



An  
Bord  
Pleanála

## Inspector's Report PL26.248800

---

<b>Development</b>	10-year permission for the construction of a solar PV energy development within total site area of up to 20 hectares to include one single-storey substation building and all associated site works.
<b>Location</b>	Graigue Beg, Bunclody, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council.
<b>Planning Authority Reg. Ref.</b>	20170495
<b>Applicant(s)</b>	Highfield Solar Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-v-Refusal
<b>Appellant(s).</b>	Highfield Solar Limited
<b>Observers</b>	(1) James Doyle
<b>Date of Site Inspection</b>	21 <sup>st</sup> September 2017

**Inspector**

Colin McBride

## 1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 20 hectares, is located a short distance to the east of Bunclody and to the east of the River Slaney. The appeal site consists of a number of fields (grasslands). The site is split by an existing public road that runs on a north south axis with the bulk of the site on the eastern side of the public road. The smaller portion (a single field) of the site on the western side of the road falls in levels gradually moving away from the public road. The larger portion of the site to the east of the public road is made up of a number of fields/parts of a field. This portion of the site has road frontage along its western boundary and also along its southern limit along a road (east/west axis) that forms a junction with the public road running north south to the south of the site. Levels on the larger part of the site increase moving away from the public road but decrease further to the east. The existing boundaries of the site are defined by the existing trees and hedgerow that make up the field boundaries apart from along the southern boundary, where there is no defined boundary. There are existing agricultural access points on the eastern and western side of the public road serving the site. Adjoining land uses are similar in nature with sporadic housing development in the vicinity. The nearest dwelling is located to the south of the site with the site located immediately north and east of the dwelling and its associated farm yard. The next nearest dwelling is located to the north.

## 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 up to 20 hectares, to include one single-storey electrical substation building, electrical transformer/inverter station modules, solar PV panels ground mounted on steel support structures, access roads, fencing and associate electrical cabling, ducting and ancillary infrastructure.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on three reasons...

- 1. Insufficient information has been submitted regarding the potential impact on residential amenity arising from glint and glare, surface water discharge and potential impact on bats, a protected species, to allow the Planning Authority to fully assess the potential impact of the proposed development on residential amenities and the local and wider environment.*
- 2. Having regard to the scale of the proposed development and its potential impacts and accumulative impact given existing infrastructure, on the rural character of the uplands designated landscape. The visual amenity of the landscape and the amenities of residential property, 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.*
- 3. Having regard to the scale of the proposed development in combination with the permitted development in the area 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 (15/05/17): 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 impact of glint and glare on residential amenity was noted as a concern, the impact of the proposal on visual amenity, rural character and existing land use were also identified as concerns. Refusal was recommended based on the reason outlined above.

### **4.0 Planning History**

- 4.1 No planning history.

### **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 'Uplands' which covers much of the county. It is not designated as a 'Landscape of Greater Sensitivity'.

7.3.11 Volume 3 of the plan consists of a Landscape Character Assessment. Section 1.2.1 states that "The Uplands is mainly characterised by areas of higher ground, with some variation within, and relates to the north and west of the country. The higher ground has more rainfall, wind and poor drainage with a limited range of vegetation and land use. Stunted and/or absent trees are conspicuous. At higher reached, agriculture is generally low intensity with stock rearing, forestry plantations and some areas of transitional vegetation. Afforestation may become a more dominant land use in the areas in the future".

Objective L04: To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting ion the landscape so as to ensure that any potential adverse visual impact are minimised'.

## 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 substation 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 proposed development.
- The appellants noted that they submitted a Landscape and Visual Impact Assessment (LVA) and Glint and Glare report and the impact of both is satisfactory.
- It is noted that the impact of glint and glare is satisfactory and the overall impact taken in conjunction with existing and proposed planting would have no significant impact on adjoining amenities.
- The appellants note that the eastern boundary of the site lies within the flood zone, however a 20m buffer between the watercourse and the perimeter fence of the solar farm is provided and that OPW mapping shows no history of flooding in this area. It is noted that the nature and scale of the development would cause no risk of additional flooding.
- The appellants note that the impact on bats could have been addressed by way of further information. The information submitted notes that there will be no significant on bats and the appellant has provided an additional note regarding this issue as part of the appeal submission.
- It is noted that there is precedent for solar energy developments larger in scale granted in Wexford with a number of examples cited. It is also noted that permission has been granted in an area classified as an Area of Special Amenity (PL27.246527). It is noted that the visual impact of the proposal would be satisfactory and such is demonstrated in the LVIA as well additional information submitted with the appeal submission.



- In relation to refusal reason no. 3 it is noted that proposal does not lie within the River Valley for the purposes of Landscape Character Assessment. It is noted that visual impact on the River Valley area is not significant and such is demonstrated under the LVIA.
- It is noted that the proposal would have impact on existing land use patterns or existing adjoining uses.
- It is noted that there is considerable national, EU and regional policies and documents that encourage the development renewable energy projects such as this.

## **6.2 Responses**

### **6.2.1 Response by Wexford County Council**

- The Local Authority remain of the view that the proposal would have a serious potential impact on the rural character of the area and is premature pending guidance on solar power.

