



An  
Bord  
Pleanála

## Inspector's Report ABP-300189-17

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<b>Development</b>	Solar farm development comprising of 80,000 sq. m. of solar panels and associated development.
<b>Location</b>	Youngstown, Taghmon Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20171188
<b>Applicant(s)</b>	Terra Solar Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party. First Party v Conditions no. 2, 4, 7 & 9.
<b>Appellant(s)</b>	As above and Breda Gilmore & Others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> March 2018
<b>Inspector</b>	Kenneth Moloney

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## 1.0 Site Location and Description

- 1.1. The appeal site is located between Wexford town and Wellingtonbridge approximately 12 km west of Wexford and 9-10 km east of Wellingtonbridge.
- 1.2. The location of the subject site is rural in character and the predominant land use is agriculture.
- 1.3. The appeal site is carved up into fields with mature boundaries.
- 1.4. The appeal site is accessed by a narrow third-class country road and this same road bisects the appeal site.
- 1.5. The overall size of the appeal site is 32 ha (79 acres) and the shape of the subject site is irregular.
- 1.6. There are approximately 5 no. houses situated adjacent to the southern end of the appeal site.
- 1.7. There is also a disused farm building situated to the north of the appeal site.
- 1.8. The gradient of the appeal site is generally even however there is a watercourse situated along the eastern boundary of the appeal site and the topography falls towards this feature. This watercourse also skirts along the southern boundary of the appeal site.
- 1.9. There is also a smaller watercourse that runs adjacent to the western boundary of the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of a solar farm development comprising of the installation of circa 80,000 sq. m. of photovoltaic panels on ground mounted frames
- 2.2. The proposed development also includes the following;
  - 1 no. 38kv substation
  - Provision of inverter / transformer units
  - Underground cable ducts
  - Hardstanding area secured by palisade fencing

- 1 no. storage container
- 1 no. communications mast
- A new site entrance
- Internal access tracks
- Pole mounted CCTV camera
- Construction access to the south of the site
- Landscaping works

2.3. The proposed solar panels are sloped and orientated southwards to maximise solar gain. The solar panels raise to a maximum height of 2.8m above ground level and a minimum height of 0.8m above ground level.

2.4. The solar panels will be stabilised by poles inserted into the ground.

### 3.0 **Planning Authority Decision**

3.1.1. Wexford County Council decided to **grant** planning permission subject to 13 no. conditions. The following conditions are notable;

- Condition no. 2 – Development shall be completed within 5 years of grant.
- Condition no. 4 – The southernmost 21 arrays of solar panels shall be omitted.

3.1.2. The remainder of the conditions are standard for the nature of the development.

### 3.2. **Planning Authority Reports**

3.2.1. The significant issues raised in the planner's report are summarised as follows;

- The proposal is broadly supported by national, regional and local policy.
- No available planning guidelines.
- Glint and Glare does not arise on the site due to natural screening and topography. Therefore, glint and glare not a significant issue.

- However, to reduce any potential impact on house no. 6, 7 and 8 it is recommended that a small number of arrays adjacent to house no. 6, 7 and 8 are omitted.
- Visual impact of the proposal is acceptable from the short, medium and long-range views.
- Any impacts on soil are reversible.
- No significant impacts on drainage. A restoration plan shall be required.
- No significant impact on ecology.
- Noise or fire will not give rise to significant issues to adjoining properties.
- The grid connection is provided by the existing Wexford – Richfield 38Kv overhead line that crosses the site.
- It is concluded that the merits of the proposal about sustainable and diverse energy production and reduction of fossil fuel consumption will outweigh the potential impacts of visual intrusion in general.

3.2.2. Area Engineer; - Verbal Report; - No objections.

3.2.3. Chief Fire Officer; - FSC required.

3.2.4. Environment; - Additional information sought in relation to (a) details of toilet facilities, (b) details of waste generation during construction, and (c) details of any temporary structures and any waste storage areas.

### 3.3. **Third Party Observations**

There was 7 no. third party submissions and the issues raised have been noted and considered. The following is a summary of the main issues;

- Lane inadequate for proposed traffic, in terms of width and existing traffic volume.
- The lane is used by pedestrians and cyclists.

- Low water table and adverse impact on local wells.
- Unacceptable noise from electricity generation sub-station.
- Stone built bridge unsuitable for industrial traffic.
- Glint and Glare
- Fire Hazard
- No planning guidelines
- Health implications in relation to E.M.F. emissions. Also, should the panels brake they will emit chemicals harmful to human health.
- Adverse visual impact.
- The disposal of the panels after the life of the permission is questioned.
- Adverse impact on property prices.

#### 4.0 Planning History

- L.A. Ref. 20170022 – On 2<sup>nd</sup> March Wexford County Council **refused** permission for a solar farm comprising of approximately 75,000 sq. metres of PV panels. The single reason for refusal was;

1. It is considered that the L70371 road given its width and alignment from the R733 to the proposed site is inadequate for the nature and scale of the construction traffic proposed that the proposal as set out for traffic management in the application do not adequately address this issue and that in absence of a separate construction access from the R733 or significant improvements to the width and alignment of the L70371 that this application would constitute a traffic hazard.

#### 5.0 Policy Context

##### 5.1. Development Plan

The operational Development Plan is the Wexford County Development Plan, 2013 – 2019. The appeal site is located in a rural area in unzoned land.

The following policies / sections are relevant to the proposed development;

- Objective ED08 – facilitate and encourage green industries including renewable energy.
- Objective EN18 – promote the use of solar energies in new and existing dwellings, offices, commercial and industrial buildings.
- Map no. 13 sets out a ‘Landscape Character Assessment’ for Co. Wexford. The appeal site is not located within any landscape designation; however, the subject site is located nearby ‘Forth Mountain’.
- Section 18.29.2 sets out guidance in relation to sightline provision.

## 6.0 National Policy

### **The National Planning Framework, 2018 – 2040,**

The Policy Objective 55 of the National Planning Framework of the is relevant and it states; *‘Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet the national objectives towards achieving a low carbon economy by 2050’.*

The Government White Paper entitled ‘Ireland’s Transition to a Low Carbon Energy Future 2015 – 2030’, published in December 2015.

The White Paper is a complete energy policy update, which sets out a framework to guide policy between now and 2030. The vision of the White Paper is to achieve a low carbon energy system that targets greenhouse gas (GHG) emissions from the energy sector that will be reduced by between 80% and 95%, compared to 1990 levels, by 2050, and will fall to zero or below by 2100.

