



An  
Bord  
Pleanála

## Inspector's Report PL92.249015.

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<b>Development</b>	Solar farm of 9.4 hectares.
<b>Location</b>	Magherareagh, Ardfinnan, County Tipperary.
<b>Planning Authority</b>	Tipperary County Council.
<b>Planning Authority Reg. Ref.</b>	17/600582.
<b>Applicant</b>	Premier Solar Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Premier Solar Limited.
<b>Observer(s)</b>	Thomas & Noelle Ryan. Keith & Niamh Savage Jimmy O'Flynn
<b>Date of Site Inspection</b>	21 <sup>st</sup> February
<b>Inspector</b>	Philip Davis.

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## 1.0 Introduction

This appeal is against the decision of the planning authority to grant permission for a c. 5MW solar farm on a site of just over 9 hectares near the village of Ardfinnan in south county Tipperary. The planning authority refused permission for the reasons that it would be detrimental to local residential amenities and a potential traffic hazard. Three local residents have submitted observations objecting to the proposed development.

## 2.0 Site Location and Description

### 2.1. Ardfinnan and Magherareagh

Ardfinnan is a village of just under 1000 people located on a crossing point on the River Suir on the R665 road linking Clonmel to Mitchelstown in an open plain partially enclosed by the Galtee, Knockmealdown and Comeragh Mountains in south County Tipperary. It is 6 km south of the closest town, Caher. The R665 runs through the village – this road serves Mitchelstown and Clonmel. The village is a historic settlement, founded on the site of a medieval abbey, with a castle a prominent feature on high ground overlooking the main bridge. The landscape is generally flat and open or gently undulating, with large fields in pasture and occasional areas of woodland, especially on the scarp slopes either side of the floodplain of the Suir as it meanders across the plain. The townland of Magherareagh is located north-west of the village, on a plain which ends in a bluff overlooking the Suir as it flows in a south-westerly direction. The levels rise slightly away from the river with a small hill in the centre of the townland covered with scrub and some woodland. The townland is served by a single third class road which runs northwest from the R665 running parallel with the bluff over the Suir. The appeal site is on the southwestern side of this road.

### 2.2. Appeal site.

The appeal site is a gently undulated irregularly shaped area of pasture on the western side of the third class road running through Magherareagh. It is just over 1 km from the centre of the village, about half that distance from the village edge and the junction with the R665. The area of the site is given as 9.4 hectares, part of a

slightly larger landholding which includes some farmland on the opposite side of the road and a small farm complex. It has a frontage on the road of around 275 metres. The site undulates north to south and rises gently in levels towards its western side. What appears to be a 38kV line runs across the site. To the **west** of the site, on slightly higher land, is an area of scrub and woodland. **North** of the site are three relatively new bungalows in a row facing the road. Across the road and to the **east** is a farm complex, a field in the same ownership, and a wooded bluff overlooking the River Suir. Two other small farm complexes are further **south-east** along the third-class road, after which the road meets the regional road and the outer edge of the village.

### 3.0 **Proposed Development**

The proposed development is described on the site notice as a solar farm comprising approximately 9.4 hectares of solar panels on ground mounted steel frames, 1 no. single storey delivery substation, 2 no. single storey inverter transformer units, drainage swales, underground cable ducts on site, temporary construction compound, boundary security fence, site entrance, access tracks, CCTV and all associated site works.

### 4.0 **Planning Authority Decision**

#### 4.1. **Decision**

The planning authority decided to refuse permission for two reasons, which I'd summarise as follows:

- It is not satisfied that it would not seriously injure the amenities of property in the vicinity by way of its scale and proximity to rural houses, and as such would be contrary to Policy RE10 (Solar PV installations).
- It is considered that it would result in additional traffic movements on a substandard road and would thus be contrary to Policy DM1 on traffic hazards.

## 4.2. **Planning Authority Reports**

### 4.2.1. Planning Reports

- No previous permissions on the lands noted.
- No responses from prescribed bodies received.
- Site is unzoned.
- Three observations received objecting to the proposed development.
- A number of policies relating to habitats and renewable energy are considered relevant.
- Notes the proximity of a number of recorded ancient monuments.
- It is concluded that the proposed development would significantly change the character of the site and would intrude on local residential amenities.
- Notes that it would be subject to a development contribution of €49,000 under the adopted Scheme.
- Refusal recommended.

