



An
Bord
Pleanála

Inspector's Report PL06F.249174

Development	10 year planning permission for the development of a solar photovoltaic (PV) energy development
Location	Mainscourt, Ballyboghil, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0340
Applicant(s)	Gaelectric Renewable Energy Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellants	Gaelectric Renewable Energy Developments Ltd.
Observers	None
Date of Site Inspection	11 th December 2017
Inspector	Niall Haverty

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 62.66 hectares, is located in the townland of Mainscourt, c. 1km east of Ballyboghil village (also known as Ballyboughal) and c. 4.2km west of Lusk, in North County Dublin.
- 1.2. The site is gently rolling with a general slight slope from west to east, and it is generally surrounded by hedgerows and mature trees. It is irregularly shaped and comprises nine fields of varying sizes and shapes, all well defined by hedgerows. The appeal site includes accesses onto the R129 Regional Road, which runs in an east-west direction to the south of the appeal site, and onto the L1075 local road, which runs in a south west-north east direction to the north west of the appeal site. The M1 Motorway is located c. 1km to the east of the appeal site.
- 1.3. A number of one-off houses and associated farm buildings are located in the vicinity of the appeal site, particularly along the R129 to the south and the local road to the east.

2.0 Proposed Development

- 2.1. The proposed development consists of a solar photovoltaic energy development, including:
 - Single storey 38kV electrical substation building and electrical equipment compound;
 - Electrical inverter and transformer stations;
 - Electrical string inverters and marshalling cabinets;
 - Solar PV panels mounted on metal frames;
 - Upgraded and new access tracks;
 - Underground cabling;
 - Perimeter fencing with infrared CCTV and access gates;
 - Temporary construction compound;
 - Two spare parts containers;

- Weather station;
- Upgraded operation access point from the L1075 and temporary upgraded construction access point from the R129;
- All ancillary infrastructure and associated works

2.2. Planning permission is sought for a period of 10 years and it is stated in the Planning and Environmental Report (PER) submitted with the application that the development would have an operational lifespan of 30 years. The PER also states that the facility is expected to generate in the region of 25,000 megawatt hours per annum.

2.3. The proposed solar panels will be mounted on galvanised metal framework, with a maximum height of 2.7m – 3.25m, and the lower edge at a minimum height of 0.7m – 0.9m above ground level. The array will be orientated to the south, with a separation distance of 3.5m – 8.7m between each row of frames. The PER states that the frames will be supported on posts screw-piled or direct driven into the ground to a depth of up to 1.5m and that no concrete foundations will be required. In areas where piling is not appropriate, the PER states that precast concrete footings will be used.

2.4. With regard to the inverter and transformer stations, the PER states that there are two options, either combined or separate. The largest dimensions, if separate, are 6.2m long by 3.2m wide by 3.45m high. The PER also states that as an alternative to inverter and transformer stations, another option is the use of string inverters and marshalling cabinets. It states that the final option and design will be agreed with the Planning Authority prior to commencement. The proposed 38kV substation comprises a single storey building with dimensions of c. 11.3m by 6.2m by 5.2m. Other proposed structures include two spare parts containers and a weather station.

2.5. The proposed temporary construction access point to the appeal site is from the R129 to the south, with the permanent operational access to the site from the L1075. Both access points are existing, and it is proposed to upgrade them.

2.6. The PER states that a grid connection application has been made to ESB Networks, with the likely connection either being via underground/overhead cable to Glasmore 110kV substation c. 4-5km distant via the local road network, or by 'teeing in' to an

existing overhead line to the east of the appeal site. The grid connection does not, however, form part of the proposed development.

- 2.7. The planning application was accompanied by a Planning and Environmental Report which addressed, *inter alia*: policy; planning history; ecological impact; landscape and visual impact; archaeology; traffic and transport; noise; soils, hydrology, geology and flood risk; and glint and glare. Associated appendices, including an Appropriate Assessment Screening and Outline Construction and Environment Management Plan, a book of photomontages and various drawings were also submitted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a decision to refuse permission for three reasons, as follows:
 1. The subject site is within the 'RU' zoning objective in the Fingal Development Plan 2017-2023 the objective of which is to 'protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape and the built and cultural heritage'. Due to its scale, and notwithstanding the mitigation measures proposed, the proposal would alter significantly the prevailing land use in the area which is agriculture and would represent an incongruous and dominant feature in the rural landscape. The Planning Authority is not satisfied that the proposed development is capable of being fully assimilated into the landscape, and that it would not adversely affect the visual amenities of the rural area and its setting which is an area where agricultural activity predominates. Therefore, it is considered that permitting the proposed development would contravene materially the 'RU' zoning objective, which is to protect and promote the rural landscape. In respect of renewable energies, it is necessary to ensure such proposals would not have a negative impact on the surrounding environment both in terms of residential and visual amenities of the area. Objective DMS138 of the Fingal Development Plan 2017-2023 seeks to permit renewable energy developments where the proposed development takes

cognisance of the character or appearance of the surrounding area and the openness and visual amenity of the countryside. Due to the scale of the proposal, it is considered that the proposed development fails to take cognisance of these criteria and therefore permitting same would contravene materially Objective DMS138.

2. The proposed development would involve the use of an extensive area of agricultural land (c. 63 ha) for a substantial scale of solar power in a single project. There is a lack of guidance at national, regional and local level in relation to the appropriate location, scale and distribution of future proposals for solar power. The Planning Authority is not satisfied that the proposed development would not seriously injure the amenities of the area and that, if permitted, it would interfere with the character of the landscape which it is necessary to preserve or that the proposed development would not be premature pending the adoption of national, regional or local guidance or strategy for solar power. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development would set an undesirable precedent for other similarly scaled developments, which would in themselves and cumulatively be harmful to the amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- 'Sustainable energy installation' use class is permitted in principle under 'RU' zoning objective, and the principle of the proposed development is considered acceptable.
- Proposed development, given its scale and notwithstanding the mitigation measures proposed, will alter significantly the prevailing land use in the area, which is agriculture.
- Glasshouses, polytunnels and other structures which the solar panels would be akin to are not a prevalent feature in the landscape.

- Proposed development would be intermittently visible with oblique/fleeting views through gaps in hedgerows. Notwithstanding the screening, the proposed development will be an incongruous and dominant feature in the rural landscape.
- The proposed development would have a uniform industrial look which is not characteristic of a rural area and is of a scale that is not capable of being fully assimilated.
- Not satisfied that the development would not adversely affect the visual amenities of the area and fails to have regard to its setting.
- Planning Officer does not agree with the conclusion of the LVIA that the development would have a negligible impact post-screening. Some of the screening that the development is reliant on are beyond the confines of the site and cannot be relied upon on a permanent basis.
- Proposed development would not negatively affect the protected view along the R129.
- Glint or glare from the structures will not cause distraction to road users, cause disamenity to residents or endanger aviation.
- Verbal report from Parks and Green Infrastructure Division: Landscaping proposal is comprehensive, and in the event of a grant of permission, details of management and maintenance arrangements for landscaping and screening should be submitted, damaged trees to be replaced, and details of tree protection measures for trees along southern access from the R129 to be submitted.
- Given the screening and separation distances, no undue impacts on the amenity of residential property in the vicinity.
- UK guidance on EIA requirements for solar farms are noted, but they go above and beyond what is required in Ireland.
- DAHRRGA submission did not refer to archaeology. Given extent of site, geophysical survey should be conducted prior to commencement of development.

- Proposal would be largest solar development in Fingal to date and would represent 0.35% of the 'RU' zoned lands in Fingal.
- Lack of national guidance on solar farm developments and Board decision under PL26.247217 are noted.
- Objective RF106 seeks to encourage and facilitate the development of the renewable energy sector in line with a Local Renewable Energy Strategy, which has not yet been undertaken. A number of other strategies required under Objective EN05 have not been prepared yet either.
- Permitting the proposed development would be premature pending such guidance.
- While the development is permitted in principle under the 'RU' zoning objective, the scale of the proposal must be taken into account.
- The proposal involves a very substantial land use change. Notwithstanding the 'modest value' and 'medium to low sensitivity' of the landscape character type, the Development Plan did not anticipate the significant landscape changes associated with solar farm development of the scale proposed.
- Given its scale, the proposed development will alter the prevailing land use, represent an incongruous and dominant feature, not be capable of being fully assimilated into the landscape and fails to have regard for its setting.

3.3. Other Technical Reports

3.3.1. Transportation Planning Section

- It would not be considered that there would be any significant nuisance from glint and glare along surrounding roads.
- Additional information should be sought regarding:
 - Revised layout of the proposed operational access in accordance with TII standards.
 - Alternative layout of both construction and operational access which segregates traffic from pedestrians associated with the existing residences.

3.3.2. **Water Services**

- No objection.

3.3.3. **Biodiversity Officer**

- Proposed project will not adversely impact Natura 2000 sites either alone or in combination with other plans and projects.
- Applicant should be conditioned to implement in full all the mitigation measures detailed in the Ecological Impact Assessment.
- Ecological Landscape Mitigation Plan is welcomed, but is short on detail. Additional information should be sought.