## **6.3 Observations**

### **6.3.1 An observation has been received from James Doyle, Graiguebeg, Bunclody, Enniscorthy, Co. Wexford.**

- The visual impact from the appellant property would be significant and detrimental to the visual amenities of the area.
- The proposal is in very proximity to the observer's home.
- The impact of glint and glare would be injurious to the observer's residential amenity.

- The cumulative impact of the energy developments at this location (included permitted wind energy development) is noted with it considered that the area would be saturated with such development is permitted.
- The impact of hazardous materials and accidental spillages from solar panels is raised as a concern in the context of impact on water supplies in the area.
- The impact of electromagnetic fields is raised as a concern.
- The disturbance of wildlife including birds of prey is noted.

#### 6.4 Submission to the Local Authority

6.4.1 A submission was received from James Doyle, Graiguebeg, Bunclody, Enniscorthy, Co. Wexford.

- The issues raised include concerns regarding visual impact and proximity of the development to Mr. Doyles home, the impact of glint and glare, the saturation of energy developments at this location, hazardous materials discharge, impact of electromagnetic fields and impact on wildlife including birds of prey.

## 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 Development

Impact on residential/adjoining amenity

Landscape/visual Impact

Traffic and Access

Ecology

Surface Water Drainage

Appropriate Assessment

Archaeology

Other Issues

## 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.

### **7.3 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 to the north and the south 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 practices 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 and that a standard condition requiring compliance with

recommended EPA noise emission limit could be applied. 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 noise limits and hours of construction the proposal would be acceptable in to noise impact.

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 the receptors (dwellings) in the area (based on ZTV). It is noted that the screening of existing vegetation, the topography of the area and additional planting proposed in the case of the would mitigate against the effects of glint.

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 that other sources of solar reflection. It is noted that solar reflection is unlikely to be observable from the roads surrounding site and they are few dwellings that may be affected by such. It is noted that solar reflections over a static receptor would pass within approximately 5 minutes and would have negligible effect.

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 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 that such 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 an 'Uplands Areas. In regards to Landscape character it is noted that 'The Uplands is mainly characterised by areas of higher ground, with some variation within, and relates to the north and west of the country. The higher ground has more rainfall, wind and poor drainage with a limited range of vegetation and land use. Stunted and/or absent trees are conspicuous. At higher reached,

agriculture is generally low intensity with stock rearing, forestry plantations and some areas of transitional vegetation. Afforestation may become a more dominant land use in the areas in the future’.

7.4.2 The appeal site is made up of agricultural lands (divided into a number of fields) located to the east and west of a public road and north of another public road. The appeal site varies in levels with the field located to the west of the public road falling in levels gradually in a westerly direction. Levels on the field to the east and north of the public roads increase in an easterly direction (away from the public road (western boundary) and fall further to the east (where it adjoins the eastern boundary of the site. The existing field boundaries are defined by existing trees and hedgerow. 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. It is noted that the ZTV does not take into account existing vegetation and built form and such would reduce the visual impact of the proposal. In addition, the assessment identifies views of scenic value in the surrounding area as well as views of local value (7 points). The LVA provides an assessment of the visual impact from 7 Viewpoints as well as 12 dwellings in the vicinity and the surrounding roads. The LVA notes that significance of visual impact of the proposed development would be moderate to slight in magnitude and the existing topography and vegetation on site in addition to new planting would reduce the overall visual impact. It is concluded that the overall visual impact of the proposal would be acceptable.

7.4.3 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 relative to adjoining lands, and the proposals entails retention of existing hedgerow boundaries and additional planting. 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. In addition, the proposed development would have no significant or adverse impact in relation to any of the views and prospects including scenic routes identified under the County Development Plan. 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 appeal the appeal site currently has two vehicular access points. There is an existing vehicular access to the agricultural lands that make up the site on the western side of the public road as well as an existing access to the part of the site on the eastern side of the public road. The lands to the east of the public road also have a vehicular entrance from the road that runs to the south of the site. The proposed development is to have two entrances one for the part of the site to the west and one for the part of the site to the east of the public road. These coincide with the existing agricultural entrances to the lands. The public road at this location is between 3 and 4m wide and is a lower category county road.

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.

7.5.3 In terms of traffic safety I would consider that the layout and visibility at the proposed entrances to the site off the public road would to be satisfactory to deal with the traffic movements likely to be generated including both the construction and operational phases.

## **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 laneways 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.

## **7.8 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 one Natura 2000 sites in the vicinity of the site (5km)....

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

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.

7.8.4 The project has no direct effects in that it is not located within the boundaries of the Natura 2000 site and does not entail direct habitat loss. 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, 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.

## **7.10 Other Issues:**

7.10.1 In response to the appeal the applicant/appellant submitted a revised proposal of reduced scale with the field area to the easternmost part of the site omitted and the site area reduced to 11 hectares. I would note based on the assessment outlined above, the original proposal is satisfactory in the context of proper planning and sustainable development of the area. Notwithstanding such, I would note that the reduced scheme would also be acceptable in the context of proper planning and sustainable development of the area.

## **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

09<sup>th</sup> October 2017