### 4.2.2. Other Technical Reports

A screening assessment attached notes the River Suir SAC is within 1 km and three other SAC's are within 15 km. It concludes that there is no potential for significant effects therefore an NIS is not required.

## 4.3. **Prescribed Bodies**

No comments on file.

## 4.4. **Third Party Observations**

Three local residents submitted detailed observations objecting to the proposed development.

## 5.0 **Planning History**

None relevant on file.

## 6.0 Policy Context

### 6.1. Development Plan

The site is in open countryside without a specific zoning designation. There are no other specific designations relating to the site or the immediate vicinity. In addition to the provisions of the South Tipperary County Development Plan 2009, in 2016 the Council adopted a Renewable Energy Plan as an Appendix to this plan, which includes policies on solar energy. Policy CEF6 in the Renewable Energy Plan states:

*It is the policy of the Council to promote and facilitate solar energy installations where it is demonstrated to the satisfaction of the Council that there will be no significant adverse impact on the built and natural environment, the visual character of the landscape or on residential amenity.*

Policy RE10 Ground Mounted Solar PV Installations states:

*It is the policy of the Council to facilitate solar energy installations where it is demonstrated to the satisfaction of the Council that there will be no significant adverse impact on the built and natural environment, the visual character of the landscape or on residential amenity.*

### 6.2. Natural Heritage Designations

There are a number of SAC's within 15 km of the site – most notably the Lower River Suir SAC which is less than 1 km east of the lands.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

In response to reason 1 for refusal:

- It is noted that policy CEF6 has been reworded – the response is intended to address the issues of amenity, etc.

- With regard to the nearby houses, it is stated that the layout planning has had full regard to ensuring there is adequate separation between panels and the dwellings – the closest of any house is 57 metres to a panel, and 118 metres to an inverter.
- With regard to visual amenities, it is noted that there are no amenity designations or protected views in the vicinity. It is argued that the proposed screening will minimise any significant issues.
- It is noted that the planning authority acknowledged that longer distance visual impacts were low.
- It is noted, with examples given, that a number of similar scaled solar arrays have been granted permission in similar settings (e.g. PL26.244351; PL04.247521).
- It is argued that the only significant noise source is the inverter station and this will be in the centre of the site away from sensitive receptors. It is argued that there is no evidence that solar farms can generate significant noise impacts.
- It is noted that a glint and glare assessment was submitted with the application which concluded that this would not have an impact on local receptors.

#### Reason no. 2

- It is stated that unobstructed views of 90 metres in each direction is available at the proposed access for construction works.
- A revised drawing indicating visibility splays from a point 4.5 metres back accompanies the appeal.
- Details are provided of safety measures that can address potential traffic conflicts during the construction period.
- It is argued that post-construction, traffic would be limited, and would be less than would be expected for agricultural use.

## 7.2. Planning Authority Response

None on file.

## 7.3. Observations

### Thomas & Noelle Ryan of Magheraragh

- The decision to refuse is supported – it is argued that with regard to Reason 1, the submitted photomontage, from the rear of their dwelling, is not realistic or accurate. Photos from the rear of their property is attached.
- It is submitted that contrary to national policy on renewable energy (Ireland's Transition to a Low Carbon Energy Future 2015-2030), section 4.3, the applicant has not consulted or engaged with the concerns of the local community.
- It is argued that the 25 year period for the application seems excessive having regard to other permissions for similar solar farms.
- It is argued that the site is very good quality farm land, and having regard to UK policy this would not be considered an appropriate site.
- It is argued that the relocated works compound (following revised plans), moves it closer to the dwellings to the south of the site and will impact on their amenities.
- It is argued that the proposed development is contrary to the Tipperary Renewable Energy Strategy (Policy RE10) as it has not been demonstrated that there will be no significant adverse impact on the local environment.
- It is submitted there is a potential traffic hazard from glint and glare.
- It is denied that there is any precedent in favour of solar farms – it is noted that there is no national policy for large scale solar farms and a number have been refused by the Board.
- With regard to reason for refusal no. 2, it is argued (with photographs attached), that the nearby road junction is used by commuters and cyclists and walkers and is substandard. It is also argued that the road is too narrow and substandard for the construction loads proposed.



