



An  
Bord  
Pleanála

## Inspector's Report PL26.249168.

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<b>Development</b>	Ten year permission for 5MW solar PV farm including all ancillary works on a site of 13.17 hectares.
<b>Location</b>	Loughgerald, Bree, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20170132
<b>Applicant</b>	Power Capital Renewable Energy Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellant</b>	Joe and Valerie Murphy and others
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	1 <sup>st</sup> December 2017.
<b>Inspector</b>	Mairead Kenny.

## 1.0 Introduction

- 1.1. This is a third party appeal against a decision to grant permission. There is another current appeal for a solar farm development in this general area – PL26.248641.

## 2.0 Site Location and Description

- 2.1. The site is located in a rural area in the centre of Wexford County. The nearest large town is Enniscorthy to the north. The town of Enniscorthy is dominated by Vinegar Hill, a rocky historic and small outcrop positioned at the north-east of the town. There are other small settlements notably the village of Bree to the south of the site. At the east of this general area is the river Slaney and the N11. The attached Discovery Sheet map serves to illustrate the site context.
- 2.2. The main farming activities in this area appears to be tillage, which appears also to be the dominant use of the farm lands from which the site is taken. The site of the proposed development comprises a large field located at the southern part of a farm holding together with part of the farm access road, which presently provides access to a dwellinghouse, another farmhouse and farm buildings and which will serve to access the proposed development.
- 2.3. The site boundary is defined on the eastern side by a public road and to the north and west by lands which are part of the farm holding. At the north-eastern corner of the site are dwellinghouses. There are other dwellinghouses along the south-western side of the site as well as at the opposite side of the local road at the western side. Site contours within the site range from 26.5m at the southern end to 39m at the north-eastern corner. Apart from at the northern boundary, which is marked by the private laneway serving the farm, the site boundaries are defined by hedgerows. There are two points within the site which are traversed by a 10kV line and there is a 38kV line crossing the western side of the landholding.
- 2.4. Photographs of the site and the surrounding area are attached.

## 3.0 Proposed Development

- 3.1. The proposal comprises a Solar PV Energy Development. Its main elements are:

- Approximately 20,000 Solar PV panels ground mounted on steel support structures.
- Installed capacity of generation of 5MW.
- 4 no. electrical transformer and 4 no. inverters, 1 no. client side substation.
- Other buildings – total floor area of all buildings is 247m<sup>2</sup>.
- CCTV cameras on 4m poles.
- 2m high perimeter security fencing inside hedgerows which are to be retained and reinforced.
- Underground electrical cabling, ducting and ancillary infrastructure
- Improvement of farm access road.

3.2. The photo voltaic modules will be mounted on galvanised metal racks. The racks will form rows (arrays) which will run east to west across the site and be south facing. The panels will be fixed at an angle of about 25 degrees to the horizontal. The array will be mounted 0.8 metres in height at its lowest point and 2.5m metres in height at the upper point. Each array will be mounted onto a simple galvanised metal framework allowing vegetation to grow below the panels and will be sufficiently spaced to ensure not excessive overshadowing of other arrays and of ground. There will be 6m minimum setback from boundaries with greater separation where wayleaves, tree canopy over hand and higher ground dictate and in response to consultation. No concrete is to be used in the foundations.

3.3. The application details includes comment on the connection to the substation and the legal basis for it being exempted development.

3.4. Mitigation incorporated in the proposed development includes:

- An additional raised earthen embankment at north-east corner of the site and setback of the arrays to the below the 35m contour, 5m below the level of the public road thereby addressing visual impact to the housing to the east / north-east and potential for glint and glare along the public road.
- Reinforcement of hedgerows to remove views of the solar arrays from the west and provision of a raised berm with screen planting along the southern boundary of the site.

- Additional drainage to improve, intercept and alleviate any existing surface water accumulation – supplementary measures set out in submission of 17<sup>th</sup> July in response to further information request. I describe these later in this report.

3.5. The **Planning Statement** indicates:

- No requirement for EIA as not listed in Annex I of Directive.
- Only sites within 2km of Monfin substation are commercially viable – site is optimum potentially available in vicinity of substation.
- Accords with Objective EN07 of development plan and with the objectives in relation to landscape – not within a sensitive area and there are no protected views or prospects identified in the plan.
- Hedgerow planting and provision of solid gates outside of the site could be addressed by condition.
- No reports of flooding in OPW records – ponding does occur at south-west.
- Noise will be limited to low level transient noise associated with vehicles.
- Glint and glare could potentially affect only the upper floor rooms of houses to south-west and west (observation points 12 and 14) and between 6am and 7am and will not affect motorists along surrounding roads.
- Small farm animals will be free to graze on the site.
- Construction period of 12-15 weeks.
- Lifespan of 25 years following which decommissioning will take place.
- Enclosed community engagement report.

3.6. The site is in the ownership of the owner of lands to the north and west including the access road, which also serves the farmhouse and buildings and another dwellinghouse. A letter of consent submitted indicates that the consent includes provision for works to farm gates and for landscaping, which may be outside the site boundary.

3.7. The application is accompanied by a range of specialist reports:

- Landscape and Visual Impact Assessment

- AA screening, Ecological Appraisal and Biodiversity Action Plan
- Hydrological report amended by *Preliminary Hydrology Report* by Malone O Regan submitted in response to further information request
- Construction, Decommissioning and Landscape Management reports
- Access and Construction Traffic Management reports
- Glint Assessment
- Archaeological Assessment.

