



An
Bord
Pleanála

Inspector's Report PL.27.249025

Development	Ten year permission to develop a solar farm comprising of c.182,120 sq.m of solar panels on ground mounted steel frames, 1 no. electrical substation, 6 no. inverter/transformer stations, all associated site services and works on a site with an area of 27 hectares.
Location	Milltown North & Cronroe, Rathnew, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	17/601.
Applicant(s)	BNRGN Millvale Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellants	Martine Behan and others.
Observers	None.
Date of Site Inspection	17 th November 2017.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The appeal site, which has a stated area of 27 hectares, is located in the rural townlands of Milltown North and Cronroe, c. 1.4km west of the village of Rathnew and c 1.5km south of Ashford in County Wicklow. The site is located on the eastern side of a shallow valley with the Carrick Mountains c. 2.3km to the west. The M11 is located c. 600m to the east and the Wicklow rail line is c. 400m to the south, on the southern side of the R752.
- 1.2 A number of one-off houses and associated farm buildings are located in the vicinity of the appeal site. The rear boundaries of six properties along Milltown Lane (L5597) form the eastern boundary with the larger field from which the northern section of the site is taken. The site boundary is set back between 17-20 metres from these boundaries, many of which are occupied by appellants to the appeal. Milltown Lane is characterised by ribbon development.
- 1.3 The site is bounded to the west and south by agricultural lands with a pocket of woodland along the south western corner of the site. Mature hedgerows form the northern boundary of the site along the L5097 where there is an existing agricultural entrance into the site.
- 1.4 The field from which the site is taken is bounded to the south and south east by the Rathnew River and mature trees. Byrne Oil and Hardware is located further south along the R752 to the south, separated from the site by a number of fields. To the west of the site at a more elevated point are four houses along a lane off the Cronroe Road, some of which are occupied by appellants. Further west at a more elevated point is Cronroe road where more appellants reside.
- 1.5 The overall landholding is bounded by vegetation which includes mature hedgerow and mature tree lines. The appeal site is irregular in shape, and is divided over sections of nine fields of varying sizes. The boundaries of the individual field parcels which make up the site are a mixture of mature hedgerows, trees and post and wire fencing. Vegetation on site is indicative of poor drainage. Sheep were grazing at the time of inspection.
- 1.6 The site is generally level, with a gentle slope from west to east, with field contours of c. 34m to c. 21m. Along Milltown Road they range from the 24m to

25m. The surrounding land rises significantly from east to west at c. 43 metres for the houses along the lane off Cronroe Road, rising to c. 73 m at the Cronroe Road and the land continues to rise westwards.

1.7 Photographs, maps and aerial images in file pouch.

2.0 Proposed Development

2.1. The proposed development consists of a photovoltaic solar panel array with a total site area of c. 27 hectares, including:

- Solar panels on ground mounted steel frames (182,120sq.m);
- 1 no. Electrical substation.
- 6 no. inverter/transformer stations.
- 950 metres of internal access tracks.
- Underground cable ducts.
- Boundary security fencing.
- Temporary construction compound.
- CCTV.
- Associated site roads and site works.

2.2. The Appropriate Assessment Screening Report submitted with the application refers to:

- Site Area: 29 Hectares.
- Area covered by solar panels: 244,550 sq.m.
- Internal access tracks: 1200m.
- 8 No. inverter/transformer stations.
- Security Fence: 3000m.

The Planning Authority did not refer to these discrepancies. I note that the Appropriate Assessment screening was carried out for a larger development than that referred to in the public notices submitted. The application before the Board is for the development as described in the public notices. Appropriate

Assessment Screening is carried out and dealt with under section 7.10 of this Report.

- 2.3 Planning permission is sought for a period of 10 years and it is stated in the Environmental Report submitted with the application that the development would have an operational lifespan of 30 years. The Environmental Report also states that the installed capacity of the facility is expected to be up to 16 megawatts (MW). The development will be installed over two phases with most access and drainage infrastructure provided during phase 1.
- 2.4 The proposed solar panels will be mounted on angled framework, with the upper edge of the panels at a height of 2.8m and the lower edge at a minimum height of 0.9m above ground level. The panels will be laid out in rows along an east to west axis with a southern orientation. The Environmental Report states that the frames will most likely be supported by piled foundations.
- 2.5 A grid connection application has been made to ESB Networks, with the closest grid connection option being a 110kV substation located c. 0.6km to the southeast of the appeal site. The grid connection does not, however, form part of the proposed development.
- 2.6 The proposed construction and operational access to the site is from the existing agricultural access along the L5097 with c. 950 metres of internal access track through the site.
- 2.7 The planning application was accompanied by an Environmental Report which addressed, *inter alia*: policy; socio-economic issues; flora and fauna; ecology; human beings; hydrology and flood risk; landscape and visual impact; traffic; archaeological and built heritage; glint and glare; and noise. Associated appendices including a Visual Impact Assessment Report, Glint and Glare Survey Report, an Archaeological Assessment Report and an Appropriate Assessment Screening Report were also submitted.
- 2.8 Additional correspondence in relation to the selection of the viewpoints in response to submissions on file was submitted to the Planning Authority as unsolicited information.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority issued a decision to grant permission subject to 17 conditions. The following are of note:

No. 1. a) Appropriate period of the permission is 10 years.

b) Construction and operation of the Solar Farm for 30 years from the date of commencement of development.

No.6. Landscaping. This included the requirement to provide a 5 metre wide woodland planted buffer along the eastern boundary of the site.

No. 9. Glint & glare surveys to be carried out at six month intervals for the first two years of operation of the Solar Farm. Reports to be submitted to the Planning Authority.

No. 10. 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 such connections.

3.2 Planning Authority Reports

Planners Report (13th July 2017)

These Reports together with comments from the Senior Engineer (14th July 2017) formed the basis for the Planning Authority's decision.

The main issues can be summarised as follows:

- Principle of the development is considered acceptable.
- The Landscape Visual Impact Assessment (LVIA) submitted is acceptable and the representative viewpoints (VRPs) selected provide a good representation of the impact of the proposal.
- The potential impact of the proposal would not be significant due to the location of the site, the character of the landscape and the low lying nature of the development.