Paragraph 137 of the White Paper states ‘solar photovoltaic (PV) technology is rapidly becoming cost competitive for electricity generation, not only compared with other renewables but also compared with conventional forms of generation. The deployment of solar in Ireland has the potential to increase energy security, contribute to our renewable energy targets, and support economic growth and jobs. Solar also brings many benefits like relatively quick construction and a range of deployment options, including solar thermal for heat and solar PV for electricity. It can be deployed in roof-mounted or ground-mounted installations. In this way, it can empower Irish citizens and communities to take control of the production and consumption of energy.

## 7.0 International Guidelines

‘Planning Guidance for the development of large scale mounted solar PV systems’ prepared by BRE National Solar Centre (UK).

- This guidance document provides advisory information on planning application considerations including construction and operational works, landscape / visual impact, ecology, historic environment, glint and glare and duration of the planning permission.
- The document also provides guidance on the information which should be provided within a Landscape and Visual Impact Assessment.
- The document also provides guidance on EIA Screening procedures.

## 8.0 The Appeal

8.1. The following is the summary of a first party appeal submitted to the Board;

### Condition no. 2

- The Local Authority concluded that a 10-year permission is not necessary as the construction period is only 14 weeks.



- However, there are many issues outside the control of the applicant which could delay the implementation of the of the permission itself.
- The proposed solar farm has grid connection but must be processed by ESBN. There are significant numbers awaiting processing which will potentially result in delays.
- There is a high level of uncertainty as to when and how the connection will be made.
- A 10-year permission is required to protect the applicant from delay.
- There are many precedents approved by An Bord Pleanala for 10-year permissions. This includes appeal ref. 247310, appeal ref. 247179, appeal ref. 247778, appeal ref. 247653, and appeal ref. 247632.

#### Condition no. 4

- The Executive Planner confirms that the views of the subject site are limited and confined to the immediate locality and are summed up as being visually unobtrusive from the public view.
- The submitted glint and glare assessment confirmed very low / none magnitude of effect on house numbers 6, 7 and 8.
- It is considered that once mitigation is established a none magnitude effect will occur on adjacent properties. The Planning Authority is generally accepting of these findings.
- Although the planners report is accepting of the glint and glare assessment it is recommended that 21 no. arrays immediately adjacent to house no. 6 and house no. 8 shall be omitted.
- The Planning Authority report refers to houses no. 6 and no. 8 as two-storey in height.
- However, H06 is not permitted as a two-storey house. A review of the planning permission of this house confirms that house no. 6 is single-storey in height. Any potential impacts on glint and glare at first floor level can be discounted.

- The permitted house for house no. 6 has a rooflight however this rooflight would have a skyward view and this therefore prevents potential glint / glare impacts at first floor level.
- The planning permission for house no. 8 does not include any formal layout of habitable rooms at first floor level. The permission does include two south facing dormer windows which cannot be impacted upon in any scenario.
- The only windows impacted upon by the proposal is a small 0.4 x 0.4 m opening on the southern elevation which will serve the attic space. However, this window has obscure glazing.
- Obscure glazing also applies to two ground floor windows on the southern elevation which naturally diffuses light penetration.
- There are therefore no potential first floor impacts on house no's 6 and no. 8.
- Screening also plays a role in protecting house no. 6 and house no. 8 for any potential adverse impacts. The existing hedgerows have a varying height of 2.15m – 2.45m.
- The pre-mitigation screening is significant.
- House no. 6 also benefits from a 2m high roadside hedge on its western boundary.
- The as-built scenario would see the top of the arrays project only 35cm above the existing field boundary exclusive of the proposed mitigation planting. This projection is considered slight given the 49.83m buffer between this residence and the nearest array.
- Following the introduction of the proposed mitigation there will be no visibility from receptors. At commencement stage the boundary hedging will have a height of 3m and at year 2 the full extent of the hedgerow will be maintained at 4m.
- It is also submitted that glint and glare is not always occurring and requires specific conditions.

### Condition no. 7

- The applicant has set up a legal agreement with the landowner regarding reinstatement.
- The value and quantity of scrappage guarantees that the proposed solar farm will be decommissioned and removed by a commercial operator.
- In Europe the decommissioning itself is financed by the resale value of these materials which is typically estimated as three times the disassembly costs. Therefore, a bond is not required.
- There is no justification for the bond figure on the reports of Wexford County Council.
- The Development Management Guidelines recommend that the applied conditions shall be necessary, precise and reasonable.
- As there is no reasoned justification for the bond figure the applicant has not been afforded the opportunity to comment on its applicability.
- It is contended that the wording of the condition is overly restrictive and not reasonable having regard to a precedent case in reference 247310<sup>1</sup>.  
Condition no. 13 of this permission was revised to allow for the inclusion of phasing or staged payments options.

### Condition no. 9

- The proposed ballast mounting systems are used where ground conditions do not allow for screw or pile driven foundations.
- Ballast mounting systems can be used in areas of sub-surface rock and in areas identified as having archaeological potential.
- The use of a ballast mounting system is less intrusive in terms of soil disturbance than a screw and pile drive system.
- All construction methods will be undertaken in accordance with best practice in accordance with condition no. 12.

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<sup>1</sup> Pickardstown, Tramore, Co. Waterford

- It is submitted that the applicant fully intends to construct the solar farm using a screw or pile drive foundation. The ballast system will only be applied in contingency circumstances where geotechnical surveys or archaeological investigations dictate.

8.2. The **third-party appeal** is single appeal submitted by many residents. The following is a summary of the main issues;

#### Glint and Glare

- The site is sloping in nature and direct views into the site are unavoidable.
- This would have a serious implication for residential property as blinds would be required to protect residents from mirroring sun.
- It is submitted that glare will impact on drivers travelling along the R733. It is considered that overtaking lorries in high cab position could risk being temporarily affected by sun reflection. This would only affect them when coming from Wexford Town direction and overtaking.
- The proximity of houses to the proposed development is similar in scale to appeal ref. 247366<sup>2</sup>. An Bord Pleanála refused permission for this solar farm as the Board was not satisfied that the proposed development would not seriously injure the amenities of the area.

#### Devaluation of Property

- It is submitted that the proposed development would result in devaluation of property.