3.8. In terms *Preliminary Hydrology Report* by Malone O Regan I consider that the significant points of this report are:

- The solar development would not result in any additional run-off that could impact on the receiving drainage network – the research paper refers
- The substation will be of permeable hard-core and in any case would drain to the north – there are two watersheds within the site
- The drainage issue is an existing issue - proposed site betterment works involve a surface water management system for the southern 8.1 hectares
- An Infiltration Trench system will be installed to intercept overland flow from the site during prolonged or high intensity rainfall
- The location of the trenches maximises removal of storm-water run-off
- Two of the trenches would be located where the groundwater recharge rate would be 60% - a third along the southern boundary where recharge is 20%
- The overall storage provided would in itself provide a significant benefit through removal of this volume of water from impacting the public drains
- As infiltration will occur available capacity will exceed volume of the trenches
- Site betterment will significantly reduce volume of rainfall impacting the drainage infrastructure and likelihood of flooding.

## 4.0 Planning Authority Decision

### 4.1. Decision

The planning authority decided to grant permission subject to 15 conditions including:

- development to be completed within 5 years
- all structures to be removed not later than 25 years from the date of commencement of the development on the site – detailed restoration plan to be agreed prior to commencement of development
- for a minimum of 300 mm of each fencing panel its bottom edge shall be no less than 150mm from ground level
- cables shall be underground
- prior to commencement of development details of the structure of the security fence showing provision for movement of badgers and other wildlife to be agreed
- grasslands to be supplemented with native wild grass and flower seeds and to be maintained thereafter by way of livestock management
- landscaping to be carried out within 12 months from the date of occupation
- archaeology, contributions, cash deposit, waste management plan.

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

The original report which recommends that further information be requested in relation to surface water drainage and details to prevent flooding also states:

- Development is not a type which is listed in Schedule 5 for the purpose of EIA
- Notes proximity of dwellinghouses and the landscaping scheme ‘which directly addresses this exposure with extensive planting’
- The site is well chosen in terms of the limited visual impact

- Short range views would be impacted in a limited manner and would be mitigated to an acceptable degree
- Fencing and CCTV are necessary for a number of reasons
- On inspection on 28<sup>th</sup> February ground was wet but no ponding evident
- Surface water management proposals will reduce the impact on the existing drainage infrastructure and reduce risk of run-off to houses
- Benefits in relation to sustainable energy outweigh potential adverse impacts.

The subsequent report recommends that permission be granted.

#### 4.2.2. Other Technical Reports

Biodiversity – notes that there is no hydrological connection to the River Boro which is 250m to the north and is within the boundary of the Slaney River Valley SAC. Risk of mobilisation of silt entering the SAC is reduced by site contours, mature treelines. CMP and other reports contain measures to address potential pollution related to concrete. Recommends permission subject to 10 no. conditions.

Chief Fire Office – certification required.

Georgina Fleming – recommends further information in relation to sanitary facilities and waste in the construction phase.

#### 4.3. Prescribed Bodies

**An Taisce** – A national and regional strategy is required for the development type. Planning authority to ensure that optimal sites are selected in terms of sensitive areas, protection of biodiversity, tillage lands, and archaeology.

**Inland Fisheries Ireland** – concerns with respect to potential impacts on water and fisheries as a result of silt, concrete and other discharges. Sets out a number of recommendations in this regard including in relation to concrete / cement washings, potential for discharge of silt in construction and landscaping phases, fuels and other pollutants and need for bunding and property disposal of wastes.

**TII** – no observation.

#### 4.4. Third Party Observations

The main issues of identified in the third party observations include:

- Health and safety concerns related to traffic hazard, electromagnetic radiation
- Surface water drainage, flooding, history of poor management of drains and ditches on the lands
- Inadequate nature of the surface water pipe (9 inch) to which surface water is to discharge
- Microclimatic changes and effect on wildlife and soils
- Use of agricultural lands and impact on agriculture
- Location adjacent designated Slaney Drive scenic route
- Visual impact and impact on privacy (due to CCTV)
- Delay in establishment of hedgerows
- Negative effect on property values
- Lack policy and query regarding county target for renewable energy
- Decommissioning.

#### 5.0 Planning History

5.1. There is a written record of a pre-planning meeting on file relating to the current proposal. The development at this location is deemed to be acceptable in principle under objective EN07. Recommended to submit a landscaping scheme, details of grid connection, glint and glare report and EIA and AA screening reports.

5.2. **Under PL26.247176** the Board overturned the decision of the planning authority under **reg. ref. 20160689** to refuse permission for a solar farm of stated area of 12.7 hectares at Monfin, which is to the north of the site. The latter is a reference to the Sweetfarm development (**reg. ref. 20160207** – a 7.5 hectare site about 500m north of Kilcarbary Bridge which is shown on the 6 inch map accompanying the current



application. The permitted solar farm is at an elevation of about 36m. I attach a copy of the site layout.

- 5.3. **PL26.248641** relates to a live appeal of a decision of the planning authority to refuse permission – **reg. ref. 20170333**. The development comprises a solar PV development on a site of stated area of 10.7 hectares located to the north-west of the current site. The planning authority decided to refuse permission for reasons related to ‘River Valley’ landscape and impact on its character and secondly for reason of cumulative impacts in the context of the permitted site to the west and the lack of policy provisions.

## 6.0 Policy Context

- 6.1. The foregoing sets out a brief outline of key recent publications and policy provisions which I consider are most relevant to this case.

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

- 6.2.1. This is a research paper which was funded by the SEAI. 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.
- 6.2.2. Recommendations include that the development plans set out policy objectives to support USSPV development and put in place development management standards. Clear policy guidance can alleviate public concerns. Agricultural lands are listed amongst the list of types of locations where such development is particularly suited.

### 6.3. **Energy White Paper - Transition to a Low Carbon Energy Future 2015:2030.**

- 6.3.1. This comprises a complete energy policy update. It sets out a range of actions that the Government intends to take and reiterates a previously adopted target of achieving 40% of electricity generation by 2020 in renewable forms. The document

emphasises the role of new technologies and the role of the citizen. Paragraph 137 refers to the potential of solar energy.