3.4. **Prescribed Bodies**

3.4.1. **Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs (now Dept. of Culture, Heritage and the Gaeltacht)**

- Mitigation measures outlined in the planning and environmental report in relation to badgers, birds and bats should be included as conditions.

3.4.2. **Irish Water**

- No objection.

3.4.3. **daa**

- Applications with potential for glint and glare impact on aviation receptors should be referred to the Irish Aviation Authority for review and comment.

3.5. **Third Party Observations**

3.5.1. Seven third party observations were received. The issues raised can be summarised as follows:

- Premature pending the adoption of national, regional or local guidance or strategy for solar power.
- Impacts on rural character, agricultural land use patterns, visual amenity, residential amenities, Ballyboughal village and Dublin Airport.

- Mainscourt is a demesne landscape, rather than just low lying character type.
- Potential for flooding of surrounding roads and properties. History of flooding in the area and runoff from appeal site.
- Grace Dieu Arroasian nunnery is 1km to the south east and is not mentioned.
- No need for wild flower planting, as there is a local seed bank in woods and verges. Early purple orchids grow in the ditches in April and are not listed.
- Impact on trout in Ballyboughal river at Brownstown Bridge.
- Glint and glare impacts. Strengthening of hedgerows required.
- Fire risk management.
- Noise and radiation monitoring.
- No assessment of impact on Ballyboughal airfield.
- Impact on hares.
- Fencing should be low and green to minimise visual impact along the lane to the north of the site which is used as a scenic walking route.
- Uncertainty over grid connection route and methodology.
- Benefit of a community fund.
- Ballyboughal Community Council voted unanimously to support the planning application.
- Noise from fans.

4.0 Planning History

4.1. Appeal site

4.1.1. I am not aware of any recent relevant planning history on the appeal site.

4.2. Surrounding Area

4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

4.3. Other Similar Developments

4.3.1. The Board will be aware that a number of other solar farm applications are currently on appeal and that a number of other such applications have been decided on appeal. Some recent examples include:

- **PL08.247778** – Permission granted for solar PV farm of up to 20,113 sq m at Killarney, Co. Kerry (09/05/2017).
- **PL27.247714** – Permission refused for a solar PV Farm with a capacity of 19MWp in Blessington, Co. Wicklow (26/04/2017).
- **PL08.247653** – Permission granted for a solar PV farm of up to 30,072 sq m of panels at Listowel, Co. Kerry (26/04/2017).
- **PL03.247632** – Permission granted for solar PV farm on a site of 12.23 Ha in Ballymorris, Co. Clare (24/04/2017).
- **PL04.247521** – Permission granted for a solar PV farm with 20,000 solar panels in Kinsale, Co. Cork (06/04/2017).
- **PL26.247366** – Permission granted for a Solar PV Energy of up to 88,600 sq m of panels near Baldwinstown, Co. Wexford (23/03/2017);

4.3.2. The first party appeal makes reference to a planning application for a solar farm in Kilsallaghan, Co. Dublin (Reg. Ref. F16A/0562) which had yet to be decided at the time of lodgement of the appeal. That application was subsequently refused by Fingal County Council and is now the subject of a current first party appeal (Ref. ABP-300230-17).

5.0 Policy Context

5.1. EU Directive 2009/28/EC - Energy from Renewable Resources

5.1.1. EU Directive 2009/28/EC sets a target of 20% of EU energy consumption from renewable sources and a 20% cut in greenhouse gas emissions by 2020. As part of this Directive, Ireland's legally binding target is 16% energy consumption from renewable sources by 2020. Ireland has set a non-legally binding target of 40% of renewable energy share for electricity by 2020 (from a 2012 position of 19.6%).

5.2. **National Spatial Strategy for Ireland, 2002-2020 (NSS)**

- 5.2.1. Section 2.6, entitled 'How to Strengthen Areas and Places' states that national and international evidence also demonstrates that rural areas have a vital contribution to make to the achievement of balanced regional development. This involves utilising and developing the economic resources of these rural areas, particularly in agriculture and food, marine, tourism, forestry, renewable energy, enterprise and local services.

5.3. **Ireland 2040 – Our Plan: Draft National Planning Framework (NPF)**

- 5.3.1. A new National Planning Framework is currently being developed to replace the National Spatial Strategy. A draft NPF has been published, and preparation of the final NPF is underway.

- 5.3.2. In respect of 'Energy Production', the Draft NFP states:

“Rural areas have a strong role to play in securing a sustainable renewable energy supply for the country. Historically, rural areas have significantly contributed to the energy needs of the country and continue to do so. In planning Ireland’s future energy landscape and in transitioning to a low carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel solutions for renewables have been delivered in rural areas over the last number of years, particularly in the areas of solar, wind and bio mass.

In meeting the challenge of transitioning to a low carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment.”

- 5.3.3. National Policy Objective 57 seeks to “promote renewable energy generation at appropriate locations within the built and natural environment to meet objectives towards a low carbon economy by 2050”.

- 5.3.4. A series of national strategic outcomes are set out, including the following:

“Transition to a Low Carbon and Climate Resilient Society: The National Climate Policy Position establishes the national objective of achieving

transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework. New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand.”

5.4. Ireland’s Transition to a low carbon Energy Future 2015-2030

5.4.1. 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.

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

5.5.1. 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.

5.5.2. 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.

5.6. Food Wise 2025 (Department of Agriculture, Food and the Marine, 2015)

5.6.1. This document sets out a 10-year vision for the Irish agri-food industry up to 2025. Subject to following actions identified in the strategy, the sector projections are:

- Increasing value of agri-food exports by 85%, Increasing value added in the agri-food, fisheries and wood products sector by 70%, Increasing the value of Primary Production by 65% and the creation of an additional 23,000 direct jobs in the agri-food sector.

To achieve the projections set out above, Food Wise 2025 identifies c.400 recommendations and actions to achieve sustainable growth.

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

5.7.1. Strategic Recommendations:

- **PIR26:** Development Plans and Local Authorities support, through policies and plans, the targets for renewable generation so that renewable energy targets for 2020, and any further targets beyond 2020 which become applicable over the duration of the RPGs, are met.
- **PIR27:** That low carbon sustainable renewable energy systems, bio-energy and energy conservation potentials are exploited to their full potential through the advancement of EU and national policy at regional level and the promotion of existing and emerging green technologies.

5.7.2. Strategic Policy:

- **PIP4:** That the ICT and energy needs of the GDA shall be delivered through the lifespan of the RPGs by way of investment in new projects and corridors to allow economic and community needs to be met, and to facilitate sustainable development and growth to achieve a strong and successful international GDA Gateway.

5.8. Fingal Development Plan 2017-2023

5.8.1. The appeal site and surrounding area are zoned as 'Rural' (RU). This zoning objective seeks to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.

5.8.2. Ballyboghil village, which is located c. 1km to the west of the appeal site, is zoned as a 'Rural Village' (RV). This zoning objective seeks to protect and promote the

character of the Rural Village and promote a vibrant community in accordance with an approved Local Area Plan, and the availability of physical and community infrastructure. The Development Plan notes in respect of Ballyboghil that:

“Hedgerows and trees contribute strongly to its unique character and charm and link the village with the adjoining agricultural landscape. The significance of hedgerows in the village and surrounding area is celebrated by the Ballyboghil Hedgerow Society through a number of educational walks throughout the year in co-operation with the local landowners.”

5.8.3. A Local Area Plan for Ballyboghil was adopted in 2012, and has been extended until 2022. The appeal site is not within the development boundary for the LAP.

5.8.4. ‘Sustainable Energy Installations’ and ‘Utility Installations’ are permitted in principle under the RU zoning objective. Appendix 4 of the Development Plan sets out Technical Guidance Notes for Use Classes and describes ‘Sustainable Energy Installation’ as follows:

“Installations for the generation of sustainable energy using processes which do not compromise the abilities of future generations to satisfy their needs for energy production and typically employing wind, solar, hydro-electric or bio-mass based-energy.”

5.8.5. Chapter 3 relates to placemaking, and includes the following Objective under the heading ‘energy efficiency and climate change’:

- **Objective PM30:** Encourage the production of energy from renewable sources, such as from Bio-Energy, Solar Energy, Hydro Energy, Wave/Tidal Energy, Geothermal, Wind Energy, Combined Heat and Power (CHP), Heat Energy Distribution such as District Heating/Cooling Systems, and any other renewable energy sources, subject to normal planning considerations and in line with any necessary environmental assessments.

5.8.6. Chapter 5 of the Development Plan relates to rural Fingal, and includes a number of Objectives supporting farm diversification. It states that “rural areas have the potential to be harnessed for renewable energy projects – including wind, hydro and solar energy.” It also states that “the Council will support renewable energy projects in rural areas. However, the Council recognises that such projects have to be

carefully balanced against the need to protect landscape sensitivities, residential amenities, views or prospects, public rights of way, wildlife habitats, special areas of conservation, protected structures and bird migration paths.” This position is reflected in the following Objective:

- **Objective RF106:** Facilitate and encourage the development of the alternative energy sector, in line with a Local Renewable Energy Strategy, and work with the relevant agencies to support the development of alternative forms of energy where such developments do not negatively impact upon the environmental quality, and visual, residential or rural amenity of the area.