- Concerns are expressed at the lack of emergency fire plans – it is claimed that fires are associated with solar panels.
- Concerns are expressed at the privacy implications of the proposed CCTV cameras.
- It is argued that the farm would devalue local property values.
- It is submitted that there may be health implications from electromagnetic exposure.
- Concerns are expressed at the possibility of the company being unable to complete or decommission the site.
- It is noted that another solar farm in Ardfinnan had been granted permission, it is argued that this is a superior site.

#### Jimmy O'Flynn of Magheraragh

- It is argued that the proposed development would create significant traffic hazard on this road for local residents and cyclists.
- Safety concerns are expressed with regard to the location of the ESB station and underground connection and its proximity to a Bord Gais line.
- It is argued that it will devalue local properties.
- It is noted that the planners report stated that more assessment would be required with regard to glint and glare issues from the proposed development.
- It is argued that the revised site for the construction compound would impact on his property by way of noise and traffic and other related impacts.

#### Keith & Niamh Savage of Magheraragh

- It is argued that it is inappropriate to grant permission in the absence of more detailed national and local guidance.
- It is argued that it is contrary to the provisions of the recent variation to the CDP with regard to the location of energy infrastructure, specifically Policy RE10.
- It is argued that the proposal should have been screened for subthreshold EIA.

- It is noted that the site is within 100 metres of an SAC and questions whether it should have been screened out.
- The lack of engagement with local residents in the proposal is highlighted.
- Concerns are expressed at the privacy implications of the proposed CCTV cameras.
- Concerns are expressed at the lack of safety and security measures associated with the proposal.
- Detailed concerns (illustrated with photographs) are outlined about the capacity and safety of the local road network for the proposed development. It is argued that the local road, while narrow and substandard, is very well used by local drivers and walkers and cyclists. It is argued that it is much more heavily used than is acknowledged in the applicant's submission. It is also questioned as to whether the traffic use will be less with a solar farm than its current agricultural use. It is also argued that the proposed access is substandard and potentially dangerous.
- Concerns are expressed at the potential for the site not to be maintained appropriately.
- It is submitted that the site is too close to local dwellings.
- It is argued that the glint and glare study is inadequate.
- It is noted that the site is adjacent to two recorded ancient monuments.
- It is argued that the proposed development would have a very significant visual impact and that the photomontages attached do not give an accurate assessment of the visual implications.
- It is submitted that it will have a significant impact on an historic landscape, in particular the Tipperary Heritage Way walking route.

## 8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following broad headings.

- EIS
- National policy
- Regional planning policy
- Development Plan policy
- Landscape impacts
- Glint and Glare
- Noise, amenity and health
- Heritage and archaeology
- Flooding and hydrology
- Ecology
- Highway access and construction issues
- Loss of farmland
- Other issues (including long term management)
- Appropriate Assessment

### 8.1. EIS (EIAR)

The proposed development consists of a photovoltaic solar farm on a site less than 10 hectares with a maximum export capacity stated to be 4.99 MW. One of the observers has argued that an EIS (EIAR) screening should have been applied. I note that this issue has been addressed in a number of previous appeals for significantly larger solar farms, with the Board concluding that solar farms are not listed as a specific use category under Schedule 5 of the 2001 Regulations as amended.

As the site is not on a European site or NHA or other area of ecological interest and there are no specific designations to indicate the site has particular environmental sensitivities, I would concur with the opinion of the planning authority that an EIS Screening was not required.

