carried out in the Landscape and Visual Appraisal (LVA) submitted with the application. It is noted that the LVA also assessed the cumulative impact with the solar development granted under ref no. 20160207. It is noted that the visual impact of the proposal is negligible and that the scale of the proposal and the permitted development are small relative to other solar developments permitted.
- The appellant highlight the need for energy generation from renewable sources such as solar energy developments to meet EU carbon emission targets.
- In response to refusal reason no. 2 it is noted that lack of guidance is not a valid reason for refusal with the appellant noting there is considerable support for renewable energy developments in terms of EU directives, the National Spatial Strategy and other action plan and strategy's regarding renewable energy.

6.2 Responses

6.2.1 Response by Wexford County Council

- It is noted that the scale of the development in combination with other permitted developments is a significant planning consideration within the designated River Valley. It is also noted that it would imprudent to grant permission in absence of appropriate guidelines for such development.

6.3 Observations

6.3.1 Observations have been received from

Alphonsius Keogh, St. Johns Enniscorthy, Co. Wexford.

Anthony & June Wainer Providence House, Kilcarbry, Enniscorthy, Co. Wexford.

Antonio & Paula Forte, River House, Kilcarbry, Enniscorthy, Co, Wexford.

- The proposal would have an intrusive visual impact and adverse impact on adjoining residential amenities. Impact of glint and glare is noted as a concern.
- The site is prime agricultural land and its use for such is unsustainable with an alternative location on less valuable agricultural land preferable.
- The existing road network is inadequate for the traffic likely to generated.
- The cumulative impact of the proposal with the permitted solar energy development on adjoining fields would be detrimental to both agricultural activity and the environment. It is noted that there is a third application for development of this type less than a kilometre away along the same road.
- The proposal would have an adverse impact on the rural character of the area. The impact on the adjoining wooded area (Ringwood), which is used by the local community is noted.
- There is no national strategy for development of this type and the proposal would be contrary the County Development Plan.

6.4 Submission to the Local Authority

6.4.1 Three submission were received from

Anthony Wainer, Providence House, Kilcarbry, Enniscorthy, Co. Wexford.

Alphonsius Keogh, St. Johns Enniscorthy, Co. Wexford.

Antonio & Paula Forte, River House, Kilcarbry, Enniscorthy, Co, Wexford.

- The issues raised are similar in nature to those summarised under the section regarding observations.

7.0 **Assessment**

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

Principle of the proposed development

Impact on residential/adjoining amenity

Landscape / Visual Impact

Traffic and Access

Ecology

Surface Water Drainage

Appropriate Assessment

Archaeology

7.2 **Principle of the proposed development:**

7.2.1 In considering the principle of a proposed solar panel development I would have regard to both national and regional policy provisions and site specific objectives. I

would note that since the publication of the 2009 Renewable Energy Directive (2009/28/EC) that Ireland has a target objective requiring that 16% for all energy comes from renewable sources by 2020. This Directive is enshrined into national policy objectives. I have referred to the Government White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future 2015 – 2030', published in December 2015. The main objective of this policy document is to reduce carbon emissions and in this regard solar panel developments are considered an integral part of achieving this objective. The National Spatial Strategy, 2002 – 2020, recognises the importance of renewable energy as it is stated that the aim should be to ensure that resources such as energy is used in sustainable ways.

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

7.2.3 The 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 would consider that the proposal is acceptable in principle and the nature of use would not be contrary to the objectives and policies either nationally or under the County Development Plan. I would note that the acceptability of the proposal is contingent on issues such as the visual impact on the landscape taking into account the siting, scale and layout of the proposed solar panel development, impact on local residents and the amenities of the area including noise and glint and glare, environmental issues including impact on the ecology, cultural heritage and accessibility/traffic and drainage issues need to be taken into account.