5.8.7. Section 7.3 of the Development Plan relates to ‘Energy and Climate Change’ and the following Objectives are noted:

- **Objective EN01:** Support International, National and County initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources using the natural resources of the County in an environmentally sustainable manner where such development does not have a negative impact on the surrounding environment, landscape or local amenities.
- **Objective EN05:** Prepare a Climate Change Mitigation and Adaptation Strategy and a Local Authority Renewable Energy Strategy (LARES), Spatial Energy Demand Analysis (SEDA) and a Sustainable Energy Action Plan (SEAP).
- **Objective EN07:** Support the implementation of the ‘Strategy for Renewable Energy 2012-2020’ Department of Communications, Energy and Natural Resources (now Department of Communications, Climate Action and Environment) and the related National Renewable Energy Action Plan (NREAP) and National Energy Efficiency Action Plan (NEEAP).
- **Objective EN08:** Work with relevant stakeholders to carry out a Spatial Energy Demand Analysis (SEDA) of the County within the Plan period as resources permit.

5.8.8. With particular regard to solar energy, Section 7.3 states:

“There are a range of technologies available to exploit the benefits of the sun, including solar panels, solar farms, solar energy storage facilities all of which contribute to a reduction in energy demand... Larger solar farms have potential to be considered on suitable sites within the County.

In the publication 'Adding Solar Power to Irelands Energy Mix, Lightsource Renewable Energy Limited' it is estimated that by 2020 over 20% of Ireland's energy could be generated by solar photovoltaic (solar PV). By adding solar PV to Ireland's energy mix, it will complement existing infrastructure as well as drive further renewable energy production. It is considered that solar PV farms are generally inconspicuous at ground level and are hidden by hedgerows. Additionally such farms can facilitate the regeneration of natural habitats in the rural areas.”

- **Objective EN12:** Support Ireland’s renewable energy commitments outlined in national policy by facilitating the exploitation of solar power where such development does not have a negative impact on the surrounding environment, landscape, historic buildings or local amenities.
- **Objective EN13:** Encourage and support the development of solar energy infrastructure, including solar PV, solar thermal and seasonal storage facilities.
- **Objective EN14:** Promote and encourage the development of suitable sites within the County for use as Solar PV farms where such development does not have a negative impact on the surrounding environment, landscape, historic buildings, biodiversity or local amenities.

5.8.9. Chapter 12 of the Development Plan sets out development management standards.

In respect of renewable energy it notes that while it is important that Fingal welcomes proposals for new and innovative technologies in respect of renewable energies, it is also necessary to ensure such proposals would not have a negative impact on the surrounding environment both in terms of residential and visual amenities of the area. This position is supported by the following Objective:

- **Objective DMS138:** Permit renewable energy developments where the development and any ancillary facilities or buildings, considered both individually and with regard to their incremental effect, would not create a

hazard or nuisance, including risks of land stability and would take cognisance of the following:

- i. Residential amenity and human health,
- ii. The character or appearance of the surrounding area,
- iii. The openness and visual amenity of the countryside,
- iv. Public access to the countryside and, in particular, public rights of way and walking routes,
- v. Sites and landscapes designated for their nature conservation or amenity value,
- vi. The biodiversity of the County,
- vii. Sites or buildings of architectural, historical, cultural, or archaeological interest, and
- viii. Ground and surface water quality and air quality.

5.8.10. The Landscape Character Assessment for Fingal divides the County into six landscape character types. The appeal site is located within the 'Low Lying agricultural' landscape character type, which is described as follows:

"This is an area characterised by a mix of pasture and arable farming on low lying land with few protected views or prospects. The Low Lying Character Type has an open character combined with large field patterns, few tree belts and low roadside hedges. The main settlements located within the area include Oldtown, Ballyboghil and Lusk and parts of Malahide and Donabate. Dublin Airport is located in this area.

This low lying area is dominated by agriculture and a number of settlements. The area is categorised as having a modest value. It contains pockets of important value areas requiring particular attention such as important archaeological monuments and demesnes and also the Feltrim Hill and Santry Demesne proposed Natural Heritage Areas."

5.8.11. The low lying landscape character type is designated as being of 'modest' value and 'low' sensitivity and the Development Plan notes that these landscapes can absorb a certain amount of development once the scale and forms are kept simple and

surrounded by adequate screen boundaries and appropriate landscaping to reduce impact on the rural character of the surrounding roads. The protection of views and riparian corridors from inappropriate development is of paramount importance in these areas. The following principles for development in such areas are set out:

- The skyline should be protected.
- Existing tree belts should be retained and managed and older stands of trees restocked.
- Roadside hedging should be retained and managed. Proposals necessitating the removal of extensive field and roadside hedgerows or trees should not be permitted. Strong planting schemes using native species, to integrate development into these open landscapes, will be required.
- Establish riparian corridors free from new development along all significant watercourses in the County. Ensure a 10 to 15 metre wide riparian buffer strip measured from top of bank either side of all watercourses, except in respect of the Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Corduff, Matt and Delvin where a 30m wide riparian buffer strip from top of bank to either side of all watercourses outside urban centres is required.
- Sites with natural boundaries should be chosen, rather than open parts of larger fields.
- Clustering with existing farmhouse and/or farm buildings is generally preferable to standalone locations.

5.9. Solar PV Development Guidelines in the UK

5.9.1. While there are currently no planning guidelines for the development of solar PV in Ireland, guidance is well-developed in the UK and can be considered useful as a reference source for good practice.

5.9.2. PPG for Renewables and Low Carbon Energy (DCLG 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.

5.9.3. Planning Practice Guidance for renewable and low carbon energy (BRE National Solar Centre (UK) 2013)

This UK national guidance provides similar advice to the PPG, but also includes advice on Environmental Impact Assessment in relation to solar farms. It also provides advisory information on planning application considerations.

5.9.4. Renewable Energy Planning Guidance Note 2 – The Development of large scale (>50 kW solar PV arrays) – Cornwall (UK) 2012

- Landscape / visual recognised as one of the most significant impacts;
- Provides specific guidance on planning considerations.

5.9.5. Devon Landscape Policy Group Advice Note No.2 – Accommodating Wind and Solar PV Developments in Devon’s Landscape – LUC Environment Planning Design and Management – January 2013

The guidelines recommend siting solar PV developments on lower slopes or within folds in gentle undulating landscapes or on flat plateau sites rather than upper slopes or coastal headlands, and in landscapes with a sense of enclosure.

5.10. Natural Heritage Designations

- 5.10.1. The appeal site is not located in or adjacent to any designated Natura 2000 sites. The closest Natura 2000 sites are: Rogerstown Estuary SAC (Site Code 000208), c. 3.6km to the east; Rogerstown Estuary SPA (Site Code 004015), c. 4.2km to the east; Malahide Estuary SAC (Site Code 000205), c. 5.5km to the south east; and Broadmeadow/Swords Estuary SPA (Site Code 004025), c. 5.7km to the south east.

5.10.2. There are no pNHAs or NHAs in the immediate vicinity of the site. The closest such sites are Rogerstown Estuary pNHA, which is located c. 3.6km to the east of the site, Malahide Estuary pNHA, which is located c. 6km to the south east of the site and the Bog of the Ring pNHA, which is located c. 5.7km to the north east.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was received from Gaelectric Renewable Energy Developments Ltd. against the Planning Authority's decision to refuse permission. The grounds of appeal can be summarised as follows:

- Pre-application consultation was held, with a comprehensive planning pack issued to the Council. No concerns were raised regarding the scale of the development or the proposed access points.
- Proposed development is permitted in principle under the 'RU' zoning objective.
- Many use classes are caveated in terms of scale, previous use etc. but no such caveats apply to the 'sustainable energy installation' use class.
- Given that the new Development Plan was adopted two months after pre-planning and twelve months after the first ground mounted solar application was lodged in Fingal, an argument that the Development Plan didn't anticipate ground mounted projects of scale appears to be unfounded.
- There is a stark discrepancy in how the application was dealt with compared to another current application for JBM Solar (Reg. Ref. F16A/0562).
- 'Sustainable energy installation' use class envisaged larger scale renewable energy projects that the subject proposal, including wind farms, hydro-electric etc.
- Proposed development complies with requirements of Objective DMS138 in that neither the character nor appearance of the surrounding area, nor the openness and the visual amenity of the countryside will be compromised in any material manner.