#### Traffic

- The lane will effectively be part of the site works.
- The bend on the road coming off the R733 is extremely tight. Entering traffic from the lane will back up.

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<sup>2</sup> Ralphtown, Co. Wexford

- The width of the lane is narrow approximately 9 feet. The width of a truck is 8 feet and this will not allow for two vehicles passing at the same time.
- The narrow laneway has many blind spots.
- The submitted traffic report submits that traffic volumes are low however this is disputed having regard to morning commuter traffic and ferry traffic. In addition, the R733 provides the main route to a huge hinterland.
- There have been several fatalities on the Youngstown Road. Along the stretch of road from Whitford to Dirr there is virtually no place to overtake slow moving vehicles. When motorists come down the hill from Dirr they try to overtake traffic.
- Motorists also overtake at the junction with Youngstown Lane which can result in conflict.
- The delivery trucks will have an adverse impact on road conditions. No provision is made for repair works.
- The delivery traffic with stop go measures will have an adverse impact of local traffic.
- It is contended that delivery traffic will pose a health and safety risk to cars, bikes and walkers.
- The lane is used for school traffic.
- It is submitted that the tiny stone built bridge located at the start of the lane was never built for such high-volume traffic.

### Health Implications

- It is submitted that the proposed solar farm will emit E.M.F. radiation resulting in E.H.S. which will have adverse health implications.
- There is currently no restriction in terms of guidelines and regulations on how these solar panels can be in relation to residential properties.

- No EIA was carried out as part of the planning application. It is submitted that projects likely to have significant effects on the environment by the nature of size and location area subject to EIA.

### Landscape

- The proposal will have an adverse impact on the landscape.
- The promotion of tourism will be adversely impacted upon having regard to the proximity of the appeal site to the Forth Mountain proposed NHA (site code 000761).
- The reinstatement costs of €112,527 is completely under provided for there is no rationale for this figure by Wexford County Council.

### Water

- The water table is low in the local area and many of the properties locally are served by private water wells. The water provision for the proposed development is single well. It is contended that the proposed development could run wells dry.
- The Longbridge river runs around the eastern side of the development and there are concerns of leaching from broken panels into the local river.
- It is questioned whether water sources will be contaminated.

### Wildlife

- There is a bat colony at the yard of H03. Solar farms can have a negative impact on birds, bats and general ecology.
- Wexford is home to 1/3 of the world population of Greenland White fronted geese. The proposal will have a negative effect on these birds who fly over the area on the way to overwinter in the sloughs.

## EIA

- No EIS submitted. It is considered given the scale an EIA is required.

### 8.3. Applicant's Response

The following is the summary of a response submitted by the applicant's agent;

#### Principle of Development

- The appropriate policy base are the national, regional and local planning objectives.
- The principle policy document is the Development Plan which transposes higher order policies emanating from regional and national policy objectives.
- A number of relevant national policy documents include;
  - Policy Objective 57 of the Draft National Planning Framework
  - Programme for a Partnership Government. This will chart the course towards a low carbon future. This includes the adoption of Ireland's first statutory 'National Low Carbon Transition and Mitigation Plan'. The plan reinforces its support for the solar industry.
  - Ireland's transition to a low Carbon Energy Future, 2015 – 2030, - White Paper: Objectives include to achieve a low carbon economy by 2050 and includes an EU target to source 20% of all energy needs from renewables. Ireland is committed to getting 16% of its overall energy requirements from renewables in 2020. The growth of renewable energy usage is to be achieved through many means including wind, solar and PV and ocean energy.
  - Renewable Electricity Support Scheme. Objectives include methods to reduce Irelands dependence on fossil fuels and this assigns a clear role for ground mounted solar PV development in meeting Ireland's future energy needs.
- There are national precedents for the proposed development and these include appeal ref. 247521 (Farrenagalway, Kinsale) and appeal ref. 246850

(Lisnageeragh, Co. Longford). In appeal ref. 246850 the Planning Inspector states that the appellants argue that the proposed solar farm development is premature until such time guidelines are prepared are not sustained.

- This was also the Inspectors view in appeal ref. 246966.
- The Minister for Housing, Planning, Community and Local Government responded to a question in the Dail on the 27<sup>th</sup> June 2017. In his response the Minister outlined the procedure under which the solar farm development is assessed and the Minister concluded that he is satisfied that the planning system is sufficiently robust to facilitate an assessment of planning applications for solar farms.
- A High Court Ruling quashed in its entirety a refusal by An Bord Pleanala for 47-turbine wind farm (ref. PA00041). The refusal reason stated that a wind farm of this scale was premature pending the adoption of a '*national wind energy strategy with a spatial dimension*'. The High Court sent the file back to the An Bord Pleanala for reconsideration.
- The decision by Wexford County Council is strongly supported by national, regional and local policies.

#### Site Suitability

- It is submitted that site suitability is determined by three distinct factors and these include, availability of the national grid, the availability of the solar source and suitable siting and design planning considerations.
- The subject site is located on agricultural land, naturally contoured and very well screened with a south facing aspect located away from environmental sites.
- The proposal is also adequately separated from residential properties.
- The subject site is not located in a high value or sensitive landscape.
- It is submitted that the proposal is not the largest in the country. A solar farm in Co. Meath is located on a site measuring 150ha in size.



### Traffic and Road Safety

- It is submitted that the existing agricultural entrances along the local route L70371 generate a significant number of agricultural plant.
- Once the solar farm is operational it will be unmanned and will generate a nominal amount of traffic. These visits will be limited to maintenance visits once or twice a month and will reduce the overall number of traffic numbers on the L70371.
- It is confirmed by a local source that the total number of school trips along the L70371 is currently ten. However, six of these are collected at the northern end of the L70371 and 4 of these are collected at the southern end of the L70371.
- The argument that the L70371 is too narrow to accommodate the proposed development is unfounded.
- Auto track testing confirms that HGVs' can comfortably enter and exit the temporary construction access.
- The junction radii are in accordance with TII document DNGEO-03060 Section 5.6.5.
- The access point is situated approximately 235m north of the R733 which represents a relatively short distance.
- The proposal includes road widening measures and traffic management safe systems as prepared in the Traffic and Transport Assessment.
- The location of the construction entrance will ensure that no vehicles travel beyond the said entrance along the L70371.
- Construction deliveries will have a temporary 0.9% increase to the R733 over a 14-week period.
- It is contended that an average of 3.2 construction related trips per day represents an imperceptible change for a short duration only.
- The applicant's will submit a detailed Construction Management Plan to be agreed with Wexford Country Council.