*Solar also brings a number of benefits like relatively quick construction and a range of deployment options, including solar thermal for heat and solar PV for electricity. It can be deployed in roof-mounted or ground-mounted installations. In this way, it can empower Irish citizens and communities to take control of the production and consumption of energy. Solar technology is one of the technologies being considered in the context of the new support scheme for renewable electricity generation which will be available in 2016.*

#### **6.4. Wexford County Development Plan 2013-2019**

- 6.4.1. Objective EN07 is to favourably consider proposals for renewable energy subject to compliance with standards in Chapter 18.
- 6.4.2. Objective EN10 is to prepare a Renewable Energy Strategy for County Wexford during the lifetime of the Plan which will build on and support the Wind Energy Strategy 2013-2019, any Climate Change Strategy for the County and the National Renewable Energy Action Plan (DCENR 2010).
- 6.4.3. The area in which the site is located is primarily within the 'Lowland' landscape which areas are deemed to have a higher capacity to absorb developments.
- 6.4.4. Part of the site is within the 'River Valley' landscape according to the report of the planning officer of Wexford County Council.
- 6.4.5. Objective L04 is to require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.
- 6.4.6. Consideration of siting, design and landscaping is another over-arching objective for all developments under Objective L09 and to have regard to the site specific characteristics of the natural and built environment. In volume 3 it is noted that care

still needs to be taken on a site by site basis, particularly to minimise the risks of developments being visually intrusive.

6.4.7. There are no listed views in the vicinity of the site. There are no protected structures within the site – Borrmount House is nearby.

6.4.8. Section 6.4.6 outlines the importance of agricultural in the local economy including for employment. ED17 is to promote the continued development of food production and processing. Other policies refer to diversification.

## **6.5. Natural Heritage and other Designations**

6.5.1. The Slaney River Valley SAC (Site Code 000781) is located 300 m to the North at its closest location. This overlaps with the Wexford Harbour and Slobbs SPA (Site Code 004076).

6.5.2. There are a number of national monuments in the vicinity of the site. There are a number of sites which are listed on the NIAH, including 3 properties within 2 km of the site. These are Borrmount House, Rochford House and Edermine House.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The following are the main points of the third party appeal which was lodged by a number of local residents:

- History of flooding – 12 incidents of severe flooding in a period of 10 years
- Consequences include difficulties for residents in maintaining ground, dirt and debris and serious health and safety concerns including due to flooding of septic tanks
- The revised surface water management system will not alleviate the problem – due to development of the land the problem will be further exacerbated
- The decision is inconsistent with the refusal of permission for a similar development under reg. ref. 20170333 at a nearby site, which is currently with the Board

- Saturation of the locality with such developments – 4 no. possible
- Inappropriate form of development for a scenic area and landscape of greater sensitivity – borders the designated River Valley and is thus contrary to objective L03 of the development plan
- Chapter 11 gives no cognisance to developments of this form
- Only through site inspection over extended periods of time can a proper glint and glare assessment be undertaken – houses and gardens would directly face the panels and be affected
- We refer to the separate observations made to the planning authority
- We enclose a number of specific comments related to the expert reports, focusing on submissions in relation to surface water drainage.

7.2. I refer to the following comments presented relating to surface water:

- Concerns relating to grass versus tillage and to situation where there would not be grass coverage
- References the proposed 4m wide compacted gravel access road which is described in the Planning Statement
- Says that the constraints research should have eliminated site due to flooding which renders the site inherently unsuitable
- Notes that the research paper does not say that there is no effect
- The report of IE consulting which sets out the original proposal indicates that the southern area of the site would flood on occasion which is alarming but the proposal was rejected in any case
- The correct approach would be to pipe water to Borrmount Bridge which would involve lands within the public road 800m to the south and the proposed development should be required to prevent flooding
- The various experts do not appear to be aware of the actual problem
- The issues raised relating to the Borrmount Bridge proposal are not properly explained by the applicant

- We consider that it is not proven that the revised proposal will improve the situation but rather consider that the development will make things worse
- It is unacceptable that the applicant fails to recognise that there is an onus to remedy the existing flooding
- The acknowledged recharge rate of 20% would do nothing to prevent continuation of flooding which comes from the site to our properties
- The origins of the townland name is in a turlough and in our opinion there is a turlough in the northern 4.6 hectares
- Enclosed report of a Chartered Engineer – this notes the history of flooding and refers to the lack of measures being put in place in order to mitigate against flooding including adequate drainage pipes and soakpits – as these are not proposed the risk of flooding remains real.

### 7.3. Applicant Response

In response to the third party appeal the applicant notes:

- The existing drainage issue with the site is acknowledged and is addressed by the proposed installation of 3 no. infiltration trenches of 780m<sup>2</sup> which are located to maximise removal of surface water
- The fact that they provide a minimum of 780m<sup>2</sup> storage also provides a significant benefit and the landscaped berm will also protect properties from surface water run-off
- The Board has accepted that solar panels themselves do not increase run-off
- The proposed development will have a positive effect on the local drainage infrastructure
- Site is not within a protected landscape or visible from a protected view, will not be seen with another solar farm and is not comparable with case 246641
- Complies with development plan including Chapter 11 and EN07

- The LVIA includes photomontages from locations close to residential properties and mitigation has included removal of some panels at locations deemed to be sensitive for local people
- In addition there are landscaped berms and extensive tree planting and there will be minimal visual impact on the surrounding residential properties
- Vinegar Hill is 4km away and has wide panoramic views
- Proposal would be less visually intrusive than plastic crop coverage which is common in the area due to the orientation of the panels and the 4km distance
- In terms of the local receptors the orientation, low height and the hedgerows refer
- It is not possible to fully mitigate views which will include views from the upper floors of two-storey houses
- The 2m perimeter fence will be behind a 3m high hedgerow
- Consultation did take place and results influenced the design of the proposal.