- Ballyboughal Community Council and Ballyboughal Hedgerow Society support the proposed development.
- Planner's report and refusal reason 1 indicate a misunderstanding of the difference between visual and landscape impacts. Proposed development will be barely visible from surrounding receptors and can only be considered to have an imperceptible visual impact.
- The degree of visibility implied by the Planner's comments will not occur. This is illustrated by the 16 photomontages submitted which reinforce the base visibility map.
- Contrary to what Planner stated, there are a number of large nurseries in the area which feature large areas of glasshouses.
- The development will not alter the predominant agricultural use of lands in the area. In terms of landscape character, it will remain an agricultural landscape with a solar farm in it.
- Proposed development is long-term but not permanent land use change that is readily reversible.
- Landscape within which appeal site is located is not identified as being particularly unique or sensitive.
- Although land use will be altered (but not permanently), this will not be readily perceived due to screening. Development will not interfere with rural tranquillity of the area.
- Development does not rely on screening provided by hedgerows on lands outside of applicant's control. In any event, there are no land use trends that that would see comprehensive removal of hedgerows.
- It is Government's intention, strategy and stated aim to continue to support the development of solar projects. Both local and national planning authorities have a proven track record in approving solar projects in the absence of any over-arching national guidance.
- The Minister for Housing, Planning, Community and Local Government stated in June 2017 that the planning code is sufficiently robust to facilitate the

assessment of applications for solar farm developments and that there are no plans to introduce guidelines.

- The Board has previously granted permission in the absence of such guidelines. With reference to the refusal for a solar farm in Co. Wexford (Ref. PL27.247217), that proposal was significantly larger with greater visual and landscape related impacts.
- Regional and local policy supports solar farm developments and the Fingal Development Plan states that larger solar farms have the potential to be considered on suitable sites in the County.
- FCC has confirmed that no work has commenced on either the Local Authority Renewable Energy Strategy or the Sustainable Energy Action Plan and that no timetables for their publication have been produced. As these are no more than aspirations an argument of prematurity is misguided.
- Fingal Spatial Energy Demand Analysis and a Draft Strategy Towards Climate Change Action Plans for the Local Dublin Authorities have been prepared but were not considered by Planner.
- The Planning Officer accepted that the proposed development would not give rise to any cumulative impacts in terms of landscape. Each application should be assessed on its merits and it is inappropriate to refuse an application based on what may or may not follow in the future.
- The grid network in Fingal is well established. Grid capacity is not an infinite supply and the number of additional applications that can be expected in Fingal is limited.
- Transportation Planning Section (TPS) considered construction phase access from R129 to be acceptable. Applicant notes that this entrance is not used as a residential access point. With regard to construction phase access, TPS considered this to be acceptable in pre-planning consultation. Traffic count shows very low level of traffic and speed on L1075. L1075 access is currently used for agricultural and residential traffic, so any works to improve sightlines would improve the existing situation.

- If required, applicant holds the necessary landowner permissions to use the proposed construction access for both construction and operation phases.

6.2. Observations

6.2.1. None

6.3. Planning Authority Response

6.3.1. The Planning Authority's response to the appeal can be summarised as follows:

- It remains the Planning Authority's position that the proposed development would represent an incongruous and dominant feature in the rural landscape due to its scale.
- FCC is not satisfied that the proposed development is capable of being fully assimilated into the landscape and that it would not adversely affect the visual amenities of the rural area.
- Proposed development would contravene materially the 'RU' zoning objective.
- FCC has granted permission for three solar farm developments, ranging in site area from 10.1ha to 13.3ha. These proposals were considered acceptable in terms of scale and visual impact. Due to their scale, the requirement for further national, regional or local strategies on solar power was not considered a requirement to enable determination.
- Due to the scale of this solar farm, it was considered inappropriate to permit the proposal in the absence of national, regional or local guidance which may outline the appropriate scale, location and distribution of future solar proposals.
- The guidance referred to in the refusal reason could include Ministerial guidelines, but also local policy through the completion of a number of strategies identified in the Development Plan (Local Renewable Energy Strategy, Climate Change Mitigation and Adaptation Strategy, Spatial Energy Demand Analysis and Sustainable Energy Action Plan).

- The Planning Authority notes the recent Board decision to refuse permission in respect of a 89 ha solar farm (Ref. PL26.247217). Given the scale and siting of the proposed development, this decision is considered pertinent.
- The Board's decision in case PL26.247217 was issued between the pre-planning consultations and the lodgement of the planning application, and therefore hadn't been made at the time of pre-planning consultation.
- In accordance with section 247(3) of the PDA, the carrying out of consultations shall not prejudice the performance by a planning authority and cannot be relied upon in the formal planning process,
- Appellant refers to another planning application in Fingal and claims that a consistent approach is not being adopted. This is a 49ha solar farm (Ref. F16A/0562) which is currently on additional information, having been granted a time extension until 7th November 2017. The Planning Authority did not have the benefit of the Board's decision in case PL26.247217 when it was assessing Reg. Ref. F16A/0562, whereas it did in the subject application.
- The Board is asked to uphold the decision of the Planning Authority.
- In the event that the appeal is successful, provision should be made for a financial contribution.

7.0 Assessment

7.1. I consider that the key issues in determining the appeal are as follows:

- Principle and planning policy.
- Landscape and visual impact.
- Use of agricultural land.
- Residential amenity.
- Access and traffic.
- Surface water drainage and flooding.
- Archaeology.
- Ecology.

- Other issues.
- Requirement for Environmental Impact Assessment.
- Appropriate Assessment.

7.2. Principle and Planning Policy

- 7.2.1. Renewable energy projects are supported ‘in principle’ at national, regional and local policy levels, with the impetus at all policy levels being the need to reduce greenhouse gas emissions, reduce reliance on fossil fuels and combat climate change.
- 7.2.2. EU Directive 2009/28/EC sets a target of 20% of EU energy consumption from renewable sources and a 20% cut in greenhouse gas emissions by 2020. As part of this Directive, Ireland’s legally binding target is 16% energy consumption from renewable sources by 2020. The more ambitious national objective, as expressed in the NREAP, is for 40% of electricity consumption to be from renewable sources by 2020. The White Paper entitled ‘Ireland’s Transition to a low carbon Energy Future 2015-2030’ sets out a vision to reduce greenhouse gas emissions by between 80% and 95% compared to 1990 levels by 2050, and notes that solar photovoltaic 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.
- 7.2.3. At a local level, the Fingal Development Plan 2017-2023 contains a number of Policies and Objectives to support reductions in greenhouse gas emissions and to facilitate and encourage renewable energy projects, subject to normal planning criteria. Objectives EN12, EN13 and EN14, which relate specifically to solar energy projects are of particular relevance in this regard. I also note that Section 7.3 of the Development Plan states that larger solar farms have potential to be considered on suitable sites within the County.
- 7.2.4. The appeal site and surrounding area are zoned as ‘Rural’ (RU) under the Fingal Development Plan 2017-2023. This zoning objective seeks to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage. ‘Sustainable

Energy Installations', the definition of which includes solar energy, are permitted in principle under the RU zoning objective.

7.2.5. The Planning Authority, in their first reason for refusal, stated that the proposed development would contravene materially the RU zoning objective by reason of its impact on the rural landscape. I have addressed the potential landscape impact in Section 7.3 below, however I do not consider that the proposed development would contravene materially the zoning objective, and instead consider that it would be acceptable in principle, subject to consideration of the planning issues identified above.

7.2.6. With regard to Development Plan Objectives, the Planning Authority also considered that the proposed development would contravene materially Objective DMS138 which seeks to permit renewable energy developments where they would not create a hazard or nuisance and where they take cognisance of a series of criteria, as follows:

- Residential amenity and human health,
- The character or appearance of the surrounding area,
- The openness and visual amenity of the countryside,
- Public access to the countryside and, in particular, public rights of way and walking routes,
- Sites and landscapes designated for their nature conservation or amenity value,
- The biodiversity of the County,
- Sites or buildings of architectural, historical, cultural, or archaeological interest, and
- Ground and surface water quality and air quality.

7.2.7. The Planning Authority considered that the proposed development fails to take cognisance of two of these criteria: the character or appearance of the surrounding area and the openness and visual amenity of the countryside. I have addressed these issues in Section 7.3 below.

7.2.8. In their second reason for refusal, the Planning Authority considered that there was a lack of guidance at national, regional and local level in relation to the appropriate location, scale and distribution of future proposals for solar power and stated that they were not satisfied that the proposed development would not be premature pending the adoption of national, regional or local guidance or strategy for solar power.

7.2.9. In the Planning Officer's report and the Planning Authority's response to the appeal, reference is made to a decision by the Board to refuse permission in respect of a solar farm in County Wexford (Ref. PL26.247217) and the Planning Authority contends that given the scale and siting of the proposed development, this decision was considered pertinent in its assessment of the subject application. However, the Board will be aware that its decision in case PL26.247217 was recently quashed by order of the High Court, and therefore will not be considered further in this report.