## 8.2. National policy

National policy within the EU context on renewable energy is set out in the **National Renewable Energy Action Plan (NREAP)** submitted under Article 4 of Directive 2009/28/EC, which sets out targets for increasing the proportion of renewable energy in the national energy mix. This sets out (Section 3.1) a target of 16% of all energy from renewable sources of 16% by 2020 (up from 3.1% in 2005). It does not provide specific target figures for solar PV. In addition, the 2015 White Paper **‘Ireland’s Transition to a low carbon energy future 2015-2030’** sets out targets for the further development of the renewable energy sector. This White Paper notes the potential importance of PV technology (paragraph 137), but does not provide specific targets.

There are no specific national planning guidelines relating to the locational aspects of solar PV farms. The **Sustainable Energy Authority of Ireland** have a best practice guide for solar electricity and the grid, but it does not address locational or planning aspects for large scale solar farms in detail, although it does encourage early community engagement with such projects, something that does not appear to have taken place with this application.

## 8.3. Regional Policy

The **Mid West Regional Planning Guidelines** (2010-2022) have little direct policy on renewable energy – section 4.1.8 and 6.6.1 state that a coordinated strategy is needed in the various parts of the Region and that Development Plans should have specific requirements. Solar energy is not mentioned.

## 8.4. Development Plan policy

The South Tipperary County Development Plan 2009 (updated, December 2017 to include the Tipperary Renewable Energy Strategy 2016), sets out policy for solar energy in Sections 4.6 and 6.8 of Appendix 6 of the Plan (the Renewable Energy Strategy).

Section 4.6.2 states:

*The following site selection criteria for ground mounted arrays apply:*

- Typically suited to lowing-lands due to the need for level sites.*
- Accessibility/proximity to electricity networks. Ability to achieve a network connection, typically via a 10kV or 20KV overhead cable on the distribution system.*

*- In general, it is not viable to locate solar farms over 1km from network infrastructure.*

*- Site area of at least 25 acres.*

*- South facing aspect with either flat terrain or sloping gently.*

*- Land free from obstacles that may cause shading.*

*As they are relatively new, solar farms are not specifically identified in the classes of Environmental Impact Assessment (EIA) development listed either in the EIA Directive or in Schedule 5 to the Planning and Development Regulations.*

Section 6.8 states:

*There has been recent interest in the development of large-scale ground mounted solar PV installations. The Council will facilitate proposals for solar PV installations; subject the demonstration by the applicant that the proposal will not have a significant adverse impact on the built and natural environment, the visual character of the landscape or on residential amenity. Particular care must be taken in respect to proposals for commercial PV in Primary and Secondary Amenity Areas, where the Council may require a Visual Impact Assessment (VIA) in support of the proposal, particularly where there is potential for cumulative visual impact as a result on existing and permitted solar development in the area.*

*Key considerations are:*

*(a) Site aspect, area and topography,*

*(b) Availability and method of grid connection,*

*(c) Impact on sensitive receptors including roads, residential development, areas of tourism and landscape amenity value, airfields and ecology,*

*(d) The visual impact of the proposal and other permitted large-scale solar PV developments on the visual character of the area having regard to the provisions of the LCA 2016,*

*(e) Management, fencing and upkeep of the site,*

*(f) Construction phase activities and impacts,*

*(g) Proposed lifespan of the development,*

*(h) Decommissioning and reinstatement of site subject to the satisfaction of the council.*

The site is located in the gentle and attractive landscape of the Suir Valley, although it does not have any specific landscape or scenic designations. It is not a core tourism area, but there is a long distance walk along the Suir. A 110KV line runs through the site and there is no airport in the vicinity. As such I would conclude that the site is broadly suitable with regard to the considerations set out in the development plan (including policy RE10), subject to landscape, amenity and related planning issues, which I will address in more detail below.

#### **8.5. Landscape impacts**

The appeal site is within the lush farmland of the Golden Vale, with the Galtee, Knockmealdown and Comeragh Mountains all visible. It is within a generally open and flat area, just south of the bluff next to the Suir River. The landscape is generally attractive, and is just outside the historic village of Ardfinnan. It is, however, quite a robust working landscape, with intensive farms and other related developments quite well shielded by the local network of hedgerows and occasional woodlands.