#### 7.4. **Planning Authority Response**

No further comment.

#### 7.5. **Observations**

None.

#### 7.6. **Further Responses**

None.

### 8.0 **Assessment**

8.1. Following my inspection of the site and consideration of all of the documentation on file I consider that the assessment of the proposed development can be considered under the following headings.

- Principle

- Surface water disposal and flooding
- Landscape and visual impacts
- Glint and Glare
- Construction phase impacts including traffic
- Operational phase impacts including noise and other matters
- Grid connection
- Cultural heritage impacts
- Other issues
- Procedural matters
- Requirement for EIA
- Appropriate Assessment

## 8.2. Principle

- 8.3. I note the submission of An Taisce in relation to the need for a national and regional strategy for the renewables sector to address the solar PV sector. An Taisce refers also to the need for selection of sites which are optimal. The nature of the proposed development is such that once certain environmental and spatial requirements are met (particularly those relating to solar intensity, grid and orientation) there is considerable potential to ensure that the layout of the scheme minimises potential for adverse impacts. Nevertheless it is a fundamental tenant of good planning that the selection of site is optimal as indicated by An Taisce. The subject site meets the applicant's requirements. The selected siting also however largely avoided areas which would be deemed to be sensitive in terms of landscape and visual amenity and natural and cultural heritage. Furthermore the proposed development is characterised by a relatively small scale. Having regard to the nature of the development I consider that it can co-exist successfully with residential development and that a high density of residential development should be a constraint.
- 8.4. Having regard to the siting of the proposed development and its scale, together with the overarching policy provisions in national strategy and in the County Development

Plan to promote renewable energy I consider that the proposed development is acceptable in principle.

**8.5. Surface water**

- 8.6. Third party submissions refer to an existing surface water drainage problem at the site and refer to 12 no. incidents of severe flooding over the last ten years. Intense rainfall or longer periods of rainfall would be the source and the appellant indicates that even after two or three days rain issues can arise. A 12 minute long DVD is attached with the appeal, which shows surface water overflow from the site into a dwellinghouse (minute 1 of the DVD) and which also shows (in minute 9) the extent of the site which experienced significant surface water ponding. The lower part of the applicant's lands, just to the rear of the dwellinghouse boundary hedgerows was the point of accumulation of a wide area of ponded water. The submission of the third parties is that the existing problems will be exacerbated and that the applicant's proposals will not remedy the situation. Reference is made to failure to revise the scheme in accordance with the further information request to pipe water to the river.
- 8.7. The applicant acknowledges that there have been occasions when rainfall runoff has entered private properties and notes that there are no existing drainage channels in the southern area of the site to capture, intercept or convey the overland flow. The application documentation incorporates a surface water management system, which was revised in response to the request for further information and which is described in the report of Malone O Regan. The original proposal to pipe to the local surface water network was deemed not to be viable due to capacity issues in the network. The alternative suggested by the planning authority (to pipe surface water to the stream to the south) was deemed to be overly costly and not feasible due to the length of the route and the need to secure agreement of 18 landowners.
- 8.8. Based on the information presented and the reports of the planning authority it is appropriate in my opinion that the original proposal for surface water drainage be rejected due to lack of capacity in the public drainage network.
- 8.9. I also consider having regard to the case presented by the applicant that it would not be appropriate to require by condition that the surface water be piped to the stream at Borrmount Bridge. Apart from the cost, to which the applicant has referred, the



connection would involve a large number of landowners whose consent might not be readily obtained and the condition is not likely to be capable of implementation. The proposal would in any case require re-consideration of the potential for local flooding at that location and might warrant revisions to the Appropriate Assessment Screening report.

- 8.10. I consider that if the Board is minded to grant permission for the proposed development it should be on the basis that it is satisfied with the revised surface water drainage proposal.
- 8.11. The application drawings indicate that the trenches will comprise 1500mm deep and 750mm wide trenches which will be lined with Terram. The applicant's submission is that as the site is to be covered with grass there will not be significant silt infiltration.
- 8.12. Regarding the appellant's submission and the applicant's case as presented in the report of Malone O'Regan, I have set out in detail above the salient points of the parties. I have considered the arguments presented by both sides, the nature of the topography and subsurface material and the design of the surface water management system.
- 8.13. In terms of whether the development would have an effect on the runoff volume or the peak discharge or time to peak the applicant has enclosed a research paper which addressed this matter. The paper concludes that the addition of solar panels over a grassy field does not have much effect. I accept the main conclusions of this academic paper. I agree with the applicant that the arrays would not exacerbate runoff problems.
- 8.14. The research paper referenced draws different conclusions in relation to paths and / gravel areas within sites. It is essential in this case given the history of flooding that the site be planted with grass, which is applicant's proposal in any case. I note also that the appeal refers to the compacted roadways, which are described in the application Planning Statement, but which are not shown on the revised site layout drawings. It is appropriate that no hardcore areas other than at the existing roadway and the proposed substation area be put in place. That can be clarified by condition. The access road and the substation are within the northern watershed, which drains away from the houses and would not exacerbate flooding.