7.2.10. The Development Plan includes a number of Objectives to prepare various renewable energy strategies/plans:

- **Objective RF106:** Facilitate and encourage the development of the alternative energy sector, in line with a Local Renewable Energy Strategy, and work with the relevant agencies to support the development of alternative forms of energy where such developments do not negatively impact upon the environmental quality, and visual, residential or rural amenity of the area.
- **Objective EN05:** Prepare a Climate Change Mitigation and Adaptation Strategy and a Local Authority Renewable Energy Strategy (LARES), Spatial Energy Demand Analysis (SEDA) and a Sustainable Energy Action Plan (SEAP).
- **Objective EN08:** Work with relevant stakeholders to carry out a Spatial Energy Demand Analysis (SEDA) of the County within the Plan period as resources permit.

7.2.11. The appellant has submitted a copy of email correspondence with the Planning Authority dating from August 2017, which states that the Local Authority Renewable Energy Strategy (LARES) and Sustainable Energy Action Plan (SEAP) "have not been given a timeframe at this stage". While the LARES and SEAP have not been prepared, I note that, contrary to what is stated in the Planning Officer's report, the

Fingal Spatial Energy Demand Analysis (SEDA) and a Draft Strategy Towards Climate Change Action Plans for the Local Dublin Authorities have been prepared. Both documents support the increased use of renewable energy, but do not contain any guidance of particular relevance in assessing the proposed development, in my opinion.

- 7.2.12. The Development Management Guidelines for Planning Authorities 2007 state at Section 7.16.1 that prematurity should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated time frame. Since there is no clear timeframe for the preparation of the LARES or SEAP, I therefore do not consider that the issue of prematurity arises in this instance. The Development Plan contains numerous Objectives in support of renewable energy projects generally, and solar energy projects specifically, subject to consideration of normal planning criteria. Objective DMS138 is noteworthy in this regard, as it sets out a clear list of criteria that proposals for renewable energy developments must be cognisant of and in my opinion can be considered to represent a form of guidance with regard to appropriate locations for renewable energy developments.
- 7.2.13. With regard to the issue of national guidance, the appellant notes that the Board has granted permission for a number of solar farms in the absence of such guidance, and makes reference to a written answer given in June 2017 by the Minister for Housing, Planning, Community and Local Government, which stated that the planning code is sufficiently robust to facilitate the assessment of individual applications for solar farm developments and that the matter will be kept under review.
- 7.2.14. It appears to me that, at the present time, there is no evidence that Ministerial Guidelines under section 28 of the PDA are under preparation or will be forthcoming in the foreseeable future, and I do not consider that the lack of such Guidelines should be a reason for refusal in this instance.
- 7.2.15. In conclusion, I am satisfied that there is substantial policy support at national, regional and local level for renewable energy projects, including solar energy projects, and I do not consider that the lack of Ministerial Guidelines or the LARES and SEAP for Fingal 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, is a form of development that is permitted in principle under the RU zoning objectives, and I therefore consider the proposed development to be acceptable in principle, subject to consideration of the key planning issues outlined in Section 7.1 above.

7.3. Landscape and Visual Impact

- 7.3.1. Two of the Planning Authority's three reasons for refusal related to the landscape and visual impact of the proposed development. In their response to the appeal, the Planning Authority stated that it remains their position that the proposed development would represent an incongruous and dominant feature in the rural landscape due to its scale and that they are not satisfied that the proposed development is capable of being fully assimilated into the landscape or that it would not adversely affect the visual amenities of the rural area. With regard to the criteria set out in Development Plan Objective DMS138 for renewable energy developments, the Planning Authority considered that the proposed development fails to take cognisance of the character or appearance of the surrounding area and the openness and visual amenity of the countryside.
- 7.3.2. The appeal site is located within the 'Low Lying agricultural' landscape character type, which is described in the Development Plan as an area characterised by a mix of pasture and arable farming on low lying land with few protected views or prospects. The 'low lying agricultural' landscape character type is designated as being of 'modest' value and 'low' sensitivity and the Development Plan notes that these landscapes can absorb a certain amount of development once the scale and forms are kept simple and surrounded by adequate screen boundaries and appropriate landscaping to reduce impact on the rural character of the surrounding roads. The protection of views and riparian corridors from inappropriate development are stated as being of paramount importance in these areas.
- 7.3.3. Having inspected the appeal site and surrounding area, I consider its character to be consistent with the 'low lying agricultural' landscape character type as described in the Development Plan. The surrounding rural landscape generally comprises agricultural lands divided into relatively large fields, well-defined by hedgerows and

trees, with scattered one-off housing to the east and north. The village of Ballyboghil/Ballyboughal is located c. 1km west of the appeal site, while the M1 Motorway is c. 1km to the east. The Development Plan indicates a preserved view along the R129, to the south of the appeal site.

- 7.3.4. A Landscape and Visual Impact Assessment (LVIA) and Ecological Landscape Mitigation Plan was submitted with the application, including Zone of Theoretical Visibility (ZTV) maps and photomontages.
- 7.3.5. The 'bare ground' model utilised for the initial ZTV does not take account of hedgerows, trees or buildings that limit views in the area and indicates that extensive areas of the 5km study area would have comprehensive visibility of the proposed development, with some exceptions, such as along the R129 to the south of the appeal site where a ridgeline limits views. The subsequent digital surface model ZTV, prepared utilising data captured from a drone survey, demonstrates the significant screening effect of the existing hedgerows and tree planting, indicating that potential views of the proposed development will be limited, even in relatively close proximity, although partial views to the north and west would be possible in the absence of additional screening. A third ZTV illustrates the effect of bolstering existing perimeter hedgerows, and indicates that the proposed development would not generally be visible from the surrounding area, other than limited areas to the south and north where glimpsed views of the development will be possible.
- 7.3.6. Having inspected the site and the surrounding area, I consider that the digital surface model ZTV is generally reflective of the existing situation, and that the LVIA generally provides a reasonably thorough assessment of the landscape and visual baseline and that the viewpoints selected for the photomontages are characteristic of views available of the appeal site.
- 7.3.7. With regard to landscape impacts, the proposed development is extensive in scale and will entail the installation of uniform parallel arrays of blue/black solar panels over a large area, which has the potential to significantly change the landscape character of the area through the introduction of a new utilitarian form of development in the landscape. The LVIA considers the magnitude of the landscape impact to be 'low' within 500m, reducing to negligible' with increasing distance thereafter. Having regard to the 'medium-low' sensitivity of the landscape, the

predicted significance of the impact is no greater than 'slight', reducing to 'Imperceptible' for most of the 5km study area. Having regard to the topography of the surrounding area, with the appeal site located within a gently rolling landscape, which serves to reduce visibility in the wider area, and having regard to the extent of mature hedgerows and trees within and surrounding the appeal site which provide a high degree of enclosure, and noting that the development will fit within this existing field matrix with a significant set back from public roads and sensitive receptors, I would concur with the assessment set out in the LVIA and consider that the proposed development will not have a significant adverse effect on landscape or rural character. In this regard I would not concur with the Planning Authority's refusal reasons. While the proposed development will introduce a new land use to the area, the retention of the existing field structure, the separation distances between rows of panels and the retention of grass cover will permit the dual use of the appeal site for renewably energy production and sheep grazing, which is an existing agricultural use of part of the site. I therefore do not consider that the prevailing agricultural land use in the wider area would be significantly altered. I also consider that the extent of existing hedgerow and tree screening which will be retained and bolstered, allied with the gently rolling landscape, will serve to significantly mitigate the landscape impact of the proposed development such that it could not be considered to represent an incongruous and dominant feature in the rural landscape. This conclusion is supported by the ZTV and photomontages submitted with the application. The landscape character has been identified by the Planning Authority in their LCA as being of modest value and low sensitivity. I would concur with this assessment, and consider that the rural landscape is capable of absorbing the proposed development.

- 7.3.8. With regard to visual impacts, the LVIA assesses the impact on 16 viewpoints, which I consider to be relatively representative of the various receptor types and views within the study area. Photographs from each viewpoint have been provided, with a number of photomontages illustrating the proposed development both pre and post-mitigation planting establishment.
- 7.3.9. 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 and at protected viewpoints will be minimal due

to the site topography, the extensive hedgerows and tree planting and the separation distances from roads and residential dwellings. The limited visual impact that will arise 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. The proposed development will only be visible from two of the 16 viewpoints, namely VP1 and VP2. Both of these viewpoints are within 300m of the appeal site, and in both cases the nature of the views will be glimpses of the tops of panels in areas where the hedgerows are not sufficiently dense or high. I would concur with the assessment of the LVIA that these impacts can be considered negligible, even in the absence of additional mitigation planting. Viewpoint VP1 is at the location of the protected view along the R129 Regional Road. The Development Plan does not specify the direction of the view to be preserved, but should it be across the expansive and open tillage lands on the northern side of the road, towards the appeal site, then I do not consider that the proposed development would significantly impact upon this view due to the screening effect of existing and proposed hedgerow planting.

7.3.10. Following decommissioning of the proposed development, when the panel arrays and supporting infrastructure are removed, and the lands reinstated to agricultural use, I do not consider that there will be any significant residual landscape or visual impacts.