- It is noted in a previous solar farm case that the Planning Inspector recommended refusal (appeal ref. 247179) on traffic safety grounds however the Board granted permission.

### Landscape

- The submitted Landscape and Visual Impact Assessment concluded that the subject site is suitable for the proposed solar farm with no adverse visual or landscape impacts anticipated.
- Submitted photomontage VP7 confirms the rural landscape. It is submitted that the solar farm will read as a homogeneous land cover within a vast panorama and will not be dominant.
- It is contended that in spatial terms the scheme will be well assimilated within the prevailing field pattern, whilst in thematic terms it is not out of keeping with this productive lowland landscape context.
- It is submitted that the visual impact will be low, with a moderate slight significance of visual impact determined overall.
- A presence of a landscape designation does not impose a blanket ban on solar farms and this was the case in a recent decision by An Bord Pleanála (appeal ref. 246527<sup>3</sup>).
- It is contended that the images submitted by the appellants of the proposed solar panels are not to scale and the existing vegetation has been discounted from many areas.
- It is submitted that one of the local property owners has removed boundary trees without consent with effectively open views.
- The subject site is located within an area designated 'Lowland Landscape' in the Wexford County Development Plan. These areas have a higher capacity to absorb development.

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<sup>3</sup> Avoca, Co. Wicklow

- There is also a well-maintained hedgerow within the local area. The proposal also includes a landscape plan.
- All perimeter hedgerows will be maintained to a height of 4m during the operational phase of the proposed development.
- The proposal represents a form of agricultural diversification on agricultural lands in the countryside as supported by PPO 6.3 of the Regional Planning Guidelines for the South-East Region.
- It is intended to graze sheep on the site when operational.
- There is no legal right to a private view across third party lands and this was confirmed in relation to An Bord Pleanála (appeal ref. 247521<sup>4</sup>) when the Board granted permission.

#### Glint and Glare

- The appellants argue that Wexford County Council omitting 21 arrays of solar panels confirms that the proposal will result in glint and glare.
- It is submitted that the planner's report accepts the conclusions of the glint and glare assessment which returned a 'very low' and 'very low / none' magnitude of effect pre-mitigation for the nearest residential receptors.
- This confirms that the planner was ultra cautious in applying condition no. 4.
- The Executive Planner had given weight to the two-storey height of dwellings H06 and H08 and considered these properties could experience additional periods of reflectance.
- The first party appeal demonstrates that there is no potential for glint / glare impacts on these dwellings at first floor level. It is submitted that the concerns of the Executive Planner should be discounted.
- In relation to the exercise by Tina Ralph it is submitted that the Solar Panels do not illuminate. They are designed to absorb light during the day and do not

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<sup>4</sup> Farrengalway, Kinsale, Co. Cork

operate at night-time. The nearest solar array to the Ralph family home is approximately 210m.

- It is submitted, contrary to the claim by Patricia Walsh that property H28 is included in the Glint and Glare Assessment.
- The potential for impacts on road users, including the R733, have been discounted to the satisfaction of the Local Authority.

### Health and Safety

- The claim that Solar Panels will give rise to EMF's is not supported by any level of reasoned justification.
- Scientific research demonstrates that EMF's are highest in the inverter/ transformer units, but these are not excessive in nature.
- EMF's associated with inverter / transmitter units are below 0.2 Mg at a distance of 50m.
- The nearest residential property to the proposal is 125m away. The concern in relation to EMF's is a non-issue.
- It is submitted that two Inspector's reports in relation to Solar Panels confirm that fire hazard is not a significant issue.

### EIA

- The proposal is not a project defined by Part 1 and Part 2 Schedule 5 of the Planning and Development Regulations, 2001, as requiring an EIA.
- This view is confirmed by the Executive Planner and Senior Executive Planner of the Local Authority.
- A review of national precedents confirms that an EIAR has not been sought in respect of any solar farm development brought forward in Ireland.

## Ecology

- The claim that the proposal will have adverse ecological impacts is not supported by any tangible evidence.
- The submitted EclA confirms that there are no habitats within the study area that conform to those listed in the Habitats Directive.
- In relation to fauna no Annex I or red-listed species were recorded on a site walkover.
- No bat species were recorded in a 2km radius of the site using the National Biodiversity Data Centre database.
- Notwithstanding a precautionary approach has been undertaken with no removal of mature trees or any other suitable bat roosting habitats / structures.
- A riparian enhancement zone is also proposed which will enhance the quality of the foraging habitat along the Longbridge River riparian corridor.
- The potential impacts on bats are therefore considered neutral to slight positive.
- Any potential impacts on ecology is limited to construction stage which is short, i.e. 14 weeks.
- The submitted AA Screening confirmed that subject site is remote from any designated site.
- The development site has no known link to a wintering wildfowl usage.
- The Planners report also concludes that the proposal will have no adverse impacts on ecology.

## Decommissioning

- Under the terms of the legal lease agreement with the landowner the applicant is fully responsible for returning the site to the agricultural use after the operational phase.

- At the end of the operational phase all infrastructure will be decommissioned, dismantled and removed from the site.
- The infrastructure will have a scrappage value and will also be recycled.
- Condition no. 3 requires the preparation of a detailed site preparation plan.
- In Europe the resale value of the solar infrastructure finances the decommissioning.

#### Other Matters

- There is no potable water requirement for the working development.
- Panel cleaning will take place approximately once a year to remove bird droppings.
- The using of chemicals will be avoided.

#### **8.4. Planning Authority Response**

The following is a summary of a response from the Local Authority to the First Party Appeal;

- It is considered that a 5-year permission is a sufficient length of time to allow the construction of the proposed development given the short time frame required for construction.
- It is submitted that should the applicants seek a further period, due to delays for non-planning reasons, the Planning Authority can facilitate a request through the normal Section 42 process.
- The technical demonstration of how the issue of glare will be eliminated is noted. However, following a field trip to the UK with a similar situation it was decided that a precautionary approach would be pursued to preclude any possibility of glare occurring at these properties.
- Given the small scale of arrays omitted this is not considered onerous condition. The applicant was advised at pre-planning to exclude these arrays.
- The attached Appendix A includes the precise calculation for the bond.