7.2.4 The reasons for refusal include reference to lack of national guidance. I would note that such is not a reason for refusal with it necessary to assess the proposal on its merits and in the context of its physical and environmental impact. In addition, I would note that there have been a number of solar energy developments permitted

both by the Bord and the Planning Authority including a solar energy project adjacent the appeal site under ref no. 20160207.

7.3 Impact on residential/adjoining amenity:

7.3.1 The site is in a rural area on agricultural lands. Adjoining uses and development are similar in nature. There is sporadic housing development in the vicinity with the nearest existing dwellings located along the west of the site and along the public road further to the west of the site. There are a number of potential impacts from the proposed development in terms of residential amenity. In regards to noise impact it is noted that all manufacturing is to be carried out off site with no welding or cutting machinery to be used. Construction noise levels will meet best practice standards. It is noted that the construction phase is a temporary phase and that the operational phase of the proposal will generate no noise impact. I would consider that noise levels likely to be generated would be within acceptable limits. I would consider that the main noise impact would be during the construction phase with the nature of the use and operation generating very little noise impact. Given the temporary nature of construction and appropriate construction management restrictions including hours of construction the proposal would be acceptable in regards to noise impact and its general impact on adjoining amenity

7.3.2 In certain conditions when the sun is low light can be reflected from the solar panels to ground based receptors and this is known as glint and glare. The documents submitted with the proposal include a report regarding glint and glare. The report notes the panels are to be tilted at an angle of 20-35 degrees and to be no more than 3m from ground level. It is noted that glare is 'the diffuse reflection gives solar panels their general appearance and perceived colour' and the impact of such is determined by the overall visual impact of the proposal, which is dealt with in the Landscape and Visual Appraisal. Glint is the effect of specular reflection and can be experienced as a momentary flash or 'pin prick' of reflected light. It is noted that solar panels are designed to capture as much light as possible and minimise the amount of light reflected. The report notes that no receptors north or south of the site will experience the effects of glint. It is noted that the screening of existing vegetation in the case of the wooded area to the east and the existing boundary hedgerow to the

west would mitigate against the effects of glint. The nearest dwelling to the west is noted as having potential to be effected by glint from the north east and north, however such is through existing vegetation with it noted that proposed hedgerow maintenance and planting would further limit this effect. It is noted that such screening taken with the orientation of the dwelling means that significant glint effects at this property are unlikely. It is noted that due to existing vegetation and orientation of nearby properties there is unlikely to be significant glint effects in the surrounding area. It is recommended that hedgerow surrounding the site is maintained at a height of 3-3.5m during the operational phase and that additional planting along the western boundary should be completed as early as possible following construction.

7.3.3 From previous assessment of solar energy developments, glint only occurs when the sun is shining. In general, a fixed receptor will be subjected to glint once per day over two periods per year either side of the summer solstice. The proposed panels are fixed and will not track the sun. It is noted views of the development are well screened with existing vegetation and proposed additional planting. It is noted that solar panels are designed to absorb light to generate electricity and not reflect it and are much less reflective than other sources of solar reflection.

7.3.4 As such I would consider that the significant issue before the Board is whether glint from the proposed development would have any adverse impact on local amenities. The applicant has provided some information regarding potential impact of the development in regards solar reflection. The impact of glint can be mitigated by the provision of solar panels that are very dark in colour as they are designed to absorb light rather than reflect light and the surface may be further treated with anti-reflective coating to scatter any reflected light rather than cause specular reflections. I would note that vegetation would mitigate against any glint impacts and in general I noted, from a visual observation from the subject site, that the site is currently very well screened by existing vegetation. Overall I would consider that given the low potential occurrence of glint from the proposed development and the nature of the landscape that the proposed development would not have any significant impacts on the surrounding area in relation to glint and glare.