7.3.11. In conclusion, I consider that the proposed development is acceptable from a landscape and visual impact perspective, that it is cognisant of the landscape criteria set out in Objective DMS138, and I do not, therefore, concur with the Planning Authority's reasons for refusal.

7.4. Use of Agricultural Land

7.4.1. The appeal site comprises good quality agricultural lands that are currently used for tillage and horticultural farming as well as sheep grazing. Having regard to the scale of the proposed development and current productive agricultural use of the lands, I consider it appropriate to consider the impact of the proposed development in light of current agricultural policy.

- 7.4.2. In the absence of national guidance in Ireland around site suitability and locations for solar farms, I have noted UK guidance which is well developed on this issue. Generally, the UK guidance seeks to direct large-scale solar power developments to previously developed land and industrial land in the first instance, and then to more marginal agricultural lands, rather than highly productive lands. It should be noted that the UK, unlike Ireland, has a grading system for agricultural land, ranging from Grade 1 (most productive) to Grade 5 (most marginal). Since Ireland does not have such a grading system, there does not appear to be any guidance or policy which would preclude the development of solar farms on agricultural land that is currently being used for tillage or grazing.
- 7.4.3. I note that the Government's agricultural strategic vision, set out in Food Wise 2025, seeks to increase the value of agri-food, fisheries and wood production sector by 70% and the value of food exports by 85%. These are high level national targets and there is no evidence to suggest that the development of this solar farm on c. 62 hectares in County Dublin would compromise the value of agri-food or the value of food exports at a national level. I also note in this regard that, should the development proceed, the appeal site can continue to be utilised for sheep grazing, which is an area where Food Wise 2025 envisages further growth opportunities. The strategy includes a recommendation to develop on-farm diversification, which I consider would be consistent with a dual-use of the lands for energy generation and agriculture. I note that of the many recommendations and actions contained within Food Wise 2025, there are none which include reference to restrictions on land use.
- 7.4.4. With regard to County level agricultural policy, I consider that the solar farm would support economic growth in the rural area through farm diversification which is supported in the Fingal Development Plan 2017-2023, particularly with respect to Objective RF102 (promote farm diversification where it does not unacceptably impact on the landscape, environment and character of the area) and Objective RF103 (Promote farm diversification where the proposal does not necessitate the permanent removal of quality agricultural land from production). With regard to Objective RF103 I note the 30-year duration and general reversibility of the development. While the loss, or partial loss, of agricultural land would occur for a long-term period of 30 years, it would not be a permanent loss.

7.4.5. In conclusion, I consider that the benefits of the scheme, which would make a contribution to national renewable energy provision, and which would allow for the dual-use of the lands for agricultural purposes is acceptable in principle on the appeal site and does not materially conflict with Food Wise 2025.

7.5. **Residential Amenity**

7.5.1. I consider that the potential impact of the proposed development on residential amenity is primarily related to visual amenity issues, glint and glare, noise and construction traffic impacts. Visual impact and construction traffic are dealt with elsewhere in this report, so this section will address potential noise and glint and glare impacts.

7.5.2. **Noise**

7.5.3. With regard to construction phase noise, a number of mitigation measures are proposed, including proper maintenance of machinery, avoidance of unnecessary revving of machinery and use of least noisy equipment. Having regard to the relatively short construction period associated with the proposed development and the separation distances from existing dwellings, I consider that it is not likely to result in a significant noise impact during the construction phase. However, noting that the submitted Outline Construction Environmental Management Plan does not address noise, I recommend that suitable conditions be included, should the Board be minded to grant permission, to limit hours of construction and to ensure that noise mitigation and monitoring proposals form part of an agreed Construction Environmental Management Plan.

7.5.4. I do not consider that noise is likely to be a significant issue during the operational phase, due to the nature of the development, with relatively low levels of noise only arising from the inverters/transformer stations and substation during daylight hours and no noise emitted from the solar panels themselves. In addition, the substantial set-back distances from dwellings will serve to significantly reduce any noise impacts.

7.5.5. **Glint and Glare**

7.5.6. Solar farms have the potential to result in glint and glare impacts on surrounding receptors, such as residential properties and road users. Glint results from reflection

of the sun off the surface of the PV panel and is seen as a momentary flash of bright light, while glare is a continuous source of bright light resulting from the reflection of the sky around the sun. Since solar panels are designed to absorb light rather than reflect it, glint is most likely to occur in early morning and late evening when the sun is at its lowest in the sky.

- 7.5.7. The glint and glare assessment submitted with the application found that glint and glare is geometrically possible at 69 dwelling receptors, but that the actual number that have the potential to be affected by reflectance is seven, due to intervening dense vegetation which provides screening. Similarly, with regard to road receptors, the assessment found that while glint and glare impacts were theoretically possible along a number of local and regional roads, only a portion of a local road to the east of the site has the potential to be affected for short evening periods.
- 7.5.8. As part of the Ecological Landscape Mitigation Plan, the applicant is proposing to bolster all existing hedgerows within and around the appeal site with a native whip mix and advanced stock to fill gaps. The applicant contends that this will completely eliminate all reflectance. Having undertaken my site inspection in mid-December, I noted that the relatively bare trees and hedgerows were generally sufficiently dense that glint or glare is unlikely to be a significant issue, and I therefore consider that the applicant's proposed landscaping mitigation will be sufficient to ensure that glint or glare is not likely to result in a significant adverse impact on residential receptors or road users.
- 7.5.9. Nevertheless, in order to ensure the success of the mitigation planting and to address any residual impact that may arise I recommend that, if the Board is minded to grant permission, a condition be included requiring the developer to provide detailed glint and glare surveys following commissioning and on an annual basis for a period of two years to the planning authority in order to confirm that no such glint or glare impact has taken place, and to provide such further mitigation measures as the planning authority may specify in writing to ensure that this is achieved.

7.6. Access and Traffic

- 7.6.1. Section 8 of the Planning and Environmental Report provides a traffic and transport assessment of the proposed development, and a Construction Traffic Management

Plan is included as an appendix. It is proposed to provide a construction phase access point from the R129 to the south of the appeal site, with this access being closed following construction, and a separate operational phase access point provided from the L1075 local road to the north west of the appeal site. Both access points are existing, and upgrade works are proposed to improve sightlines.

- 7.6.2. I note that the anticipated construction period of 36 weeks is relatively short considering the c. 62 ha area of the appeal site. With regard to construction phase traffic generation, the PER states that the construction of the solar farm is expected to give rise to 959 HGV deliveries over the 36 week construction period, with a maximum of 18 HGV deliveries (i.e. 36 HGV movements) per day. A maximum of 40-45 light vehicles per day (i.e. 80-90 movements) are also predicted. During the operational phase, the stated level of traffic generation would be low, with c. 25 trips per year predicted for servicing, monitoring and upkeep of the site.
- 7.6.3. The appellant has provided copies of correspondence that they had with the Planning Authority during the pre-application consultation process, whereby the proposed access arrangements were considered generally acceptable. I would note that the Planning Authority's comments were based on the information before them at the time, rather than on the full suite of planning application documentation and that, as they have noted in their response to the appeal, section 247(3) of the PDA states that the carrying out of consultations shall not prejudice the performance by a planning authority and cannot be relied upon in the formal planning process.
- 7.6.4. With regard to the construction phase access point from the R129, I note that 160m sightlines can be achieved in both directions following the trimming of vegetation within the application site boundary, which is compliant with TII requirements. I do not consider the extent of trimming required to be excessive, and having regard to the level of construction traffic, the relatively low level of traffic on the R129 and its good condition, I consider this access point to be acceptable. The Transportation Planning Section of the Planning Authority recommended that additional information be sought regarding proposals to segregate construction/operation traffic from pedestrians associated with the existing residences. However, having inspected the site, I concur with the applicant's position that the access point from the R129 is an agricultural access, not a residential access, as the existing house to the west of the construction access point has its own separate access.

- 7.6.5. With regard to the operational phase access point, following the trimming of vegetation, sightlines of 70m to the west and 40m to the east are achievable. These sightlines are not compliant with TII requirements, and the more restricted sightline to the east is as a result of a sharp 90 degree bend on the L1075, immediately to the east of the access point. While the access point is existing and is utilised by agricultural and residential users, I consider that permitting additional traffic to utilise this access point would not be in the interests of public safety and, notwithstanding the low level of operational traffic, would be unacceptable in my opinion.
- 7.6.6. The applicant has stated in their appeal that they have the necessary landowner consents to utilise the construction phase access point from the R129 in the operational phase. I consider that this would be a preferable solution in the interests of traffic safety and I therefore recommend that if the Board is minded to grant permission, that this requirement be included as a condition.
- 7.6.7. In conclusion, having regard to the relatively low level of construction-related traffic, the short duration of the construction period and the low level of operational traffic, I am satisfied that the proposed development will not give rise to a significant degree of traffic congestion or give rise to a traffic hazard, subject to compliance with the condition outlined above.