- It is contended that bonds for the relevant duration are not available in the market place from reputable sources and therefore a cash deposit is the only mechanism to allow a full reinstatement.
- Should the Board decide that a bond is acceptable then Wexford County Council recommend double the stated amount for the bond.
- The use of pile drive foundations is the least intrusive option for mounting solar panels in terms of the least impact on existing drainage systems and final instatement back to agricultural land.
- Should the Board decide to allow the pre-cast concrete shoes then Wexford County Council recommend that this is further taken into consideration for the calculation of the bond.

## 9.0 **Assessment**

The main issues to be considered in this case are: -

- Principle of Development
- Glint and Glare
- Landscape / Visual Impact
- Property Devaluation
- Traffic and Access
- EIS Screening
- AA Screening
- Ecology
- Condition no. 2
- Condition no. 4
- Condition no. 7
- Condition no. 9
- Other Issues
  - Health & Safety
  - Adverse impact on local water reserves

### 9.1. **Principle of Development**

- 9.1.1. In considering the principle of a proposed solar farm development I would have regard to national and local policy provisions.

- 9.1.2. It is a Government target that 40% of energy output will be from renewable energy sources by 2020<sup>5</sup>. The Government White Paper entitled ‘Ireland’s Transition to a Low Carbon Energy Future 2015 – 2030’, published in December 2015, is relevant. The main objective of this policy document is to reduce carbon emissions and in this regard solar panel developments are considered an integral part of achieving this objective.
- 9.1.3. The Government adopted ‘National Policy Position on Climate Action and Low Carbon Development, 2014’ and this publication states that it is a long-term vision that there is *‘an aggregate reduction in carbon dioxide emissions of at least 80% (compared to 1990 levels) by 2050 across the electricity generation. To achieve this reduction, the National Planning Framework<sup>6</sup> states that our transition to a low carbon energy future requires a ‘shift from predominately fossil fuels to predominately renewable energy sources’.* The Policy Objective 55 of the National Planning Framework is relevant and it states;
- 9.1.4. *‘Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet the national objectives towards achieving a low carbon economy by 2050’.*
- 9.1.5. There is currently no national guidance in relation to solar panel developments in Ireland however I would note that the UK Guidelines ‘Planning Guidance for the development of large scale mounted solar PV systems’ recommend that when solar panels are in agricultural land there is a preference to locate them in poorer or more marginal agricultural land as opposed to fertile agricultural land.
- 9.1.6. The Wexford County Development Plan, 2013 – 2019, has no strategy or guidance in relation to larger solar panel developments. However, the County Development

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<sup>5</sup> EU Directive 2009/28/EC – Renewable energy targets

<sup>6</sup> Adopted February 2018



Plan states that the Council will encourage the development of renewable energy resources and the maximisation of electricity production from renewable sources.

- 9.1.7. Overall, I would consider that there is a positive presumption in favour of alternative energy projects including renewable energy, having regard to the Governments renewable energy targets and this is acknowledged at National, Regional and County level. However, while such developments may have a positive outcome in terms of national, regional and county objectives I would also consider that locally there are likely to be concerns. Issues such as the visual impact on the landscape considering the siting, scale and layout of the proposed solar panel development, impact on residents and the amenities of the area including glint and glare, environmental issues including impact on the ecology, cultural heritage and accessibility/traffic and drainage issues need to be considered.
- 9.1.8. In conclusion therefore, I would consider that there would be a general positive consideration towards solar panel developments in rural marginal agricultural land provided that the proposed development would not adversely impact on the established environmental and residential amenities of the local area.

## 9.2. **Glint and Glare**

- 9.2.1. In considering the potential impacts of glint and glare I have reviewed the submitted 'Glint and Glare Study' prepared by Macro Works Ltd. on behalf of the applicant. Paragraph 1.1.3 of this document outlines that in terms of reflectance PV solar panels are not a highly reflective surface. The document outlines that PV panels have a flat, polished surface, which omits 'specular reflectance' rather than a 'diffuse reflectance'. The submitted 'Glint and Glare Study' also outlines that several studies have shown the PV panels have similar reflectance characteristics to water.
- 9.2.2. In general terms I would note that solar panels can be very dark in colour as they are designed to absorb light rather than reflect light. I would acknowledge that the surface may be further treated with anti-reflective coating to scatter any reflected

light rather than cause specular reflections. Glare is a continuous source of brightness, relative to diffused lighting. I would acknowledge that glare is usually not a significant issue with solar farm development.

9.2.3. However, the submitted 'Glint and Glare Study' outlines that many established houses in the local area will be impacted upon or at least there is potential for impacts due to the proposed development. These properties are located in two distinct groupings and are illustrated in Figure 5 of the submitted 'Glint and Glare Study'. Firstly, to the south of the proposed development house no's 6, 7 & 8 are likely to be impacted upon from the proposed development. However, I would note from the submitted 'Glint and Glare Study' that house no. 6 and house no. 7 are orientated towards the area of reflectance whereas house no. 8 is orientated oblique to the area of reflectance. The second distinct group includes houses located to the east of the proposed development. This includes house no's 28, 29, 30, 31, 32, 33 and no. 35 as illustrated in Figure 5. However, these houses are orientated oblique or slightly oblique to the proposed development and it is also worth noting that these houses are located approximately 500 metres from the eastern boundary of the appeal site. The overall development includes screening, both existing hedgerows and proposed planting in accordance with the Landscape Mitigation Plan. This landscaping will mitigate impacts of any potential glint and glare for the established properties to the east having regard to distance and orientation of these properties.

9.2.4. The Local Authority's Planners report recommended that condition no. 4 removes the arrays immediately west of the houses no. 6, 7 & 8 in the interest of avoiding any possibility of glint and glare. I would consider that having regard to the landscaping, both established and proposed, and considering that the maximum height of proposed Solar Panels is 2.8m above ground level that the proposal would not have a material impact on the ground floor living areas of house no. 6 and no. 7 and any first-floor rooms would not be significantly impacted upon by the solar panels. In considering the acceptability of the proposed development I would also have regard

to a precedent by the Board in relation to appeal ref. 247521<sup>7</sup> whereby permission was granted for solar panels adjacent to third party houses and at a similar distance to the houses in in the current development before the Board. This in my view would add weight to the applicant's arguments that condition no. 4 is not justified.