- Intermittent receptors for glint a glare were identified and mitigation measures are set out.
- The recommended 5 metre wide buffer of woodland planting along the eastern boundary with the houses along Milltown Lane is to address the potential for low impact from glint and glare and further reduce the visual impact. Boundary treatment and mitigation measures to address the intermittent and low impact on public roads deemed acceptable.
- The proposal would not detract from the residential amenities of adjoining properties.
- Visual, noise, glint & glare and traffic impacts considered acceptable.
- The site is located outside the identified Flood Zone and is acceptable from a flood risk perspective, subject to appropriate conditions.
- The implementation of the landscape and biodiversity areas and enhancements as mitigation measures will ensure an overall positive effect on ecology and biodiversity.
- The Appropriate Assessment screening concluded that there was no potential for significant adverse impacts on the ecology and qualifying interests of the nearby SAC/SPA and Stage 2 AA is not required.
- There are no Recorded monuments on site. The nearest site is c. 118 metres from the site. The Archaeological Assessment carried out with the application recommended archaeological monitoring.

Senior Engineer Comments:

- Noted no increase in runoff, as runoff from panels will still go to the groundwater. Further details regarding surface water run off should be conditioned have regard to the historical flooding of the Rathnew River.
- Three other solar farms permitted by the Planning Authority along the M11/N11 corridor. These are sufficiently spaced out to not result in an over proliferation of solar farms.
- Glint and Glare study identified low level impact on the N11/R752. The development should have no impact on the road network. While impact

is low a condition was recommended for Glint & Glare surveys every six months for the first two years of operation of the solar farm.

3.3 Other Technical Reports

Municipal District Engineer

No objection, subject to the applicant confirming that the underground cable connection from site to ESB substation at Ballybeg is feasible in the public verge. Existing roadway has water mains present and permission from Irish rail would be required to carry cable in bridge deck over railway.

3.4 Prescribed Bodies

The Planning Authority referred the application to the relevant bodies. No responses noted on file.

3.5 Third Party Observations

Twenty Two third party observations were received. These included the current appellants. The issues raised in the submission are largely in line with those raised in the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report.

4.0 Planning History

4.1 Appeal site

There is no relevant planning history attached to the site.

4.2 Recent County Wicklow Appeals for Solar developments:

An Bord Pleanala Ref. No PL. 27. 248424 (P.A Ref. No. 16/1380) refers to a **current appeal** for permission for a solar PV farm and ancillary services on a site with an area of c. 23 hectares located c.4km south of the current appeal site at Ballinaclough, Rathnew, Co. Wicklow.

An Bord Pleanala Ref. No PL. 27.247942 (P.A Ref. No. 16/1099) refers to a **current appeal** for permission for a solar PV farm and ancillary services on a

site with an area of c. 15.3 hectares located at Garrymore Upper, Rathdrum, Co. Wicklow

An Bord Pleanála Ref. No PL. 27.248258 (P.A Ref. No. 16/307) refers to a **current appeal** for a solar PV farm consisting 3041 sq.m of solar panels on ground mounted steel frames and ancillary services at Kiltimon, Newtownmountkennedy, Co. Wicklow

An Bord Pleanála Ref. No PL. 27.247714 (P.A Ref. No. 16/1060) refers to a 2017 (April) decision to **refuse** permission for permission for a solar PV farm comprising 73,000 photovoltage panels and ancillary services at Threecastles, Talbotstown Lower, Blessington, Co. Wicklow. The reason for refusal related to the potential impact on the Poulaphuca Reservoir Special Protection Area (Site Code 004063).

An Bord Pleanála Ref. No PL. 27.246527 (P.A Ref. No. 16/176) refers to a 2016 **grant** (10 year permission) for a Solar PV Energy Development with ancillary services on site with an area of c. 13.7 hectares at Ballycooleen, Avoca, County Wicklow.

4.3 Other Similar National Developments

The Board will be aware of a number of solar farm applications which have been decided on appeal. Some recent examples include:

An Bord Pleanála Ref. No. PL.26.247217 (P.A Ref. No. 20160690) refers to a 2017 (January) decision to **refuse** permission for a Solar PV Farm on a site with an area of c. 90 hectares spanning 10 townlands which included Ballyminaun in Co. Wexford. Permission was refused having regard to the scale, visual impact and residential amenity. The proposal would be premature pending the adoption of national, regional or local guidance or strategy for solar farm. **Current Judicial Review** case.

An Bord Pleanála Ref. No. PL08.247653 (P.A Ref. No. 16/877) refers to a 2017 (April) **grant** for a solar PV farm of up to 30,072 sq m of panels at Listowel, Co. Kerry.

An Bord Pleanála Ref. No. PL26.247366 (P.A Ref. No. 20160811) refers to a 2017 (March) **grant** for a Solar Farm, PV Energy of up to 88,600 sq m of panels near Baldwinstown, Co. Wexford.

An Bord Pleanála Ref. No. PL03.247632 (P.A Ref. No. 16368) refers to a 2017 (April) **grant** for a solar PV farm on a site of 12.23 Hectares at Ballymorris, Co. Clare (24/04/2017).

An Bord Pleanála Ref. No. PL08.247778 (P.A Ref. No. 16/689) refers to a 2017 (May) **grant** for a solar PV farm of up to 20,113 sq m at Killarney, Co. Kerry (09/05/2017).

4.4 **Sample of current appeals.**

There are a number of other solar farm applications nationwide currently on appeal with the Board in addition to those reference above in Co. Wicklow. These include, amongst other counties, sites in Wexford and Meath.

Wexford: Brookhill, Ballyhoge (PL.26.247886) and Bunclody PL.26.248800.

Meath: Julianstown (PL.17.248028), Duleek (PL.17.248146), Kilbrew (PL.17.248823) and Grangegeeth, Slane (PL17.248939).

5.0 **Policy Context**

5.1 **Development Plan**

5.1.1 **Wicklow County Development Plan 2016-2022**

Relevant policies and objectives include:

CCE9, CCE10 which supports solar energy schemes.

CCE10 refers to supporting the development of commercial scale ground mounted solar PV Solar Farms, subject to compliance with emerging practice and available national and international guidance.

NH49 – Development proposals to have regard to the Landscape Assessment.

NH51 – Resist development that would significantly or unnecessarily alter the natural landscape or topography unless it can be demonstrated that the

development would enhance the landscape and/or not give rise to adverse impacts.

Appendix 5 Landscape Assessment.

5.2 Guidance

5.2.1 Regional Planning Guidelines for the Greater Dublin Area (GDA) 2010-2022.

This includes strategic recommendations for Local Authorities to support meeting renewable energy targets for 2020 and beyond.