7.7. **Archaeology**

- 7.7.1. An archaeological assessment was submitted as part of the Planning and Environmental Report. The desktop study undertaken identified a number of recorded archaeological, architectural and cultural heritage sites within 1km of the appeal site, although there are no recorded sites within the appeal site itself.
- 7.7.2. While I do not consider that the proposed development will directly impact on any recorded or protected archaeological features, with the nearest such feature being crop mark sites (DU007-060 and DU007-061, c. 69m to the south of the appeal site, I note that no geophysical surveys or trial trenching was undertaken in connection with the assessment. Having regard to the scale of the proposed development, I therefore consider that there is the potential for unrecorded sub-surface archaeological features to be present within the appeal site.

- 7.7.3. The applicant has submitted a copy of the National Monuments Service ‘Solar Farm Developments – Internal Guidance Document’ (November 2016). This outlines the NMS’s approach in considering planning applications for solar farms and notes, inter alia, that solar farms have potentially low levels of ground impact and potential flexibility to avoid impacts. I note in this regard that, in their submission to the Planning Authority, the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs (now Dept. of Culture, Heritage and the Gaeltacht) did not make any comment in respect of archaeology.
- 7.7.4. The applicant proposes to undertake a programme of archaeological monitoring in areas of the site where topsoil stripping or excavations are required.
- 7.7.5. Having regard to the nature of the proposed development which results in relatively limited ground disturbance and the construction methodology which serves to reduce the requirement for extensive earthworks, and noting the National Monuments Service guidance document, I am satisfied that there is unlikely to be a significant impact on unrecorded sub-surface archaeological features. I therefore consider the applicant’s proposal for limited archaeological monitoring to be reasonable and I recommend that a suitable condition be included, should the Board be minded to grant permission, to ensure the proper identification, recording and protection of any unrecorded subsurface archaeological features in areas where topsoil stripping or excavations are required.

7.8. Surface Water Drainage and Flooding

- 7.8.1. A Soils, Geology, Hydrology and Hydrogeology report and a Flood Risk Assessment were submitted with the application and I note that a number of third parties raised flooding as an issue in their observations to Fingal County Council. The concerns raised by third parties related to both historic flooding and the potential for the proposed development to result in increased flooding.
- 7.8.2. The appeal site is relatively level, with a gentle slope generally from north west to south east, with localised sloping towards drainage features. The Clonswords House Branch Stream runs along the north eastern boundary of the appeal site and is a tributary of the Ballyboghil Stream, which it joins c. 2km downstream of the appeal site. I note with regard to site topography and direction of flow of field drains, that the

majority of the appeal site drains to a land drain that runs from west to east through the central part of the site. This drain flows into a separate tributary of the Ballyboghil Stream, which joins the Clonswords House Branch Stream outside of the appeal site.

7.8.3. I consider that the potential impacts on surface water during the construction phase are primarily related to increased runoff and sediment loading and contamination of receiving watercourses. I consider the construction process outlined for the solar farm to be relatively low-impact from a geotechnical perspective, with significant excavations only occurring for the access tracks, substation and cable routes, while the metal uprights supporting the solar arrays will be driven into the soil, without any separate foundations. There will therefore be no significant changes to the topographical profile of the site or to the characteristics of the soil that would affect drainage patterns. Where soil compaction occurs during the construction process, the applicant proposes chisel ploughing or pole forking post-construction. With regard to the introduction of hardstanding areas, I note that the proposed access tracks will be of compacted stone construction, and that the total hardstanding area created by the tracks, inverter/transformer stations, spare parts containers and substation amount to 3% of the overall site area. The applicant is proposing to install shallow swales surrounding the solar panel arrays in each field and along the access tracks, with soakaways along the track swales to assist in the infiltration of surface water to ground.

7.8.4. 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 that precipitation will continue to infiltrate naturally to ground, with no significant change to overland flow rates. A number of the fields which comprise the appeal site are currently in tillage and horticultural use, while the remaining fields are currently used for sheep grazing. Significant areas of the appeal site are therefore likely to be regularly disturbed during ploughing and harvesting, with variable ground cover over the course of the year. Due to this active use of the lands, I therefore consider that the lands are currently likely to experience localised changes in run-off and infiltration characteristics throughout the year and I do not consider that the proposed development will significantly reduce infiltration or exacerbate run-off.

- 7.8.5. Notwithstanding the above, I also note that a 20m buffer zone is proposed along the stream to the north, with a 10m buffer zone along drainage ditches. Having regard to the use of buffer zones, the construction methodology and the proposed measures outlined in the Outline Construction Environmental Management Plan, I am satisfied that the proposed development will not have a significant adverse impact on surface water quality or runoff from the site.
- 7.8.6. With regard to flood risk, I note that a strip of land along the northernmost boundary of the appeal site in the vicinity of the Clonswords House Branch Stream is within the indicative 100-year fluvial flood zone (i.e. Flood Zone A) as illustrated on the OPW Preliminary Flood Risk Assessment maps. A number of small areas within the appeal site are also indicated as being within 100-year and 1000-year pluvial flood zones (i.e. Flood Zones A and B, respectively).
- 7.8.7. As noted above, the majority of the appeal site drains to a land drain that runs from west to east through the central part of the site before connecting to a separate tributary of the Ballyboghil Stream, which is not indicated as being at risk of fluvial flooding. Therefore, only approximately half of the northernmost field appears to drain towards the Clonswords House Branch Stream.
- 7.8.8. While the applicant is proposing a 20m buffer zone from the Stream, a portion of the perimeter fence and a number of solar panels are located within the indicative flood zone area, although all of the supporting electrical infrastructure such as the inverter/transformer stations and substation are located outside of the flood risk area. With regard to the Flood Risk Management Guidelines for Planning Authorities 2009, the proposed development can be considered to be a 'highly vulnerable development'. Such developments are only acceptable in Flood Zone A if they pass the 'justification test' set out in the Guidelines.
- 7.8.9. I note that the panels themselves are a minimum of 0.7m above ground level, and I do not consider them to be a particularly vulnerable use with regard to flood risk. I am therefore satisfied that the flood risk to the proposed development is acceptable. With regard to the issue of whether the proposed development will increase the risk of flooding elsewhere, I am satisfied that the design and mitigation measures outlined above, including the retention of grass groundcover, existing topographical levels, buffer zone from the stream and the use of swales and soakaways are

adequate to ensure that the proposed development is not likely to negatively impact on current drainage patterns or result in a significant increase in flood risk elsewhere. Therefore, having regard to the above, I am satisfied that the development should not be refused on the basis of surface water management or flood risk.

7.9. Ecology

- 7.9.1. Chapter 5 of the Planning and Environmental Report submitted with the planning application addresses ecology, and an Appropriate Assessment Screening Report and Ecological Impact Assessment were also submitted, which consider both the proposed development and indicative grid connection routes. The issue of Appropriate Assessment is addressed in Section 7.11 below.
- 7.9.2. The appeal site is not situated either within, or in close proximity to, any SAC, SPA or NHA/pNHA. The main habitat types on the appeal site are improved agricultural grassland, arable crops and horticultural land. Other habitat types along field boundaries include treelines, hedgerows, (mixed) deciduous /broadleaved woodland, scrub, ditches, with the stream along the northern boundary classified as a depositing/lowland river.
- 7.9.3. With regard to notable species, the bird surveys recorded a wide variety of species within or adjacent to the site, including three 'red listed' species of high conservation priority. These were Curlew, Herring Gull and Yellowhammer. A number of 'amber listed' species were also recorded, including Starling, Swallow and Greater and Lesser Black-backed Gulls. Four species of bats were recorded indicating that the site is being used by bats for foraging and commuting, and while no roosts were confirmed a number of mature trees may be used as roosts. A number of badger setts were recorded within and adjacent to the site along field boundaries, including a relatively large sett towards the north of the appeal site, which has multiple entrances and appears to be heavily utilised.
- 7.9.4. Having regard to the nature of the proposed development including the construction methodology, the nature of the habitats and species recorded at the site, and the fact that, other than the removal of a small number of trees, all existing hedgerows will be retained and strengthened, I consider that the potential impacts on ecology are primarily related to construction-related disturbance and contamination of surface

water. During the operational phase I also consider that there is the potential for restriction of badger movements, due to the fencing of the site, and for displacement of some recorded bird species due to the change in land use.

- 7.9.5. I note that both the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs (now Dept. of Culture, Heritage and the Gaeltacht) and the Planning Authority's Biodiversity Officer had no objection to the proposed development, subject to the mitigation measures outlined in the Planning and Environmental Report in relation to badgers, birds and bats being included as conditions.
- 7.9.6. The mitigation measures referred to by the DAHRRGA and Biodiversity Officer include both mitigation by avoidance measures and mitigation by compensation measures. The proposed mitigation by avoidance measures include the retention of hedgerows, minimum 20m buffer zone from the stream during both construction and operational phases, minimum 30m buffer zone around badger sett entrances (increasing to 50m for construction works during breeding season), the surface water management and good practice pollution control measures set out in the Outline Construction Environmental Management Plan, and the landscaping proposals. Other mitigation measures include badger gates in the perimeter fencing at 100m intervals, resulting in a minimum of 41 gates, tree felling/removal of woody vegetation outside of bird breeding season, and inspection of trees by an ecologist 6 weeks prior to felling to avoid significant impacts on roosting bats.
- 7.9.7. In addition to the mitigation measures, enhancement measures are also proposed as indicated on the Ecological Landscape Management Plan submitted with the application. These includes the infilling and strengthening of hedgerows with native species, wildflower planting between perimeter fencing and natural boundaries and establishment of a 'riparian enhancement zone', along the boundary with the stream.
- 7.9.8. Having regard to the existing agricultural operations underway on the appeal site, which includes tillage, horticultural and sheep grazing, I consider that the proposed development will result in an improvement to the biodiversity of the appeal site and that, subject to the implementation of the mitigation measures and good practice construction methods outlined in the PER and OCEMP, it will not have a significant adverse ecological impact.