- 8.15. Taking into account the location of the hardstanding proposed and the maintenance of the site in grass, I am satisfied that the solar PV development would not give rise to increased surface discharge or to significantly different run-off patterns.
- 8.16. The appellant refers to the presence of a turlough, which is a priority habitat. As this is not a karst limestone area I consider that there is no reasonable basis to consider that there may be a turlough present. The common theme in all of the submissions is that the floodwater is pluvial in origin.
- 8.17. Regarding the effectiveness of the proposed surface water management system in addressing the existing problems on the site I consider that the three large interceptors across the site will be effective in containing water and slowing its passage across the lands. The location of two of the Infiltration Trenches is stated to ensure that significant infiltration of water will occur, which is a significant benefit and there will be some infiltration of water to ground from the southernmost of the trenches. The applicant has referred also to the volume of water which will be contained by the trenches and I agree that the holding of water in these features will be further protective of the downstream properties.
- 8.18. I consider that the appellant has not made a substantial case to undermine the technical design of the proposed development in terms of surface water containment and management. I recommend that the appeal be rejected on this basis.
- 8.19. In relation to the surface water aspects of the proposed development I conclude as follows :
- The proposed solar farm would not in itself exacerbate surface water issues
  - The surface water management system would address existing surface water problems on the site
  - The system would retain water within the site and effectively provide additional storage capacity for periods of intensive or long durations of rainfall
  - It is reasonable to conclude that the development will alleviate the existing surface water problems
  - The development is acceptable in terms of surface water impacts.

## 8.20. **Landscape and visual impacts**

8.21. The landscape impacts of the development are primarily limited to the change in the appearance of the lands as a result of the introduction of the solar arrays and associated buildings including the substation and related structures and the ancillary features such as fencing and 4m high CCTV. To the extent that the development would be visible it would be reasonable to conclude that the change in landscape character is significant. However, the location of the 2m high fencing to the rear of existing hedgerows, the reinforcing of those hedgerows and the introduction of landscaped berms will be significant mitigating factors in the development. The change in landscape character in the operational period might be described as reversible insofar as there is no loss of trees or buildings of significance and the boundaries are reinforced rather than materially altered. I consider that the construction phase impacts would be acceptable in terms of the visual effects, which would occur for a short duration.

8.22. I refer in more detail to the specific receptors who have potential to experience adverse visual impacts associated with the proposed development. The LVIA identified two groups of key receptors nearby the site and undertakes an assessment of the impact of the development on elevated lands at a distance. Key receptors in the vicinity of the site include three groupings of houses and the two local roads to the east and west. In terms of the wider landscape context I consider that it is relevant to consider in particular the views from Vinegar Hill and Bree Hill both of which are designated as areas of Greater Landscape Sensitivity and the impact on the Slaney River Valley. The LVIA considers all of these receptors in sufficient detail and presents suitable photomontages depicting the existing, proposed and post-mitigation images as appropriate.

## 8.23. Residential Receptors

8.24. Nearby residential receptors to the north-east of the site are few in number but are located on elevated ground from which there are views over the site. In this context the main mitigation measure to reduce the negative visual impacts include setting back the arrays to increase the separation distance, together with planting of a new landscape berm. A third party submission to the planning authority provides a critique of the applicant's assessment including on the basis that the relevant View 4

is taken from road level, thus minimising the impact on the view from their house. I refer the Board to the photograph attached from the front garden of the house nearest View 4 (the submission of Valerie and Joe Murphy). I consider that while the view from that vantage point may encompass more of the solar farm, it also takes in the wider landscape to the west. I do not consider in this context that the LVIA underestimates the impact of the proposed development.

- 8.25. The two other groups of houses to the south-west and west also are acknowledged to require screen planting or other mitigation measures. I agree with the applicant's assessment that the visual impact from this direction would comprise only a glimpsed view as the hedgerow is continuous at this location apart from a gap at a gate. The proposal to mitigate views involves installation of a high timber gate, which I consider is acceptable on an agricultural holding in a rural environment.
- 8.26. View 3 is from the south of the site from the local road. That road is lined with houses some of which would have clear views into the site in the absence of mitigation. I consider that the proposed landscape berm is sufficient remedy.
- 8.27. I note that in general the local residents have expressed some concern about the delay in maturation of hedgerows and I agree that the mitigation measure will take some time to be most effective but consider that there would be some immediate impact.
- 8.28. In terms of the final group of houses which are considered in the LVIA report the 'Western Receptors' refers to those properties at the west of the site. It is these houses which are described in the Glint and Glare report as being most affected. The mitigation measure of reinforcing hedgerow planting to minimise glint and glare will also minimise visual impacts as the limited views to the site will be further reduced.
- 8.29. In terms of the visual impacts on residential receptors I note that the likelihood of complete elimination of views to the site in the short term in particular is not realistic. However, the design, layout and landscaping proposals presented will minimise adverse effects to a degree which I consider is acceptable. Notwithstanding some change in landscape character there is no requirement in my opinion to seek by condition any further modification or mitigation other than agreement on the landscape plan, in the interest of clarity.

8.30. Wider Landscape

8.31. Wider landscape areas which might be affected by the proposed development include from Vinegar Hill and Bree Hill both of which are designated as areas of Greater Landscape Sensitivity and the impact on the Slaney River Valley. There is also a scenic driving route in the immediate vicinity of the site.

8.32. In terms of Vinegar Hill in particular I note that over 40 wind turbines are visible to the north. I agree also that the plastic crop covering which is commonly used in this area is not greatly dis-similar to the appearance of a solar farm from a distance. This is a distant view and the development would be acceptable.

8.33. I inspected the area also from the south-west / west and identified the location of View 5. I concur with the conclusion in the LVIA that after the construction phase the development would be imperceptible.

8.34. Regarding the boundary of the site which is close to the designated 'River Valley', I am satisfied based on my inspections from the N11 and the LVIA images that the development would not be visible from the Slaney valley. The topography includes a ridge along which Borrmount House is positioned. There is no possibility of views to the site.

8.35. In terms of the scenic driving route which is designated along the west of the site I note that this route does not appear to be legally protected in any manner. Further I do not consider that the development of a 13 hectare plot of land would be detrimental to the enjoyment of this long route, particularly when account is taken of the landscape mitigation measures.

8.36. I note also that the LVIA report considers and discounts impacts on views from cultural heritage features and I find no reason to dispute that conclusion.