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

This is a research paper which was funded by the SEAI. It does not purport to be a policy document. The report contains a set of planning policy and development guidance recommendations, which it is suggested may contribute to the evidence base that will inform the development of Section 28 planning guidance for Utility Scale Solar Photovoltaic (USSPV) developments in Ireland.

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

5.2.3 The Planning System and Flood Risk Management Guidelines. Guidelines for Planning Authorities (2009)

The southern section of the application site bounds an identified Flood **Zone A**.

Section 2.23 Flood Zones.

Flood Zone A – where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding or 0.5 % or 1 in 200 for coastal flooding).

5.3 National Policy

5.3.1 Ireland's Transition to a low carbon Energy Future 2015-2030

This White paper on Energy policy published by the Department of Communications, Energy and Natural Resources in December 2015 sets out a vision to reduce greenhouse gas (GHG) emissions by between 80% and 95% compared to 1990 levels, by 2050, falling to zero or below by 2100. It states that as new energy solutions such as bioenergy, solar photovoltaic (PV) and offshore energy mature and become more cost effective they will be included in the renewable energy mix. The policy document recognises that solar photovoltaic (PV) technology is rapidly becoming cost competitive for electricity generation and that the deployment of solar power in Ireland has the potential to increase energy security, contribute to our renewable energy targets and support economic growth and jobs.

5.3.2 National Renewable Energy Action Plan (NREAP) submitted to the EC in 2010.

The NREAP was submitted to the European commission in 2010. It sets out Ireland's approach to achieving its legally binding targets, with a target of 40% of electricity consumption to be from renewable sources by 2020.

A third progress report on the NREAP was submitted to the European commission in April 2016 which detailed installed capacity of solar power to be 1.38 MW.

5.4 UK Guidance

There is a range of UK Guidance which has been referred to by the Planning Authority's Area Planner and the appellants. This guidance is relevant only as background information and the most relevant are referred to below:

5.4.1 Planning Practice Guidance for Renewables and Low Carbon Energy (Department of Communications and Local Government 2015)

This guidance includes advice on planning considerations relating to specific renewable technologies, including solar power. It advises against inflexible buffer zones or separation distances. It includes the following points:

- Encourage use of brownfield land and where agricultural land is used, it should allow for continued agricultural use;
- On greenfield sites, poorer quality land should be used in preference to higher quality land;
- Consider visual impacts and the impacts of glint and glare on the landscape, local residents and aircraft safety and the potential to mitigate these impacts for example through screening with native hedges.

5.4.2 Planning Practice Guidance for the development of Large Scale Ground Mounted Solar PV systems, Building Research Establishment (BRE) (UK) 2013)

The guidelines recommend that ground mounted solar PV projects, over 50kWp should ideally utilise previously development land, Brownfield land, contaminated land, industrial land or land preferable of classification 3b, 4 and 5 (avoiding the use of 'best and most versatile' cropland where possible. Land selected should aim to avoid affecting the visual aspects of landscapes, maintain the natural beauty and should be predominantly flat, well screened by hedges, tree lines etc., and not cause undue impact to nearby domestic properties or roads.

5.5 Natural Heritage Designations

The appeal site is not located in or adjacent to any designated Natura 2000 sites. There are 15 European designated sites within a 15km radius of the site. The closest relevant Natura 2000 sites are the Murrough Wetlands SAC (Site Code 002249) and The Murrough SPA (Site Code 004186) both of which are c. 2.6km to the east of the appeal site.

There are no pNHAs or NHAs in the immediate vicinity of the site.

6.0 The Appeal

6.1 The third party appeal against the Planning Authority's decision to grant permission was signed by the following twenty six local residents:

- Stephen & Martine Behan, Milltown North, Ashford.
- Olive Stafford, Cronroe, Ashford.
- Joseph & Connie Gardnier, Staying Put, Milltown Lane, Ashford.
- Revell & Samantha Clements, Millfield, Milltown Lane, Rathnew.
- Aileen Johnson, Hill House, Ballinabarney.
- John Mc Donald, Grace Power McDonald and Rebecca Mc Donal, Hollybrook Lodge, Milltown Lane, Ashford.
- Margaret, Stephen & Joseph Geary, Bel-Air Road, Ashford.
- Barbara Martin, Sitka, Cronroe, Ashford.
- Frank & Patricia Holohan, Corry Cottage, Cronroe, Adhford.
- Felicity Cullen Molloy & Declan Molloy, Dalmacia, 5 Milltown North, Ashford.
- Laurence G. & Thea S. Kinsella, Whittys Cottage, Milltown, Rathnew.
- David, Mary & Patrick Flood, Sacre Coeur, Cronroe, Ashford.
- Michael Hinds & Deborah Cleary, Milltown Lane, Rathnew.

6.2 Grounds of Appeal

The grounds of appeal can be summarised as follows:

6.2.1 *Lack of National, Regional & Local Guidelines*

- There are no national, regional or local guidelines for the development of solar farms and until such guidelines are drawn up and implemented no permission should be granted.

- Reference to An Bord Pleanála Ref. No. PL. 26.247217 and the decision to refuse permission which was influenced by the lack of guidance at national, regional and local level as to the appropriate location and scale of solar projects.
- Reference to comments from the Minister for Communications, Climate Action and Environment (August 2017) that ‘there were already enough solar power applications in the pipeline to provide more than 4000MW of the Republics Energy requirements.
- There are no land classifications in Ireland. Based on classifications as set out in the *Planning Practice Guidance for the development of Large Scale Ground Mounted Solar PV systems*, BRE (UK) 2013, the use of best agricultural land for solar development would not normally be supported.
- The Area Planner referred to the above guidelines and appears to have used the criteria as guidance for their decision. The proposed site would not comply with these guidelines and there are numerous brownfield and contaminated lands sites in the area where this type of development should be directed to.
- The Wicklow County Development Plan 2016-2022 notes that ‘there is currently (2016) no national guidance available on the appropriate location and design of solar farms’.
- The proposal would be contrary to the provisions of the Natural Heritage Objectives as set out in the County Development Plan to ensure that the conservation and management of the natural environment must be viewed as a central element in the long term economic and social development of the County.
- The location of a large scale industrial development in a residential and agricultural area is not in keeping with the area in terms of scale or character. It would materially contravene to the objectives of the Development Plan which seeks to protect its architectural, cultural and landscape character.