7.10. Other Issues

- 7.10.1. I note that the applicant states in Section 4.6 of the Planning and Environmental Report that the final detailed design may have some variations, subject to a 15m micro-siting allowance, and Section 11.0 of the Report suggests a condition regarding the submittal of a detailed design plan prior to commencement.
- 7.10.2. In addition to the proposed micro-siting, I note with regard to the inverter and transformer stations that the PER states that there are two options, either combined or separate, with a third option being the use of string inverters and marshalling cabinets. The statutory notices made reference to both inverter/transformer stations and string inverters/marshalling cabinets, and drawings of all three options were provided.
- 7.10.3. While it would be preferable for the applicant to have determined a final layout for the panel arrays and the inverter/transformer arrangement prior to the making of the planning application, I consider that having regard to the site location, significant separation distances from roads and houses, the buffer zones around watercourses, and the screening effects of the hedgerows, no additional planning or environmental issues would arise from the micro-siting proposed and I consider that a condition along the lines of that proposed by the applicant is reasonable. In the interests of protecting residential amenity and environmental protection, I recommend that any such condition ensure that there is no reduction in buffer zones around watercourses and badger setts, or separation distances to residential properties and public roads. I have recommended elsewhere that a condition be included regarding annual post-construction glint and glare studies for a period of two years, with additional mitigation as required, and I consider that this would be an appropriate means of ensuring that the final detail design does not result in increased glint and glare.

7.11. Requirement for Environmental Impact Assessment

- 7.11.1. Solar farms (i.e. photovoltaic electrical generation) are not a class of development that is listed in Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. While specific forms of energy-related development are listed in Schedule 5, such as wind power and hydroelectric, there is no mention

of solar energy development. With regard to other potential classes of development, I have had regard to the following in particular:

- Class 3(a) of Schedule 5, Part 2: Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this Schedule with a heat output of 300 megawatts or more.

7.11.2. I consider that the proposed development does not fall within Class 3(a), as the use of the word 'and' rather than 'or' would appear to indicate that the development type relates to a form of combined heat and power plant.

7.11.3. I therefore conclude that the proposed development does not fall within Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and I therefore concur with the applicant's submission that an Environmental Impact Assessment is not required.

7.12. **Appropriate Assessment**

7.12.1. The appeal site is not located in, or adjacent to, any designated Natura 2000 sites. The closest Natura 2000 sites are: Rogerstown Estuary SAC (Site Code 000208), c. 3.6km to the east; Rogerstown Estuary SPA (Site Code 004015), c. 4.2km to the east; Malahide Estuary SAC (Site Code 000205), c. 5.5km to the south east; and Broadmeadow/Swords Estuary SPA (Site Code 004025), c. 5.7km to the south east.

7.12.2. An Appropriate Assessment Screening Report was submitted with the application, and the Report considers the potential impacts of the proposed development and the grid connection options on the designated Natura 2000 sites identified above.

7.12.3. The qualifying interests of the above referenced Natura 2000 sites are as follows:

- **Rogerstown Estuary SAC (Site Code 000208):**
 - Estuaries [1130]
 - Mudflats and sandflats not covered by seawater at low tide [1140]
 - Salicornia and other annuals colonising mud and sand [1310]
 - Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
 - Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
- Fixed coastal dunes with herbaceous vegetation (grey dunes)* [2130]
- **Rogerstown Estuary SPA (Site Code 004015):**
 - Greylag Goose *Anser anser* [A043]
 - Brent Goose *Branta bernicla hrota* [A046]
 - Shelduck *Tadorna tadorna* [A048]
 - Shoveler *Anas clypeata* [A056]
 - Oystercatcher *Haematopus ostralegus* [A130]
 - Ringed Plover *Charadrius hiaticula* [A137]
 - Grey Plover *Pluvialis squatarola* [A141]
 - Knot *Calidris canutus* [A143]
 - Dunlin *Calidris alpina alpina* [A149]
 - Black-tailed Godwit *Limosa limosa* [A156]
 - Redshank *Tringa tetanus* [A162]
 - Wetlands [A999]
- **Malahide Estuary SAC (Site Code 000205):**
 - Mudflats and sandflats not covered by seawater at low tide [1140]
 - *Salicornia* and other annuals colonising mud and sand [1310]
 - *Spartina* swards (*Spartinion maritimae*) [1320]
 - Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
 - Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
 - Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
 - Fixed coastal dunes with herbaceous vegetation (grey dunes)* [2130]
- **Broadmeadow/Swords Estuary SPA (Site Code 004025):**

- Great Crested Grebe *Podiceps cristatus* [A005]
- Brent Goose *Branta bernicla hrota* [A046]
- Shelduck *Tadorna tadorna* [A048]
- Pintail *Anas acuta* [A054]
- Goldeneye *Bucephala clangula* [A067]
- Red-breasted Merganser *Mergus serrator* [A069]
- Oystercatcher *Haematopus ostralegus* [A130]
- Golden Plover *Pluvialis apricaria* [A140]
- Grey Plover *Pluvialis squatarola* [A141]
- Knot *Calidris canutus* [A143]
- Dunlin *Calidris alpina alpina* [A149]
- Black-tailed Godwit *Limosa limosa* [A156]
- Bar-tailed Godwit *Limosa lapponica* [A157]
- Redshank *Tringa tetanus* [A162]
- Wetlands [A999]

7.12.4. The conservation objectives for the Natura 2000 sites listed above are to maintain the favourable conservation condition of the relevant habitats/species.

7.12.5. The appeal site has a hydrological connection with the Rogerstown Estuary SPA and SAC via the Clonswords House Branch Stream which runs along the northern boundary of the site. The grid connection option 2 also has a hydrological connection with the Malahide Estuary SAC and Broadmeadow/Swords Estuary SPA. Having regard to the nature of the proposed development, I consider that there is therefore the potential for water quality impacts during the construction phase to have effects on the European sites in view of their conservation objectives.

7.12.6. A series of measures are outlined in the Outline Construction Environmental Management Plan and the Soils, Geology, Hydrology and Hydrogeology Report, including buffer zones of 10m from all drains and 20m from the stream, silt fences, soakaways, safe storage of soils and chemicals, etc., and I consider that these

represent standard good practice construction measures for works in the vicinity of watercourses, and can be considered to be an intrinsic part of the work to be carried out. Having regard to this, and the significant distances from the Natura 2000 sites, I am satisfied that the measures outlined will be sufficient to ensure that there will be no significant impact on water quality in the stream, or any downstream waterbodies.

7.12.7. In conclusion, 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 Rogerstown Estuary SAC (Site Code 000208), Rogerstown Estuary SPA (Site Code 004015), Malahide Estuary SAC (Site Code 000205), Broadmeadow/Swords Estuary SPA (Site Code 004025), or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1. Having regard to the provisions of national and regional policy objectives in relation to renewable energy, the provisions of the Fingal Development Plan 2017–2023, the nature and scale of the proposed development, the continued agricultural use and improved biodiversity which would result, it is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the Development Plan, would not seriously injure the residential amenities of property in the vicinity, would not have unacceptable impacts on the landscape and visual amenities of the area, would not result in a serious risk of pollution, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

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

Reason: Having regard to the nature of the proposed development, the Board 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. (a) The proposed operational phase access point from the L1075 local road shall be omitted, and the access point from the R129 regional road shall be used during both construction and operational phases.

(b) Vegetation along the boundary of the site with the R129 regional road shall be trimmed to provide sightlines of 160 metres in each direction.

Reason: In the interests of traffic safety.

5. A detailed design plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall show the final position and layout of the solar panels, electrical equipment and associated infrastructure. The plan shall not result in any reduction in the buffer zones around watercourses or badger setts or in any reduction to separation distances between solar panels and residential properties or public roads.

Reason: In the interest of clarity.

6. 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.

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

Reason: To protect the environment.

8. (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.

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

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

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

(d) Badger access gates as shown on drawing number GAELECTRIC-SOLAR-004a (Revision P1) shall be provided within the perimeter fencing at maximum intervals of 100 metres.

(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.

11. 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.

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

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

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

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

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

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

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

14. 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.

15. 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.

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 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.

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.

Niall Haverty

Planning Inspector

20th December 2017