8.37. Cumulative impacts

8.38. In terms of the potential for cumulative visual impacts I refer the Board to the two proposals for similar forms of development of not dis-similar scale. These are at Sweetfarm and at Monfin. Due to the proximity of the developments and the elevation of the sites I consider that there is reasonable basis to conclude that there will be places within the landscape where two or more solar farm developments would be likely to be visible. The application details do not provide a thorough

assessment of this issue but I do not consider that such assessment is warranted in the current case due to the landscape designation relating to the majority of the site and the scale of the proposed developments. When viewed from an elevated position such as Vinegar Hill there is likely to be some visibility of all of these sites. In the context of the panoramic nature of such views and the distance and taking into account the relatively small scale of the proposals in the overall landscape I am satisfied that the cumulative visual impact of such developments would be acceptable.

#### 8.39. Management

8.40. Long term landscape management is relevant including to ensure that the energy production of the solar farm is not adversely affected. The *Landscaping Management Plan* refers to maintenance of grass through grazing of sheep or two cuts per annum, measures to maintain wild flower areas and to control weeds and highlights the need for regular inspection of all drainage areas, ditches and other ancillary drainage infrastructure to ensure it is clear of debris and are free to work as intended. The proposals in the *Biodiversity Action Plan* in relation to management of grass differ slightly as discussed below. The attachment of a standard planning condition regarding landscaping may be considered appropriate in order to address any ambiguity in the applicant's submissions.

8.41. I conclude overall that the development is acceptable in terms of landscape and visual impacts.

#### 8.42. **Glint and Glare**

8.43. I referenced above the location of houses which are predicted to experience effects due to reflected sunlight. The Glint Assessment undertaken, is based on standard methodology and it focuses on the assessment of glint on the basis that it is more intense than glare. The conclusion of the report is not unexpected insofar as the pattern of effects are determined by the position of the sun. The map which shows the overlap between the zone of theoretical visibility and the ground glint zone is included in Appendix 2. Residential or other receptors including road users which are within the overlapping area of the two zones have the potential to be affected by glint effects. It is evident that in this case the relevant lands are relatively restricted as the

river valley topography eliminates views from receptors to the site and thus significantly reduces the area affected.

- 8.44. In terms of residential receptors the applicant's submission identifies a number of observation points (OP12, OP13, OP14, OP15 and OP16) which are to the east of the site and which in theory would experience glint in the early morning in for a duration of about 35 minutes (0615 approximately to 0650). These observation points may identify a cluster of houses (e.g. OP12 represents 5 houses). The impact of glint may in some cases affect the upper floor levels of houses only (OP12), may be largely screened by existing screening including treelines or other buildings (OP13, OP15 and OP16) or may be address by landscape mitigation. The conclusion of the report that there is low potential for local residential properties to receive glint is supported by the assessment undertaken in my opinion.
- 8.45. The appellant notes that full elimination of such impacts is not proposed by the applicant and proposes that only sites where no glint and glare effects would occur would be deemed to be acceptable in principle. I consider that this position would not be reasonable and recommend that it be dismissed by the Board.
- 8.46. In terms of the effects on roads an assessment of nearby roads was undertaken. It is important in my opinion to consider the nature of the road network, which is a local road system and which would not carry high levels of traffic or traffic at high speeds. Users of this road network in the early morning would be local people who would be familiar with the existence of the solar farm. Predicted effects are in any case very limited due to site screening and landscaping proposed will further mitigate such effects. Pending maturation of planting the applicant propose to install screen netting at the eastern site boundary. I note that the appellant submission is that the screening will introduce a visual anomaly and a visual impairment of a view that previously existed. It is appropriate that the potential adverse effects of glint be minimised. Netting will be a temporary feature and the proposed landscaped banks and similar measures would reflect existing character.
- 8.47. The proposed development would not have a negative effect on airfields or the N11.
- 8.48. I conclude that the development is acceptable in terms of the effects of glint and glare.

#### 8.49. **Construction phase impacts including traffic**

- 8.50. A *Construction Management Plan* submitted indicates a 12-15 week duration and construction between 0800 and 1800 Monday to Saturday inclusive. A site compound is to be established at the north-eastern end of the site close to the local road. The fencing of the site will be undertaken at the earliest stage. Hoarding will be erected to contain dust in the construction areas and it is stated that a wheelwash will be provided at the site entrance. Further management proposals of note include use of bunded areas, suitable waste management and minimal disruption of the top soil in the installation of the arrays. There will be no soil or subsoil removed from the site. The installation of perimeter tracks and the access track will require importation of gravel, which will be compacted. Regarding dust measures to mitigate spread of dust will include measures related to machinery and where appropriate to damping down.
- 8.51. I submit that the nature of this proposal is such that it is amenable to mitigation including by the best practice measures which are referenced in the CMP. The decision of the planning authority and the supporting reports which influenced it do not raise any particular issues which might be addressed by condition other than the requirements relating to waste management. In the drafting of conditions below I have made reference to the Board's decision under PL26.247176 for similar scale and type of development at a nearby site and include a condition relating to aspects of the construction phase.
- 8.52. Traffic generated is envisaged to include 400-450 deliveries of material during the construction period and use of some heavy machinery on site for 8 weeks. Traffic management proposals in the construction phase are addressed in the *Construction Traffic Management Plan* submitted by the applicant. From my inspection of the site and surrounding area I agree with the observation that the local road is lightly trafficked and I do not consider that traffic counts along this road would serve any useful purpose. The *Access Report* focuses on the road infrastructure in the vicinity of the site entrance. A 120m sightline will be provided to the south by removal of a section of hedgerow, which will be reinstated. The applicant's submission concludes that there is no need for any permanent change to the layout of public roads and junctions. I consider that this conclusion is reasonable.