6.2.2 *Visual Impact/Landscaping*

- The visual impact on neighbouring residential properties to the east of the site, along Milltown Lane, and to the west, along Cronroe Road and the lane off this road have not been adequately addressed in the Environmental Report (appellant refers to this document as the EIS) submitted with the application. The Landscape Visual Impact Assessment (LVIA) submitted with the application is considered incomplete.
- In general the views and statements given in the environmental report to show the visual impact of the proposed development do not give a comprehensive outline of the impact the development would have on the surrounding area. The views shown in the report are entirely favourable to show a reduced visual impact.
- This report refers incorrectly to the houses along Milltown Lane as single storey with strong rear boundaries. The majority of the houses are in fact dormer style and the boundaries are of mixed quality.
- Table 2.3 in the LVIA notes that the impact from the selected representative viewpoint, VRP1 (Milltown Lane properties) would be of high sensitivity.
- No sections through the proposed development and neighbouring properties have been submitted with the application to clearly illustrate the likely impact the proposal would have on these properties.
- The proposal would seriously detract from the visual amenity of the area. Permission should be refused due to the inappropriate location, scale and siting of the proposed development and the failure to carry out an accurate assessment of the impact on adjoining properties and surrounding area.
- Photographs submitted with the appeal, taken from various properties in the vicinity of the site.
- Condition No. 5 provides for a 5 metre band of woodland planting along the eastern boundary in lieu of the proposed hedgerow. This would

further impact on the views of Carrick Mountain for adjoining residents. If permission is granted, the appellants request that landscaping be carried out following consultation with these residents.

6.2.3 *Impact on Wildlife*

The environmental report does not adequately address the impact the proposal would have on wildlife in the area. Red kites have nested in the application site and surrounding area.

6.2.4 *Flooding*

A portion of the southern section of the site which is bounded by a stream is prone to flooding. No assessment has been carried out of possible impact of flooding on adjoining properties.

6.2.5 *Construction Management*

If permission is granted the appellants request that a condition be attached that no works should be carried out at the weekend.

6.2.6 *Noise*

Based on UK examples, the proposal and associated electrical substation would have a major noise impact on adjoining residential properties.

6.2.7 *Traffic*

There are concerns relating to traffic safety during the construction phase. The local road network would not be able to cater for the additional traffic associated with the development and permission should be refused on the grounds of traffic safety.

6.2.8 *Life of the permission*

A 10 year permission is considered to be an excessive timescale. Given the applicants submission that the infrastructure is in place, the appellants request that if permission is granted it should be for 5 years.

6.2.9 *Connection to the ESB Network*

Reference to the O'Grianna Wind Farm case which noted that grid connections should be included in the EIA process and cannot be separated from the actual

wind farm site for the purposes of assessment in accordance with the EIA Directive.

No evidence of connection to the national grid and capacity of the existing ESB networks substation were submitted with the application.

6.2.10 *Other*

6.2.10.1 Incorrect Technical Information

The application is invalid for the following reasons:

- The incorrect address is provided in the public notices.
- The wording of the Newspaper Notice does not match that of the site notice.
- The Appropriate Assessment screening refers to a site area of 29 hectares and the application refers to an area of 27 hectares.
- It is stated that the proposal would cover c.34% of the site, this should state c. 67%.

6.2.10.2 Development Contribution.

The security bond of €5,000 is not sufficient to cover the reinstatement of the site and, if permission is granted, this should be increased.

6.2.10.3 Community Consultation.

There has been little engagement with the local community. There are no benefits for the local community. In similar types of projects, a community gain levy has been advised at a rate of €200 per hectare per annum to fund community based projects. No such fund has been attached to this project. If permission is granted a condition requiring this fund should be attached.

6.2.10.4 Green Low-Carbon Agri-Environment Scheme (GLAS).

Reference to the terms and conditions of this Scheme.

6.3 First Party Response

This can be summarised as follows:

6.3.1 *Lack of National, Regional and Local Guidelines*

- There is no legal requirement for Section 28 government guidelines for solar farm developments to be drafted. The applicant submits that there are sufficient policy objectives contained in the Wicklow County Development Plan to support solar energy development.
- The County Landscape Strategy sets out a hierarchy of landscape classifications which are applicable to all development types, including solar farms.
- The Area Planner noted that the principle of development was acceptable on the application site.
- Reference by the appellants to a refusal for a solar farm in Co Wexford related to a large scale development (89 hectares), the size and scale of which was referenced in the Board's decision. The applicant notes subsequent grants of permission by An Bord Pleanála (PL.08.247653, Co. Kerry and PL.11.248244, Co. Laois) for similar developments.
- The BRE Guidelines for land classification (UK) should not be a material consideration in the assessment of the application as it is not a statutory planning document associated with the Irish Planning System.
- While the Planners report referenced the UK guidelines they did not assess the application against them.

6.3.2 *Compliance with Wicklow County Development Plan*

- The Archaeological Assessment recommended archaeological monitoring of the areas where subsurface excavation is required.
- The Landscape and Visual Impact Assessment concluded that due to the low lying nature of the development and the high level of existing screening with mature trees and hedgerows, there is capacity within the landscape to accommodate the development.

6.3.3 *Landscaping/Visual Impact*

- Representative viewpoints were selected and used and the applicant notes that the Area Planner supported the objectivity and accuracy of the LVIA in their report.

The viewpoints referred to in the appeal, as noted are representative.

- VRP1 is from the houses along Milltown Lane, this is taken from a similar level to the application site. There are limited view due to existing vegetation along boundaries.
- VRP4 from the Cronroe road, as this is taken form a higher level than the site, there are some direct views of the site. The scenic views of the hills will remain unaltered and the development is low profile and there is extensive mature boundary treatment.
- It was noted that there were no views from the road further southwest along Cronroe road and Carrick Mountain due to the layers of dense hedgerow and vegetation.
- The appellants have misinterpreted table 2.3 of the LVIA by referring to the visual impact on the properties along Milltown Lane as 'high'. The correct interpretation is that while the sensitivity of the receptors at VRP1 is deemed 'high', the magnitude of the change due to the proposed development is 'small'.
- The photographs submitted with the appeal are taken with a standard camera unlike those included in the LVIA.
- Reference to the Area Planners report which noted that it was considered that the proposed location would, due to the character of the landscape and the low lying nature of the development, be a suitable location for a solar farm as its potential impact on the landscape would not be significant.
- The applicant has no objection to condition no. 6 in regards to the protection of the visual amenities of the area, with the exception of the requirement to provide 5 metre wide band of woodland planting. The removal of this requirement and reverting back to the proposed

hedgerow with a maximum height of 3 metres would in the applicants view be more acceptable in terms of visual amenity and would address the appellants concerns relating to this buffer.