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

7.4 Landscape/visual impact:

7.4.1 The Planning Authority's assessment of the proposal was that the overall visual impact of the proposal is unacceptable with concerns about the visual impact in an area designated as being 'River Valley'. Objective L05 of the Development Plan is noted, which states that it is an objective 'to prohibit developments which are like to have adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal Landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location'. Some of the observations raise concerns regarding the visual impact of the proposal at this location. In regards to Landscape character, the appeal site is located in an area defined as being within the 'River Valley' with it noted that 'the Slaney and Barrow River Valleys 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'.

7.4.2 The appeal site is made up of agricultural lands (divided into a number of fields) located to the east of the public road and to the west of a wooded area along the western bank of the River Slaney. The appeal site is a flat low lying site as is the lands located to the north, south and west. The applicant submitted a Landscape and Visual Appraisal (LVA). The LVA outlines the description of the site and landscape character as well its context in relation to Development Plan policy. To assess visual impact a zone of theoretical visibility (ZTV) was generated with a

radius of 5km from the centre of the site. The LVA includes an assessment of landscape character, value and sensitivity. The LVA identifies landscapes of greater sensitivity in the vicinity of the site and identifies the visibility of the proposal within the ZTV (based on no screening or existing vegetation). The LVA also includes photographs taken from a number of points in the surrounding area as well as assessing the cumulative impact with other permitted solar development. The LVA concludes that the visual impact of the proposal would be acceptable at this location having regard to location and siting of the proposal taken in conjunction with existing screening provided by trees and hedgerow, and additional planting proposed. It is considered that the cumulative visual impact taken in conjunction with permitted solar energy development is also acceptable (20160207) and that the overall scale of the proposed and permitted solar energy development is still smaller in scale than other permitted developments of a similar type.

7.4.3 In my assessment of the proposal I would note that the site does cover a large area and the proposed development is likely to entail a significant visual change to the character of the landscape. Notwithstanding such the solar panels themselves are low profile structures, the site itself is low lying and flat, and the proposal entails retention of existing hedgerow boundaries and additional planting as well as the fact there is an extensive wooden area along the eastern side of the site. Having regard to such and given the localised nature of the visual impact, which would not be unacceptable in the context of the adjoining local road and from existing dwellings in the vicinity, I would consider that the overall visual impact of the development would be acceptable. I would also consider that the cumulative impact with the permitted development under ref no. 20160207 is acceptable. In this regard I would consider that the proposal is satisfactory in regards to visual impact and landscape character.

7.5 Traffic and Access:

7.5.1 In regards to traffic and access the proposal requires a new vehicular access with access to be gained through an existing field eastwards. It is notable that the field through which access is sought already has permission for a solar energy development (ref no. 20160207) and is part of a larger site including a field on the opposite side of the public road (west). The existing fields that form the site are

currently accessed through an existing laneway to the south of the proposed access. The site is located off a lower category public road with a carriageway width of 4m.

7.5.2 Given the passive nature of the proposal and use, it would appear that the main traffic impact of the proposal would be during the construction phase and the later decommissioning phase. In terms of traffic impact I would be satisfied that the existing road network would be capable of facilitating construction traffic for the proposed development. I would also note that the construction period is a temporary period and therefore traffic levels would not be an ongoing issue given that the operational phase is likely to consist of maintenance only.

7.6 Ecology:

7.6.1 The documents submitted include an Ecological Impact Statement, which includes a description of the project and the ecological characteristics of the site include identifying designated Natura 2000 sites in the vicinity (will be dealt with in the section regarding Appropriate Assessment). The report includes details of habitats types on site including, grassland, hedgerow and details of bird and mammal species found on site. The report notes that there are no species of high conservation value on the site and details mitigation measures to be carried out during the construction and operational phase.

7.6.2 I am satisfied that the proposal would have an acceptable ecological impact. The nature of the lands is such that any species displaced would be displaced on lands similar in nature due to the similar type lands adjoining the site. Notwithstanding such the overall nature and scale of the development, does not significantly alter the characteristics of the site and is a very passive and low impact development meaning that the ecological characteristics of the site are not significantly changed and that the site can still support much of the same flora and fauna that it currently does.