8.53. The traffic report refers to a period of 6-8 weeks within which the most of the heavy construction traffic results. Based on information from construction of similar developments the applicant indicates that the maximum daily HGV delivery would be 5 no. deliveries and in a worst case scenario estimates an average vehicle arrival rate of 1 vehicle every 24 minutes for a limited peak period. 45 staff will work on site and all will park within the holding and on a geotextile area which will be laid for that purpose. I refer the Board to the proximity of the site to the N30, which is part of the haul route described.

8.54. In terms of the traffic impacts, I am satisfied that the proposed development can be accommodate safely by the local road network. The applicant's submission refer to the inspection of vehicles and cleaning of wheels where necessary as well as road sweeping. I consider that the development is acceptable in terms of traffic safety and convenience in the construction phase. Decommissioning will result in similar traffic levels and is separately referenced below.

**8.55. Operational phase impacts**

8.56. Due to the significant separation between the development particularly the site of the substation and the houses which are in third party ownership I consider that the Board can be satisfied that there would be no adverse operational phase impacts.

8.57. The presence of CCTV is necessary in my opinion including in the interest of prevention of theft. In all 3 no. CCTV structures are proposed. I consider that the actual or perceived impacts on privacy are minimised by their orientation towards the site.

**8.58. Grid connection**

8.59. The applicant has referred to the proximity of the development to Monfin substation, which is 1.8 km to the north and where there is capacity in the transmission network. Having regard to the proximity to the network I consider that the suitability of this site is supported. No further consideration of this aspect of the proposed development is required in my opinion.

## 8.60. Cultural and natural heritage

- 8.61. The *Archaeological Assessment* notes that there are no monuments on the actual site and those in the vicinity (marked on Figure 3.2) include enclosures, a moated site and a Fulacht Fiadh and Graveyard and Holy Well. These sites are positioned between 0.4m and 1km from the site of the proposed development. All are described in the report and no comment in that report (or in the LVIA) attributes a particular importance to the archaeological sites or a particular visual connection with the site. There is no reason to conclude that the development would adversely affect the archaeological heritage of the area in terms of indirect impacts on the setting of monuments. The conclusion in that report that no indirect visual impacts will arise in the operation phase is reasonable in my opinion.
- 8.62. The potential for direct effects through site disturbance is limited due to the small extent of the works and roads and the limited width of cabling trenches and the nature of the installation of the arrays. In the context where there is no known archaeological remains following desk research and site walking, the conclusion that there are no anticipated adverse impacts on the archaeological resource of the site is reasonable. Monitoring is a reasonable requirement in view of the size of the site and the condition of the planning authority in this regard should be upheld.
- 8.63. In terms of the architectural heritage impacts the applicant's submissions refer to Borrmount House primarily. The house, which is disused but is a protected structure and is listed on the NIAH is located at the ridge of the lands overlooking the Slaney and the assessment in the LVIA is that it the site is not visible from the House. It may be concluded that there is no significant adverse impact on architectural heritage.
- 8.64. The natural heritage impacts are described in the *Ecological Appraisal and Biodiversity Action Plan*. The site has been surveyed by an appropriate professional who reports that there are no protected flora or fauna species present. The report contains a number of proposals to increase biodiversity including the provision of bat boxes and bird nests. Provision for small mammal gates is made in the relevant Drawing A-15.
- 8.65. I note the condition of the planning authority refers to the planting of the site with wildflowers and grasses. As this is one of the biodiversity enhancement proposals

presented in the application, it might be more appropriate to incorporate a condition regarding implementation of the Biodiversity Action Plan. In the interest of clarity regarding management of grassland it is appropriate that the detail of the plan be further agreed with the planning authority. It may be concluded that the development is acceptable in terms of natural heritage and that there is a likelihood that the biodiversity will be enhanced.

**8.66. Other issues**

8.67. I consider that the appellants concern relating to decommissioning of the site are without foundation. I found no evidence of poor maintenance of the farm lands at present and no reason to assume that the site would not be properly decommissioned as set out in the *Decommissioning Method Statement*. The latter provides for full decommissioning including recycling and, where necessary disposal to a licenced facility. The report also sets out hours of work and comments on the traffic and noise impacts, which would not be significant. A condition on the decommissioning of the development is recommended.

8.68. I refer the Board also to comments made by third parties that there will be a proliferation of solar farm developments and there is a possibility that there could be 4 no. such developments within a small area. I consider that this would be a legitimate matter for concern in the event that there was any evidence that a significant proportion of land in the area was being utilised in associated with the solar PV sector or that the nature of the area was especially sensitive. I have considered above all of the significant effects of relevance and I am satisfied based on my conclusions above that the level of development proposed and permitted in this immediate area would not be described as excessive or constituting a proliferation of use.

8.69. Regarding alleged inconsistency in decision making I refer to the fact that each site has its own characteristics which warrant separate consideration. I have outlined the location of other sites and the planning history and present the information for consideration by the Board.

8.70. Regarding the potential for adverse consequences arising from the site due to electromagnetic effects, I am unaware of any policy provision which would warrant

assessment of such effects. The third party refers to the EPA guidelines on EIA, which are not relevant to this appeal.

8.71. I agree with the decision of the planning authority to restrict the permission to five years, having regard to the number of similar forms of development in this area and the progress being made in measures which will promote implementation of permitted developments. I have attached a condition to this effect. I note however, that the decision of the Board under PL26.247176 was subject to a 10 year permission under condition 2.

8.72. I have not recommended adoption of a number of the conditions of the decision of the planning authority where I consider that they overlap with specific proposals presented in the planning application documents and would therefore be unnecessary having regard to Condition 1. There is a comprehensive body of documentation on file which sets out a number of relevant commitments.