6.3.4 *Lack of Cross Sections.*

The solar panels would be set back between c.58 and c.64m from the properties along Milltown Lane. Therefore, if sections were provided they would be at a scale that would make any assessment redundant.

6.3.5 *Connection to ESB Network*

- The proposed development is not considered as an EIA qualifying development and therefore the inclusion of the grid connection route as part of the application is not required. The AA screening includes an assessment of the impact of the proposed route on any nearby European site. The Archaeological survey dealt with any known archaeology on the area.
- The applicant has signed a grid connection agreement for connection to the closest substation, the ESN 38kv/110kv substation at Ballybeg c. 600 metres the south east of the site. ESN determine the method of connection and if any works are required to the existing substation to accommodate the development. This, if required, would be the subject of a separate planning consent.

6.3.6 *Incorrect Technical Information*

The application was deemed valid by Wicklow County Council.

6.3.7 *Impact on Wildlife*

The ecological appraisal submitted with the application concluded:

- The site is dominated by improved agricultural grassland fields with the habitats considered to be of low ecological value.
- Trees and hedgerow were noted around the boundaries of the fields within the site. Red kite are known to nest in mature trees. However, the species was not recorded during ecological surveys within the site and there was no evidence of the species breeding in the site.

- There will be no loss of mature trees and minimal loss of hedgerow, therefore no loss of habitats.
- There may be slight noise disturbance to birds during the construction phase but this would be temporary and localised.
- Displacement of fauna would be temporary, with many returning to the site after the construction phase as works will be carried out in sections.
- Creation of biodiversity areas, provision of an insect hotel within the site, all of which should enhance the biodiversity of the area.

6.3.8 *Noise Impact*

- The Noise Impact Assessment concluded that the predicted operational noise levels would be below the daytime noise limits and no mitigation measures would be required.
- Noise impact was a consideration when designing the layout. No inverters or HV plant are located within 150 metres of any residential property.

6.3.9 *Development Contributions*

The requirement for a bond of €5,000 is considered acceptable. Condition No. 7 requires the submission of a restoration plan and it is envisaged that the amount of reinstatement works required will be low.

6.3.10 *Length of Permission*

The development is dependent on achieving a suitable connection to the electricity grid network which is under the control of EirGrid or ESBN. While a grid connection offer has been accepted the timeframe for receiving an offer is unknown.

6.3.11 *Community Involvement*

A public Information meeting was held with follow up individual consultation where requested.

6.3.12 *Flood Risk*

- The OPW Flood maps indicate that Flood Zone A area includes the Rathnew River (referred to also as the Rathnew Stream) and up to the southern boundary of the site. The boundary of the site has been developed taking into account the fluvial flood zone to the south of the site by setting back the development from the flood zone.
- There are no records of flooding in the vicinity of the site or to the west of Rathnew (www.floodmaps.ie).

6.3.13 *Community Gain*

The local school is amenable to having solar panels fitted. The local community will benefit from opportunities to diversify long term gains from their land. Potential for job creation, especially during the construction phase. As the project progress the developers are happy to explore options for supporting local groups and activities.

6.3.14 *Traffic Management*

- Indicative grid connection cable route from the site to Ballybeg 38kV/110kV substation is included with the application.
- The ESNB will determine the most appropriate route and method of connection. The construction of the underground cable falls outside the scope of this planning application and separate consents will be obtained as required.

6.3.15 *GLAS*

This is not a planning consideration.

6.3.16 *Condition No. 9. Glint & Glare survey.*

The applicant requests that this condition be removed.

- The Glint & Glare report identified that glint and glare is theoretically possible along several local roads surrounding the site and is also geometrically possible along R752 and M11. However, due to the high level of vegetative screening in the landscape surrounding the site, it is only likely that the glint and glare will occur along a minor section of a local road situated to the west of the site, along intermittent sections of

Milltown Lane located to the east and along a brief section of the R752 Regional Road.

- The applicant submits that the implementation of condition No. 9 would not materially improve traffic safety and that the mitigation measures outlined in the Glint and Glare study adequately protects these interests.
- This condition has not been attached to similar types of developments and, the applicant, respectively requests that the Board remove this condition.

6.4 Observations

None

6.5 Planning Authority Response

None.

6.6 Prescribed Bodies

The appeal was referred to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, The Heritage Council and to An Taisce. No responses received.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. In addition glint & glare, environmental impact assessment screening and the issue of appropriate assessment screening also need to be addressed. The issues can be dealt with under the following headings:

- Principle of the proposed development.
- Impact on residential amenity
- Landscape/visual impact.
- Glint and Glare.

- Traffic and access routes.
- Flooding
- Ecology
- Other issues.
- Environmental Impact Assessment screening
- Appropriate Assessment.

7.1 Principle of the proposed development.

7.1.1 The appellants contend that there are no national, regional or local guidelines for the development of solar farms and that, until such guidelines are drawn up and implemented, no permission should be granted.

7.1.2 In considering the principle of the development I have had regard to both national, regional and local policy provisions. I note that since the publication of the 2009 Renewable Energy Directive (2009/28/EC) that Ireland has a target objective requiring that 16% of all energy comes from renewable sources by 2020. I have referred to the Government White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future 2015-2030' (December 2015). The main objective of this document is to reduce carbon emissions and in this regard solar panel developments are considered an integral part of achieving this objective.

7.1.3 The applicant, in their response to the appeal, notes that while there are no Section 28 ministerial guidelines for solar developments, there are sufficient policies and objectives at local level in the County Development Plan.

7.1.4 I am satisfied that there is substantial policy support at national and local level for renewable energy projects, including solar energy projects, and I do not consider that the lack of Ministerial Guidelines should be a reason for refusing permission in this instance. The proposed development will make a contribution to Ireland's targets for electricity generation from renewable sources and for reductions in greenhouse gas emissions.