7.7 Surface Water Drainage:

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

7.7.2 In regards to flood risk, it is noted that there is no history of flood incidences at this location under the OPW flood mapping and that the shallow sloping nature of the site and its elevation of 24m relative to the adjacent River Slaney mean there is negligible risk of flooding at this location.

7.8 Appropriate Assessment:

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

7.8.2 An Appropriate Assessment Screening Report was submitted with the application. This report identified two Natura 2000 sites in the vicinity of the site....

The Slaney River cSAC (site code 000781) 0.1km east of the site.

Wexford Harbour and Slobs SPA (site code 004076) 0.1km east of the site.

These are the only two European site with 5km of the project.

The report includes a description of the project, details of the qualifying interests and conservation objectives of the European sites. The report assesses the potential likely significant effects for each area with it concluded that the project is not directly connected with or necessary to the management of the European sites. It is also concluded that the project is unlikely to have significant effects on any Natura 2000 sites and in this regards a Stage 2 Appropriate Assessment is not required.

7.8.3 The screening report correctly identifies all Natura 2000 sites within the zone of influence of the project. The qualifying interest of the Slaney River cSAC include Annex I habitats such as estuaries, tidal mudflats, salt meadows, floating river vegetation, old oak woodlands and residual alluvial forests, which are habitats for Annex II species such as freshwater pearl mussel, sea lamprey, brook lamprey, river lamprey, twaite shad, salmon, otter and harbour seal. The qualifying interest of the Wexford Harbour and Slobs SPA is defined by a significant level of Bird Species including Annex 1 Species (hen harrier, whooper swan etc.) and other bird species of special conservation interest.

7.8.4 The project has no direct effects in that it is not located within the boundaries of the Natura 2000 sites and does not entail direct habitat loss. The location of the project and its passive and low profile nature mean it would have no effects regarding the conservation status of any of the bird species identified in the qualifying interests relating to the Wexford Harbour and Slobs SPA. The conservation status of the

Slaney River cSAC is dependent on maintaining good water quality. The potential effects of the project are the discharge of polluting materials such as suspended solids and hydrocarbons. These potential effects are likely to be confined to the construction stage concerning excavation works and construction machinery with no proposal for any discharges during the operational phase and no significant change to the surface water drainage characteristics of the site. I am satisfied that the adequate construction management proposal would prevent the accidental discharge of suspended solids and hydrocarbons to the Slaney River cSAC and that the project would have no significant effects, direct or indirect on the conservation objectives of such. I would also consider that the project would have no significant effects individually or in combination with other plans or projects on the any Natura 2000 site.

7.8.5 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 River cSAC of the Wexford Harbour Slob SPA, or any other European Site in view of their Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

7.9 Archaeology:

7.9.1 The documents submitted include an archaeological assessment. This assessment notes that there are no national or recorded monuments within the boundaries of the site and identifies all monuments within 1km of the site. The assessment notes that the proposal would have no impact on any of the recorded monuments within 1km of the site, but does recommend that archaeological monitoring is carried out on site. I would consider that subject to an appropriate condition that the proposal is satisfactory in regards to archaeological impact.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1 Having regard to the provisions of the current development plan for the area, regional and national policy, it is considered that, subject to compliance with the conditions set out below, the proposed construction of a solar farm would not be unduly injurious to the visual amenities of the area, the residential amenities of the area, or the ecology of the area. The proposed development would, therefore, 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. The permission shall be for a period of 30 years from the date of the commissioning of the solar array. The solar array and related ancillary structures

shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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

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

Reason: In the interest of clarity.

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

Reason: To protect the environment.

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

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

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

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

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

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

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

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

Reason: In the interest of clarity.

10. Cables within the site shall be located underground.

Reason: In the interest of visual amenity.

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

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

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

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any 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.

Colin McBride
Planning Inspector

27th September 2017