The site is low-lying and generally flat, along a minor road with a small scattering of dwellings, most of them quite recently constructed. The gentle rise to the west of the site is overgrown and hides a recorded ancient monument, a pair of enclosures of unknown date or origin. The lands themselves are intensively worked grazing fields. The adjoining road appears to be lightly trafficked, although perhaps has more traffic than a typical country road due to its proximity to the village – the zoned lands of the village extend up to, and just beyond, the junction with the regional road. The road is also indicated as part of a long distance walkway, the Tipperary Heritage Way, which connects the East Munster Way (which runs along the nearby mountains), with Cashel to the north. The site would also be visible, albeit from a around 5 km or more distance, from high points in the nearby mountain ranges. At some angles, with the sun reflecting off the panels, it would be very prominent, but I would consider this to be a very occasional and intermittent occurrence.

While the local landscape has its sensitivities, as the site is largely flat and the main solar panel structures will be no more than 2.5 metres in height, I would consider that with appropriate landscaping and screening, the impact on the overall landscape would be quite minor. I do not consider that it would have an impact on the setting of the historic structures in and near the village of Ardfinnan.

#### 8.6. **Glint and Glare**

A Glint and Glare study was submitted with the application (section 8 of the Environmental Report submitted with the planning documents). There is no published Irish guidance on this issue, but the UK guidance document 'Renewable Energy Planning Guidance Note 2 – The Development of large scale (>50kW) solar PV arrays – Cornwall (UK) 2012' states (page 26):

***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. Discussions are ongoing with airport operators in Cornwall regarding the potential impact of large scale solar PV development.***

***The potential for PV panels, frames and supports to have a combined reflective quality should be assessed. This assessment needs to consider the likely reflective capacity of all the materials used in the construction of the solar farm.***

The solar panels are oriented in rows facing the south – the study indicates that the only possible (albeit minor) impact is on a property which is owned by the

landowner, who has signed a consent (see Figure 8.2 in the application documents). This dwelling is the farm dwelling immediately opposite the eastern corner of the site. It is stated that the general orientation of other dwellings along with existing hedge and vegetation cover will ensure there will be no impacts. I would concur with this conclusion - the site is not visible from the dwellings south of the site and the dwellings north would not be within the angle of any glint in normal circumstances. The applicant does not suggest any additional mitigation, but I would recommend that if the Board is minded to grant that appropriate conditions are attached to ensure existing vegetation is maintained and strengthened.

The observers have raised the issue of safety on the road, and there is certainly some theoretical potential for glint to be visible from vehicles driving north, especially when passing a gap in the hedgerow cover, such as at the access. However, I would consider this potential impact to be very minor having regard to known impacts from such solar arrays.

I note in other appeals the issue of aircraft safety has been raised, but as the area is not within the safety zone of an aerodrome I do not consider that this is an issue with this proposal.

#### **8.7. Noise, amenity and health**

The observers are local residents who have expressed a wide number of concerns about the implications of the proposed development for their amenities and property values.

The solar farm would require a short, but quite intensive construction period, but after this period solar farms require only intermittent maintenance and overseeing. The panels are spread through the appeal site, with the closest panels just over 55 metres from the nearest dwelling (excluding the landowners house, across the road). The fence is a wire deer fence c. 2 metres in height with the highest point of the panels 2.5 metres above ground. As such they would have no significant impact in terms of overshadowing any adjoining properties and are little higher than the existing hedgerow along the front of the site (although parts of this hedgerow will have to be cut back to allow for visibility splays). Although it is not entirely clear from the plans, the site seems at a marginally higher level than the land to the north, where there are three relatively new bungalow dwellings. These are separated from



the site by quite a low hedge. The applicant proposes (Dwg no. 5.15.00873.GLA. D.0222 PL2) a deeper hedge at this point for screening. This would certainly reduce the quality of the views from the rear and sides of the three bungalows to the north, but would still be at a height consistent with a typical hedgerow in the area.

Following revisions, the construction compound, originally sited to the north, is re-sited to the south and deeper within the overall site. The inverter stations are near the centre of the site and the control station is proposed to be beside the site entrance (which is very close to the existing farm access).