7.1.5 The Wicklow County Development Plan 2016-2022 includes objectives that support solar energy development, as well as having an overriding strategy to encourage the provision of renewable energy sources. As such 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, impact on ecology, cultural heritage, accessibility/traffic impacts and drainage issues.

7.2 Impact on residential amenity

7.2.1 There are a number of houses in the immediate vicinity, in particular, the properties along Milltown Lane to the east of the site, which are occupied by a number of the appellants. Concerns have been raised regarding the potential impact arising from noise, visual impact and potential flooding. The latter two shall be dealt with in more detail under sections 7.3 and 7.7 of this report.

7.2.2 In regard to the noise impact, the applicant has submitted a Noise Impact Assessment which identified the closest sensitive receptors. This concluded that the noise during construction and operational phases would be minimal due to the nature of the development and the separation distance from the nearest sensitive receptors (houses).

7.2.3 The nature of the development, solar farm, would not be associated with the emission of high levels of noise. There would be no activities onsite which would generate high noise frequencies. The construction phase is a temporary phase and the operational phase does not generate noise. I consider that the noise levels likely to be generated would be within the acceptable limits and a standard condition requiring compliance with recommended EPA noise emission limits could be applied if the Board is of a mind to grant permission. The issue of noise is further addressed in the Construction Environmental Management Plan and mitigating measures such as hours of operation, restrictions on noise limits further address this issue. I, therefore do not consider that this ground of appeal should be upheld.

7.2.4 There is potential for construction activities to have an impact in relation to dust, traffic and general disturbance. These impacts would be temporary in nature and can be dealt with through adequate construction management. The operational phase of the solar farm is unlikely to have an adverse impact on the residential amenities of nearby properties due to the lack of activity associated with this type of development that would generate disturbances of this nature.

7.3 Landscape/visual impact.

7.3.1 The appellants have raised concerns that the proposal would detract from the character of the area and have a negative visual impact. The area is not designed as a sensitive landscape in the Wicklow County Development Plan. It is located within a 'corridor area' which has been identified as a landscape of moderate vulnerability. The visual impact of the proposal is considered acceptable in the context of this landscape. A Landscape Visual Impact Assessment (LVIA) was submitted with the application and representative viewpoints were selected which give an overview of the impact the proposal would have on the surrounding area. The appellants have queried the viewpoints selected. I have examined the Landscape Visual Impact Assessment, inspected the site and surrounding area and I am satisfied that the viewpoints referred to in the LVIA offer a good representation of the surrounding area.

7.3.2 A 5km Zone of Theoretical Visibility (ZTV) was selected within which 8 representative viewpoints (VRPs) were selected to represent the most open/key/receptors within 5km of the site. The appellants referred to Table 2.3 of the LVIA which referred to the receptors along Milltown Lane (houses) identified as VRP1 where the impact was considered high. The applicant disputes this interpretation noting that it should refer to a high sensitive receptor but where the magnitude of change is considered small.

7.3.3 I note that the houses along Milltown Lane, to the east, are located on a similar elevation to the appeal site and the views would be intermittent due to existing boundary treatment. Condition No. 6 of Planning Authority's decision further augments the screening from these properties by requiring that a 5 metre wide woodland planting area be planted along the eastern site boundary. The

applicant has requested that, in lieu of the woodland planting, a hedgerow of a maximum height of 3 metres be provided. The appellants have also requested that this buffer be replaced with an alternative as it would obscure their view of Carrick Mountains. I consider that the proposed solar panels, while mounted on steel frames, are low lying, with a maximum height of 2.8 metres, and, therefore, the provision of a hedgerow along the eastern boundary would be sufficient to screen the proposal. I note that the Planning Authority's Area Planner concluded that, provided hedgerows were bolstered with additional planting, the potential impact from glint and glare would be reduced to very low/none for properties in the vicinity. Glint and glare is dealt with in more detail in section 7.4 of this report.

7.3.4 The LVIA notes that the dwellings along Cronroe road will have intermittent direct views of the proposal as these houses are located at a higher elevation above the appeal site. I consider that landscaping would assist in mitigating the visual impact of the proposal from these properties. This matter can be dealt with by condition in the event of a grant.

7.3.5 Having inspected the site and surrounding area and having reviewed the viewpoint photographs and photomontages, I consider that the visual impact of the proposed development on sensitive receptors will be limited due to the site topography, the extensive hedgerows and tree planting and the separation distances from roads and residential dwellings. The visual impact will be most pronounced upon installation of the panel arrays, but will be mitigated by additional planting, albeit that this will take a number of years to become established and provide effective screening. I consider that the greatest potential visual impact arises at residential properties in the immediate vicinity of the site, along Milltown Lane to the east and Cronroe Road to the west, at a higher elevation than the site. The existing and proposed planting allied with the containment of the development within existing field boundaries will serve to mitigate the impact.

7.3.6 Following decommissioning of the proposed development, when the panel arrays, inverters etc. are removed, and the lands reinstated to agricultural use, I

do not consider that there will be any significant residual landscape or visual impacts.

7.3.7 In conclusion, I consider that the proposed development is acceptable from a landscape and visual impact perspective and that its impact would not be so significant as to outweigh the benefits of providing a significant renewable energy source.

7.4 Glint and Glare

7.4.1 Glint and Glare, while not raised specifically in the grounds of appeal, is intrinsically linked with the issue of landscaping and visual impact as assessed under section 7.3 above. Site screening and boundary treatment has the potential to change the impact from glint and glare on nearby sensitive receptors, such as residential properties and roads. Therefore this is not considered a new issue before the Board.

7.4.2 Condition no. 6 related to landscaping and boundary treatment. This was assessed in section 7.3 above in terms of visual impact. The potential impact arising from glint and glare is linked to the visibility of the site from the surrounding area which has been dealt with previously.

7.4.3 Glint and Glare occurs under certain conditions when the sun is low and light can be reflected from the solar panels to ground based receptors. This can cause a nuisance. Glint only occurs when the sun is shining. In general a fixed receptor would 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.

7.4.4 A Glint and Glare study was submitted with the application. This identified theoretical impacts, based on the worst case scenario, on nearby houses and public roads. This concluded that impacts would be intermittent and low. The Planning Authority was satisfied that the level of the impacts would not detract from the residential amenities of adjoining houses. The Senior Engineer noted

that while the potential impact on the R752 and M11 was intermittent and low, a condition should be attached to monitor the impact on the M11 and R752 as the desired outcome was 'no impact'.