8.73. **Procedural matters**

8.74. There is a discrepancy in the drawings submitted in terms of the defined site. In the interest of clarity it would be appropriate to rectify this matter by the submission of accurate drawings, which shall conform to the drawing entitled *Site Boundary*. The inaccuracy in the drawings submitted does not materially affect consideration of this case and would not be considered to be misleading to the public in my opinion as there is considerable setback of the arrays as shown on the site layout and landscaping plans.

8.75. A third party objection to the planning authority refers to deficiencies in site notification. The Board has no remit in this matter.

8.76. **Requirement for EIA**

8.77. I concur with the consideration by the planning authority in relation to the matter of Environmental Impact Assessment. The development is not of a type listed in Schedule 5 and there is no legal basis for requiring submission of an EIS and the undertaking of EIA.

## 8.78. **Appropriate Assessment**

- 8.79. A Stage 1 Screening Assessment was carried out in regard to the potential for the proposed development to affect the integrity of each of the designated Natura 2000 sites identified within 10km of the site, having regard to their qualifying interests. The screening report submitted with the application outlines a description of the site and proposal. I have considered also the detailed reports presented with the application including the reports which identify the ecological characteristics of the area and the construction methodology and effects.
- 8.80. Two Natura 2000 sites were identified within 10km of the proposed development - Slaney River Valley cSAC and Wexford Harbour and Slobs SPA. The Slaney River Valley cSAC is located approximately 0.25km north of the site of the proposed development. The qualifying interests are a range of Annex I habitats which are identified on Table 2 and Annex II species which are listed on Table 3.
- 8.81. The Wexford Harbour and Slobs SPA is located 0.65km east of the proposed site. The site is of high ornithological interest and supports internationally and nationally important numbers of wintering waterfowl. The full list of Annex I species of birds which are qualifying species for the SPA is provided on Table 4.
- 8.82. The development will not result in any loss of Annex I habitat or Annex I or Annex II species as listed in tables 2, 3 and 4 of the Screening report.
- 8.83. The potential impairment of water quality during construction is considered in section 5.2 of the Screening report. The site is not hydrologically connected to the Natura sites. There are no direct discharges envisaged from the site in the construction or operation phases. Indirect or unforeseen discharges would be minimized by the separation of the site from the SAC and SPA.
- 8.84. The Screening report contains one comment which is inaccurate. That relates to the proposal for surface water drainage, which is stated to be by way of the original scheme to pipe water to the local drainage network.
- 8.85. Having regard to the nature of the proposed development, which involves minimal ground works in the driving of piles and the position of the site compound and the substation relative to the River Boro and the lack of hydrological connection, I am satisfied that the development would not give rise to water quality impacts in the

construction or operational phases. On this matter I refer the Board also to the report of the Council's Biodiversity Officer who refers to the lack of hydrological connection and the fact that the risk of silt mobilization is minimized by site contours and mature hedgerows.

- 8.86. The habitats affected by the proposed development are not deemed to be of high value to those bird species listed as qualifying interest for the Wexford Harbour and Slobbs SPA.
- 8.87. I have considered whether there would be a risk of cumulative impacts with other proposed developments in this area and concluded that such risk is insignificant.
- 8.88. As there are not likely to be any significant effects on the Natura 2000 network of sites resulting from the proposed development a stage 2 Appropriate Assessment involving submission of an NIS is not required.
- 8.89. Having regard to the nature, scale and location of the proposed development, to the separation distances to European Sites, and to the lack of hydrological connectivity with those sites, by itself or in combination with other plans or projects, it is not considered that the proposed development would be likely to have significant effects on European Sites.

## **9.0 Recommendation**

- 9.1. I recommend that the Board uphold the decision of the planning authority to grant permission for the reasons and considerations and subject to the conditions below.

## **10.0 Reasons and Considerations**

Objective EN07 of the Wexford County Development Plan 2013-2019 is to favourably consider proposals for renewable energy subject to compliance with standards in Chapter 18. Having regard to the location of the site within a Lowland Landscape, to the nature and scale of the development and the application details, particularly in relation to surface water management, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be give rise to flooding of adjacent lands, would not be unduly injurious to the visual and residential amenities of the area and would be acceptable in terms of its

environmental impacts and traffic safety. 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 17<sup>th</sup> day of July 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 development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The site boundary shall be as identified on the drawing entitled 'Site Boundary'.

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

3. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

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

4. 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.

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

5. 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.

6. Apart from the site compound required for the location of the substation and ancillary infrastructure and the upgraded access road, no other hard-core areas shall be laid.

**Reason:** In the interest of clarity and to ensure that the development does not give rise to flooding of adjacent lands.

7. Surface water management shall be in accordance with the revised proposal submitted to the planning authority on 17<sup>th</sup> July 2017.

**Reason:** In the interest of clarity and to ensure that the development does not give rise to flooding of adjacent lands.

8. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application. The installation and detailed design shall be completed under the supervision of a suitably qualified professional. Within 3 months of completion of this phase of the development the applicant shall certify in writing to the planning authority that the installation has been fully completed.

**Reason:** In the interest of clarity and to ensure that the development does not give rise to flooding of adjacent lands.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

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



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

(3) Measures relating to the management of grass shall be agreed.

(4) Relevant measures presented in the Biodiversity Action Plan shall be incorporated.

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

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

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

11. Cables within the site shall be located underground.

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

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

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

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

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable waste management.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

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

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

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

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) details of site security fencing and hoardings,

(b) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,

- (c) measures to obviate queuing of construction traffic on the adjoining road network,
- (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (e) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (f) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- (g) details of on-site re-fuelling arrangements, including use of drip trays,
- (h) details of how it is proposed to manage excavated soil, and
- (i) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of orderly development and visual amenity and to ensure the satisfactory reinstatement of the site.

17. 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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Mairead Kenny  
Senior Planning Inspector

12<sup>th</sup> December 2017