The only likely significant source of noise is from the inverter and control stations. The inverter stations are at least 100 metres from the nearest property, the control station is by the road, close to the landowner's property. The noise levels from this are not likely to be significant and would be substantially less than many farm operations.

The observers have also raised health concerns regarding electromagnetic impacts. But I note that even the most powerful inverter on site would involve less power than a typical overhead power line or local transformer station, and in any event are substantially separated from local dwellings.

The construction activities would undoubtedly cause significant noise impact and other disturbance, even if well managed. But these impacts will be relatively short lived and would not be inconsistent with the levels of seasonal activity for some intensive farming activities. The revised plan moves the construction compound to a location with appropriate separation distances from local residences.

I note the privacy concerns expressed about the CCTV cameras. I would note that one proposed camera immediately adjoins the closest dwelling to the north, and I would agree that there are legitimate potential concerns about privacy. I would recommend a condition such that this camera either be deleted, or reduced to a level of no more than 1.5 metres above ground so it would be screened by the proposed new landscaping. I would also recommend a condition such that all CCTV cameras be directed inward to the site.

### 8.8. **Heritage and archaeology**

Two recorded ancient monuments, both enclosures of unknown purpose, are identified as being on the lands to the west. These are clearly visible in older OS plans and in aerial photographs. The side of one enclosure forms the boundary with the appeal site. There is little available information on these features, except that they are shown on the very earliest OS maps. I note that the oldest OS plans indicate quite a complex network of field boundaries on the site, including at least one cottage and boreen. It is not clear when the site was cleared, but all the remains are gone and crop marks indicate the lands were ploughed at some time. The proposed works do not directly interfere with these enclosures, but it is reasonable to consider it likely that their presence means that there could be archaeological remains on or near the site. As the physical excavation works required for the proposed development are relatively 'light', I do not consider this to be a reason for refusal, but I would consider an archaeological monitoring condition to be appropriate.

The site is not visible from any other recorded monuments or protected structures.

### 8.9. **Flooding and hydrology**

The site appears naturally well drained and is not indicated as subject to flooding on any available sources. There are no watercourses on or close to the site. The general area drains east to the Suir River. The use of solar panels will significantly reduce the immediate ability of the site to absorb intense periods of rainfall, although not as much as if it was covered with other forms of permanent development. The applicant proposes swales for run-off. I would recommend a condition such that a SUDS type approach is taken such that run-off from the site would be equivalent to a grassed field or less.

### 8.10. **Ecology**

The site is heavily grazed grassland with no apparent habitat value. As the proposed development would reduce grazing pressures and the proposal includes new or strengthened hedgerows (except where they must be removed for sight lines), I would consider the overall impact on ecology (notwithstanding the

Appropriate Assessment issues discussed below) to be minor. I would recommend that a condition be set that all landscaping use local native species.

#### **8.11. Highway access and construction issues**

The proposed access is close to the existing farm access and opposite the access to the farm complex belonging to the landowner. It is located at a relatively straight stretch of what is a narrow typical country road. Due to the high hedgerows on either side, this road seems to have relatively low traffic speeds, although its proximity to the village may well result in higher traffic levels than usual with a country road of this type. The road is also signposted for use by long distance walkers and due to its proximity to the village may well have more pedestrians and local cyclists than a typical rural road of this type. The site is about 400 metres from the junction with the regional road, which is of a reasonably high standard, although the junction itself is poor.

I am satisfied that the traffic levels for a solar farm during the operational period are similar to, or substantially less, than that for an active intensively managed farm and as the vehicles used would generally be smaller than farm vehicles, probably significantly less of a hazard for walkers/cyclists. I would therefore consider the main issue to be traffic levels and access during the construction period. The applicant states that this will be for a 2 month period. This will undoubtedly lead to disturbance during the period of construction and a potential hazard at the entrance. The short term nature of this would allow appropriate traffic management provisions to be put in place along the stretch of road between the R665 and the site and I would recommend a construction management condition to this end.

The applicant has submitted plans indicating that sight lines can be achieved at the proposed entrance (operational and construction). The overall road and access is less than ideal, but having regard to the relatively short term nature of the construction works I would not consider the impacts on traffic flow or congestion or safety to be unacceptable.