7.4.5 Condition No. 9 of the Decision issued by Wicklow County Council has requested that the applicant submit a glint and glare survey every 6 months for the first 2 years that the solar farm is operational. It is noted that the applicant in their response to the third party appeal included a request that this condition be omitted by the Board. Notwithstanding the fact that glint and glare was not raised as a specific issue by the appellants, it is not considered that the omission of condition 9 is a material issue that would warrant section 131 of the Planning Act, 2000 to be invoked.

7.4.6 Given the existing boundary treatment and additional planting proposed I consider that the potential impact from glint and glare would be intermittent and of low impact. I do not consider that this would detract from the residential amenities of nearby properties or provide a hazard for road users along the M11 or the R752. Overall, I consider that given the low potential occurrence and the intermittent views into the site that the proposed development would not have any significant impacts on the surrounding area in relation to glint and glare. Condition no. 9 is considered unnecessary and an onerous requirement for the applicant. I consider that the standard requirement for glint and glare surveys to be carried out annually be attached in the event of a grant of permission.

7.5 Traffic and access routes.

7.5.1 The appellants have raised concerns that the proposal would result in excessive traffic along the local road network, in particular, during the construction phase and, subsequently, during the underground cabling and grid connection. The provision of a route for the underground cable and connection to the grid would be the subject of a separate application and is only included in the current application for information purposes.

7.5.2 The proposal would entail the upgrading of an existing agricultural access off the L5097 to serve as the access point into the site. A temporary construction compound would be located close to this entrance. Sightlines can be achieved by trimming (not removing) the existing hedgerow for a distance of c. 120 metres. I note that the Municipal District Engineer and the Senior Engineer did not highlight concerns relating to the proposed entrance or implications for traffic on the adjoining road network.

7.5.3 The main traffic associated with the proposed development would be during the construction phase and later during the decommissioning phase. The Environment Report and the Environmental Construction Management Plan, submitted with the application, provide information on proposed routes and number of HGVs, traffic levels and type. The likely haul route off the M11 is via junction 16 and then onto the R772, then southwards along the Milltown Lane (L5597) until the junction with the L5097. The entrance to the site is c. 300 metres from this junction. In my view, the use of the R752 travelling northward via Milltown Lane to the site is not advised due to the presence of a narrow bridge along Milltown Lane. 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. This disruption would be temporary in nature and, therefore, would not have a long term impact on the carrying capacity of the road network.

7.6 Ecology

7.6.1 The appellants have raised concerns that the proposed development would result in damage to the nature habitats of the site which serve as nesting places for Red Kites.

7.6.2 The application site is not within a designated site, it is not identified in the Development Plan as being of special interest to warrant specific protections. The Planning Authority's Area Planner did not highlight that the site forms part of an important ecological corridor.

7.6.3 An ecological appraisal submitted with the application concluded that the site is dominated by improved agricultural grassland fields with the habitats considered to be of low ecological value. Trees and hedgerow were noted

around the boundaries of the fields within the site. Red kite are known to nest in mature trees. However, the species was not recorded during ecological surveys within the site and there was no evidence of the species breeding in the site.

- 7.6.4 No detailed surveys have been carried out by the appellant to support their assertions. Based on the information on file there is no evidence of Red Kites in the area.
- 7.6.5 The ecological appraisal concluded that there would be no loss of mature trees and minimal loss of hedgerow and, therefore no loss of habitats. There may be slight noise disturbance to birds during the construction phase but this would be temporary and localised. Any displacement of fauna would be temporary, with many returning to the site after the construction phase as works will be carried out in sections.
- 7.6.6 Given the nature of the proposed development, I consider that the potential impacts on ecology are primarily related to construction related disturbance. During the operational phase only a very small area of ground would be made inaccessible for plants and animals and the majority of existing hedgerows will be retained and strengthened, with additional planting which will serve to enhance the biodiversity of the site. Insect hotels, biodiversity areas and other methods for enhancing the biodiversity of the area are also included as part of the application.
- 7.6.7 Having regard to the measures incorporated into the design of the scheme, including the retention of hedgerows, a buffer area between the site boundaries and the Rathnew river, the separation distance of c.25m from the nearest solar panel to the river at the south eastern corner, the surface water management and good practice pollution control measures outlined in the Construction Environmental Management Plan and the landscaping and biodiversity proposals, I consider that the proposed development will result in an improvement to the biodiversity of the appeal site and will not have a significant adverse ecological impact.

7.7 Flooding

- 7.7.1 The appellants have raised concerns that the proposal would have the potential to result in flooding of adjacent properties as the southern section of the field along the Rathnew River is prone to flooding and the development of the site for a solar farm would exacerbate this. Vegetation observed on site is indicative of poor drainage conditions.
- 7.7.2 The site bounds a designated Flood Zone A but is not included within a designated flood zone. A hydrology report and flood assessment were included in the environment report submitted with the application. This report noted that there are no records of flooding in the vicinity of the site or to the west of Rathnew. Recurring flooding is recorded c. 3km downstream of the site following periods of extreme rainfall. The applicant has highlighted that the site layout was designed having regard to the recommendation of the environment report and the location of the OPW flood zone that does not include the site.
- 7.7.3 The Councils Senior Engineers noted that there would be no increase in runoff, as runoff from panels will still go to the groundwater. Further details regarding surface water run off should be conditioned have regard to the historical flooding of the Rathnew River. The Area Planner did not raise flooding as a reason for refusal.
- 7.7.4 I consider the construction process outlined for the solar farm to be relatively low impact with significant earthworks only occurring for the access tracks, substations, inverter stations and cable routes. There would be no significant changes to the topographical profile of the site or to the characteristics of the soil that would affect drainage patterns. With regard to changes to permeable and impermeable areas, the proposed access tracks will be of permeable compacted stone construction and the impermeable areas created by the substations, inverter stations and other structures amount to a minor part of the overall site coverage.

7.7.5 While the site coverage of the solar panel arrays is high, I consider that having regard to the installation methodology for the arrays, the separation distance between rows of arrays, the retention of existing site topography and grassland ground cover, precipitation will continue to infiltrate naturally to ground and with no significant change to overland flow rates.

7.7.6 In conclusion, taking into account the mitigation measures proposed, I am satisfied that the proposed development would not negatively impact on current drainage patterns or result in a significant increase in flood risk elsewhere. Therefore, I am satisfied that the development should not be refused on the basis of surface water management or flood risk.