- 9.2.5. The submitted 'Glint and Glare Study' also included an assessment of the impact on road users. A number of local roads are identified that will potentially be affected by by the proposed development including the local road bisecting the appeal site and the local road to the south of the appeal site. However, allowing for established screening and proposed planting which includes the buffering of all hedgerows within the site the impact on road users would be significantly mitigated. It is proposed to surround the site with a native whip planting and furthermore the hedgerows along the public road, bisecting the appeal site, will be buffered with advanced nursery stock. The Glint and Glare Study concludes that this section of the road bisecting the appeal site is categorised as experiencing a very low magnitude of effect. The proposed Landscape Mitigation Plan includes planting along the southern boundary which will effectively mitigate any adverse impacts on the local road to the south of the subject site.
- 9.2.6. In considering the potential impacts of glint and glare I would consider it relevant to note that glint and glare will only occur when the sun is low between 6:30am and 8:00am and again in the evening between 6pm and 8pm during March to September. Furthermore, Glint and Glare will only occur when weather conditions allow for direct sunlight and will not occur in cloudy conditions which can therefore limit the potential impacts.
- 9.2.7. Overall, I would consider that it has been adequately demonstrated by the applicant that the proposal will not have a significant impact on local amenities in terms of Glint and Glare and therefore I would consider that condition no. 4 of the Local Authority

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<sup>7</sup> Farrengalway, Kinsale. Co. Cork

permission would not be justified. I therefore recommend to the Board that condition no. 4 is omitted should they favour granting permission.

- 9.2.8. Overall, I would consider that there is a low potential for the occurrence of glint and glare from the proposed development and it would not result in any significant adverse impacts on established amenities.

### 9.3. **Landscape / Visual Impact**

- 9.3.1. The appeal site is currently made up of many fields and is used for agricultural use. The appeal site and the immediate area is characterised as a quite rural area with a sporadic concentration of rural houses in the immediate vicinity of the appeal site particularly to the south of the appeal site where there is a concentration of 5 no. houses.

- 9.3.2. The scale of the proposal is best indicated by the size of the site. The overall size of the area proposed to be covered in PV panels is approximately 24 ha<sup>8</sup> and the proposal provides for 20,000 solar panels within most of the appeal site. It is proposed that the panels will be mounted onto pre-erected steel support structures. It is anticipated that at its highest point, the PV panel shall be approximately 2.6m – 2.8m above ground level.

- 9.3.3. In general, the local landscape, based on my visual observation of the area, is best characterised as relatively flat countryside with field boundaries marking small to medium size fields and I would consider having regard to the topographical nature of the local area the field boundaries / hedgerows act as a screen from the public areas, i.e. the local roads.

- 9.3.4. I have reviewed the submitted Photomontage booklet which accompanied the planning application. This document outlines views of the proposed development

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<sup>8</sup> The overall size of the appeal site extends to 32 ha.

from 7 no. vantage points within the immediate and wider area of the appeal site. The photomontages include both pre-mitigation views and mitigated views of the proposed development. Having reviewed the document, I would conclude the visual impact from these selected vantage points would be negligible.

9.3.5. I have reviewed the submitted 'Landscape and Visual Impact Assessment' submitted with the planning application which generally concludes that the proposed development will only have minor physical impacts on the site. This conclusion was reached given that the proposal is largely contained within an existing hedgerow system and no significant excavation is proposed. I would largely concur with this conclusion and I also noted from my site inspection, as outlined above, that the topography of the appeal site and the immediate area adjacent to the appeal site is generally flat. However, I would acknowledge that the more distant areas to the south of the appeal site fall gently towards the Wexford coastline however this is over a distance of approximately 10km. Therefore, having regard to the topography of the appeal site and the local area I would conclude that the subject site, enclosed by mature hedgerows, is not generally visible from the wider area. Furthermore, the maximum height of the proposed solar panels is 2.8 metres above ground level and allowing for established hedgerows and the proposed planting as outlined in the Landscape Mitigation Plan the vegetation, both existing and established will, provide screening to the proposed development.

9.3.6. The Wexford County Development Plan sets out a Landscape Character Assessment for the County and this is set out in volume 3, Map 13. The appeal site is located in an area designated 'Lowlands'. I would note that this designation generally comprises of gently rolling lands and relates to extensive areas of the County. The County Development Plan outlines that these lowland areas have a higher capacity to absorb development without causing significant visual intrusion.

9.3.7. A key feature of this Landscape Mitigation Plan is that the proposed solar panel development will be enclosed by hedging and will be supplemented by trees planted

in selective locations. In addition to the above proposals there is established hedging along the perimeter of the site.

- 9.3.8. Overall, I would conclude that having regard to the local topography, the existing and proposed planting, the scale of the proposed development, including the height, and the landscape designation of the appeal site in accordance with the provisions of the County Development Plan that the proposed development will not unduly impact on the landscape setting or the visual amenities of the local area.

#### 9.4. **Property Devaluation**

- 9.4.1. In relation to property devaluation I would acknowledge that some appellants argue that the proposed development will devalue their property. However, these claims are not substantiated with any evidence or studies. I would consider that the site in question, although not zoned for development, is subject to development potential and there is no basis that the proposed development would devalue property in the local area more so than any other development that maybe permitted on the subject site.

#### 9.5. **Traffic / Access**

- 9.5.1. The proposed development will be served by two vehicular access entrances. There is one vehicular entrance proposed to the north of the subject site and a second to the south of the subject site. I would consider based on the submitted site layout plans and a visual observation of the local area, that both entrances would have good sightline provision.
- 9.5.2. I have reviewed the submitted Traffic and Transport Assessment (TTA) and in general I would consider that the main thrust of the assessment is robust. I would particularly note that the L70331, i.e. the local road bisecting the appeal site, was lightly trafficated, in a traffic survey and this is demonstrated in Table 2.1 of the TTA. I would also note that the estimated daily traffic along the L70371 amounts to 64 no.

vehicles and I would consider this calculation robust. Section 4 of the submitted assessment sets out growth rates in relation to future traffic.