### 8.12. Loss of farmland

The appeal site is moderately good quality grazing land, which would be largely lost for the period of the operation of the solar farm (the application is not time limited, but I would recommend a condition to this end), although low level grazing could still be maintained on the site. There are no specific policies with regard to preventing the loss of agricultural land to other uses in either national or local plans. As the use is temporary I would not consider this to be a ground for refusal.

### 8.13. Other issues (including long term management)

The observers have expressed concerns over the viability and long term maintenance of the proposed development. I concur that there is always a risk with developments such as this that they could be left unfinished or abandoned, so I would recommend that completion bond be required. I would recommend that the permission be time limited to 25 years from works commencing.

I note that the planning authority consider that the proposed development would require a contribution of €49,900 under the Development Contribution Scheme.

### 8.14. Appropriate Assessment

The Screening Assessment with the planner's report concluded that there was no potential for significant effects.

The site is just west of the Lower River Suir SAC site code 002137. This is a very extensive riverine and complex habitat following much of the course of the Suir and some of its tributaries. The qualifying interests are as set out below:

Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330]
Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]
<i>Taxus baccata</i> woods of the British Isles [91J0]
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]
<i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]
<i>Lampetra planeri</i> (Brook Lamprey) [1096]
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]

Alosa fallax fallax (Twaiite Shad) [1103]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

The conservation objectives relate to the protection and enhancement of these habitats, the most relevant of which relate to vertebrates and invertebrates associated with good quality flowing freshwater. The designated area is essentially the river and the floodplain on either side – at this point of the Suir this is marked by a pair of wooded bluffs on either side.

There are no watercourses on the lands, although it is presumably in hydraulic continuity with the Suir. The site is currently intensively grazed pasture. Part of the proposal includes swales to reduce run off velocity from the site, so I would not anticipate any significant alteration of drainage (either quantitatively or qualitatively) from the site to the Suir. Once standard construction controls are in place I would not anticipate any pollution hazard associated with the construction or operation of the site. I would therefore conclude that there is no reason to consider that it would have an effect on the qualifying interests.

In other appeals on solar farms, concerns have been expressed at the impact on birds, especially those that might confuse the panels for standing water. There are no SPA's within 15 km and no evidence of potentially vulnerable species such as swans in the area so there is no basis for considering this to be a possible problem.

I note that there are three other SAC's within 15 km – the Galtee Mountains, the Nier Valley Woodlands, and the River Blackwater SAC. All are some distance from the site and do not have any pathways for pollution or other connection so I do not consider that there would be any effect on the qualifying interest.

I would therefore 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 European Site No. 002137, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 9.0 Recommendation

I recommend that subject to the conditions set out below, the proposed development be granted permission for the following reasons and considerations.

## 10.0 Reasons and Considerations

Having regard to the provisions of the current South Tipperary Development Plan 2009 for the area, including the Tipperary Renewable Energy Strategy 2016, and to regional and national policy, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety, would not negatively impact upon the ecology or cultural heritage of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of August 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

### **Reason: In the interest of clarity**

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

Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

**Reason:** To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of a SUDS drainage management system, including ponds and swales if necessary, to ensure that storm water runoff does not exceed that for normal for grassed agricultural lands.

**Reason:** In the interest of clarity, visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

4. No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. The CCTV camera on the northern boundary of the site, adjacent to a residential property, shall be reduced to a maximum of 8 metres above ground level.

(c) Cables within the site shall be located underground.

(d) 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 slate or

tiles.

**Reason:** In the interest of clarity, visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

5. (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to the planning authority on the 22<sup>nd</sup> day of May, 2017. All planting shall be of native species only. Hedgerows shall be maintained to a height of at least 2 metres where possible.

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

**Reason:** In the interest of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and  
(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to



the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. 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 but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

**Reason:** In the interests of environmental protection, amenities and public health and safety.

8. 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 on 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:** To ensure the satisfactory reinstatement of the site.

9. 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.

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Philip Davis  
Planning Inspector

26<sup>th</sup> July 2018