7.7.7 I consider, therefore, that the appeal should not be upheld on these grounds.

7.8 Other issues.

7.8.1 Grid Connection

7.8.1.1 In relation to a future connection to the National Grid, I note that any proposed connection would be subject to a further consent and a condition should be imposed to reinforce this point. Such a condition has been imposed on previous consents for such developments.

7.8.2 Community Fund

7.8.2.1 The appellant referred to the Inspector's comments in the report for PL.26.247217 (90 hectare solar farm) where the applicant proposed the payment of €200 per hectare per annum to be lodged in a fund and administered by the Community. The Inspector noted under PL.26.247217 that the Board may wish to consider whether such a fund is necessary in the event of permission being granted. I note that such community funds have not been included by the Board in recent grants of permission for solar farms.

7.8.3 Archaeology

7.8.3.1 The nearest Recorded Monument is c. 118 metres from the site. The Archaeological Assessment carried out with the application recommended that archaeological monitoring should be carried out when stripping the site. This matter can be dealt with by condition.

7.9 Environmental Impact Assessment Screening.

7.9.1 The Environmental Report states that the installed capacity of the facility is expected to be up to 16 megawatts (MW).

7.9.2 Schedule 5 of the Planning and Development Regulations, 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an EIS. Part 1, Schedule 5 outlines classes of development that require EIS and Part 2, Schedule 5 outlines classes of developments that require EIS but are subject to thresholds. I have examined the Part 1, Schedule 5 projects and I do not consider that a solar farm is included in any of these project descriptions. I have also examined the Part 2, Schedule 5 projects and although I note that while there are some projects under Paragraph 3 'Energy Projects' which relate to energy production, I do not consider that these projects would be applicable to a solar farm as proposed. In reaching this conclusion I have had regard to the other recent solar farm developments before the Board, where a similar conclusion was reached in each case.

7.10 Appropriate Assessment.

7.10.1 There are twelve European sites within a 15km radius of the appeal site. The nearest relevant European sites which have a direct link to the site are the Murrough SPA (site code 004186) the Murrough Wetlands SAC (site code 002249), both of which are c. 2.6km to the northeast. The AA Screening submitted with the appeal notes that these are at an 'in stream' distance of 3.2km.

7.10.2 The site is c. 20 metres from the Rathnew River which flows in an easterly direction along its southern boundary and flows into the Broad Lough which is within the boundaries of the Murrough SPA and The Murrough Wetlands SAC. The Conservation Objectives for the SPA include the requirement to maintain and restore the favourable condition of the wetland habitat as a resource for the

regularly occurring migratory water birds that utilise it. The Conservation Objectives or the SAC include the requirement to maintain and restore the favourable condition of the Annex I habitats, Clacareous Fens with *Cladium mariscus* and species of *Caricion davalliane*, a priority habitat.

- 7.10.3 As noted above, the application site is set back c. 20 metres from the Rathnew River at its closest point (south eastern corner of the site) with separation distances ranging up to 155 metres along the boundary, this set back would prevent potential for rain runoff. There are no direct impacts on the adjoining Rathnew River which feeds into Broad Lough. No works are proposed within this buffer between the site and the river. Indirect impacts are possible but not considered significant. A series of good practice construction measures are outlined in the submitted Construction Environmental Management Plan, such as stilling pond, silt fencing and I consider that these construction methods can be considered to be an intrinsic part of the work to be carried out. I consider that these good practise measures will be sufficient to ensure that there will be no impact on the river, or any downstream waterbodies.
- 7.10.3 The Planning Authority's Area Planner concluded that, notwithstanding that there is a hydrological link between the site and the Murrough Wetlands SAC and Murrough SPA via the stream, they were satisfied that the development would not result in any habitat loss or reduction in the quality of the habitat and that the proposal would not give rise to a significant negative impact on the SAC/SPA, and, therefore, there was no need for a Stage 2 Appropriate Assessment.
- 7.10.5 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 Murrough SPA (site code 004186) the Murrough Wetlands SAC (site code 002249), or any other European site ,and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the suitability of the topography of the site, the proximity of a grid connection, the pattern of development in the vicinity, the provisions of the Wicklow County Development Plan 2016-2022, and of regional and national policy objectives in relation to renewable energy, it is considered that, subject to compliance with the conditions set out below, the proposed development would have acceptable impacts on visual amenity, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would be acceptable in terms of flood risk and would 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 considers it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) All structures including foundations hereby authorised shall be removed not later than 30 years from the date of commissioning of the development, and the site reinstated unless planning permission has been granted for their retention for a further period prior to that date.

(b) Prior to commencement of development, a detailed restoration plan, 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.

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. (a) The landscaping proposals shall be carried out within the first planting season following commencement of construction of the solar PV array. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be

replaced by trees or shrubs of similar size and species to those originally required to be planted.

(b) Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining houses as a result of the development. Upon commissioning of the development and for a period of two years following first operation, the developer shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that no such glint impact has taken place, and shall provide such further mitigation measures, as the planning authority may specify in writing, to ensure that this is achieved.

(c) The construction compound shall be removed at the end of the construction phase and the resultant area covered with topsoil and reseeded.

Reason: To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity, and to mitigate any glint impact from the proposed development upon adjoining residential amenities.

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

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

8. (a) 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.

(c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.

(d) The solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

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

Reason: In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

10. 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) Engage the services of a suitably qualified archaeologist (licenced under the National Monuments Acts 1930-2004) to carry out pre-development testing at the site to include the potential archaeological geophysical anomalies identified together with areas where topsoil is to be stripped. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist is required to notify the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work
- (c) The archaeologist shall carry out any relevant documentary research and may excavate trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- (d) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and the Department of Culture, Heritage and the Gaeltacht.
- (e) Where archaeological material is shown to be present, avoidance, preservation *in situ*, preservation by record (excavation) and/or monitoring may be required and the Department of Culture, Heritage

and the Gaeltacht will advise the Developer with regard to these matters.

- (f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Culture, Heritage and the Gaeltacht.

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.

- 11. 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 public safety, residential amenity and protection of the environment.

- 12. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental protection and public health.

- 13. 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 reinstatement of public roads that may be damaged by construction transport 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 reinstatement of public roads that may be damaged by construction transport.

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 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 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.

Daire McDevitt

Planning Inspector

19th December 2017