- 9.5.3. I would acknowledge that the construction phase of the proposed development is likely to result in the generation of significantly more daily traffic from 66 to 112 vehicles and this represents a 70% increase. However, the construction period is relatively short, i.e. approximately 14 weeks. The operational traffic for the proposed development is insignificant amounting to two maintenance vehicle trips per month. I note that the TTA outlines that a high proportion of construction workers will travel to the subject site via a minibus during the 14-week construction period. This would significantly reduce traffic volume to and from the site during the construction phase. I would therefore recommend to the Board that this proposal / mitigation measure is conditional of any permission should the Board favour granting permission.
- 9.5.4. I would note that traffic mitigation proposals during the construction phase as set out in Section 8 of the TTA and these include road widening, stop / go manual control points, road signage and a booking system. Overall, I would consider that this construction mobility plan would mitigate traffic concerns during the construction phase.
- 9.5.5. In the previous application on the appeal site permission was refused given the width and alignment of the L7371 as it was considered inadequate for the nature and scale of the construction traffic. However the applicant has demonstrated to the satisfaction of the Local Authority that their mitigation measures, referred to in paragraph 9.5.4 above, will address the previous refusal reason.
- 9.5.6. I would note that there is no report from the Area Engineer on the file, however the Local Authority's planners report, outlines that the Area Engineer confirmed verbally that there are no objections to the proposed development. I would consider that the applicant has adequately demonstrated that the traffic generation associated with the

proposed development, during both construction and operational phase, would not adversely impact on the established road network.

## 9.6. **EIA**

- 9.6.1. Schedule 5 of the Planning and Development Regulations, 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an EIS. Part 1, Schedule 5 outlines classes of development that require EIS and Part 2, Schedule 5 outlines classes of developments that require EIS but are subject to thresholds.
- 9.6.2. I have examined the Part 1, Schedule 5 projects and I would not consider that a solar farm is included in any of these project descriptions. I have also examined the Part 2, Schedule 5 projects and although I would note that there are some projects under Paragraph 3 'Energy Projects' which relate to energy production I would consider that none of these projects would be applicable to a solar farm as proposed. In reaching this conclusion I would have regard to many Board decisions in relation to solar farms and this includes, i.e. appeal ref. 244539 and appeal ref. 244351, where a similar conclusion in relation to EIA was reached.
- 9.6.3. In accordance with the 'EIA Guidance for Consent Authorities regarding Sub-threshold Development', 2003, the following is stated "there is a requirement to carry out an EIA where a competent/consent authority considers that a development would be likely to have significant effects on the environment". The guidelines advise the criteria to be considered for the need for sub-threshold E.I.S. and this includes (i) characteristics of the proposed development, (ii) location of the proposed development, and (iii) characteristics of potential impacts.
- 9.6.4. Schedule 7 of the Planning and Development Regulations, 2001 (as amended), sets out criteria for determining whether a sub-threshold development is likely to have significant effects on the environment and therefore would require an EIS.



9.6.5. However, an important issue before considering sub-threshold development is Article 92 of the Planning and Development Regulations, 2001, (as amended). Article 92 defines sub-threshold development, i.e. 'development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development'. As I have considered above that the solar panel development is not a development set out in Schedule 5 then I would not consider that the subject development is a 'sub-threshold development' for the purpose of EIS.

9.6.6. However, setting aside Schedule 7 I would note that the proposed development is not located within or adjoining a designated Natura 2000 site. I have also noted above in accordance with the provisions of the Wexford County Development Plan, 2013 – 2019, that the appeal site is not located within a landscape that is designated for protection, nor will the proposed development impact on a protected view or prospect.

9.6.7. I would also have regard to the characteristics of the proposed development and characteristics of the potential impacts and overall, I would conclude, based on the information on the file, that the proposed development is not likely to have significant effects on the environment and that an E.I.S. would not be warranted in this case.

## 9.7. **Appropriate Assessment**

9.7.1. The purpose of the Appropriate Assessment Screening is to determine, based on a preliminary assessment and objective criteria, whether a plan or project, alone or in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site's conservation objectives. The 'Appropriate Assessment of Plans and Projects in Ireland Guidelines, 2009,' recommend that if the effects of the screening process are 'significant, potentially significant, or uncertain' then an appropriate assessment must be undertaken.

9.7.2. I would note that the following designated Natura 2000 sites located within 10km of the appeal site. These Natura 2000 sites include;

<u>Natura Site</u>	<u>Site Code</u>	<u>Distance from appeal site</u>
Bannow Bay SAC	000697	7.6km
Ballyteige Burrow SAC	000696	7.8km
Ballyteige Burrow SPA	004020	7.8km
River Slaney River Valley SAC	000781	7.8km
Wexford Harbour and Slobs SPA	004076	7.8km

9.7.3. In relation to a SAC the most significant issue from a screening perspective is the hydrological pathway from the appeal site to the SAC. In this instance there is only one hydrological pathway to a designated site and this involves the Longbridge River which flows to the east of the appeal site and southwards towards the Ballyteige Burrow SAC. However, the overall distance via the watercourse is approximately 13.8 km which is a significant distance. The appeal site has no other hydrological pathway to the designated sites listed above. Having regard to the nature of the proposed development it is unlikely that any adverse impacts will occur during the operational phase however during the construction phase there is potential for run-off.

9.7.4. The applicant's Stage 1 AA Screening Assessment concluded that no indirect hydrological impacts on any Natura 2000 are expected because of the proposed development due to the minor scale of the construction and earthworks (with no in-stream works) and the relatively large distances involved (13.8km via watercourses), representing a lower risk of siltation to watercourses than the current practice of occasional ploughing at the site. I would largely agree with this rational. I would acknowledge the conclusion of the applicant's AA Screening which determined that the proposed development will not cause adverse direct impacts on the conservation objectives and qualifying interests of any SPA's and SAC listed above given the nature of the proposed development and the separation distances involved. I would concur with this conclusion.

9.7.5. The local authority completed an AA Screening Report and this concluded that having regard to the limited extent of the proposed works and the substantial distance to the nearest Natura 2000 sites no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites. The Local Authority concluded that significant impacts can be ruled out and a Stage 2 AA is not required.

9.7.6. 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 any European Sites, i.e. site code 000697, site code 000696, site code 004020 and site code 000781 and site code 0040076, in view of the sites conservation objectives and a stage 2 AA is therefore not required.

## 9.8. **Ecology**

9.8.1. In relation to ecology I would note the Ecology Report, submitted with the application, concluded that the subject site is not considered to be of significant ecological value in terms of habitats, birds and mammals.

9.8.2. I would note that the appeal site is not located within a Natura 2000 designated site and is located some distance from a designated site. There is a hydrological link between the appeal site and an SAC, i.e. the Ballyteige Burrow SAC, however as noted above the overall distance, via the watercourse is 13.8km, which is significant. Given the nature of construction works required there is potential for siltation from run-off to the local watercourses. However, I would note that the construction methodology intends that no storage of spoil will be within 15m of a watercourse and that it is intended that all construction works will be carried out in accordance with best practice. The submitted ecology report concluded that existing habitats and flora is of moderate value or low ecological value. In relation to fauna the Ecology Report

submits that no Annex I or red listed bird species were recorded during a site walkover.

9.8.3. In relation to bats I would acknowledge that the third-party appeal submission raised concerns in relation to the impact of the proposal on the bat population. The Ecology Report submits that there are potentially some sites on the appeal site that would offer foraging and commuting opportunities for bats and these include farm buildings and the hedgerows / treelines of the site. However, the Ecology Report notes that no bats have been recorded historically within the 2km grid of the site however four bats species have been historically recorded in the wider area (10km).

9.8.4. I would conclude that having regard to the scale of the proposed development, the nature of the site and the mitigation measures as outlined in Section 5 of the Ecology Report that the overall impact from the proposed development on ecology would not be significant.

#### 9.9. **Condition no. 2**

9.9.1. Condition no. 2 relates to the length of the permission to carry out the development. The applicant applied for a 10-year permission to complete the development, however in accordance with condition no. 2 the Local Authority restricted the period to complete the development to a 5-year duration. I would note that paragraph 7.4 of the Development Management Guidelines, 2007, outlines that Planning Authorities may grant permission for a duration longer than 5 years, if they see fit, e.g. major developments such as wind farm developments.

9.9.2. The applicant contends that a 10-year permission is required as although the proposed development will have a direct grid connection from the appeal site the connection is subject to approval by ESNB. The applicant outlines that there are significant numbers awaiting processing which will potentially result in delays.

9.9.3. I would acknowledge that the intended construction period for the proposed development is approximately 14 weeks, which is not a significant period. The Local Authority responded to the appeal submission and submitted that a 5-year permission would be adequate, given the intended construction period and the provision within the Planning and Development Act, 2000 (as amended), to allow an applicant to apply for an extension to the duration of the permission.

9.9.4. I would consider that both arguments are reasonable however the Board has consistently granted permission for solar farms for a duration of 10 years having regard to the nature of development. As such I would not consider that a 5-year permission would be merited in this instance.

9.10. **Condition no. 4**

9.10.1. In relation to this condition I have outlined the issues above in Section 9.2 of this report and as outlined in that Section I would consider that condition no. 4 is not justified and as such I would recommend to the Board that condition no. 4 is omitted should they favour granting permission.

9.11. **Condition no. 7**

9.11.1. This condition relates to the security for the reinstatement of the site following the 25-year permission. Condition no. 7 requires a cash deposit whereas the first party appeal argues that this condition is over restrictive. The applicant in their appeal also submits that the reinstatement of the site will be self-financing as the scrappage value of the infrastructure will incentivise the reinstatement of the site and that there is no reasoned justification for the figure sought in condition no. 7.

9.11.2. The Local Authority in their response submits the breakdown of the figure in condition no. 7.

9.11.3. I would consider that €112,000 is not a significant amount having regard to the overall outlay required to implement the development and having regard to the submissions on the file the reinstatement is a significant issue. As such I would consider that the first party has not adequately demonstrated that the cash deposit should be removed.

9.12. **Condition no. 9**

In relation to condition 9 the applicant requests flexibility and intends to use pile and drive however in instances where ground conditions do not allow the applicant intends to use the ballast system. I would consider that pile and drive is the least intrusive form of construction and on that basis I would recommend it as a condition.

9.13. **Other Issues**

9.13.1. The third-party appeal has raised number of additional items including the impact that the proposal will have a local water reserves and health and safety issues. I would consider that as the appeal site is located in a rural area with no public water mains that the concerns in relation to water reserves would be genuine given the scale of the proposed development. However, and notwithstanding these concerns, I would consider that the applicant has adequately demonstrated that the proposed development, during both construction and operation stage, will only have an insignificant demand on local groundwater water reserves. The main health concern in relation to solar panel is from the inverter, which is a device that takes the electricity from the solar panels and turns it into alternating current (AC) and puts it out on the electric grid. The inverter generates radio frequency radiation. The wires connected to the inverter acts as antennas, so the radiation may be picked up within proximity. I would consider that the nearest dwellings are located a sufficient distance from the inverters to prevent any health impacts. There are concerns about fire safety however I would note from Fire Officer's report that a Fire Safety Certificate would be required for the proposed development. The application for a Fire Safety Certificate is a different code and process to the planning process and in my view will address any concerns in relation to fire safety.

## 10.0 Recommendation

10.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan and national policy, and all other matters arising. I recommend that planning permission shall be granted for the reason set out below.

## 11.0 Reasons and Considerations

11.1. Having regard to the provisions of the current development plan for the area and to the regional and national policy objectives, it is considered that, subject to compliance with the conditions set out below, the proposed construction of a solar farm would not seriously injure the visual amenities of the area, the residential amenities of the area, or the ecology of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

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

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

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

**Reason:** Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. (a) All structures including foundations hereby authorised shall be removed not later than 25 years from the date of commencement 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 removal of foundations and access roads to a specific timescale shall be submitted to the planning authority for written agreement. 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, shall be dismantled and removed from the site. The site (including all access roads) shall be restored in accordance with the said plan and all decommissioned structures shall be removed within three months of decommissioning.

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

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

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

5. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of the long term viability of this agricultural land, and in order to minimise impacts on drainage patterns.

6. All landscaping shall take place in the first planting season upon commencement of development and shall be in accordance with the scheme as submitted to the planning authority by way of further information. 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.

**Reason:** In the interest of the amenities of adjoining properties.

7. (a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall provide details of intended construction practice for the development including noise management measures and off-site disposal of construction/demolition waste, and (b) Construction traffic mobility plan, including details of minibus for construction workers, in accordance with the application documentation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity.

9. Cables from the solar arrays to the compound shall be located underground.

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

10. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

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

11. 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.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit of one hundred and twelve, five hundred and eighty seven euro (€112,587.00) to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure satisfactory reinstatement of the site.

13. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Kenneth Moloney  
Planning Inspector

4<sup>th</sup> May 2018